

**NINETIETH GENERAL ASSEMBLY
2024 REGULAR SESSION
DAILY
HOUSE CLIP SHEET**

April 18, 2024

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
HF 626	H-8335	Concurred	RECEIVED FROM THE SENATE
HF 669	H-8337	Filed	P. THOMPSON of Boone
HF 669	H-8338	Filed	JUDGE of Dallas
HF 2402	H-8340	Filed	RECEIVED FROM THE SENATE
HF 2545	H-8334	Concurred	RECEIVED FROM THE SENATE
HF 2551	H-8339	Filed	THOMSON of Floyd
HF 2673	H-8336	Filed	RECEIVED FROM THE SENATE
HF 2697	H-8342	Filed	GRABER of Lee
SF 2395	H-8341	Filed	FRY of Clarke

Fiscal Notes

[HF 2402](#) — [Psychiatric Medical Institutions for Children, Medicaid Rates \(LSB5260HV.2\)](#)

SENATE AMENDMENT TO
HOUSE FILE 626

H-8335

- 1 Amend House File 626, as amended, passed, and reprinted by
2 the House, as follows:
3 1. Page 3, line 27, by striking <2024> and inserting <2025>

H-8335 FILED APRIL 17, 2024
CONCURRED

HOUSE FILE 669

H-8337

- 1 Amend House File 669 as follows:
- 2 1. Page 1, line 1, by striking <2023> and inserting <2024>
- 3 2. Page 1, line 7, by striking <2023> and inserting <2024>
- 4 3. Page 1, line 13, by striking <2023> and inserting <2024>
- 5 4. Page 1, by striking lines 18 through 21 and inserting <a
- 6 receipt for the notice. In computing the time for completion
- 7 of service, the first day shall be excluded and the last
- 8 included, unless the last falls on Saturday or Sunday, in which
- 9 case the time prescribed shall be extended so as to include the
- 10 whole of the following Monday, or falls on a federal holiday,
- 11 in which case the time prescribed shall be extended so as to
- 12 include the whole of the next following business day.>
- 13 5. Page 1, line 22, by striking <2023> and inserting <2024>
- 14 6. Page 1, line 31, by striking <2023> and inserting <2024>
- 15 7. Page 2, line 8, by striking <2023> and inserting <2024>
- 16 8. Page 2, by striking lines 13 through 16 and inserting <a
- 17 receipt for the notice. In computing the time for completion
- 18 of service, the first day shall be excluded and the last
- 19 included, unless the last falls on Saturday or Sunday, in which
- 20 case the time prescribed shall be extended so as to include the
- 21 whole of the following Monday, or falls on a federal holiday,
- 22 in which case the time prescribed shall be extended so as to
- 23 include the whole of the next following business day.>
- 24 9. Page 2, line 17, by striking <2023> and inserting <2024>
- 25 10. Page 2, line 25, by striking <2023> and inserting <2024>
- 26 11. Page 3, line 3, by striking <2023> and inserting <2024>
- 27 12. Page 3, before line 22 by inserting:
- 28 <Sec. _____. Section 648.3, subsection 3, Code 2024, is
- 29 amended to read as follows:
- 30 3. A notice to quit served by mail under this section
- 31 is deemed completed four days after the notice is deposited
- 32 in the mail and postmarked for delivery, whether or not the
- 33 recipient signs a receipt for the notice. In computing the
- 34 time for completion of service, the first day shall be excluded
- 35 and the last included, unless the last falls on Saturday or

1 Sunday, in which case the time prescribed shall be extended
2 so as to include the whole of the following Monday, or falls
3 on a federal holiday, in which case the time prescribed shall
4 be extended so as to include the whole of the next following
5 business day.>

6 13. Page 3, line 23, by striking <2023> and inserting <2024>

7 14. Page 3, after line 35 by inserting:

8 <Sec. ____ . Section 648.5, subsection 3, Code 2024, is
9 amended to read as follows:

10 3. Service of original notice by mail is deemed completed
11 four days after the notice is deposited in the mail and
12 postmarked for delivery, whether or not the recipient signs a
13 receipt for the original notice. In computing the time for
14 completion of service, the first day shall be excluded and the
15 ~~final day shall be included regardless of whether the fourth~~
16 ~~day is a Saturday, Sunday, or federal holiday~~ last included,
17 unless the last falls on Saturday or Sunday, in which case the
18 time prescribed shall be extended so as to include the whole of
19 the following Monday, or falls on a federal holiday, in which
20 case the time prescribed shall be extended so as to include the
21 whole of the next following business day.>

22 15. Page 4, line 1, by striking <2023> and inserting <2024>

23 16. Page 4, line 4, by striking <Ninety> and inserting
24 <Sixty>

25 17. Page 4, line 7, by striking <2023> and inserting <2024>

26 18. By renumbering as necessary.

By P. THOMPSON of Boone

[H-8337](#) FILED APRIL 17, 2024

HOUSE FILE 669

H-8338

1 Amend House File 669 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 562B.10, subsection 5, Code 2024, is
5 amended to read as follows:

6 5. a. Rental agreements shall be for a term of one year
7 unless otherwise specified in the rental agreement. Rental
8 agreements shall be canceled by at least ninety days' written
9 notice given by either party. A landlord shall only cancel
10 a rental agreement if the tenant has violated the rental
11 agreement and shall not cancel a rental agreement solely for
12 the purpose of making the tenant's mobile home space available
13 for another mobile home.

14 b. At the completion of a rental term, unless the landlord
15 is no longer renting the mobile home space, the landlord shall
16 offer to renew the rental agreement for another term lasting
17 one year or, upon request of the tenant, a shorter term.

18 Sec. 2. Section 562B.14, subsection 7, Code 2024, is amended
19 to read as follows:

20 7. Each tenant shall be notified, in writing, of any rent
21 increase at least ninety days before the effective date. Such
22 effective date shall not be sooner than the expiration date
23 of the original rental agreement or any renewal or extension
24 thereof. The landlord shall not increase the amount of rent
25 more than once per year.

26 2. Title page, by striking lines 1 through 3 and inserting
27 <An Act relating to rental agreements in mobile home parks and
28 manufactured home communities.>

By JUDGE of Dallas

H-8338 FILED APRIL 17, 2024

SENATE AMENDMENT TO
HOUSE FILE 2402

H-8340

1 Amend House File 2402, as amended, passed, and reprinted by
2 the House, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <Section 1. Section 135H.6, subsection 1, paragraph d, Code
6 2024, is amended by striking the paragraph.

7 Sec. 2. Section 135H.6, subsections 2, 3, 4, and 5, Code
8 2024, are amended to read as follows:

9 2. The department of health and human services shall
10 not give approval to an application which would cause the
11 total number of beds licensed under this chapter for services
12 reimbursed by the medical assistance program under chapter
13 249A to exceed four hundred thirty beds, unless the director
14 of health and human services determines approval of such
15 an application is necessary for good cause. Good cause
16 is established if the health and safety of Iowans would be
17 adversely impacted if the application for additional beds is
18 not approved.

19 3. In addition to the beds authorized under subsection
20 2, the department of health and human services may establish
21 not more than thirty beds licensed under this chapter at the
22 state mental health institute at Independence. ~~The beds shall~~
23 ~~be exempt from the certificate of need requirement under~~
24 ~~subsection 1, paragraph "d".~~

25 4. The department of health and human services may give
26 approval to conversion of beds approved under subsection 2, to
27 beds which are specialized to provide substance use disorder
28 treatment. However, the total number of beds approved under
29 subsection 2 and this subsection shall not exceed four hundred
30 thirty, unless approved for good cause by the director pursuant
31 to subsection 2. Conversion of beds under this subsection
32 shall not require a revision of the certificate of need
33 issued for the psychiatric institution making the conversion.
34 Beds for children who do not reside in this state and whose
35 service costs are not paid by public funds in this state are

1 not subject to the limitations on the number of beds and
2 ~~certificate of need~~ requirements otherwise applicable under
3 this section.

4 5. A psychiatric institution licensed prior to July 1, 1999,
5 may exceed the number of beds authorized under subsection 2
6 if the excess beds are used to provide services funded from
7 a source other than the medical assistance program under
8 chapter 249A. Notwithstanding subsection 1, ~~paragraphs "d" and~~
9 paragraph "e", and subsection 2, the provision of services using
10 those excess beds does not require a ~~certificate of need~~ or a
11 review by the department of health and human services.

12 Sec. 3. PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN —
13 ENHANCED MEDICAID REIMBURSEMENT. No later than January 1,
14 2025, the department of health and human services shall select
15 one or more psychiatric medical institutions for children
16 (PMICs) to provide access to PMIC services for children with
17 specialized needs including problematic sexualized behaviors,
18 a history of aggression, or a diagnosis of intellectual or
19 developmental disability. Prior to rendering services, a
20 selected PMIC shall be licensed pursuant to section 135H.4 and
21 offer a payment structure that provides enhanced reimbursement,
22 which may be used to provide increased staffing ratios,
23 ongoing training of staff in specialized programs that
24 provide evidence-based treatment, and appropriate services and
25 modalities, including but not limited to telemedicine, for
26 children and their families.

27 Sec. 4. REDUCTION OF REGULATORY BARRIERS AND RESTRICTIONS
28 — PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN. The
29 department of health and human services shall review the
30 department's administrative rules regarding psychiatric medical
31 institutions for children (PMICs) and shall update the rules,
32 informed by the findings of the association of children's
33 residential centers' most recent nationwide survey and scan
34 of psychiatric residential treatment facilities, and the
35 recommendations of the coalition for family and children's

1 services in Iowa, to do all of the following:

2 1. Allow a physician assistant or advanced registered nurse
3 practitioner to serve as a member of the plan of care team
4 as a member who is experienced in child psychiatry or child
5 psychology pursuant to 481 IAC 41.13(2).

6 2. Allow a physician assistant or advanced registered
7 nurse practitioner to be a member of the team to complete
8 the certification of need for services for a PMIC placement
9 pursuant to 481 IAC 41.9.

10 3. Allow licensed professionals, based on competencies
11 rather than license type, to order the use of restraints
12 or seclusions and to conduct post-restraint or seclusion
13 assessments, including via telehealth, to increase response
14 times and expand access to care. The department of
15 inspections, appeals, and licensing shall adopt rules pursuant
16 to chapter 17A to administer this subsection.

17 4. a. Allow family therapy and family behavioral health
18 intervention services to be included in billable services
19 during the placement of a child in a PMIC without requiring
20 the child's presence for the family to work on targeted skills
21 essential for the child's success and to prepare the family for
22 the child's return home.

23 b. Provide reimbursement codes to cover services beyond
24 those provided outside the PMIC care team as necessary to
25 adequately treat substance use disorder, sexualized behaviors,
26 autism, and other services needed to support the child.

27 5. Standardize all of the following across all managed care
28 organizations as follows:

29 a. Require that authorization for a PMIC placement shall
30 be retroactive to the date the request for authorization is
31 submitted to the managed care organization not the date the
32 managed care organization responds; or require a managed care
33 organization to respond within five business days from receipt
34 of a request for authorization for a PMIC placement, if the
35 certification of need and independent assessment have been

1 received in a timely manner.

2 b. Prohibit a managed care organization from denying
3 authorization for a PMIC placement based on lack of parental
4 involvement, lack of participation in behavioral health
5 intervention services on an outpatient basis, or based on other
6 perceived behavioral issues.

7 c. Allow a managed care organization to authorize an initial
8 PMIC placement of sixty days upon admission with concurrent
9 stay reviews every thirty days thereafter. A PMIC shall submit
10 a care plan to the managed care organization within thirty days
11 of the admission.

12 d. Require concurrent stay reviews to be standardized
13 and limited to a brief description of progress, or lack of
14 progress, toward the child's goals and objectives.

15 e. Require a managed care organization to offer support to
16 families, including assistance with transportation to and from
17 a PMIC to visit a child.

18 6. Notwithstanding any provision of law to the contrary,
19 allow a previously licensed PMIC that has the capacity to
20 provide up to an additional four intermediate care facility
21 for persons with an intellectual disability beds, and which
22 additional beds meet all other licensing and state fire marshal
23 requirements, to increase their licensed capacity to include
24 the additional beds without further review including by the
25 health facilities council.

26 7. Allow for step-down PMIC placements or supervised
27 apartment living for a child to utilize programming provided
28 in a PMIC while living independently in a smaller residential
29 setting without twenty-four-hour supervision.

30 Sec. 5. HAWKI PROGRAM — BENEFITS INCLUDED IN QUALIFIED
31 CHILD HEALTH PLAN — REVIEW. The department of health
32 and human services shall review the benefits included in a
33 qualified child health plan under the Hawki program and shall
34 specifically address the inclusion of applied behavior analysis
35 services as a covered benefit. The department shall report the

H-8340 (Continued)

1 findings of the review to the general assembly by December 1,
2 2024.

3 Sec. 6. DEPARTMENTAL REVIEW AND REPORT. The department of
4 health and human services shall review the effectiveness of the
5 reduction of regulatory barriers and restrictions provisions
6 specified in this Act and shall report the resulting costs and
7 savings to the governor and the general assembly by March 1,
8 2025.>

[H-8340](#) FILED APRIL 17, 2024

SENATE AMENDMENT TO
HOUSE FILE 2545

H-8334

1 Amend House File 2545, as amended, passed, and reprinted by
2 the House, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

<DIVISION I

6 STATE BOARD OF EDUCATION — COMPREHENSIVE REVIEW OF EDUCATIONAL
7 STANDARDS

8 Section 1. DEPARTMENT OF EDUCATION — COMPREHENSIVE REVIEW
9 OF IOWA EDUCATIONAL STANDARDS — RECOMMENDED REVISIONS.

10 1. The director of the department of education shall
11 conduct a comprehensive review of the high school graduation
12 requirements and core curriculum established pursuant to
13 section 256.7, subsection 26, the core content standards
14 established pursuant to section 256.7, subsection 28, and
15 the educational standards established in section 256.11.
16 The comprehensive review shall be designed to generate
17 recommendations for policy changes to be included in the
18 reports required under subsection 4. The recommendations for
19 policy changes shall include all of the following:

20 a. A plan to regularly review and revise the core content
21 standards focused on English language arts, mathematics,
22 science, and social studies, with a focus on United States
23 history, western civilization, and civics.

24 b. A plan to make Iowa's educational standards the best in
25 the nation.

26 c. Input from relevant stakeholders, including parents and
27 teachers.

28 d. A plan to increase the quality of the instructional
29 curriculum.

30 e. A plan to maximize local flexibility in graduation
31 requirements and course offerings while maintaining a goal that
32 all high school graduates have necessary skills at graduation.

33 f. Identification of opportunities to equip high school
34 graduates with sufficient knowledge of civics and United States
35 history, including the principles reflected in the Constitution

1 of the United States, so that high school graduates are capable
2 of discharging the responsibilities associated with United
3 States citizenship.

4 g. A statewide literacy plan to increase student
5 proficiency using systematic and sequential approaches to
6 teaching phonetic awareness, phonics, vocabulary, fluency,
7 and text comprehension. The statewide literacy plan shall
8 address standards for practitioner preparation programs
9 established under section 256.16 that promote evidence-based
10 reading instruction and practical application that are
11 direct, systematic, explicit, responsive, and that consist of
12 phonetic awareness, phonics, vocabulary, fluency, and text
13 comprehension. Such standards shall not include instruction or
14 practical application that is designed to teach students using
15 the instructional model commonly known as the three-cueing
16 system.

17 2. The director of the department of education shall ensure
18 that the core curriculum established pursuant to section 256.7,
19 subsection 26, the core content standards established pursuant
20 to section 256.7, subsection 28, and the educational standards
21 established in section 256.11, comply with section 279.74.

22 3. The comprehensive review described in subsection 1 shall
23 include all of the following:

24 a. Providing the opportunity for the public and interested
25 stakeholders to provide comments related to the comprehensive
26 review, including comments related to each graduation
27 requirement, core content standard, and educational requirement
28 by grade level, at each committee meeting convened pursuant to
29 this subsection.

30 b. Collecting and considering the comments provided
31 pursuant to paragraph "a".

32 c. (1) Convening committees to assist in the comprehensive
33 review and provide recommendations related to the subject areas
34 in the educational standards established in section 256.11.

35 (2) The director of the department of education shall

1 determine the membership of each committee; provided, however,
2 that each committee shall include four members of the general
3 assembly with one member designated by each of the following:
4 the president of the senate, the minority leader of the senate,
5 the speaker of the house of representatives, and the minority
6 leader of the house of representatives. A legislative member
7 serves in an ex officio, nonvoting capacity.

8 4. a. The director of the department of education shall
9 submit an initial report, including initial findings and
10 recommendations for policy changes, to the governor and the
11 general assembly on or before December 31, 2024.

12 b. The director of the department of education shall submit
13 a final report, including findings and recommendations for
14 policy changes, to the governor and the general assembly on or
15 before July 1, 2025.

16 Sec. 2. EFFECTIVE DATE. This division of this Act, being
17 deemed of immediate importance, takes effect upon enactment.

18 DIVISION II

19 STATE BOARD OF EDUCATION — CORE CURRICULUM

20 Sec. 3. Section 256.7, subsection 26, paragraph a,
21 unnumbered paragraph 1, Code 2024, is amended to read as
22 follows:

23 Adopt ~~rules that establish~~ a core curriculum and adopt rules
24 that establish high school graduation requirements for all
25 students in school districts and accredited nonpublic schools
26 that include at a minimum satisfactory completion of four years
27 of English and language arts, three years of mathematics, three
28 years of science, and three years of social studies.

29 Sec. 4. Section 256.7, subsection 26, paragraph a,
30 subparagraph (3), Code 2024, is amended to read as follows:

31 (3) The ~~rules establishing~~ a core curriculum shall address
32 the core content standards in subsection 28 and the skills and
33 knowledge students need to be successful in the twenty-first
34 century. The core curriculum shall include social studies
35 and twenty-first century learning skills which include but

1 are not limited to civic literacy, health literacy, financial
2 literacy, family life and consumer sciences, and employability
3 skills; and shall address the curricular needs of students in
4 kindergarten through grade twelve in those areas. The state
5 board shall further define the twenty-first century learning
6 skills components ~~by rule~~.

7 Sec. 5. STATE BOARD OF EDUCATION — RULES ESTABLISHING A
8 CORE CURRICULUM. Rules adopted by the state board of education
9 on or before the effective date of this division of this
10 Act relating to the core curriculum shall remain effective
11 until modified or rescinded by action of the state board of
12 education.

13 DIVISION III

14 STATE BOARD OF EDUCATION — SOCIAL STUDIES STANDARDS

15 Sec. 6. STATE BOARD OF EDUCATION — REVIEW AND REVISION OF
16 SOCIAL STUDIES STANDARDS.

17 1. The state board of education shall complete a review
18 and revision of the state social studies standards contained
19 in the core content standards established pursuant to section
20 256.7, subsection 28, with a focus on United States history,
21 government, founding philosophies and principles, important
22 historical figures, western civilization, and civics. At a
23 minimum, the revised social studies standards shall include
24 instruction related to all of the following topics in grade
25 one through grade twelve, in such a manner that is both
26 relevant and appropriate for the age of the student receiving
27 instruction:

28 a. The United States federal and republican form of
29 government, including the branches and structure of the
30 United States federal government, the division of power
31 between branches of government and between federal and state
32 governments, a comparison to alternative forms of government,
33 and the crimes against humanity that have occurred under
34 communist regimes since 1917.

35 b. The rights and responsibilities of citizens of the United

1 States and the state of Iowa, including civic virtues displayed
2 in the lives of exemplary Americans.

3 c. The history of the United States and the state of Iowa,
4 including all of the following:

5 (1) The political, diplomatic, and military history of the
6 United States, including exemplary Americans important to such
7 events, beginning with the discovery of the western hemisphere
8 through the present, including but not limited to the founding
9 fathers, the American Revolutionary War, the War of 1812, the
10 Civil War, World War I, World War II, the Vietnam War, the
11 Korean War, and the War on Terrorism, including the attacks on
12 September 11, 2001.

13 (2) The founding of Iowa, and famous Iowans and their
14 involvement in important events in history.

15 (3) The secular and religious ideals and institutions of
16 liberty, including political, religious, economic, social, and
17 cultural liberty, in western civilization, the United States,
18 and the state of Iowa.

19 d. Exemplary figures and important events in western
20 civilization, the United States, and the state of Iowa,
21 including but not limited to the history of ancient Israel, the
22 free Greek city-states, the Roman Republic, the Roman Empire,
23 medieval Europe, Columbus and the Age of Discovery, World War
24 I, World War II and instruction related to the Holocaust, and
25 the Cold War.

26 e. Important historical and founding documents to the
27 United States and the state of Iowa, including but not limited
28 to the Mayflower Compact, the Declaration of Independence,
29 the Constitution of the United States and the amendments to
30 the Constitution, the Federalist Papers, and the Emancipation
31 Proclamation.

32 2. The director of the department of education, or the
33 director's designee, shall present the revised social studies
34 standards to the state board of education for adoption on or
35 before December 31, 2025.

DIVISION IV

EDUCATIONAL STANDARDS FOR GRADES SEVEN AND EIGHT

Sec. 7. Section 256.11, subsection 4, Code 2024, is amended to read as follows:

4. The following shall be taught in grades seven and eight: English-language arts; social studies, including instruction related to civics; mathematics; science; health; age-appropriate and research-based human growth and development; career exploration and development; physical education; music; and visual art. Computer science instruction incorporating the standards established under section 256.7, subsection 26, paragraph "a", subparagraph (4), shall be offered in at least one grade level commencing with the school year beginning July 1, 2023. Career exploration and development shall be designed so that students are appropriately prepared to create an individual career and academic plan pursuant to section 279.61, incorporate foundational career and technical education concepts aligned with the six career and technical education service areas as defined in subsection 5, paragraph "h", incorporate relevant twenty-first century skills to facilitate career readiness, and introduce students to career opportunities within the local community and across this state. The health curriculum shall include age-appropriate and research-based information regarding the characteristics of sexually transmitted diseases. The state board as part of accreditation standards shall adopt curriculum definitions for implementing the program in grades seven and eight. However, this subsection shall not apply to the teaching of career exploration and development in nonpublic schools.>

2. Title page, by striking lines 1 through 5 and inserting <An Act relating to education, including by requiring the director of the department of education to review the state's high school graduation requirements, core curriculum, core content standards, and educational standards, requiring the

H-8334 (Continued)

1 state board of education to review and revise the state's
2 social studies standards, requiring that the social studies
3 instruction provided to students enrolled in school districts
4 and accredited nonpublic schools in grades seven and eight
5 include instruction related to civics, and including effective
6 date provisions.>

[H-8334](#) FILED APRIL 17, 2024

CONCURRED

HOUSE FILE 2551

H-8339

1 Amend House File 2551 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 478.16, Code 2024, is amended to read
5 as follows:

6 **478.16 Electric transmission lines — federally registered
7 planning authority transmission plans.**

8 1. Development and investment in high-voltage transmission
9 is urgently needed to ensure the reliable, adequate, secure,
10 and stable delivery of electricity to consumers. To ensure
11 reliable electric service to the people of Iowa as a matter
12 of public policy, it is the intent of the general assembly
13 to express a preference for further investment in Iowa
14 transmission infrastructure by electric transmission owners who
15 have already dedicated significant resources to develop the
16 infrastructure on which Iowans rely.

17 ~~1.~~ 2. As used in this section, unless the context otherwise
18 requires:

19 *a. "Electric transmission line"* means a high-voltage
20 electric transmission line located in this state with a
21 capacity of one hundred kilovolts or more and any associated
22 electric transmission facility, including any substation or
23 other equipment located in this state.

24 *b. "Electric transmission owner"* means an individual or
25 entity who, as of July 1, 2020, owns and maintains an electric
26 transmission line that is required for rate-regulated electric
27 utilities, municipal electric utilities, and rural electric
28 cooperatives in this state to provide electric service to the
29 public for compensation.

30 *c. "Incumbent electric transmission owner"* means any of the
31 following, which may be formed, located, or headquartered in
32 any state:

33 (1) A public utility or a municipally owned utility that
34 owns, operates, and maintains an electric transmission line in
35 this state.

1 (2) An electric cooperative corporation or association or
2 municipally owned utility that owns an electric transmission
3 facility in this state and has turned over the functional
4 control of such facility to a federally approved authority.

5 (3) An *"electric transmission owner"* as defined in paragraph
6 *"b"*.

7 *d. "Landowner" means the same as defined in section 478.2*
8 *"Initial construction"* means the construction necessary to
9 establish and place an electric transmission line into initial
10 operation.

11 *e. "Municipally owned utility" means a "city utility" as*
12 *defined in section 362.2, or an "electric power agency" as*
13 *defined in section 390.9 which that is comprised solely of*
14 *cities or solely of cities and other political subdivisions.*

15 *f. "Qualified individual" means someone who is capable and*
16 *knowledgable enough to determine compliance with the standards*
17 *set forth in this section.*

18 ~~2.~~ 3. An incumbent electric transmission owner has the
19 right to construct, own, and maintain an electric transmission
20 line that has been approved for construction in a federally
21 registered planning authority transmission plan and ~~which that~~
22 directly connects to an electric transmission facility owned by
23 the incumbent electric transmission owner. Where a proposed
24 electric transmission line would directly connect to electric
25 transmission facilities owned by two or more incumbent electric
26 transmission owners, each incumbent electric transmission owner
27 whose facility connects to the electric transmission line
28 has the right to construct, own, and maintain the electric
29 transmission line individually and equally. If an incumbent
30 electric transmission owner declines to construct, own, and
31 maintain its portion of an electric transmission line that
32 would connect to electric transmission facilities owned by
33 two or more incumbent electric transmission owners, then the
34 other incumbent electric transmission owner or owners that
35 own an electric transmission facility to which the electric

1 transmission line connects has the right to construct, own, and
2 maintain the electric transmission line individually.

3 ~~3.~~ 4. If an electric transmission line has been approved
4 for construction in a federally registered planning authority
5 transmission plan after July 1, 2020, and the electric
6 transmission line is not subject to a right of first refusal in
7 accordance with the tariff of a federally registered planning
8 authority, then within the later of ninety days of approval
9 for construction or ninety days after enactment of this Act,
10 an incumbent electric transmission owner, or owners if there
11 is more than one owner, that owns a connecting electric
12 transmission facility shall give written notice to the board
13 regarding whether the incumbent electric transmission owner
14 or owners intend to construct, own, and maintain the electric
15 transmission line. If the incumbent electric transmission
16 owner or owners give notice of intent to construct the electric
17 transmission line, the incumbent electric transmission owner
18 or owners shall follow the applicable franchise requirements
19 pursuant to this chapter. If the incumbent electric
20 transmission owner or owners give notice declining to construct
21 the electric transmission line or fail to provide timely notice
22 of the intent to construct the project, the board may determine
23 whether another person may construct the electric transmission
24 line.

25 ~~4.~~ 5. For projects ~~where~~ for which an election to construct
26 an electric transmission line has been made under this section,
27 all of the following cost accountability measures shall apply:

28 a. Within thirty days after the issuance of a franchise
29 pursuant to this chapter for the electric transmission line,
30 the incumbent electric transmission owner or owners shall
31 provide to the board an estimate of the cost to ~~construct~~
32 complete the initial construction of the electric transmission
33 line.

34 b. Until the initial construction of the electric
35 transmission line is complete, the incumbent electric

1 transmission owner or owners shall provide a quarterly report
2 to the board, which shall include an updated estimate of the
3 cost to construct the electric transmission line, ~~and~~ an
4 explanation of changes in the cost estimate from the prior
5 cost estimate, and documentation that the incumbent electric
6 transmission owner or owners have used competitively bid
7 construction contracts that meet all the technical, commercial,
8 and other specifications, such as safety performance, that
9 are required by the incumbent electric transmission owner or
10 owners with respect to the initial construction of the electric
11 transmission line.

12 c. The consumer advocate appointed under section 475A.1
13 shall have free access to documents, reports, and information
14 submitted to the board pursuant to this subsection, consistent
15 with section 475A.4. To the extent relevant, the board and
16 the consumer advocate may use the information for any purpose
17 properly within the scope of their respective duties including
18 but not limited to use in proceedings before the federal
19 energy regulatory commission to challenge the costs incurred
20 by the incumbent electric transmission owner. However,
21 this subsection does not create a private cause of action or
22 complaint.

23 ~~5.~~ 6. This section shall not modify the authority of the
24 board under this chapter, the rights of landowners under this
25 chapter, or the requirements, rights, and obligations relating
26 to the construction, maintenance, and operation of electric
27 transmission lines pursuant to this chapter.

28 ~~6.~~ 7. This section shall not apply to an electric
29 transmission line to be placed underground that has not been
30 approved for construction in a federally registered planning
31 authority transmission plan.

32 ~~7.~~ 8. The board shall adopt rules pursuant to chapter 17A
33 to administer this section, which shall include rules regarding
34 the restoration of agricultural lands following the initial
35 construction of an electric transmission line, as specified in

1 subsection 9.

2 9. The board shall adopt rules to implement the following
3 requirements, which shall not apply within the corporate
4 limits of a city or to any construction, activity, or electric
5 transmission lines other than the initial construction of an
6 electric transmission line with a capacity of two hundred or
7 more kilovolts and for which an election to construct has been
8 made under this section:

9 a. An electric transmission owner shall repair a damaged
10 underground drain tile as soon as practicable during
11 construction of the electric transmission line. Permanent
12 repairs to the damaged underground drain tile shall be
13 completed within fourteen days, if practicable, after the
14 initial construction of the electric transmission line is
15 complete. The repairs made to the damaged drain tile shall
16 be of at least equal quality, size, and flow capacity of the
17 original drain tile.

18 b. Following the initial construction of an electric
19 transmission line, the electric transmission owner shall remove
20 from the easement area all rock larger than three inches in
21 average diameter not native to the soil of the excavated
22 land. The rock removed from the excavated land that cannot be
23 used to backfill shall be disposed of at a location and in a
24 manner agreed upon by the electric transmission owner and the
25 landowner.

26 c. Upon completion of construction activities on a property,
27 the electric transmission owner shall deep till agricultural
28 land, including right-of-way access points or roads traversed
29 by heavy construction equipment, to alleviate soil compaction.
30 The land shall be tilled at least eighteen inches deep in land
31 used for crop production and twelve inches deep in other lands
32 unless requested by the landowner.

33 d. Upon completion of the electric transmission line, the
34 electric transmission owner shall restore the soil conservation
35 practices and structures damaged during construction of the

1 electric transmission line to the elevation and grade existing
2 on the land prior to the construction. The soil used to
3 repair embankments intended to retain water shall be well
4 compacted. Any vegetation disturbed during construction shall
5 be reestablished, including cover crops when appropriate.

6 e. Following compaction of the land, agricultural land that
7 is not in row crop or small grain production at the time of
8 construction, including hay ground and land in conservation or
9 set-aside programs, shall be reseeded and a cover crop shall
10 be utilized when appropriate. Seeding for cover crops may be
11 delayed if the construction of the electric transmission line
12 is completed too late in the year for a cover crop to become
13 established and is not required if the land will be tilled in
14 the following year. The landowner may request ground cover
15 to prevent soil erosion in areas where construction on the
16 electric transmission line is completed if the season is not
17 suitable for seeding a cover crop.

18 f. Unless agreed upon by the electric transmission owner
19 and the landowner, the electric transmission owner shall remove
20 field entrances or temporary roads built for the purpose of
21 constructing the electric transmission line upon the completion
22 of the initial construction and restore the area to its
23 previous use.

24 g. An incumbent electric transmission owner shall use best
25 utility practices for constructing the electric transmission
26 line in wet conditions, such as electing to use matting
27 or padding when utilizing heavy equipment. An electric
28 transmission owner shall grade and till any rutted land to
29 restore, to the extent practicable, the original condition of
30 the land prior to the construction of the electric transmission
31 line. If agreed upon by the incumbent electric transmission
32 owner and the landowner, the landowner may repair any damage
33 caused by construction activities in wet conditions and the
34 incumbent electric transmission owner shall reimburse the
35 landowner for the reasonable cost incurred to repair the

1 damage. If an incumbent electric transmission owner utilizes
2 heavy equipment in wetlands or mudflats, mats or other measures
3 shall be utilized to minimize soil disturbance.

4 h. For each electric transmission line, the incumbent
5 electric transmission owner shall designate a point of
6 contact for inquiries or claims from an affected person. The
7 designation shall include a name, a telephone number, an email
8 address, and an address.

9 10. a. If an incumbent electric transmission owner and
10 a landowner dispute a potential violation of the restoration
11 standards provided in subsection 9, the board may appoint a
12 qualified individual to inspect the property for compliance.
13 If the qualified individual determines that there has been a
14 violation of the applicable restoration standards, the board
15 shall provide oral notice, followed by written notice, to
16 the incumbent electric transmission owner and the contractor
17 operating for the incumbent electric transmission owner
18 and order corrective action to comply with the restoration
19 standards. The incumbent electric transmission owner shall be
20 responsible for the costs of the corrective action.

21 b. If the incumbent electric transmission owner or the
22 contractor for the incumbent electric transmission owner does
23 not comply with a valid order for corrective action issued by
24 the board, the board may issue an order requiring corrective
25 action to be taken and may impose civil penalties under section
26 478.29.

27 c. The board shall instruct the inspector appointed by
28 the board regarding the content of the statutes and rules and
29 the responsibility of the inspector to require restoration
30 conforming with the standards established in subsection 9.

31 11. a. A petitioner for a franchise for an electric
32 transmission line shall file with the petition a written land
33 restoration plan that documents how the requirements and rules
34 of subsection 9 will be met. The petitioner shall provide a
35 copy of the plan to all landowners of property that will be

1 disturbed by the initial construction.

2 b. This subsection does not preclude the application of
3 provisions for protecting or restoring property that are
4 different than those prescribed in subsection 9, in rules
5 adopted under subsection 9, or in the land restoration plan,
6 if the alternative provisions are contained in agreements
7 independently executed by the electric transmission owner
8 and the landowner, and if the alternative provisions are not
9 inconsistent with state law or with rules adopted by the
10 board. Independent agreements for land restoration between the
11 incumbent electric transmission owner and the landowner shall
12 be in writing and provided to the board.

13 c. The board may by waiver allow variations from the
14 requirements of subsection 9 if the incumbent electric
15 transmission owner requesting a waiver satisfies the standards
16 set forth in section 17A.9A and if the alternative methods
17 proposed by the incumbent electric transmission owner would
18 restore the land to a condition as good as or better than as
19 provided for in subsection 9.

20 d. The board may waive preparation of a separate land
21 restoration plan if the incumbent electric transmission owner
22 enters into an agricultural impact mitigation plan or similar
23 agreement with the appropriate agencies of this state that
24 satisfies the requirements of subsection 9. If a mitigation
25 plan or agreement is used to fully or partially meet the
26 requirements of a land restoration plan, the statement or
27 agreement shall be filed with the board and shall be considered
28 to be, or to be part of, the land restoration plan for purposes
29 of subsection 9.

30 12. Nothing in this section shall limit, expand, or
31 otherwise modify the rights of access and obligations for
32 damages set forth in section 478.17.

33 Sec. 2. Section 478.18, Code 2024, is amended to read as
34 follows:

35 **478.18 Supervision of construction — location.**

1 1. The utilities board shall have power of supervision
2 over the construction of a transmission line and over its
3 future operation and maintenance, including inspections for
4 compliance with the standards adopted under section 478.16
5 after restoration of the land is complete.

6 2. A transmission line shall be constructed near and
7 parallel to roads, to the right-of-way of the railways of the
8 state, or along the division lines of the lands, according
9 to the government survey, wherever the same is practicable
10 and reasonable, and so as not to interfere with the use
11 by the public of the highways or streams of the state, nor
12 unnecessarily interfere with the use of any lands by the
13 occupant.

14 3. The utilities board may contract a qualified individual
15 for the purpose of inspections authorized under section 478.16.
16 The reasonable cost of the inspection shall be paid by the
17 incumbent electric transmission owner. The utilities board
18 shall instruct the inspector appointed by the board regarding
19 the content of the statutes and rules and the responsibility
20 of the inspector to require restoration conforming with the
21 applicable standards established in section 478.16. For
22 purposes of this section, "qualified individual" means the same
23 as defined in section 478.16.

24 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
25 importance, takes effect upon enactment.

26 Sec. 4. RETROACTIVE APPLICABILITY. The provisions of this
27 Act shall apply retroactively to July 1, 2020.>

By THOMSON of Floyd

H-8339 FILED APRIL 17, 2024

SENATE AMENDMENT TO
HOUSE FILE 2673

H-8336

1 Amend House File 2673, as amended, passed, and reprinted by
2 the House, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <DIVISION I

6 BEHAVIORAL HEALTH SERVICE SYSTEM

7 Section 1. NEW SECTION. 225A.1 Definitions.

8 As used in this chapter unless the context otherwise
9 requires:

10 1. "*Administrative services organization*" means an entity
11 designated by the department pursuant to section 225A.4, to
12 develop and perform planning and administrative services in
13 accordance with a district behavioral health service system
14 plan.

15 2. "*Behavioral health condition*" means a substantial
16 limitation in major life activities due to a mental,
17 behavioral, or addictive disorder or condition diagnosed in
18 accordance with the criteria provided in the most current
19 edition of the diagnostic and statistical manual of mental
20 disorders, published by the American psychiatric association.

21 3. "*Behavioral health district*" or "*district*" means a
22 geographic, multicounty, sub-state area as designated by the
23 department under section 225A.4.

24 4. "*Behavioral health provider*" or "*provider*" means an
25 individual, firm, corporation, association, or institution
26 that, pursuant to this chapter, is providing or has been
27 approved by the department to provide services to an individual
28 with a behavioral health condition.

29 5. "*Behavioral health service system*" means the behavioral
30 health service system established in section 225A.3.

31 6. "*Caregiver*" means an adult family member, or other
32 individual, who is providing care to a person outside of a
33 formal program.

34 7. "*Community mental health center*" means an entity
35 designated by the department to address the mental health needs

1 of one or more counties.

2 8. "*Department*" means the department of health and human
3 services.

4 9. "*Director*" means the director of the department of health
5 and human services.

6 10. "*District behavioral health advisory council*"
7 or "*advisory council*" means a council established by an
8 administrative services organization under section 225A.5, to
9 identify opportunities, address challenges, and advise the
10 administrative services organization in accordance with section
11 225A.5.

12 11. "*District behavioral health service system plan*" or
13 "*district behavioral health plan*" means a plan developed by
14 an administrative services organization and approved by the
15 department to outline the services intended to be provided
16 within the administrative services organization's behavioral
17 health district.

18 12. "*Indicated prevention*" means prevention activities
19 designed to prevent the onset of substance use disorders in
20 individuals who do not meet the medical criteria for addiction,
21 but who show early signs of developing a substance use disorder
22 in the future.

23 13. "*Selective prevention*" means prevention activities
24 designed to target subsets of the total population who are
25 considered at-risk for a substance use disorder by virtue of
26 their membership in a particular segment of the population.
27 Selective prevention targets the entire subgroup, regardless of
28 the degree of risk of any individual within the group.

29 14. "*State behavioral health service system plan*" or
30 "*state behavioral health plan*" means the plan developed by the
31 department that describes the key components of the state's
32 behavioral health service system.

33 15. "*Universal prevention*" means prevention activities
34 designed to address an entire population class for the purpose
35 of preventing or delaying the use of alcohol, tobacco, and

1 other drugs. Population classes include but are not limited
2 to the national population, local populations, community
3 populations, school populations, and neighborhood populations.

4 Sec. 2. NEW SECTION. **225A.2 State mental health authority**
5 **— state agency for substance abuse.**

6 1. The department is designated as the state mental health
7 authority as defined in 42 U.S.C. §201(m) for the purpose of
8 directing benefits from the federal community mental health
9 services block grant, 42 U.S.C. §300x et seq., and the state
10 authority designated for the purpose of directing benefits
11 from the federal substance abuse prevention and treatment
12 block grant, 42 U.S.C. §300x-21 et seq. This designation
13 does not preclude the state board of regents from authorizing
14 or directing any institution under the board of regents'
15 jurisdiction to carry out educational, prevention, and research
16 activities in the areas of mental health and intellectual
17 disability.

18 2. The department is designated as the single state agency
19 for substance abuse for the purposes of 42 U.S.C. §1396a et
20 seq.

21 3. For the purposes of effectuating the department's roles
22 designated in this section, the department shall have the
23 following powers and the authority to take all of the following
24 actions:

25 *a.* Plan, establish, and maintain prevention, education,
26 early intervention, treatment, recovery support, and crisis
27 services programs as necessary or desirable for the behavioral
28 health service system established in section 225A.3.

29 *b.* Develop and submit a state plan as required by, and in
30 accordance with, 42 U.S.C. §300x-1.

31 *c.* Review and approve district behavioral health service
32 system plans developed in accordance with the state behavioral
33 health service system plan.

34 *d.* Perform all necessary acts to cooperate with any state
35 agency, political subdivision, or federal government agency to

1 apply for grants.

2 *e.* Solicit and accept for use any gift of money by will or
3 otherwise, and any grant of money or services from the federal
4 government, the state, or any political subdivision thereof,
5 or any private source.

6 *f.* Collect and maintain records, engage in studies and
7 analyses, and gather relevant statistics.

8 *g.* Take any other actions as necessary to execute the
9 duties granted to the department in this chapter, or that
10 are otherwise required to maintain compliance with federal
11 requirements related to the department's roles as designated in
12 this section.

13 **Sec. 3. NEW SECTION. 225A.3 Behavioral health service**
14 **system — department powers and duties.**

15 1. *a.* A behavioral health service system is established
16 under the control of the department for the purposes of
17 implementing a statewide system of prevention, education, early
18 intervention, treatment, recovery support, and crisis services
19 related to mental health and addictive disorders, including but
20 not limited to alcohol use, substance use, tobacco use, and
21 problem gambling.

22 *b.* The behavioral health service system shall support
23 equitable statewide access to all services offered through
24 the behavioral health service system and offer specialized
25 services with a focus on at-risk populations including but not
26 limited to children, youth, young adults, individuals with
27 disabilities, pregnant and parenting women, older adults, and
28 people with limited access to financial resources.

29 *c.* Services offered through the behavioral health service
30 system shall, at a minimum, include all of the following:

31 (1) Prevention intervention services and education
32 programs designed to reduce and mitigate behavioral health
33 conditions and future behavioral health conditions. Prevention
34 intervention programs shall incorporate indicated prevention,
35 selective prevention, and universal prevention activities.

1 (2) Evidence-based and evidence-informed early intervention
2 and treatment services.

3 (3) Comprehensive recovery support services with a focus on
4 community-based services that avoid, divert, or offset the need
5 for long-term inpatient services, law enforcement involvement,
6 or incarceration.

7 (4) Crisis services with a focus on reducing the escalation
8 of crisis situations, relieving the immediate distress of
9 individuals experiencing a crisis situation, and reducing the
10 risk that individuals in a crisis situation harm themselves.

11 2. To the extent funding is available, the department shall
12 perform all of the following duties to develop and administer
13 the behavioral health service system:

14 a. (1) Develop a state behavioral health service system
15 plan that accomplishes all of the following:

16 (a) Identifies the goals, objectives, and targeted outcomes
17 for the behavioral health service system.

18 (b) Identifies the strategies to meet system objectives and
19 ensure equitable access statewide to prevention, education,
20 early intervention, treatment, recovery support, and crisis
21 services.

22 (c) Is consistent with the state health improvement plan
23 developed under section 217.17.

24 (d) Is consistent with the department's agency strategic
25 plan adopted pursuant to section 8E.206.

26 (2) The department shall do all of the following when
27 developing the state behavioral health service system plan:

28 (a) Collaborate with stakeholders including but not limited
29 to county supervisors and other local elected officials,
30 experienced behavioral health providers, and organizations that
31 represent populations, including but not limited to children,
32 served by the behavioral health service system.

33 (b) Publish the proposed state behavioral health service
34 system plan on the department's internet site and allow the
35 public to review and comment on the proposed state behavioral

1 health system plan prior to the adoption of the proposed state
2 behavioral health plan.

3 *b.* Administer and distribute state appropriations, federal
4 aid, and grants that have been deposited into the behavioral
5 health fund established in section 225A.7.

6 *c.* Oversee, provide technical assistance to, and
7 monitor administrative services organizations to ensure the
8 administrative services organizations' compliance with district
9 behavioral health plans.

10 *d.* Collaborate with the department of inspections, appeals,
11 and licensing on the accreditation, certification, and
12 licensure of behavioral health providers including but not
13 limited to the approval, denial, revocation, or suspension of
14 a behavioral health provider's accreditation, certification,
15 or licensure.

16 *e.* Develop and adopt minimum accreditation standards for
17 the maintenance and operation of community mental health
18 centers to ensure that each community mental health center,
19 and each entity that provides services under contract with a
20 community mental health center, furnishes high-quality mental
21 health services to the community that the community mental
22 health center serves in accordance with rules adopted by the
23 department.

24 *f.* Designate community mental health centers.

25 *g.* Conduct formal accreditation reviews of community mental
26 health centers based on minimum accreditation standards adopted
27 by the department pursuant to paragraph "e".

28 *h.* Establish and maintain a data collection and management
29 information system to identify, collect, and analyze service
30 outcome and performance data to address the needs of patients,
31 providers, the department, and programs operating within the
32 behavioral health service system.

33 *i.* Collect, monitor, and utilize information including but
34 not limited to behavioral health service system patient records
35 and syndromic surveillance data to understand emerging needs,

1 and to deploy information, resources, and technical assistance
2 in response.

3 *j.* Collaborate with the department of revenue for
4 enforcement of tobacco laws, regulations, and ordinances and
5 engage in tobacco control activities.

6 *k.* Adopt rules pursuant to chapter 17A to administer this
7 chapter. Such rules shall include but not be limited to rules
8 that provide for all of the following:

9 (1) Minimum access standards to ensure equitable access to
10 services provided through the behavioral health service system
11 including but not limited to when services are available, who
12 is eligible for services, and where services are available.

13 (2) Methods to ensure each individual who is eligible
14 for services receives an uninterrupted continuum of care for
15 prevention, education, early intervention, treatment, recovery
16 support, and crisis services.

17 (3) Standards for the implementation and maintenance
18 of behavioral health programs and services offered by the
19 behavioral health service system, and by each administrative
20 services organization.

21 (4) Procedures for the management and oversight of
22 behavioral health providers to ensure compliance with the terms
23 of the behavioral health providers' contracts relating to the
24 behavioral health service system, and with state and federal
25 law and rules.

26 (5) Procedures for the suspension of an administrative
27 services organization's services due to the administrative
28 services organization's failure to comply with the terms and
29 conditions of its contract with the department.

30 (6) Procedures for the reallocation of funds from
31 an administrative services organization that is not in
32 compliance with the terms of its contract with the department
33 to an alternative administrative services organization or
34 a behavioral health provider to provide for services the
35 noncompliant administrative services organization failed to

1 provide.

2 (7) Procedures for the termination of an administrative
3 services organization's designation as an administrative
4 services organization.

5 (8) Procedures for the collection, utilization, and
6 maintenance of the data necessary to establish a central data
7 repository in accordance with section 225A.6.

8 (9) Any other requirements the department deems necessary
9 to ensure that an administrative services organization
10 fulfills the administrative services organization's duties
11 as established in this chapter, and as established in the
12 administrative services organization's district behavioral
13 health plan.

14 Sec. 4. NEW SECTION. **225A.4 Behavioral health service**
15 **system — districts and administrative services organizations.**

16 1. *a.* The department shall divide the entirety of the
17 state into designated behavioral health districts. Behavioral
18 health prevention, education, early intervention, treatment,
19 recovery support, and crisis services related to mental health
20 and addictive disorders, including but not limited to alcohol
21 use, substance use, tobacco use, and problem gambling, shall
22 be made available through each behavioral health district in a
23 manner consistent with directives each district receives from
24 the department.

25 *b.* For the purpose of providing equitable access to all
26 services provided through the behavioral health service
27 system, the department shall consider all of the following when
28 designating behavioral health districts:

29 (1) City and county lines.

30 (2) The maximum population size that behavioral health
31 services available in an area are able to effectively serve.

32 (3) Areas of high need for behavioral health services.

33 (4) Patterns various populations exhibit when accessing or
34 receiving behavioral health services.

35 *c.* Notwithstanding chapter 17A, the manner in which the

1 department designates behavioral health districts including but
2 not limited to the determination of the boundaries for each
3 district shall not be subject to judicial review.

4 2. *a.* The department shall designate an administrative
5 services organization for each behavioral health district to
6 oversee and organize each district and the behavioral health
7 services associated with the district. The department shall
8 issue requests for proposals for administrative services
9 organization candidates.

10 *b.* At the department's discretion, the department may
11 designate any of the following entities as an administrative
12 services organization:

13 (1) An organization that coordinated administrative
14 services or mental health and disability services for a mental
15 health and disability services region formed on or before June
16 30, 2024.

17 (2) A public or private nonprofit agency located in a
18 behavioral health district, or any separate organizational
19 unit within the public or private nonprofit agency, that has
20 the capabilities to engage in the planning or provision of a
21 broad range of behavioral health prevention, education, early
22 intervention, treatment, recovery support, and crisis services
23 related to mental health and addictive disorders, including but
24 not limited to alcohol use, substance use, tobacco use, and
25 problem gambling, only as directed by the department.

26 *c.* The department shall consider all of the following
27 factors in determining whether to designate an entity as an
28 administrative services organization:

29 (1) Whether the entity has demonstrated the capacity to
30 manage and utilize available resources in a manner required of
31 an administrative services organization.

32 (2) Whether the entity has demonstrated the ability to
33 ensure the delivery of behavioral health services within the
34 district as required by the department by rule.

35 (3) Whether the entity has demonstrated the ability to

1 fulfill the monitoring, oversight, and provider compliance
2 responsibilities as required by the department by rule.

3 (4) Whether the entity has demonstrated the capacity to
4 function as a subrecipient for the purposes of the federal
5 community mental health services block grant, 42 U.S.C.
6 §300x et seq., and the federal substance abuse prevention and
7 treatment block grant, 42 U.S.C. §300x-21 et seq., and the
8 ability to comply with all federal requirements applicable to
9 subrecipients under the block grants.

10 3. a. Upon designation by the department, an administrative
11 services organization shall be considered an instrumentality of
12 the state and shall adhere to all state and federal mandates
13 and prohibitions applicable to an instrumentality of the state.

14 b. An entity's designation as an administrative services
15 organization shall continue until the designation is removed
16 by the department, the administrative services organization
17 withdraws, or a change in state or federal law necessitates the
18 removal of the designation.

19 4. Each administrative services organization shall function
20 as a subrecipient for the purposes of the federal community
21 mental health services block grant, 42 U.S.C. §300x et seq.,
22 and the federal substance abuse prevention and treatment block
23 grant, 42 U.S.C. §300x-21 et seq., and shall comply with all
24 federal requirements applicable to subrecipients under the
25 block grants.

26 5. Each administrative services organization shall perform
27 all of the following duties:

28 a. Develop and administer a district behavioral health plan
29 in accordance with the standards adopted by the department by
30 rule.

31 b. Coordinate the administration of the district behavioral
32 health plan with federal, state, and local resources in order
33 to develop a comprehensive and coordinated local behavioral
34 health service system.

35 c. Enter into contracts necessary to provide services under

1 the district behavioral health plan.

2 *d.* Oversee, provide technical assistance to, and monitor
3 the compliance of providers contracted by the administrative
4 services organization to provide behavioral health services in
5 accordance with the district behavioral health plan.

6 *e.* Establish a district behavioral health advisory council
7 pursuant to section 225A.5.

8 **Sec. 5. NEW SECTION. 225A.5 District behavioral health**
9 **advisory councils.**

10 1. Each administrative services organization shall
11 establish a district behavioral health advisory council that
12 shall do all of the following:

13 *a.* Identify opportunities and address challenges based on
14 updates received from the administrative services organization
15 regarding the implementation of the district behavioral health
16 plan.

17 *b.* Advise the administrative services organization while the
18 administrative services organization is developing behavioral
19 health policies.

20 *c.* Advise the administrative services organization on
21 how to best provide access to behavioral health prevention,
22 education, early intervention, treatment, recovery support,
23 and crisis services related to mental health and addictive
24 disorders, including but not limited to alcohol use, substance
25 use, tobacco use, and problem gambling, throughout the district
26 as directed by the department.

27 2. An advisory council shall consist of ten members.
28 Members shall be appointed by the administrative services
29 organization subject to the following requirements:

30 *a.* Three members shall be local elected public officials
31 currently holding office within the behavioral health district,
32 or the public official's designated representative.

33 *b.* Three members shall be chosen in accordance with
34 procedures established by the administrative services
35 organization to ensure representation of the populations

1 served within the behavioral health district. At least one
2 member chosen under this paragraph shall represent child and
3 adolescent persons.

4 *c.* Three members shall be chosen who have experience
5 or education related to core behavioral health functions,
6 essential behavioral health services, behavioral health
7 prevention, behavioral health treatment, population-based
8 behavioral health services, or community-based behavioral
9 health initiatives.

10 *d.* One member shall be a law enforcement representative from
11 within the behavioral health district.

12 3. An advisory council shall perform the duties required
13 under this section regardless of whether any seat on the
14 advisory council is vacant.

15 **Sec. 6. NEW SECTION. 225A.6 Behavioral health service**
16 **system — data collection and use.**

17 1. The department shall take all of the following actions
18 for data related to the behavioral health service system:

19 *a.* Collect and analyze the data, including but not
20 limited to Medicaid and community services network data, as
21 necessary to issue cost estimates for serving populations,
22 providing treatment, making and receiving payments, conducting
23 operations, and performing prevention and health promotion
24 activities. In doing so, the department shall maintain
25 compliance with applicable federal and state privacy laws
26 to ensure the confidentiality and integrity of individually
27 identifiable data. The department shall periodically assess
28 the status of the department's compliance to ensure that data
29 collected by and stored with the department is protected.

30 *b.* Establish and administer a central data repository for
31 collecting and analyzing state, behavioral health district, and
32 contracted behavioral health provider data.

33 *c.* Establish a record for each individual receiving publicly
34 funded services from an administrative services organization.
35 Each record shall include a unique client identifier for the

1 purposes of identifying and tracking the individual's record.

2 *d.* Consult with administrative services organizations,
3 behavioral health service providers, and other behavioral
4 health service system stakeholders on an ongoing basis to
5 implement and maintain the central data repository.

6 *e.* Engage with all entities that maintain information the
7 department is required to collect pursuant to this section in
8 order to integrate all data concerning individuals receiving
9 services within the behavioral health service system.

10 *f.* Engage with all entities that maintain general population
11 data relating to behavioral health in order to develop action
12 plans, create projections relating to a population's behavioral
13 health needs, develop policies concerning behavioral health,
14 and otherwise perform acts as necessary to enhance the state's
15 overall behavioral health.

16 2. Administrative services organizations shall report all
17 data required to be maintained in the central data repository
18 to the department in a manner as established by the department
19 by rule. For the purpose of making such data reports, an
20 administrative services organization shall do one of the
21 following:

22 *a.* Utilize a data system that integrates with the data
23 systems used by the department.

24 *b.* Utilize a data system that has the capacity to securely
25 exchange information with the department, other behavioral
26 health districts, contractors, and other entities involved with
27 the behavioral health service system who are authorized to
28 access the central data repository.

29 3. Data and information maintained by and exchanged between
30 an administrative services organization and the department
31 shall be labeled consistently, share the same definitions,
32 utilize the same common coding and nomenclature, and be in a
33 form and format as required by the department by rule.

34 4. Administrative services organizations shall report
35 to the department, in a manner specified by the department,

1 information including but not limited to demographic
2 information, expenditure data, and data concerning the
3 behavioral health services and other support provided to
4 individuals in the administrative service organization's
5 district.

6 5. The department shall ensure that public and private
7 agencies, organizations, and individuals that operate within
8 the behavioral health service system, or that make formal
9 requests for the release of data collected by the department,
10 maintain uniform methods for keeping statistical information
11 relating to behavioral health service system outcomes and
12 performance.

13 6. The department shall develop and implement a
14 communication plan that details how outcome and performance
15 data will be shared with stakeholders including but not limited
16 to the public, persons involved with the behavioral health
17 service system, and the general assembly.

18 Sec. 7. NEW SECTION. **225A.7 Behavioral health fund.**

19 1. For purposes of this section:

20 a. "*Population*" means, as of July 1 of the fiscal year
21 preceding the fiscal year in which the population figure is
22 applied, the population shown by the latest preceding certified
23 federal census or the latest applicable population estimate
24 issued by the United States census bureau, whichever is most
25 recent.

26 b. "*State growth factor*" for a fiscal year means an amount
27 equal to the dollar amount used to calculate the appropriation
28 under this section for the immediately preceding fiscal year
29 multiplied by the percent increase, if any, in the amount of
30 sales tax revenue deposited into the general fund of the state
31 under section 423.2A, subsection 1, paragraph "a", less the
32 transfers required under section 423.2A, subsection 2, between
33 the fiscal year beginning three years prior to the applicable
34 fiscal year and the fiscal year beginning two years prior
35 to the applicable year, but not to exceed one and one-half

1 percent.

2 2. A behavioral health fund is established in the state
3 treasury under the control of the department. The fund shall
4 consist of moneys deposited into the fund pursuant to this
5 section and section 426B.1, gifts of money or property accepted
6 by the state or the department to support any services under
7 this chapter or chapter 231, and moneys otherwise appropriated
8 by the general assembly. Moneys in the fund are appropriated
9 to the department to implement and administer the behavioral
10 health service system and related programs including but not
11 limited to all of the following:

12 a. Distributions to administrative services organizations
13 to provide services as outlined in the organizations' district
14 behavioral health plan.

15 b. Distributions to providers of mental health services
16 and addictive disorder services, including but not limited to
17 tobacco use services, substance use disorder services, and
18 problem gambling services.

19 c. Funding of disability services pursuant to chapter 231.
20 This paragraph is repealed July 1, 2028.

21 3. For the fiscal year beginning July 1, 2025, there
22 is transferred from the general fund of the state to the
23 behavioral health fund an amount equal to forty-two dollars
24 multiplied by the state's population for the fiscal year.

25 4. For the fiscal year beginning July 1, 2026, and each
26 succeeding fiscal year, there is transferred from the general
27 fund of the state to the behavioral health fund an amount equal
28 to the state's population for the fiscal year multiplied by
29 the sum of the dollar amount used to calculate the transfer
30 from the general fund to the behavioral health fund for the
31 immediately preceding fiscal year, plus the state growth factor
32 for the fiscal year for which the transfer is being made.

33 5. For each fiscal year, an administrative services
34 organization shall not spend on administrative costs an amount
35 more than seven percent of the total amount distributed to the

1 administrative services organization through this section and
2 all other appropriations for the same fiscal year.

3 6. Moneys in the behavioral health fund may be used by the
4 department for cash flow purposes, provided that any moneys so
5 allocated are returned to the behavioral health fund by the end
6 of each fiscal year.

7 7. Notwithstanding section 12C.7, subsection 2, interest
8 or earnings on moneys deposited in the behavioral health fund
9 shall be credited to the behavioral health fund.

10 8. Notwithstanding section 8.33, moneys appropriated in
11 this section that remain unencumbered or unobligated at the
12 close of the fiscal year shall not revert but shall remain
13 available for expenditure for the purposes designated.

14 Sec. 8. NEW SECTION. **225A.8 Addictive disorders prevention**
15 **— prohibitions.**

16 1. For purposes of this section, "entity" means a
17 manufacturer, distributor, wholesaler, retailer, or
18 distributing agent, or an agent of a manufacturer, distributor,
19 wholesaler, retailer, or distributing agent as those terms are
20 defined in section 453A.1.

21 2. To promote comprehensive tobacco use prevention and
22 control initiatives outlined in the state behavioral health
23 service system plan, an entity shall not perform any of the
24 following acts:

25 a. Give away cigarettes or tobacco products.

26 b. Provide free articles, products, commodities, gifts, or
27 concessions in any exchange for the purchase of cigarettes or
28 tobacco products.

29 3. The prohibitions in this section shall not apply to
30 transactions between manufacturers, distributors, wholesalers,
31 or retailers as those terms are defined in section 453A.1.

32 Sec. 9. NEW SECTION. **225A.9 Application for services —**
33 **minors.**

34 A minor who is twelve years of age or older shall have
35 the legal capacity to act and give consent to the provision

1 of tobacco cessation coaching services pursuant to a tobacco
2 cessation telephone and internet-based program approved by
3 the department through the behavioral health service system
4 established in section 225A.3. Consent shall not be subject to
5 later disaffirmance by reason of such minority. The consent of
6 another person, including but not limited to the consent of a
7 spouse, parent, custodian, or guardian, shall not be necessary.

8 Sec. 10. CODE EDITOR DIRECTIVE. The Code editor is directed
9 to do all of the following:

10 1. Designate sections 225A.1 through 225A.9, as enacted
11 in this division of this Act, as Code chapter 225A entitled
12 "Department of Health and Human Services — Behavioral Health
13 Service System".

14 2. Correct internal references in the Code and in any
15 enacted legislation as necessary due to the enactment of this
16 division of this Act.

17 Sec. 11. EFFECTIVE DATE. This division of this Act takes
18 effect July 1, 2025.

19 DIVISION II

20 BEHAVIORAL HEALTH SERVICE SYSTEM — CONFORMING CHANGES

21 Sec. 12. Section 11.6, subsection 1, paragraph b, Code 2024,
22 is amended to read as follows:

23 b. The financial condition and transactions of ~~community~~
24 ~~mental health centers organized under chapter 230A,~~ substance
25 use disorder programs ~~organized~~ licensed under chapter 125~~7~~ and
26 community action agencies organized under chapter 216A~~7~~ shall
27 be audited at least once each year.

28 Sec. 13. Section 97B.1A, subsection 8, paragraph a,
29 subparagraph (13), Code 2024, is amended by striking the
30 subparagraph.

31 Sec. 14. Section 123.17, subsection 5, Code 2024, is amended
32 to read as follows:

33 5. After any transfer provided for in subsection 3 is made,
34 the department shall transfer into a special revenue account
35 in the general fund of the state, a sum of money at least equal

1 to seven percent of the gross amount of sales made by the
2 department from the beer and liquor control fund on a monthly
3 basis but not less than nine million dollars annually. Of
4 the amounts transferred, ~~two~~three million dollars, ~~plus an~~
5 ~~additional amount determined by the general assembly, shall be~~
6 ~~appropriated to the department of health and human services for~~
7 ~~use by the staff who administer the comprehensive substance use~~
8 ~~disorder program under chapter 125 for substance use disorder~~
9 ~~treatment and prevention programs shall be transferred to the~~
10 behavioral health fund established under section 225A.7. Any
11 amounts received in excess of the amounts ~~appropriated to the~~
12 ~~department of health and human services for use by the staff~~
13 ~~who administer the comprehensive substance use disorder program~~
14 ~~under chapter 125~~ transferred to the behavioral health fund
15 shall be considered part of the general fund balance.

16 Sec. 15. Section 123.17, subsection 8, Code 2024, is amended
17 by striking the subsection.

18 Sec. 16. Section 123.17, subsection 9, Code 2024, is amended
19 to read as follows:

20 9. After any transfers provided for in subsections 3, 5,
21 6, and 7, ~~and~~ 8 are made, and before any other transfer to the
22 general fund, the department shall transfer to the economic
23 development authority from the beer and liquor control fund the
24 lesser of two hundred fifty thousand dollars or one percent of
25 the gross sales of native distilled spirits by all class "A"
26 native distilled spirits license holders made by the department
27 for the purposes of promoting Iowa wine, beer, and spirits.

28 Sec. 17. Section 124.409, subsection 2, Code 2024, is
29 amended by striking the subsection.

30 Sec. 18. Section 125.2, subsections 4, 5, and 10, Code 2024,
31 are amended by striking the subsections.

32 Sec. 19. Section 125.91, subsection 1, Code 2024, is amended
33 to read as follows:

34 1. The procedure prescribed by this section shall only
35 be used for a person with a substance use disorder due to

1 intoxication or substance-induced incapacitation who has
2 threatened, attempted, or inflicted physical self-harm or harm
3 on another, and is likely to inflict physical self-harm or harm
4 on another unless immediately detained, or who is incapacitated
5 by a chemical substance, if an application has not been filed
6 naming the person as the respondent pursuant to section 125.75
7 and the person cannot be ordered into immediate custody and
8 detained pursuant to section 125.81.

9 Sec. 20. Section 125.93, Code 2024, is amended to read as
10 follows:

11 **125.93 Commitment records — confidentiality.**

12 Records of the identity, diagnosis, prognosis, or treatment
13 of a person which are maintained in connection with the
14 provision of substance use disorder treatment services are
15 confidential, consistent with ~~the requirements of section~~
16 ~~125.37, and with the~~ federal confidentiality regulations
17 authorized by ~~the federal Drug Abuse Office and Treatment Act,~~
18 ~~42 U.S.C. §290ee~~ and the federal Comprehensive Alcohol Abuse
19 and Alcoholism Prevention, Treatment and Rehabilitation Act, 42
20 U.S.C. §290dd-2. However, such records may be disclosed to an
21 employee of the department of corrections, if authorized by the
22 director of the department of corrections, or to an employee
23 of a judicial district department of correctional services, if
24 authorized by the director of the judicial district department
25 of correctional services.

26 Sec. 21. Section 135.11, subsection 11, Code 2024, is
27 amended to read as follows:

28 11. Administer chapters 125, 136A, 136C, 139A, 142,
29 ~~142A,~~144, and 147A.

30 Sec. 22. Section 135C.2, subsection 5, unnumbered paragraph
31 1, Code 2024, is amended to read as follows:

32 The department shall establish a special classification
33 within the residential care facility category in order to
34 foster the development of residential care facilities which
35 serve persons with an intellectual disability, chronic mental

1 illness, a developmental disability, or brain injury, ~~as~~
2 ~~described under section 225C.26,~~ and which contain five or
3 fewer residents. A facility within the special classification
4 established pursuant to this subsection is exempt from the
5 requirements of section 10A.713. The department shall adopt
6 rules which are consistent with rules previously developed for
7 the ~~waiver demonstration~~ waiver project pursuant to 1986 Iowa
8 Acts, ch. 1246, §206, and which include all of the following
9 provisions:

10 Sec. 23. Section 135C.6, subsection 1, Code 2024, is amended
11 to read as follows:

12 1. A person or governmental unit acting severally or
13 jointly with any other person or governmental unit shall not
14 establish or operate a health care facility in this state
15 without a license for the facility. A supported community
16 living service, as defined in section ~~225C.21~~ 249A.38A, is not
17 required to be licensed under this chapter, but is subject to
18 approval under section ~~225C.21~~ 249A.38A in order to receive
19 public funding.

20 Sec. 24. Section 135C.23, subsection 1, unnumbered
21 paragraph 1, Code 2024, is amended to read as follows:

22 Each resident shall be covered by a contract executed
23 by the resident, or the resident's legal representative,
24 and the health care facility at or prior to the time of the
25 resident's admission or prior thereto by the resident, or the
26 ~~legal representative, and the health care facility, except as~~
27 ~~otherwise provided by subsection 5 with respect to residents~~
28 ~~admitted at public expense to a county care facility operated~~
29 ~~under chapter 347B.~~ Each party to the contract shall be
30 entitled to a duplicate of the original thereof contract, and
31 the health care facility shall keep on file all contracts
32 which it has with residents and shall not destroy or otherwise
33 dispose of any such contract for at least one year after its
34 expiration. Each such contract shall expressly set forth:

35 Sec. 25. Section 135C.23, subsection 2, paragraph b, Code

1 2024, is amended to read as follows:

2 **b.** This section does not prohibit the admission of a
3 patient with a history of dangerous or disturbing behavior to
4 an intermediate care facility for persons with mental illness,
5 intermediate care facility for persons with an intellectual
6 disability, or nursing facility, ~~or county care facility~~ when
7 the intermediate care facility for persons with mental illness,
8 intermediate care facility for persons with an intellectual
9 disability, or nursing facility, ~~or county care facility~~ has a
10 program which has received prior approval from the department
11 to properly care for and manage the patient. An intermediate
12 care facility for persons with mental illness, intermediate
13 care facility for persons with an intellectual disability,
14 or nursing facility, ~~or county care facility~~ is required to
15 transfer or discharge a resident with dangerous or disturbing
16 behavior when the intermediate care facility for persons with
17 mental illness, intermediate care facility for persons with an
18 intellectual disability, or nursing facility, ~~or county care~~
19 ~~facility~~ cannot control the resident's dangerous or disturbing
20 behavior. The department, ~~in coordination with the state~~
21 ~~mental health and disability services commission created in~~
22 ~~section 225C.5,~~ shall adopt rules pursuant to chapter 17A for
23 programs to be required in intermediate care facilities for
24 persons with mental illness, intermediate care facilities
25 for persons with an intellectual disability, and nursing
26 facilities, ~~and county care facilities~~ that admit patients
27 or have residents with histories of dangerous or disturbing
28 behavior.

29 Sec. 26. Section 135C.23, subsection 5, Code 2024, is
30 amended by striking the subsection.

31 Sec. 27. Section 135C.24, subsection 5, Code 2024, is
32 amended by striking the subsection.

33 Sec. 28. Section 135G.1, subsection 12, Code 2024, is
34 amended to read as follows:

35 12. a. "*Subacute mental health services*" means ~~the same~~

1 ~~as defined in section 225C.6~~ services that provide all of the
2 following:

3 (1) A comprehensive set of wraparound services for a
4 person who has had, or is at imminent risk of having, acute or
5 crisis mental health symptoms that do not permit the person to
6 remain in or threatens removal of the person from the person's
7 home and community, but who has been determined by a mental
8 health professional and a licensed health care professional,
9 subject to the professional's scope of practice, not to need
10 inpatient acute hospital services. For the purposes of this
11 subparagraph, "licensed health care professional" means a person
12 licensed under chapter 148, an advanced registered nurse
13 practitioner, or a physician assistant.

14 (2) Intensive, recovery-oriented treatment and monitoring
15 of a person. Treatment may be provided directly or remotely
16 by a licensed psychiatrist or an advanced registered nurse
17 practitioner.

18 (3) An outcome-focused, interdisciplinary approach designed
19 to return a person to living successfully in the community.

20 b. Subacute mental health services may include services
21 provided in a wide array of settings ranging from a person's
22 home to a specialized facility with restricted means of egress.

23 c. Subacute mental health services shall be limited to a
24 period not to exceed ten calendar days or another time period
25 determined in accordance with rules adopted by the department
26 for this purpose, whichever is longer.

27 Sec. 29. Section 142.1, Code 2024, is amended to read as
28 follows:

29 **142.1 Delivery of bodies.**

30 The body of every person ~~dying~~ who died in a public asylum,
31 hospital, ~~county care facility,~~ penitentiary, or reformatory
32 in this state, or found dead within the state, or ~~which~~ who
33 is to be buried at public expense in this state, except those
34 buried under the provisions of chapter 144C or 249, and which
35 is suitable for scientific purposes, shall be delivered to the

1 medical college of the state university, or some osteopathic
2 or chiropractic college or school located in this state, which
3 has been approved under the law regulating the practice of
4 osteopathic medicine or chiropractic; but no such body shall
5 be delivered to any such college or school if the deceased
6 person expressed a desire during the person's last illness
7 that the person's body should be buried or cremated, nor if
8 such is the desire of the person's relatives. Such bodies
9 shall be equitably distributed among said colleges and schools
10 according to their needs for teaching anatomy in accordance
11 with such rules as may be adopted by the department of health
12 and human services. The expense of transporting said bodies to
13 such college or school shall be paid by the college or school
14 receiving the same. If the deceased person has not expressed
15 a desire during the person's last illness that the person's
16 body should be buried or cremated and no person authorized to
17 control the deceased person's remains under section 144C.5
18 requests the person's body for burial or cremation, and if a
19 friend objects to the use of the deceased person's body for
20 scientific purposes, said deceased person's body shall be
21 ~~forthwith~~ delivered to such friend for burial or cremation at
22 no expense to the state or county. Unless such friend provides
23 for burial and burial expenses within five days, the body shall
24 be used for scientific purposes under this chapter.

25 Sec. 30. Section 142.3, Code 2024, is amended to read as
26 follows:

27 **142.3 Notification of department.**

28 Every county medical examiner, funeral director or embalmer,
29 and the managing officer of every public asylum, hospital,
30 ~~county care facility,~~ penitentiary, or reformatory, as soon as
31 any dead body shall come into the person's custody which may be
32 used for scientific purposes as provided in sections 142.1 and
33 142.2, shall at once notify the nearest relative or friend of
34 the deceased, if known, and the department of health and human
35 services, and hold such body unburied for forty-eight hours.

1 Upon receipt of notification, the department shall issue verbal
2 or written instructions relative to the disposition to be made
3 of said body. Complete jurisdiction over said bodies is vested
4 exclusively in the department of health and human services. No
5 autopsy or post mortem, except as are legally ordered by county
6 medical examiners, shall be performed on any of said bodies
7 prior to their delivery to the medical schools.

8 Sec. 31. NEW SECTION. **217.17 State health improvement plan.**

9 1. The department shall develop, implement, and administer
10 a state health improvement plan to identify health priorities,
11 goals, and measurable objectives, and outline strategies to
12 improve health statewide.

13 2. The state health improvement plan shall be developed
14 and updated in collaboration and in coordination with other
15 state departments, stakeholders, and statewide organizations
16 the department determines to be relevant.

17 3. The state health improvement plan may be updated by the
18 department at the department's discretion.

19 Sec. 32. NEW SECTION. **217.37 Recovery of payment —**
20 **assignment of liens — county attorney to enforce.**

21 1. For purposes of this section, "*assistance*" means all of
22 the following:

23 *a.* A payment by the state for services rendered through
24 the behavioral health service system established under section
25 225A.3.

26 *b.* A payment by the state for aging and disability services
27 rendered in accordance with chapter 231.

28 2. The department shall have the authority to investigate if
29 a person is eligible to have assistance paid on the person's
30 behalf and whether payment of assistance was proper.

31 3. Notwithstanding any provision of law to the contrary,
32 assistance shall not be recoverable unless the department
33 finds that the assistance was paid for the benefit of a person
34 who was not entitled to have assistance paid on the person's
35 behalf.

1 4. Assistance paid for the benefit of a person who was
2 not entitled to have assistance paid on the person's behalf
3 shall be recoverable from the entity to which the assistance
4 was paid, from the person on whose behalf assistance was paid,
5 or from a third party who is liable for the person's debts or
6 support.

7 5. Upon the death of a person who was not entitled to
8 have assistance paid on the person's behalf, the department
9 shall have a lien equivalent in priority to liens described
10 in section 633.425, subsection 6, against the person's estate
11 for the portion of the assistance improperly paid which the
12 department had not recovered at the time of the person's death.

13 6. The department may waive all or a portion of improperly
14 paid assistance, or a lien created under subsection 5, if
15 the department finds that collection would result in undue
16 hardship.

17 7. The department shall adopt rules pursuant to chapter 17A
18 to implement and administer this section.

19 Sec. 33. Section 218.30, Code 2024, is amended to read as
20 follows:

21 **218.30 Investigation of other facilities.**

22 The director may investigate or cause the investigation of
23 charges of abuse, neglect, or mismanagement on the part of an
24 officer or employee of a private facility which is subject to
25 the director's supervision or control. ~~The director shall also~~
26 ~~investigate or cause the investigation of charges concerning~~
27 ~~county care facilities in which persons with mental illness are~~
28 ~~served.~~

29 Sec. 34. Section 218.78, subsection 1, Code 2024, is amended
30 to read as follows:

31 1. All institutional receipts of the department, including
32 funds received from client participation at the state resource
33 centers under section 222.78 ~~and at the state mental health~~
34 ~~institutes under section 230.20~~, shall be deposited in the
35 general fund except for reimbursements for services provided

1 to another institution or state agency, for receipts deposited
2 in the revolving farm fund under section 904.706, for deposits
3 into the medical assistance fund under section 249A.11, and for
4 rentals charged to employees or others for room, apartment, or
5 house and meals, which shall be available to the institutions.

6 Sec. 35. Section 222.1, subsection 1, Code 2024, is amended
7 to read as follows:

8 1. This chapter addresses the public and private services
9 available in this state to meet the needs of persons with an
10 intellectual disability. ~~The responsibility of the mental~~
11 ~~health and disability services regions formed by counties and~~
12 ~~of the state for the costs and administration of publicly~~
13 ~~funded services shall be as set out in section 222.60 and other~~
14 ~~pertinent sections of this chapter.~~

15 Sec. 36. Section 222.2, Code 2024, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 01. *"Administrative services organization"*
18 means the same as defined in section 225A.1.

19 Sec. 37. Section 222.2, subsections 6 and 7, Code 2024, are
20 amended by striking the subsections.

21 Sec. 38. Section 222.12, subsection 2, Code 2024, is amended
22 by striking the subsection.

23 Sec. 39. Section 222.13, Code 2024, is amended to read as
24 follows:

25 **222.13 Voluntary admissions.**

26 1. If an adult person is believed to be a person with an
27 intellectual disability, the adult person or the adult person's
28 guardian may apply to the department and the superintendent of
29 any state resource center for the voluntary admission of the
30 adult person either as an inpatient or an outpatient of the
31 resource center. ~~If the expenses of the person's admission~~
32 ~~or placement are payable in whole or in part by the person's~~
33 ~~county of residence, application for the admission shall be~~
34 ~~made through the regional administrator. An application for~~
35 ~~admission to a special unit of any adult person believed to be~~

1 ~~in need of any of the services provided by the special unit~~
2 ~~under section 222.88 may be made in the same manner. The~~
3 superintendent shall accept the application if a preadmission
4 diagnostic evaluation confirms or establishes the need for
5 admission, except that an application shall not be accepted if
6 the institution does not have adequate facilities available or
7 if the acceptance will result in an overcrowded condition.

8 2. If the resource center does not have an appropriate
9 program for the treatment of an adult or minor person with an
10 intellectual disability applying under this section or section
11 222.13A, ~~the regional administrator for the person's county~~
12 ~~of residence or the department, as applicable,~~ shall arrange
13 for the placement of the person in any public or private
14 facility within or ~~without~~ outside of the state, approved by
15 the director, which offers appropriate services for the person.
16 ~~If the expenses of the placement are payable in whole or in~~
17 ~~part by a county, the placement shall be made by the regional~~
18 ~~administrator for the county.~~

19 3. ~~If the expenses of an admission of an adult to a resource~~
20 ~~center or a special unit, or of the placement of the person~~
21 ~~in a public or private facility are payable in whole or in~~
22 ~~part by a mental health and disability services region, the~~
23 ~~regional administrator shall make a full investigation into~~
24 ~~the financial circumstances of the person and those liable for~~
25 ~~the person's support under section 222.78 to determine whether~~
26 ~~or not any of them are able to pay the expenses arising out of~~
27 ~~the admission of the person to a resource center, special unit,~~
28 ~~or public or private facility. If the regional administrator~~
29 ~~finds that the person or those legally responsible for~~
30 ~~the person are presently unable to pay the expenses, the~~
31 ~~regional administrator shall pay the expenses. The regional~~
32 ~~administrator may review such a finding at any subsequent~~
33 ~~time while the person remains at the resource center, or is~~
34 ~~otherwise receiving care or treatment for which this chapter~~
35 ~~obligates the region to pay. If the regional administrator~~

~~1 finds upon review that the person or those legally responsible
2 for the person are presently able to pay the expenses, the
3 finding shall apply only to the charges incurred during the
4 period beginning on the date of the review and continuing
5 thereafter, unless and until the regional administrator again
6 changes such a finding. If the regional administrator finds
7 that the person or those legally responsible for the person
8 are able to pay the expenses, the regional administrator shall
9 collect the charges to the extent required by section 222.78,
10 and the regional administrator shall be responsible for the
11 payment of the remaining charges.~~

12 Sec. 40. Section 222.13A, subsections 3 and 4, Code 2024,
13 are amended to read as follows:

14 3. During the preadmission diagnostic evaluation, the
15 minor shall be informed both orally and in writing that the
16 minor has the right to object to the voluntary admission. ~~If~~
17 Notwithstanding section 222.33, if the preadmission diagnostic
18 evaluation determines that the voluntary admission is
19 appropriate but the minor objects to the admission, the minor
20 shall not be admitted to the state resource center unless the
21 court approves of the admission. A petition for approval of
22 the minor's admission may be submitted to the juvenile court by
23 the minor's parent, guardian, or custodian.

24 4. As soon as practicable after the filing of a petition for
25 approval of the voluntary admission, the court shall determine
26 whether the minor has an attorney to represent the minor in the
27 proceeding. If the minor does not have an attorney, the court
28 shall assign an attorney to the minor ~~an attorney~~. If the
29 minor is unable to pay for an attorney, the attorney shall be
30 compensated by ~~the mental health and disability services region~~
31 an administrative services organization at an hourly rate to be
32 established ~~by the regional administrator~~ in substantially the
33 same manner as provided in section 815.7.

34 Sec. 41. Section 222.14, Code 2024, is amended to read as
35 follows:

1 **222.14 Care by ~~region~~ pending admission.**

2 If the institution is unable to receive a patient, the
3 superintendent shall notify ~~the regional administrator for the~~
4 ~~county of residence of the prospective patient~~ an administrative
5 services organization. Until such time as the patient is able
6 to be received by the institution, or when application has been
7 made for admission to a public or private facility as provided
8 in section 222.13 and the application is pending, the care
9 of the patient shall be provided as arranged by the ~~regional~~
10 ~~administrator~~ administrative services organization.

11 Sec. 42. NEW SECTION. **222.33 State resource center —**
12 **admissions and discharge.**

13 1. The department shall make all final determinations
14 concerning whether a person may be admitted to a state resource
15 center.

16 2. If a patient is admitted to a state resource center
17 pursuant to section 222.13 or 222.13A, and the patient
18 wishes to be placed outside of the state resource center, the
19 discharge of the patient shall be made in accordance with
20 section 222.15.

21 Sec. 43. NEW SECTION. **222.35 State — payor of last resort.**

22 The department shall implement services and adopt rules
23 pursuant to chapter 17A in a manner that ensures that the state
24 is the payor of last resort, and that the department shall not
25 make any payments for services that have been provided until
26 the department has determined that the services provided are
27 not payable by a third-party source.

28 Sec. 44. Section 222.73, subsections 2 and 4, Code 2024, are
29 amended by striking the subsections.

30 Sec. 45. Section 222.77, Code 2024, is amended to read as
31 follows:

32 **222.77 Patients on leave.**

33 The cost of support of patients placed on convalescent leave
34 or removed as a habilitation measure from a resource center,
35 ~~or a special unit,~~ except when living in the home of a person

1 legally bound for the support of the patient, shall be paid by
2 ~~the county of residence or the state as provided in section~~
3 ~~222.60.~~

4 Sec. 46. Section 222.78, subsection 1, Code 2024, is amended
5 to read as follows:

6 1. The father and mother of any patient admitted to a
7 resource center ~~or to a special unit~~, as either an inpatient
8 or an outpatient, and any person, firm, or corporation bound
9 by contract made for support of the patient, are liable for
10 the support of the patient. The patient and those legally
11 bound for the support of the patient shall be liable to
12 ~~the county or state, as applicable,~~ for all sums advanced
13 ~~in accordance with the provisions of sections 222.60 and~~
14 222.77 relating to reasonable attorney fees and court costs for
15 the patient's admission to the resource center, and for the
16 treatment, training, instruction, care, habilitation, support,
17 transportation, or other expenditures made on behalf of the
18 patient pursuant to this chapter.

19 Sec. 47. Section 222.79, Code 2024, is amended to read as
20 follows:

21 **222.79 Certification statement presumed correct.**

22 In actions to enforce the liability imposed by section
23 222.78, the superintendent ~~or the county of residence, as~~
24 ~~applicable,~~ shall submit a certification statement stating
25 the sums charged, and the certification statement shall be
26 considered presumptively correct.

27 Sec. 48. Section 222.80, Code 2024, is amended to read as
28 follows:

29 **222.80 Liability to ~~county or state.~~**

30 A person admitted to a county institution ~~or home~~ or admitted
31 at ~~county or state~~ expense to a private hospital, sanitarium,
32 or other facility for treatment, training, instruction, care,
33 habilitation, and support as a patient with an intellectual
34 disability shall be liable to the ~~county or state, as~~
35 ~~applicable,~~ for the reasonable cost of the support as provided

1 in section 222.78.

2 Sec. 49. Section 222.82, Code 2024, is amended to read as
3 follows:

4 **222.82 Collection of liabilities and claims.**

5 If liabilities and claims exist as provided in section
6 222.78 or any other provision of this chapter, ~~the county of~~
7 ~~residence or the state, as applicable,~~ may proceed as provided
8 in this section. ~~If the liabilities and claims are owed to~~
9 ~~a county of residence, the county's board of supervisors may~~
10 ~~direct the county attorney to proceed with the collection of~~
11 ~~the liabilities and claims as a part of the duties of the~~
12 ~~county attorney's office when the board of supervisors deems~~
13 ~~such action advisable. If the liabilities and claims are owed~~
14 ~~to the state, the state shall proceed with the collection.~~
15 ~~The board of supervisors or the state, as applicable,~~ may
16 compromise any and all liabilities to the ~~county or~~ state
17 arising under this chapter when such compromise is deemed to be
18 in the best interests of the ~~county or~~ state. Any collections
19 and liens shall be limited in conformance to section 614.1,
20 subsection 4.

21 Sec. 50. Section 222.85, subsection 2, Code 2024, is amended
22 to read as follows:

23 2. Moneys paid to a resource center from any source other
24 than state appropriated funds and intended to pay all or a
25 portion of the cost of care of a patient, which cost would
26 otherwise be paid from state ~~or county~~ funds or from the
27 patient's own funds, shall not be deemed "funds belonging to a
28 patient" for the purposes of this section.

29 Sec. 51. Section 222.86, Code 2024, is amended to read as
30 follows:

31 **222.86 Payment for care from fund.**

32 If a patient is not receiving medical assistance under
33 chapter 249A and the amount in the account of any patient
34 in the patients' personal deposit fund exceeds two hundred
35 dollars, the department may apply any amount of the excess to

1 reimburse the ~~county of residence or the~~ state for liability
2 incurred by the ~~county or~~ the state for the payment of care,
3 support, and maintenance of the patient, when billed by the
4 ~~county or state, as applicable.~~

5 Sec. 52. Section 222.92, subsection 1, Code 2024, is amended
6 to read as follows:

7 1. The department shall operate the state resource centers
8 on the basis of net appropriations from the general fund of
9 the state. The appropriation amounts shall be the net amounts
10 of state moneys projected to be needed for the state resource
11 centers for the fiscal year of the appropriations. The purpose
12 of utilizing net appropriations is to encourage the state
13 resource centers to operate with increased self-sufficiency, to
14 improve quality and efficiency, and to support collaborative
15 efforts between the state resource centers and ~~counties and~~
16 ~~other~~ providers of funding for the services available from
17 the state resource centers. The state resource centers shall
18 not be operated under the net appropriations in a manner that
19 results in a cost increase to the state or in cost shifting
20 between the state, the medical assistance program, ~~counties,~~ or
21 other sources of funding for the state resource centers.

22 Sec. 53. Section 222.92, subsection 3, paragraph a, Code
23 2024, is amended by striking the paragraph.

24 Sec. 54. Section 225.1, subsection 2, Code 2024, is amended
25 to read as follows:

26 2. For the purposes of this chapter, unless the context
27 otherwise requires:

28 a. ~~"Mental health and disability services region" means~~
29 ~~a mental health and disability services region approved in~~
30 ~~accordance with section 225C.56.~~ "Administrative services
31 organization" means the same as defined in section 225A.1.

32 b. ~~"Regional administrator" means the administrator of a~~
33 ~~mental health and disability services region, as defined in~~
34 ~~section 225C.55.~~ "Department" means the department of health
35 and human services.

1 *c.* "Respondent" means the same as defined in section 229.1.

2 Sec. 55. NEW SECTION. **225.4 State psychiatric hospital —**
3 **admissions.**

4 The department shall make all final determinations
5 concerning whether a person may be admitted to the state
6 psychiatric hospital.

7 Sec. 56. Section 225.11, Code 2024, is amended to read as
8 follows:

9 **225.11 Initiating commitment procedures.**

10 When a court finds upon completion of a hearing held pursuant
11 to section 229.12 that the contention that a respondent is
12 seriously mentally impaired has been sustained by clear and
13 convincing evidence, and the application filed under section
14 229.6 also contends or the court otherwise concludes that it
15 would be appropriate to refer the respondent to the state
16 psychiatric hospital for a complete psychiatric evaluation and
17 appropriate treatment pursuant to section 229.13, the judge
18 may order that a financial investigation be made in the manner
19 prescribed by section 225.13. If the costs of a respondent's
20 evaluation or treatment are payable in whole or in part by a
21 ~~county~~ an administrative services organization, an order under
22 this section shall be for referral of the respondent ~~through~~
23 ~~the regional administrator for the respondent's county of~~
24 ~~residence~~ by an administrative services organization for an
25 evaluation and referral of the respondent to an appropriate
26 placement or service, which may include the state psychiatric
27 hospital for additional evaluation or treatment.

28 Sec. 57. Section 225.12, Code 2024, is amended to read as
29 follows:

30 **225.12 Voluntary public patient — physician's or physician**
31 **assistant's report.**

32 A physician or a physician assistant who meets the
33 qualifications set forth in the definition of a mental
34 health professional in section 228.1 ~~filing information under~~
35 ~~section 225.10 shall include a written report to the regional~~

1 ~~administrator for the county of residence of the person named~~
2 ~~in the information, giving~~ shall submit a detailed history of
3 the case to an administrative services organization as will be
4 likely to aid in the observation, treatment, and hospital care
5 of the person ~~and describing the history in detail.~~

6 Sec. 58. Section 225.13, Code 2024, is amended to read as
7 follows:

8 **225.13 Financial condition.**

9 ~~The regional administrator for the county of residence of~~
10 ~~a person being admitted to the state psychiatric hospital is~~
11 Administrative services organizations shall be responsible for
12 investigating the financial condition of ~~the~~ a person and of
13 those legally responsible for the person's support.

14 Sec. 59. Section 225.15, Code 2024, is amended to read as
15 follows:

16 **225.15 Examination and treatment.**

17 ~~1.~~ When a respondent arrives at the state psychiatric
18 hospital, the admitting physician, or a physician assistant
19 who meets the qualifications set forth in the definition of a
20 mental health professional in section 228.1, shall examine the
21 respondent and determine whether or not, in the physician's
22 or physician assistant's judgment, the respondent is a fit
23 subject for observation, treatment, and hospital care. If,
24 upon examination, the physician or physician assistant who
25 meets the qualifications set forth in the definition of a
26 mental health professional in section 228.1 decides that the
27 respondent should be admitted to the hospital, the respondent
28 shall be provided a proper bed in the hospital. The physician
29 or physician assistant who meets the qualifications set forth
30 in the definition of a mental health professional in section
31 228.1 who has charge of the respondent shall proceed with
32 observation, medical treatment, and hospital care as in the
33 physician's or physician assistant's judgment are proper and
34 necessary, in compliance with sections 229.13, 229.14, this
35 section, and section 229.16. After the respondent's admission,

1 the observation, medical treatment, and hospital care of the
2 respondent may be provided by a mental health professional,
3 as defined in section 228.1, who is licensed as a physician,
4 advanced registered nurse practitioner, or physician assistant.

5 ~~2. A proper and competent nurse shall also be assigned to~~
6 ~~look after and care for the respondent during observation,~~
7 ~~treatment, and care. Observation, treatment, and hospital~~
8 ~~care under this section which are payable in whole or in part~~
9 ~~by a county shall only be provided as determined through~~
10 ~~the regional administrator for the respondent's county of~~
11 ~~residence.~~

12 Sec. 60. Section 225.16, subsection 1, Code 2024, is amended
13 to read as follows:

14 1. ~~If the regional administrator for a person's county of~~
15 ~~residence~~ department finds from the physician's information
16 or from the information of a physician assistant who
17 meets the qualifications set forth in the definition of
18 a mental health professional in section 228.1 which was
19 filed under the provisions of section ~~225.10~~ 225.12 that it
20 would be appropriate for the person to be admitted to the
21 state psychiatric hospital, and ~~the report of the regional~~
22 ~~administrator made pursuant to section 225.13~~ shows the
23 department finds that the person and those who are legally
24 responsible for the person are not able to pay the expenses
25 incurred at the hospital, or are able to pay only a part of
26 the expenses, the person shall be considered to be a voluntary
27 public patient and ~~the regional administrator shall direct that~~
28 ~~the person~~ shall be sent to the state psychiatric hospital at
29 ~~the state university of Iowa~~ for observation, treatment, and
30 hospital care.

31 Sec. 61. Section 225.17, subsection 2, Code 2024, is amended
32 to read as follows:

33 2. When the respondent arrives at the hospital, the
34 respondent shall receive the same treatment as is provided for
35 committed public patients in section 225.15, in compliance

1 with sections 229.13 through 229.16. ~~However, observation,~~
2 ~~treatment, and hospital care under this section of a respondent~~
3 ~~whose expenses are payable in whole or in part by a county~~
4 ~~shall only be provided as determined through the regional~~
5 ~~administrator for the respondent's county of residence.~~

6 Sec. 62. Section 225.18, Code 2024, is amended to read as
7 follows:

8 **225.18 Attendants.**

9 ~~The regional administrator~~ An administrative services
10 organization may appoint an attendant to accompany the
11 committed public patient or the voluntary public patient
12 or the committed private patient from the place where the
13 patient may be to the state psychiatric hospital, or to
14 accompany the patient from the hospital to a place as may
15 be designated by the ~~regional administrator~~ administrative
16 services organization. If a patient is moved pursuant to this
17 section, at least one attendant shall be of the same gender as
18 the patient.

19 Sec. 63. Section 225.22, Code 2024, is amended to read as
20 follows:

21 **225.22 Liability of private patients — payment.**

22 Every committed private patient, if the patient has an
23 estate sufficient for that purpose, or if those legally
24 responsible for the patient's support are financially able,
25 shall be liable to the ~~county and~~ state for all expenses paid
26 by ~~them in~~ the state on behalf of such patient. All bills
27 for the care, nursing, observation, treatment, medicine, and
28 maintenance of such patients shall be paid by the director of
29 the department of administrative services in the same manner as
30 those of committed and voluntary public patients as provided in
31 this chapter, unless the patient or those legally responsible
32 for the patient make such settlement with the state psychiatric
33 hospital.

34 Sec. 64. Section 225.24, Code 2024, is amended to read as
35 follows:

1 **225.24 Collection of preliminary expense.**

2 Unless a committed private patient or those legally
3 responsible for the patient's support offer to settle the
4 amount of the claims, the ~~regional administrator for the~~
5 ~~person's county of residence~~ department shall collect, by
6 action if necessary, the amount of all claims for per diem and
7 expenses that have been approved by the ~~regional administrator~~
8 ~~for the county~~ an administrative services organization and
9 paid by the ~~regional administrator as provided under section~~
10 ~~225.21~~ administrative services organization. Any amount
11 collected shall be credited to the ~~mental health and disability~~
12 ~~services region combined account created~~ behavioral health fund
13 established in accordance with ~~section 225C.58~~ 225A.7.

14 Sec. 65. Section 225.27, Code 2024, is amended to read as
15 follows:

16 **225.27 Discharge — transfer.**

17 The state psychiatric hospital may, at any time, discharge
18 any patient as recovered, as improved, or as not likely to
19 be benefited by further treatment. If the patient being so
20 discharged was involuntarily hospitalized, the hospital shall
21 notify the committing judge or court of the discharge as
22 required by section 229.14 or section 229.16, ~~whichever is as~~
23 ~~applicable, and the applicable regional administrator~~. Upon
24 receiving the notification, the court shall issue an order
25 confirming the patient's discharge from the hospital or from
26 care and custody, as the case may be, and shall terminate the
27 proceedings pursuant to which the order was issued. The court
28 or judge shall, if necessary, appoint a person to accompany the
29 discharged patient from the state psychiatric hospital to such
30 place as the hospital or the court may designate, or authorize
31 the hospital to appoint such attendant.

32 Sec. 66. Section 226.1, subsection 4, Code 2024, is amended
33 by adding the following new paragraph:

34 NEW PARAGRAPH. *Oa. "Administrative services organization"*
35 means the same as defined in section 225A.1.

1 Sec. 67. Section 226.1, subsection 4, paragraphs d and f,
2 Code 2024, are amended by striking the paragraphs.

3 Sec. 68. Section 226.8, subsection 2, Code 2024, is amended
4 to read as follows:

5 2. Charges for the care of any person with a diagnosis of
6 an intellectual disability admitted to a state mental health
7 institute shall be made by the institute in the manner provided
8 by chapter 230, but the liability of any other person to ~~any~~
9 ~~mental health and disability services region~~ the state for the
10 cost of care of such person with a diagnosis of an intellectual
11 disability shall be as prescribed by section 222.78.

12 Sec. 69. Section 226.32, Code 2024, is amended to read as
13 follows:

14 **226.32 Overcrowded conditions.**

15 The director shall order the discharge or removal from the
16 mental health institute of incurable and harmless patients
17 whenever it is necessary to make room for recent cases. ~~If~~
18 ~~a patient who is to be discharged entered the mental health~~
19 ~~institute voluntarily, the director shall notify the regional~~
20 ~~administrator for the county interested at least ten days in~~
21 ~~advance of the day of actual discharge.~~

22 Sec. 70. Section 226.34, subsection 2, paragraph d, Code
23 2024, is amended by striking the paragraph.

24 Sec. 71. Section 228.6, subsection 1, Code 2024, is amended
25 to read as follows:

26 1. A mental health professional or an employee of or
27 agent for a mental health facility may disclose mental health
28 information if and to the extent necessary, to meet the
29 requirements of section 229.24, 229.25, ~~230.20, 230.21, 230.25,~~
30 ~~230.26,~~ 230A.108, 232.74, or 232.147, or to meet the compulsory
31 reporting or disclosure requirements of other state or federal
32 law relating to the protection of human health and safety.

33 Sec. 72. Section 229.1, Code 2024, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 01. *"Administrative services organization"*

1 means the same as defined in section 225A.1.

2 Sec. 73. Section 229.1, subsections 11, 18, and 19, Code
3 2024, are amended by striking the subsections.

4 Sec. 74. Section 229.1B, Code 2024, is amended to read as
5 follows:

6 **229.1B ~~Regional administrator~~ Administrative services**
7 **organization.**

8 Notwithstanding any provision of this chapter to the
9 contrary, any person whose hospitalization expenses are
10 payable in whole or in part by a ~~mental health and disability~~
11 ~~services region~~ an administrative services organization
12 shall be subject to all administrative requirements of the
13 ~~regional administrator for the county~~ administrative services
14 organization.

15 Sec. 75. Section 229.2, subsection 1, paragraph b,
16 subparagraph (3), Code 2024, is amended to read as follows:

17 (3) As soon as is practicable after the filing of a
18 petition for juvenile court approval of the admission of the
19 minor, the juvenile court shall determine whether the minor
20 has an attorney to represent the minor in the hospitalization
21 proceeding, and if not, the court shall assign to the minor
22 an attorney. If the minor is financially unable to pay for
23 an attorney, the attorney shall be compensated by ~~the mental~~
24 ~~health and disability services region~~ an administrative
25 services organization at an hourly rate to be established
26 by the ~~regional administrator for the county~~ in which the
27 ~~proceeding is held~~ administrative services organization in
28 substantially the same manner as provided in section 815.7.

29 Sec. 76. Section 229.2, subsection 2, paragraph a, Code
30 2024, is amended to read as follows:

31 a. The chief medical officer of a public hospital shall
32 receive and may admit the person whose admission is sought,
33 subject in cases other than medical emergencies to availability
34 of suitable accommodations and to the provisions of ~~sections~~
35 section 229.41 and 229.42.

1 Sec. 77. Section 229.8, subsection 1, Code 2024, is amended
2 to read as follows:

3 1. Determine whether the respondent has an attorney
4 who is able and willing to represent the respondent in the
5 hospitalization proceeding, and if not, whether the respondent
6 is financially able to employ an attorney and capable of
7 meaningfully assisting in selecting one. In accordance with
8 those determinations, the court shall if necessary allow the
9 respondent to select, or shall assign to the respondent, an
10 attorney. If the respondent is financially unable to pay an
11 attorney, the attorney shall be compensated by ~~the mental~~
12 ~~health and disability services region~~ an administrative
13 services organization at an hourly rate to be established
14 by the ~~regional administrator for the county in which the~~
15 ~~proceeding is held~~ administrative services organization in
16 substantially the same manner as provided in section 815.7.

17 Sec. 78. Section 229.10, subsection 1, paragraph a, Code
18 2024, is amended to read as follows:

19 a. An examination of the respondent shall be conducted by
20 one or more licensed physicians or mental health professionals,
21 as required by the court's order, within a reasonable time.
22 If the respondent is detained pursuant to section 229.11,
23 subsection 1, paragraph "b", the examination shall be conducted
24 within twenty-four hours. If the respondent is detained
25 pursuant to section 229.11, subsection 1, paragraph "a" or
26 "c", the examination shall be conducted within forty-eight
27 hours. If the respondent so desires, the respondent shall be
28 entitled to a separate examination by a licensed physician or
29 mental health professional of the respondent's own choice. The
30 reasonable cost of the examinations shall, if the respondent
31 lacks sufficient funds to pay the cost, be paid by ~~the regional~~
32 ~~administrator from mental health and disability services region~~
33 ~~funds~~ an administrative services organization upon order of the
34 court.

35 Sec. 79. Section 229.11, subsection 1, unnumbered paragraph

1 1, Code 2024, is amended to read as follows:

2 If the applicant requests that the respondent be taken into
3 immediate custody and the judge, upon reviewing the application
4 and accompanying documentation, finds probable cause to believe
5 that the respondent has a serious mental impairment and is
6 likely to injure the respondent or other persons if allowed
7 to remain at liberty, the judge may enter a written order
8 directing that the respondent be taken into immediate custody
9 by the sheriff or the sheriff's deputy and be detained until
10 the hospitalization hearing. The hospitalization hearing shall
11 be held no more than five days after the date of the order,
12 except that if the fifth day after the date of the order is
13 a Saturday, Sunday, or a holiday, the hearing may be held
14 on the next succeeding business day. If the expenses of a
15 respondent are payable in whole or in part by a ~~mental health~~
16 ~~and disability services region~~ an administrative services
17 organization, for a placement in accordance with paragraph "a",
18 the judge shall give notice of the placement to ~~the regional~~
19 ~~administrator for the county in which the court is located~~ an
20 administrative services organization, and for a placement in
21 accordance with paragraph "b" or "c", the judge shall order
22 the placement in a hospital or facility designated ~~through~~
23 ~~the regional administrator~~ by an administrative services
24 organization. The judge may order the respondent detained for
25 the period of time until the hearing is held, and no longer,
26 in accordance with paragraph "a", if possible, and if not then
27 in accordance with paragraph "b", or, only if neither of these
28 alternatives is available, in accordance with paragraph "c".
29 Detention may be in any of the following:

30 Sec. 80. Section 229.13, subsection 1, paragraph a, Code
31 2024, is amended to read as follows:

32 a. The court shall order a respondent whose expenses are
33 payable in whole or in part by a ~~mental health and disability~~
34 ~~services region~~ an administrative services organization
35 placed under the care of an appropriate hospital or facility

1 ~~designated through the regional administrator for the county~~
2 by an administrative services organization on an inpatient or
3 outpatient basis.

4 Sec. 81. Section 229.13, subsection 7, paragraph b, Code
5 2024, is amended to read as follows:

6 ~~b. A region~~ An administrative services organization shall
7 contract with mental health professionals to provide the
8 appropriate treatment including treatment by the use of oral
9 medicine or injectable antipsychotic medicine pursuant to this
10 section.

11 Sec. 82. Section 229.14, subsection 2, paragraph a, Code
12 2024, is amended to read as follows:

13 ~~a. For a respondent whose expenses are payable in whole~~
14 ~~or in part by a mental health and disability services region~~
15 an administrative services organization, placement as
16 ~~designated through the regional administrator for the county~~
17 by an administrative services organization in the care of an
18 appropriate hospital or facility on an inpatient or outpatient
19 basis, or other appropriate treatment, or in an appropriate
20 alternative placement.

21 Sec. 83. Section 229.14A, subsections 7 and 9, Code 2024,
22 are amended to read as follows:

23 7. If a respondent's expenses are payable in whole or in
24 part by ~~a mental health and disability services region through~~
25 ~~the regional administrator for the county~~ an administrative
26 services organization, notice of a placement hearing shall be
27 provided to the county attorney and ~~the regional administrator~~
28 an administrative services organization. At the hearing, the
29 county may present evidence regarding appropriate placement.

30 9. A placement made pursuant to an order entered under
31 section 229.13 or 229.14 or this section shall be considered to
32 be authorized ~~through the regional administrator for the county~~
33 by an administrative services organization.

34 Sec. 84. Section 229.15, subsection 4, Code 2024, is amended
35 to read as follows:

1 4. When a patient has been placed in an alternative facility
2 other than a hospital pursuant to a report issued under section
3 229.14, subsection 1, paragraph "d", a report on the patient's
4 condition and prognosis shall be made to the court which placed
5 the patient, at least once every six months, unless the court
6 authorizes annual reports. ~~If an evaluation of the patient is
7 performed pursuant to section 227.2, subsection 4, a copy of
8 the evaluation report shall be submitted to the court within
9 fifteen days of the evaluation's completion. The court may in
10 its discretion waive the requirement of an additional report
11 between the annual evaluations. If the department exercises
12 the authority to remove residents or patients from a county
13 care facility or other county or private facility under section
14 227.6, the department shall promptly notify each court which
15 placed in that facility any resident or patient removed.~~

16 Sec. 85. Section 229.19, subsection 1, paragraphs a and b,
17 Code 2024, are amended to read as follows:

18 a. In each county the board of supervisors shall appoint
19 an individual who has demonstrated by prior activities an
20 informed concern for the welfare and rehabilitation of persons
21 with mental illness, and who is not an officer or employee of
22 the department, ~~an officer or employee of a region, an officer
23 or employee of a county performing duties for a region, or
24 an officer or employee of any agency or facility providing
25 care or treatment to persons with mental illness, to act as an
26 advocate representing the interests of patients involuntarily
27 hospitalized by the court, in any matter relating to the
28 patients' hospitalization or treatment under section 229.14 or
29 229.15.~~

30 b. The committing court shall assign the advocate for the
31 county where the patient is located. A county ~~or region~~ may
32 seek reimbursement from ~~the patient's county of residence or
33 from the region in which the patient's county of residence is
34 located~~ an administrative services organization.

35 Sec. 86. Section 229.19, subsection 4, unnumbered paragraph

1 1, Code 2024, is amended to read as follows:

2 ~~The state mental health and disability services commission~~
3 ~~created in section 225C.5 department,~~ in consultation with
4 advocates and county and judicial branch representatives, shall
5 adopt rules pursuant to chapter 17A relating to advocates that
6 include but are not limited to all of the following topics:

7 Sec. 87. Section 229.22, subsection 2, paragraph b, Code
8 2024, is amended to read as follows:

9 b. If the magistrate orders that the person be detained,
10 the magistrate shall, by the close of business on the next
11 working day, file a written order with the clerk in the county
12 where it is anticipated that an application may be filed
13 under section 229.6. The order may be filed by facsimile if
14 necessary. A peace officer from the law enforcement agency
15 that took the person into custody, if no request was made
16 under paragraph "a", may inform the magistrate that an arrest
17 warrant has been issued for or charges are pending against the
18 person and request that any written order issued under this
19 paragraph require the facility or hospital to notify the law
20 enforcement agency about the discharge of the person prior to
21 discharge. The order shall state the circumstances under which
22 the person was taken into custody or otherwise brought to a
23 facility or hospital, and the grounds supporting the finding
24 of probable cause to believe that the person is seriously
25 mentally impaired and likely to injure the person's self or
26 others if not immediately detained. The order shall also
27 include any law enforcement agency notification requirements if
28 applicable. The order shall confirm the oral order authorizing
29 the person's detention including any order given to transport
30 the person to an appropriate facility or hospital. A peace
31 officer from the law enforcement agency that took the person
32 into custody may also request an order, separate from the
33 written order, requiring the facility or hospital to notify the
34 law enforcement agency about the discharge of the person prior
35 to discharge. The clerk shall provide a copy of the written

1 order or any separate order to the chief medical officer of
2 the facility or hospital to which the person was originally
3 taken, to any subsequent facility to which the person was
4 transported, and to any law enforcement department, ambulance
5 service, or transportation service under contract with a
6 ~~mental health and disability services region~~ an administrative
7 services organization that transported the person pursuant
8 to the magistrate's order. A transportation service that
9 contracts with a ~~mental health and disability services region~~
10 an administrative services organization for purposes of this
11 paragraph shall provide a secure transportation vehicle and
12 shall employ staff that has received or is receiving mental
13 health training.

14 Sec. 88. Section 229.24, subsection 3, unnumbered paragraph
15 1, Code 2024, is amended to read as follows:

16 If all or part of the costs associated with hospitalization
17 of an individual under this chapter are chargeable to a ~~county~~
18 ~~of residence~~ an administrative services organization, the
19 clerk of the district court shall provide to ~~the regional~~
20 ~~administrator for the county of residence and to the regional~~
21 ~~administrator for the county in which the hospitalization~~
22 ~~order is entered~~ an administrative services organization the
23 following information pertaining to the individual which would
24 be confidential under subsection 1:

25 Sec. 89. Section 229.38, Code 2024, is amended to read as
26 follows:

27 **229.38 Cruelty or official misconduct.**

28 If any person having the care of a person with mental illness
29 who has voluntarily entered a hospital or other facility for
30 treatment or care, or who is responsible for psychiatric
31 examination care, treatment, and maintenance of any person
32 involuntarily hospitalized under sections 229.6 through 229.15,
33 whether in a hospital or elsewhere, with or without proper
34 authority, shall treat such patient with unnecessary severity,
35 harshness, or cruelty, or in any way abuse the patient or if

1 any person unlawfully detains or deprives of liberty any person
2 with mental illness or any person who is alleged to have mental
3 illness, or if any officer required by the provisions of this
4 chapter and ~~chapters~~ chapter 226 and 227, to perform any act
5 shall willfully refuse or neglect to perform the same, the
6 offending person shall, unless otherwise provided, be guilty of
7 a serious misdemeanor.

8 Sec. 90. Section 230.1, Code 2024, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 01. *"Administrative service organization"*
11 means the same as defined in section 225A.1.

12 Sec. 91. Section 230.1, subsections 4 and 5, Code 2024, are
13 amended by striking the subsections.

14 Sec. 92. Section 230.10, Code 2024, is amended to read as
15 follows:

16 **230.10 Payment of costs.**

17 All legal costs and expenses for the taking into custody,
18 care, investigation, and admission or commitment of a person to
19 a state mental health institute ~~under a finding that the person~~
20 ~~has residency in another county of this state~~ shall be charged
21 ~~against the regional administrator of the person's county of~~
22 residence to an administrative services organization.

23 Sec. 93. Section 230.11, Code 2024, is amended to read as
24 follows:

25 **230.11 Recovery of costs from state.**

26 Costs and expenses for the taking into custody, care, and
27 investigation of a person who has been admitted or committed
28 to a state mental health institute, United States department
29 of veterans affairs hospital, or other agency of the United
30 States government, for persons with mental illness and
31 who has no residence in this state or whose residence is
32 unknown, including cost of commitment, if any, shall be paid
33 as approved by the department. The amount of the costs and
34 expenses approved by the department is appropriated to the
35 department from any moneys in the state treasury not otherwise

1 appropriated. ~~Payment shall be made by the department on~~
2 ~~itemized vouchers executed by the regional administrator of~~
3 ~~the person's county which has paid them, and approved by the~~
4 ~~department.~~

5 Sec. 94. Section 230.15, subsections 1 and 2, Code 2024, are
6 amended to read as follows:

7 1. A person with mental illness and a person legally liable
8 for the person's support remain liable for the support of
9 the person with mental illness as provided in this section.
10 Persons legally liable for the support of a person with mental
11 illness include the spouse of the person, and any person
12 bound by contract for support of the person. ~~The regional~~
13 ~~administrator of the person's county of residence, subject to~~
14 ~~the direction of the region's governing board, shall enforce~~
15 ~~the obligation created in this section as to all sums advanced~~
16 ~~by the regional administrator. The liability to the regional~~
17 ~~administrator incurred by a person with mental illness or a~~
18 ~~person legally liable for the person's support under this~~
19 ~~section is limited to an amount equal to one hundred percent~~
20 ~~of the cost of care and treatment of the person with mental~~
21 ~~illness at a state mental health institute for one hundred~~
22 ~~twenty days of hospitalization. This limit of liability may~~
23 ~~be reached by payment of the cost of care and treatment of the~~
24 ~~person with mental illness subsequent to a single admission~~
25 ~~or multiple admissions to a state mental health institute or,~~
26 ~~if the person is not discharged as cured, subsequent to a~~
27 ~~single transfer or multiple transfers to a county care facility~~
28 ~~pursuant to section 227.11. After reaching this limit of~~
29 ~~liability, a person with mental illness or a person legally~~
30 ~~liable for the person's support is liable to the regional~~
31 ~~administrator state for the care and treatment of the person~~
32 ~~with mental illness at a state mental health institute or,~~
33 ~~if transferred but not discharged as cured, at a county care~~
34 ~~facility in an amount not in excess of to exceed the average~~
35 ~~minimum cost of the maintenance of an individual who is~~

1 physically and mentally healthy residing in the individual's
2 own home, ~~which standard shall be as established and may be~~
3 ~~revised by the department by rule. A lien imposed by section~~
4 ~~230.25 shall not exceed the amount of the liability which may~~
5 ~~be incurred under this section on account of a person with~~
6 ~~mental illness.~~

7 2. A person with a substance use disorder is legally
8 liable for the total amount of the cost of providing care,
9 maintenance, and treatment for the person with a substance
10 use disorder while a voluntary or committed patient. When
11 a portion of the cost is paid by ~~a county~~ an administrative
12 services organization, the person with a substance use disorder
13 is legally liable to the ~~county~~ administrative services
14 organization for the amount paid. The person with a substance
15 use disorder shall assign any claim for reimbursement under any
16 contract of indemnity, by insurance or otherwise, providing
17 for the person's care, maintenance, and treatment in a state
18 mental health institute to the state. ~~Any payments received~~
19 ~~by the state from or on behalf of a person with a substance use~~
20 ~~disorder shall be in part credited to the county in proportion~~
21 ~~to the share of the costs paid by the county.~~

22 Sec. 95. NEW SECTION. 230.23 State — payor of last resort.

23 The department shall implement services and adopt rules
24 pursuant to chapter 17A in a manner that ensures that the state
25 is the payor of last resort, and that the department does not
26 make any payments for services that have been provided until
27 the department has determined that the services provided are
28 not payable by a third-party source.

29 Sec. 96. Section 230.30, Code 2024, is amended to read as
30 follows:

31 **230.30 Claim against estate.**

32 On the death of a person receiving or who has received
33 assistance under the provisions of this chapter, and whom the
34 ~~board~~ department has previously found, ~~under section 230.25,~~
35 is able to pay, there shall be allowed against the estate of

1 such decedent a claim of the sixth class for that portion of
2 the total amount paid for that person's care which exceeds
3 the total amount of all claims of the first through the fifth
4 classes, inclusive, as defined in section 633.425, which are
5 allowed against that estate.

6 Sec. 97. Section 232.78, subsection 5, unnumbered paragraph
7 1, Code 2024, is amended to read as follows:

8 The juvenile court, before or after the filing of a petition
9 under this chapter, may enter an ex parte order authorizing
10 a physician or physician assistant or hospital to conduct an
11 outpatient physical examination or authorizing a physician or
12 physician assistant, a psychologist certified under section
13 154B.7, or a community mental health center accredited pursuant
14 to ~~chapter 230A~~ section 225A.3 to conduct an outpatient mental
15 examination of a child if necessary to identify the nature,
16 extent, and cause of injuries to the child as required by
17 section 232.71B, provided all of the following apply:

18 Sec. 98. Section 232.83, subsection 2, unnumbered paragraph
19 1, Code 2024, is amended to read as follows:

20 Anyone authorized to conduct a preliminary investigation in
21 response to a complaint may apply for, or the court on its own
22 motion may enter, an ex parte order authorizing a physician
23 or physician assistant or hospital to conduct an outpatient
24 physical examination or authorizing a physician or physician
25 assistant, a psychologist certified under section 154B.7, or a
26 community mental health center accredited pursuant to ~~chapter~~
27 ~~230A~~ section 225A.3 to conduct an outpatient mental examination
28 of a child if necessary to identify the nature, extent, and
29 causes of any injuries, emotional damage, or other such needs
30 of a child as specified in section 232.96A, subsection 3, 5, or
31 6, provided that all of the following apply:

32 Sec. 99. Section 235.7, subsection 2, Code 2024, is amended
33 to read as follows:

34 2. *Membership.* The department may authorize the governance
35 boards of decategorization of child welfare and juvenile

1 justice funding projects established under section 232.188 to
2 appoint the transition committee membership and may utilize
3 the boundaries of decategorization projects to establish
4 the service areas for transition committees. The committee
5 membership may include but is not limited to department staff
6 involved with foster care, child welfare, and adult services,
7 juvenile court services staff, staff involved with county
8 general assistance or emergency relief under chapter 251 or
9 252, ~~or a regional administrator of the county mental health~~
10 ~~and disability services region, as defined in section 225C.55,~~
11 ~~in the area,~~ school district and area education agency staff
12 involved with special education, and a child's court appointed
13 special advocate, guardian ad litem, service providers, and
14 other persons knowledgeable about the child.

15 Sec. 100. Section 235A.15, subsection 2, paragraph c,
16 subparagraphs (5) and (8), Code 2024, are amended by striking
17 the subparagraphs.

18 Sec. 101. Section 249A.4, subsection 15, Code 2024, is
19 amended by striking the subsection.

20 Sec. 102. Section 249A.12, subsection 4, Code 2024, is
21 amended by striking the subsection.

22 Sec. 103. NEW SECTION. **249A.38A Supported community living**
23 **services.**

24 1. As used in this section, "*supported community living*
25 *service*" means a service provided in a noninstitutional setting
26 to persons sixteen years of age and older with mental illness,
27 an intellectual disability, brain injury, or developmental
28 disabilities to meet the persons' daily living needs.

29 2. The department shall adopt rules pursuant to chapter 17A
30 establishing minimum standards for supported community living
31 services.

32 3. The department shall determine whether to grant, deny, or
33 revoke approval for any supported community living service.

34 4. Approved supported community living services may receive
35 funding from the state, federal and state social services block

1 grant funds, and other appropriate funding sources, consistent
2 with state legislation and federal regulations. The funding
3 may be provided on a per diem, per hour, or grant basis, as
4 appropriate.

5 Sec. 104. Section 249N.8, Code 2024, is amended by striking
6 the section and inserting in lieu thereof the following:

7 **249N.8 Behavioral health services reports.**

8 The department shall annually submit a report to the
9 governor and the general assembly with details related to the
10 department's review of the funds administered by, and the
11 outcomes and effectiveness of, the behavioral health services
12 provided by, the behavioral health service system established
13 in section 225A.3.

14 Sec. 105. Section 252.24, subsections 1 and 3, Code 2024,
15 are amended to read as follows:

16 1. The county of residence, as defined in section ~~225C.61~~
17 331.190, shall be liable to the county granting assistance for
18 all reasonable charges and expenses incurred in the assistance
19 and care of a poor person.

20 3. This section shall apply to assistance or maintenance
21 provided by a county through the county's mental health
22 and disability services behavioral health service system
23 implemented under chapter 225C established in section 225A.3.

24 Sec. 106. Section 256.25, subsections 2 and 3, Code 2024,
25 are amended to read as follows:

26 2. A school district, which may collaborate and partner
27 with one or more school districts, area education agencies,
28 accredited nonpublic schools, nonprofit agencies, and
29 institutions that provide children's mental health services,
30 ~~located in mental health and disability services regions~~
31 ~~providing children's behavioral health services in accordance~~
32 ~~with chapter 225C, subchapter VII~~ operating within the state's
33 behavioral health service system under chapter 225A, may apply
34 for a grant under this program to establish a therapeutic
35 classroom in the school district in accordance with this

1 section.

2 3. The department shall develop a grant application
3 and selection and evaluation criteria. Selection criteria
4 shall include a method for prioritizing grant applications
5 submitted by school districts. First priority shall be
6 given to applications submitted by school districts that
7 submitted an application pursuant to this section for the
8 ~~previous~~ immediately preceding fiscal year. Second priority
9 shall be given to applications submitted by school districts
10 that, pursuant to subsection 2, are collaborating and
11 partnering with one or more school districts, area education
12 agencies, accredited nonpublic schools, nonprofit agencies,
13 or institutions that provide mental health services for
14 children. Third priority shall be given to applications
15 submitted by school districts located in ~~mental health and~~
16 ~~disability services regions~~ behavioral health districts as
17 defined in section 225A.1, and that are providing behavioral
18 health services for children in accordance with chapter 225C,
19 ~~subchapter VII 225A.~~ Grant awards shall be distributed as
20 equitably as possible among small, medium, and large school
21 districts. For purposes of this subsection, a small school
22 district is a district with an actual enrollment of fewer than
23 six hundred pupils; a medium school district is a district
24 with an actual enrollment that is at least six hundred pupils,
25 but less than two thousand five hundred pupils; and a large
26 school district is a district with an actual enrollment of two
27 thousand five hundred or more pupils.

28 Sec. 107. Section 321.189, subsection 10, Code 2024, is
29 amended to read as follows:

30 10. *Autism spectrum disorder status.* A licensee who has
31 autism spectrum disorder, as defined in section 514C.28, may
32 request that the license be marked to reflect the licensee's
33 autism spectrum disorder status on the face of the license
34 when the licensee applies for the issuance or renewal of a
35 license. The department may adopt rules pursuant to chapter

1 17A establishing criteria under which a license may be marked,
2 including requiring the licensee to submit medical proof of the
3 licensee's autism spectrum disorder status. When a driver's
4 license is so marked, the licensee's autism spectrum disorder
5 status shall be noted in the electronic database used by
6 the department and law enforcement to access registration,
7 titling, and driver's license information. The department, in
8 consultation with the ~~mental health and disability services~~
9 ~~commission~~ department of health and human services, shall
10 develop educational media to raise awareness of a licensee's
11 ability to request the license be marked to reflect the
12 licensee's autism spectrum disorder status.

13 Sec. 108. Section 321.190, subsection 1, paragraph b,
14 subparagraph (6), Code 2024, is amended to read as follows:

15 (6) An applicant for a nonoperator's identification
16 card who has autism spectrum disorder, as defined in section
17 514C.28, may request that the card be marked to reflect
18 the applicant's autism spectrum disorder status on the face
19 of the card when the applicant applies for the issuance or
20 renewal of a card. The department may adopt rules pursuant to
21 chapter 17A establishing criteria under which a card may be
22 marked, including requiring the applicant to submit medical
23 proof of the applicant's autism spectrum disorder status.
24 The department, in consultation with the ~~mental health and~~
25 ~~disability services commission~~ department of health and human
26 services, shall develop educational media to raise awareness of
27 an applicant's ability to request the card be marked to reflect
28 the applicant's autism spectrum disorder status.

29 Sec. 109. Section 321J.25, subsection 1, paragraph b, Code
30 2024, is amended to read as follows:

31 *b.* "Program" means a substance use disorder awareness
32 program, licensed under chapter 125, and provided under a
33 contract entered into between the provider and the department
34 of health and human services under chapter 125 or an
35 administrative services organization as defined in section

1 225A.1.

2 Sec. 110. Section 321J.25, subsection 2, unnumbered
3 paragraph 1, Code 2024, is amended to read as follows:

4 A substance use disorder awareness program is established
5 in each of the regions established by the director of health
6 and human services pursuant to section 125.12 behavioral
7 health district designated pursuant to section 225A.4. The
8 program shall consist of an insight class and a substance
9 use disorder evaluation, which shall be attended by the
10 participant, to discuss issues related to the potential
11 consequences of substance use disorder. The parent or parents
12 of the participant shall also be encouraged to participate
13 in the program. The program provider shall consult with the
14 participant or the parents of the participant in the program
15 to determine the timing and appropriate level of participation
16 for the participant and any participation by the participant's
17 parents. The program may also include a supervised educational
18 tour by the participant to any or all of the following:

19 Sec. 111. Section 331.321, subsection 1, paragraph e, Code
20 2024, is amended by striking the paragraph.

21 Sec. 112. Section 331.323, subsection 1, paragraph a,
22 subparagraph (7), Code 2024, is amended by striking the
23 subparagraph.

24 Sec. 113. Section 331.381, subsections 4 and 5, Code 2024,
25 are amended to read as follows:

26 4. Comply with chapter 222, ~~including but not limited to~~
27 ~~sections 222.13, 222.14, 222.59 through 222.70, 222.73 through~~
28 ~~222.75, and 222.77 through 222.82,~~ in regard to the care of
29 persons with an intellectual disability.

30 5. Comply with chapters 227, 229 and 230, ~~including but not~~
31 ~~limited to sections 227.11, 227.14, 229.42, 230.25, 230.27, and~~
32 ~~230.35,~~ in regard to the care of persons with mental illness.

33 Sec. 114. Section 331.382, subsection 1, paragraphs e, f,
34 and g, Code 2024, are amended by striking the paragraphs.

35 Sec. 115. Section 331.382, subsection 3, Code 2024, is

1 amended by striking the subsection.

2 Sec. 116. Section 331.432, subsection 3, Code 2024, is
3 amended by striking the subsection.

4 Sec. 117. Section 331.502, subsection 10, Code 2024, is
5 amended by striking the subsection.

6 Sec. 118. Section 331.502, subsection 12, Code 2024, is
7 amended to read as follows:

8 12. Carry out duties relating to the hospitalization and
9 support of persons with mental illness as provided in sections
10 ~~229.42, 230.3, 230.11, and 230.15, 230.21, 230.22, 230.25, and~~
11 ~~230.26.~~

12 Sec. 119. Section 331.552, subsection 13, Code 2024, is
13 amended by striking the subsection.

14 Sec. 120. Section 331.756, subsections 25, 38, and 41, Code
15 2024, are amended by striking the subsections.

16 Sec. 121. Section 331.910, subsection 2, Code 2024, is
17 amended by adding the following new paragraph:

18 NEW PARAGRAPH. *Oa. "Administrative services organization"*
19 means the same as defined in section 225A.1.

20 Sec. 122. Section 331.910, subsection 2, paragraph d, Code
21 2024, is amended by striking the paragraph.

22 Sec. 123. Section 331.910, subsection 3, paragraphs a and c,
23 Code 2024, are amended to read as follows:

24 *a.* ~~A region~~ An administrative services organization may
25 contract with a receiving agency in a bordering state to secure
26 substance use disorder or mental health care and treatment
27 under this subsection for persons who receive substance use
28 disorder or mental health care and treatment pursuant to
29 section 125.33, 125.91, 229.2, or 229.22 ~~through a region.~~

30 *c.* ~~A region~~ An administrative services organization may
31 contract with a sending agency in a bordering state to provide
32 care and treatment under this subsection for residents of
33 the bordering state in approved substance use disorder and
34 mental health care and treatment hospitals, centers, and
35 facilities in this state, except that care and treatment shall

1 not be provided for residents of the bordering state who are
2 involved in criminal proceedings substantially similar to the
3 involvement described in paragraph "b".

4 Sec. 124. Section 347.16, subsection 3, Code 2024, is
5 amended to read as follows:

6 3. Care and treatment may be furnished in a county public
7 hospital to any sick or injured person who has residence
8 outside the county which maintains the hospital, subject to
9 such policies and rules as the board of hospital trustees
10 may adopt. If care and treatment is provided under this
11 subsection to a person who is indigent, the person's county of
12 residence, as defined in section ~~225C.61~~ 331.190, shall pay to
13 the board of hospital trustees the fair and reasonable cost of
14 the care and treatment provided by the county public hospital
15 unless the cost of the indigent person's care and treatment is
16 otherwise provided for. If care and treatment is provided to
17 an indigent person under this subsection, the county public
18 hospital furnishing the care and treatment shall immediately
19 notify, by regular mail, the auditor of the county of residence
20 of the indigent person of the provision of care and treatment
21 to the indigent person including care and treatment provided
22 ~~by a county through the county's mental health and disability~~
23 ~~services system implemented under chapter 225C~~ behavioral
24 health service system established in section 225A.3.

25 Sec. 125. Section 423.3, subsection 18, paragraph d, Code
26 2024, is amended to read as follows:

27 d. Community mental health centers accredited by the
28 department of health and human services pursuant to ~~chapter~~
29 ~~225C~~ section 225A.3.

30 Sec. 126. Section 426B.1, subsection 2, Code 2024, is
31 amended to read as follows:

32 2. Moneys shall be distributed from the property tax relief
33 fund to the ~~mental health and disability services regional~~
34 ~~service system for mental health and disability services,~~
35 behavioral health fund established in section 225A.7 in

1 accordance with the appropriations made to the fund and other
2 statutory requirements.

3 Sec. 127. Section 437A.8, subsection 4, paragraph d, Code
4 2024, is amended to read as follows:

5 d. (1) Notwithstanding paragraph "a", a taxpayer who owns
6 or leases a new electric power generating plant and who has
7 no other operating property in the state of Iowa except for
8 operating property directly serving the new electric power
9 generating plant as described in section 437A.16 shall pay
10 the replacement generation tax associated with the allocation
11 of the local amount to the county treasurer of the county in
12 which the local amount is located and shall remit the remaining
13 replacement generation tax, if any, to the director according
14 to paragraph "a" for remittance of the tax to county treasurers.
15 The director shall notify each taxpayer on or before August 31
16 following a tax year of its remaining replacement generation
17 tax to be remitted to the director. All remaining replacement
18 generation tax revenues received by the director shall be
19 deposited in the property tax relief fund created in section
20 426B.1, ~~and shall be distributed as provided in section 426B.2.~~

21 (2) If a taxpayer has paid an amount of replacement tax,
22 penalty, or interest which was deposited into the property tax
23 relief fund and which was not due, all of the provisions of
24 section 437A.14, subsection 1, paragraph "b", shall apply with
25 regard to any claim for refund or credit filed by the taxpayer.
26 The director shall have sole discretion as to whether the
27 erroneous payment will be refunded to the taxpayer or credited
28 against any replacement tax due, or to become due, from the
29 taxpayer that would be subject to deposit in the property tax
30 relief fund.

31 Sec. 128. Section 437A.15, subsection 3, paragraph f, Code
32 2024, is amended to read as follows:

33 f. Notwithstanding the provisions of this section, if
34 a taxpayer is a municipal utility or a municipal owner of
35 an electric power facility financed under the provisions

1 of chapter 28F or 476A, the assessed value, other than the
2 local amount, of a new electric power generating plant shall
3 be allocated to each taxing district in which the municipal
4 utility or municipal owner is serving customers and has
5 electric meters in operation in the ratio that the number of
6 operating electric meters of the municipal utility or municipal
7 owner located in the taxing district bears to the total number
8 of operating electric meters of the municipal utility or
9 municipal owner in the state as of January 1 of the tax year.
10 If the municipal utility or municipal owner of an electric
11 power facility financed under the provisions of chapter 28F
12 or 476A has a new electric power generating plant but the
13 municipal utility or municipal owner has no operating electric
14 meters in this state, the municipal utility or municipal owner
15 shall pay the replacement generation tax associated with the
16 new electric power generating plant allocation of the local
17 amount to the county treasurer of the county in which the local
18 amount is located and shall remit the remaining replacement
19 generation tax, if any, to the director at the times contained
20 in section 437A.8, subsection 4, for remittance of the tax to
21 the county treasurers. All remaining replacement generation
22 tax revenues received by the director shall be deposited in the
23 ~~property tax relief~~ behavioral health fund ~~created~~ established
24 in section ~~426B.1, and shall be distributed as provided in~~
25 ~~section 426B.2~~ 225A.7.

26 Sec. 129. Section 483A.24, subsection 7, Code 2024, is
27 amended to read as follows:

28 7. A license shall not be required of minor pupils of the
29 Iowa school for the deaf or of minor residents of other state
30 institutions under the control of the department of health
31 and human services. In addition, a person who is on active
32 duty with the armed forces of the United States, on authorized
33 leave from a duty station located outside of this state, and
34 a resident of the state of Iowa shall not be required to
35 have a license to hunt or fish in this state. The military

1 person shall carry the person's leave papers and a copy of
2 the person's current earnings statement showing a deduction
3 for Iowa income taxes while hunting or fishing. In lieu of
4 carrying the person's earnings statement, the military person
5 may also claim residency if the person is registered to vote
6 in this state. If a deer or wild turkey is taken, the military
7 person shall immediately contact a state conservation officer
8 to obtain an appropriate tag to transport the animal. A
9 license shall not be required of ~~residents of county care~~
10 ~~facilities or~~ any person who is receiving supplementary
11 assistance under chapter 249.

12 Sec. 130. Section 602.8102, subsection 39, Code 2024, is
13 amended to read as follows:

14 39. Refer persons applying for voluntary admission to a
15 community mental health center accredited by the department
16 of health and human services under section 225A.3, for a
17 preliminary diagnostic evaluation ~~as provided in section~~
18 ~~225C.16, subsection 2.~~

19 Sec. 131. Section 714.8, subsection 12, Code 2024, is
20 amended to read as follows:

21 12. Knowingly transfers or assigns a legal or equitable
22 interest in property, as defined in section 702.14, for less
23 than fair consideration, with the intent to obtain public
24 assistance under chapters 16, 35B, and 35D, ~~and 347B,~~ or Title
25 VI, subtitles 2 through 6, or accepts a transfer of or an
26 assignment of a legal or equitable interest in property, as
27 defined in section 702.14, for less than fair consideration,
28 with the intent of enabling the party transferring the property
29 to obtain public assistance under chapters 16, 35B, and 35D,
30 ~~and 347B,~~ or Title VI, subtitles 2 through 6. A transfer or
31 assignment of property for less than fair consideration within
32 one year prior to an application for public assistance benefits
33 shall be evidence of intent to transfer or assign the property
34 in order to obtain public assistance for which a person is
35 not eligible by reason of the amount of the person's assets.

1 If a person is found guilty of a fraudulent practice in the
2 transfer or assignment of property under this subsection the
3 maximum sentence shall be the penalty established for a serious
4 misdemeanor and sections 714.9, 714.10, and 714.11 shall not
5 apply.

6 Sec. 132. Section 812.6, subsection 1, Code 2024, is amended
7 to read as follows:

8 1. If the court finds the defendant does not pose a danger
9 to the public peace and safety, is otherwise qualified for
10 pretrial release, and is willing to cooperate with treatment,
11 the court shall order, as a condition of pretrial release,
12 that the defendant obtain mental health treatment designed to
13 restore the defendant to competency. The costs of treatment
14 pursuant to this subsection shall be paid by ~~the mental~~
15 ~~health and disability services region for the county of the~~
16 ~~defendant's residency pursuant to chapter 225C regardless of~~
17 ~~whether the defendant meets financial eligibility requirements~~
18 ~~under section 225C.62 or 225C.66 an administrative services~~
19 organization designated pursuant to section 225A.4.

20 Sec. 133. Section 904.201, subsection 8, Code 2024, is
21 amended to read as follows:

22 8. Chapter 230 governs the determination of costs and
23 charges for the care and treatment of persons with mental
24 illness admitted to the forensic psychiatric hospital,
25 ~~except that charges for the care and treatment of any person~~
26 ~~transferred to the forensic psychiatric hospital from an adult~~
27 ~~correctional institution or from a state training school shall~~
28 ~~be paid entirely from state funds. Charges for all other~~
29 ~~persons at the forensic psychiatric hospital shall be billed to~~
30 ~~the respective counties at the same ratio as for patients at~~
31 ~~state mental health institutes under section 230.20.~~

32 Sec. 134. REPEAL. Chapters 142A, 225C, 227, 230A, and 347B,
33 Code 2024, are repealed.

34 Sec. 135. REPEAL. Sections 125.1, 125.3, 125.7, 125.9,
35 125.10, 125.12, 125.25, 125.32A, 125.34, 125.37, 125.38,

1 125.39, 125.40, 125.41, 125.42, 125.43, 125.43A, 125.46,
2 125.48, 125.54, 125.55, 125.58, 125.59, 125.60, 135B.18,
3 218.99, 222.59, 222.60, 222.61, 222.62, 222.63, 222.64, 222.65,
4 222.66, 222.67, 222.68, 222.69, 222.70, 222.74, 222.75, 225.10,
5 225.19, 225.21, 226.45, 229.42, 230.1A, 230.2, 230.3, 230.4,
6 230.5, 230.6, 230.9, 230.12, 230.16, 230.17, 230.18, 230.19,
7 230.20, 230.21, 230.22, 230.25, 230.26, 230.27, 426B.2, 426B.4,
8 and 426B.5, Code 2024, are repealed.

9 Sec. 136. CODE EDITOR DIRECTIVE. The Code editor is
10 directed to correct internal references in the Code and in any
11 enacted legislation as necessary due to the enactment of this
12 division of this Act.

13 Sec. 137. EFFECTIVE DATE. This division of this Act takes
14 effect July 1, 2025.

15 DIVISION III

16 AGING AND DISABILITY

17 Sec. 138. Section 231.3, Code 2024, is amended to read as
18 follows:

19 **231.3 State policy and objectives.**

20 1. The general assembly declares that it is the policy of
21 the state to work toward attainment of the following objectives
22 for Iowa's older individuals and individuals with disabilities:

23 ~~1-~~ a. An adequate income.

24 ~~2-~~ b. Access to physical and mental health care and
25 long-term living and community support services without regard
26 to economic status.

27 ~~3-~~ c. Suitable and affordable housing that reflects the
28 needs of ~~older~~ individuals.

29 ~~4-~~ d. Access to comprehensive information and a community
30 navigation system providing all available options related to
31 long-term living and community support services that assist
32 ~~older~~ individuals in the preservation of personal assets and
33 the ability to entirely avoid or significantly delay reliance
34 on entitlement programs.

35 ~~5-~~ e. Full restorative services for those who require

1 institutional care, and a comprehensive array of long-term
2 living and community support services adequate to sustain ~~older~~
3 people in their communities and, whenever possible, in their
4 homes, including support for caregivers.

5 ~~6.~~ f. Pursuit of meaningful activity within the widest
6 range of civic, cultural, educational, recreational, and
7 employment opportunities.

8 ~~7.~~ g. Suitable community transportation systems to assist
9 in the attainment of independent movement.

10 ~~8.~~ h. Freedom, independence, and the free exercise of
11 individual initiative in planning and managing their own lives.

12 ~~9.~~ i. Freedom from abuse, neglect, and exploitation.

13 2. The general assembly declares that the state of Iowa
14 recognizes a brain injury as a disability, and each agency and
15 subdivision of this state shall recognize a brain injury as a
16 distinct disability.

17 3. It is the policy of this state that each state agency
18 shall make reasonable efforts to identify those persons with
19 brain injuries among the persons served by the state agency.

20 Sec. 139. Section 231.4, subsection 1, Code 2024, is amended
21 by adding the following new paragraph:

22 NEW PARAGRAPH. Oc. "Brain injury" means the same as defined
23 in section 135.22.

24 Sec. 140. Section 231.4, subsection 1, paragraph d, Code
25 2024, is amended to read as follows:

26 ~~d. "Commission" means the commission on aging.~~ "Council"
27 means the council on health and human services created in
28 section 217.2.

29 Sec. 141. Section 231.14, Code 2024, is amended to read as
30 follows:

31 **231.14 Commission Council duties and authority.**

32 ~~1. The commission is the policymaking body of the sole state~~
33 ~~agency responsible for administration of the federal Act. The~~
34 ~~commission council shall do all of the following:~~

35 ~~a. 1. Approve~~ Make recommendations to the department

1 regarding approval of the state plan on aging developed under
2 section 231.31 and area plans on aging, developed under section
3 231.33.

4 ~~b.~~ 2. ~~Adopt~~ Recommend policies to coordinate state
5 activities related to the purposes of this chapter.

6 ~~c.~~ 3. Serve as an effective and visible advocate for older
7 individuals and individuals with disabilities by establishing
8 recommending policies ~~for reviewing and commenting upon~~
9 ~~all state plans, budgets, and policies~~ which affect older
10 individuals and ~~for providing technical assistance to any~~
11 ~~agency, organization, association, or individual representing~~
12 ~~the needs of older individuals~~ with disabilities.

13 ~~d.~~ ~~Divide the state into distinct planning and service~~
14 ~~areas after considering the geographical distribution of~~
15 ~~older individuals in the state, the incidence of the need~~
16 ~~for supportive services, nutrition services, multipurpose~~
17 ~~senior centers, and legal services, the distribution of older~~
18 ~~individuals who have low incomes residing in such areas, the~~
19 ~~distribution of resources available to provide such services~~
20 ~~or centers, the boundaries of existing areas within the~~
21 ~~state which are drawn for the planning or administration of~~
22 ~~supportive services programs, the location of units of general~~
23 ~~purpose, local government within the state, and any other~~
24 ~~relevant factors.~~

25 ~~e.~~ ~~Designate for each planning and service area a public or~~
26 ~~private nonprofit agency or organization as the area agency on~~
27 ~~aging for that area. The commission may revoke the designation~~
28 ~~of an area agency on aging pursuant to section 231.32.~~

29 ~~f.~~ 4. ~~Adopt policies to assure~~ Make recommendations to
30 ensure that the department will take into account the views
31 of older individuals and individuals with disabilities in the
32 development of policy.

33 ~~g.~~ ~~Adopt a method for the distribution of federal~~
34 ~~Act and state funds taking into account, to the maximum~~
35 ~~extent feasible, the best available data on the geographic~~

1 ~~distribution of older individuals in the state, and publish the~~
2 ~~method for review and comment.~~

3 ~~h.~~ 5. Adopt Recommend policies and measures to assure
4 ensure that preference will be given to providing services to
5 older individuals and individuals with disabilities with the
6 greatest economic or social needs, with particular attention to
7 low-income minority ~~elder~~ individuals, ~~elder~~ individuals with
8 limited English proficiency, and ~~elder~~ individuals residing in
9 rural areas.

10 ~~i.~~ 6. Adopt Recommend policies to administer state programs
11 authorized by this chapter.

12 ~~j.~~ 7. Adopt Recommend policies and ~~administrative rules~~
13 ~~pursuant to chapter 17A~~ that support the capabilities of the
14 area agencies on aging and the aging and disabilities resource
15 centers to serve older individuals and ~~persons~~ individuals
16 with disabilities experiencing Alzheimer's disease or related
17 dementias.

18 ~~2. The commission shall adopt administrative rules pursuant~~
19 ~~to chapter 17A to administer the duties specified in this~~
20 ~~chapter and in all other chapters under the department's~~
21 ~~jurisdiction.~~

22 Sec. 142. Section 231.21, Code 2024, is amended to read as
23 follows:

24 **231.21 Administration of chapter — department of health and**
25 **human services.**

26 The department of health and human services shall ~~administer~~
27 ~~this chapter under the policy direction of the commission~~
28 ~~on aging~~ consider the recommendations of the council when
29 administering this chapter.

30 Sec. 143. Section 231.23, Code 2024, is amended to read as
31 follows:

32 **231.23 Department — duties and authority.**

33 The department shall:

34 1. ~~Develop and administer a~~ Administer the state plan on
35 aging developed pursuant to section 231.31.

1 2. ~~Assist the commission in the review and approval of~~
2 Review and approve area plans developed under section 231.33.

3 3. ~~Pursuant to commission policy, coordinate~~ Coordinate
4 state activities related to the purposes of this chapter ~~and~~
5 ~~all other chapters under the department's jurisdiction.~~
6 State activities shall include, at a minimum, home and
7 community-based services such as employment support, community
8 living, and service coordination.

9 4. Advocate for older individuals and individuals with
10 disabilities by reviewing and commenting upon all state plans,
11 budgets, laws, rules, ~~regulations,~~ and policies which affect
12 older individuals or individuals with disabilities and by
13 providing technical assistance to any agency, organization,
14 association, or individual representing the needs of older
15 individuals or individuals with disabilities.

16 5. ~~Assist the commission in dividing~~ Divide the state into
17 distinct planning and service areas after considering the
18 geographical distribution of older individuals and individuals
19 with disabilities in the state, the incidence of the need
20 for supportive services, nutrition services, multipurpose
21 senior centers, and legal services, the distribution of older
22 individuals and individuals with disabilities with low income
23 residing in such areas, the distribution of resources available
24 to provide such services or centers, the boundaries of existing
25 areas within the state which are drawn for the planning or
26 administration of supportive services programs, the location of
27 units of general purpose, local government within the state,
28 and any other relevant factors.

29 6. ~~Assist the commission in designating~~ Designate for each
30 area a public or private nonprofit agency or organization as
31 the area agency on aging for that area. The department may
32 revoke the designation of an area agency on aging pursuant to
33 section 231.32.

34 7. ~~Pursuant to commission policy, take~~ Take into account the
35 views of older Iowans and Iowans with disabilities.

1 8. ~~Assist the commission in adopting~~ Adopt a method for
2 the distribution of funds available from the federal Act
3 and state appropriations and allocations that takes into
4 account, to the extent feasible, the best available data on the
5 geographic distribution of older individuals and individuals
6 with disabilities in the state.

7 9. ~~Assist the commission in assuring~~ Adopt policies and
8 measures to ensure that preference will be given to providing
9 services to older individuals and individuals with disabilities
10 with the greatest economic or social needs, with particular
11 attention to low-income minority ~~elder~~ individuals, ~~elder~~
12 individuals with limited English proficiency, and ~~elder~~
13 individuals residing in rural areas.

14 10. ~~Assist the commission in developing, adopting, and~~
15 ~~enforcing~~ Develop, adopt, and enforce administrative rules,
16 including by issuing necessary forms and procedures, to
17 administer the duties specified in this chapter.

18 11. Apply for, receive, and administer grants, devises,
19 donations, and gifts, ~~or bequests of real or personal property~~
20 from any source to conduct projects consistent with the
21 purposes of the department. Notwithstanding section 8.33,
22 moneys received by the department pursuant to this section are
23 not subject to reversion to the general fund of the state.

24 12. Administer state authorized programs.

25 13. Establish a procedure for an area agency on aging to
26 use in selection of members of the agency's board of directors.
27 The selection procedure shall be incorporated into the bylaws
28 of the board of directors.

29 14. Adopt rules pursuant to chapter 17A that support the
30 capabilities of the area agencies on aging, and aging and
31 disabilities resource centers, to serve older individuals and
32 individuals with disabilities.

33 Sec. 144. Section 231.23A, subsections 1 and 3, Code 2024,
34 are amended to read as follows:

35 1. Services for older individuals, ~~persons with~~

1 ~~disabilities eighteen years of age and older~~, family
2 caregivers, and veterans as defined by the department in the
3 most current version of the department's reporting manual and
4 pursuant to the federal Act and regulations.

5 3. ~~The aging~~ Aging and disability resource center centers.
6 Sec. 145. Section 231.23A, Code 2024, is amended by adding
7 the following new subsection:

8 NEW SUBSECTION. 7A. Services and supports available to
9 individuals with disabilities including but not limited to
10 individuals with mental illness, an intellectual disability or
11 other developmental disability, or a brain injury.

12 Sec. 146. Section 231.31, Code 2024, is amended to read as
13 follows:

14 **231.31 State plan on aging.**

15 The department shall develop, ~~and submit to the commission~~
16 ~~on aging for approval~~, a multiyear state plan on aging.
17 The state plan on aging shall meet all applicable federal
18 requirements.

19 Sec. 147. Section 231.32, Code 2024, is amended to read as
20 follows:

21 **231.32 Criteria for designation of area agencies on aging.**

22 1. The ~~commission~~ department shall designate an area
23 agency on aging for each planning and service area. The
24 ~~commission shall continue the designation~~ shall continue until
25 an area agency on aging's designation is removed for cause as
26 determined by the ~~commission~~ department, until the time of
27 renewal or the annual update of an area plan, until the agency
28 voluntarily withdraws as an area agency on aging, or until a
29 change in the designation of planning and service areas or area
30 agencies on aging is required by state or federal law. In that
31 event, the ~~commission~~ department shall proceed in accordance
32 with subsections 2, 3, and 4. Designated area agencies on
33 aging shall comply with the requirements of the federal Act.

34 2. The ~~commission~~ department shall designate an area
35 agency on aging to serve each planning and service area, after

1 consideration of the views offered by units of general purpose
2 local government. An area agency on aging may be:

3 *a.* An established office of aging which is operating within
4 a planning and service area designated by the ~~commission~~
5 department.

6 *b.* Any office or agency of a unit of general purpose local
7 government, which is designated to function only for the
8 purpose of serving as an area agency on aging by the chief
9 elected official of such unit.

10 *c.* Any office or agency designated by the appropriate
11 chief elected officials of any combination of units of
12 general purpose local government to act only on behalf of such
13 combination for such purpose.

14 *d.* Any public or nonprofit private agency in a planning and
15 service area or any separate organizational unit within such
16 agency which is under the supervision or direction for this
17 purpose of the department and which can and will engage only in
18 the planning or provision of a broad range of long-term living
19 and community support services or nutrition services within the
20 planning and service area.

21 3. When the ~~commission~~ department designates a new area
22 agency on aging, the ~~commission~~ department shall give the right
23 of first refusal to a unit of general purpose local government
24 if:

25 *a.* Such unit can meet the requirements of subsection 1.

26 *b.* The boundaries of such a unit and the boundaries of the
27 area are reasonably contiguous.

28 4. Each area agency on aging shall provide assurance,
29 determined adequate by the ~~commission~~ department, that the
30 area agency on aging has the ability to develop an area plan
31 and to carry out, directly or through contractual or other
32 arrangements, a program in accordance with the plan within the
33 planning and service area. In designating an area agency on
34 aging within the planning and service area, the ~~commission~~
35 department shall give preference to an established office of

1 aging, unless the ~~commission~~ department finds that no such
2 office within the planning and service area has the capacity to
3 carry out the area plan.

4 5. Upon designation, an area agency on aging shall be
5 considered an instrumentality of the state and shall adhere to
6 all state and federal mandates applicable to an instrumentality
7 of the state.

8 Sec. 148. Section 231.33, subsections 1 and 13, Code 2024,
9 are amended to read as follows:

10 1. Develop and administer an area plan ~~on aging~~ approved by
11 the ~~commission~~ department.

12 13. Submit all fiscal and performance reports in accordance
13 with the policies of the ~~commission~~ department.

14 Sec. 149. NEW SECTION. 231.35 Procedures related to
15 **expenditure of state and federal funds.**

16 1. The department shall establish and enforce procedures
17 relating to expenditure of state and federal funds by area
18 agencies on aging that require compliance with both state and
19 federal laws, rules, and regulations, including but not limited
20 to all of the following:

21 a. Requiring that expenditures are incurred only for goods
22 or services received or performed prior to the end of the
23 fiscal period designated for use of the funds.

24 b. Prohibiting prepayment for goods or services not received
25 or performed prior to the end of the fiscal period designated
26 for use of the funds.

27 c. Prohibiting prepayment for goods or services not defined
28 specifically by good or service, time period, or recipient.

29 d. Prohibiting the establishment of accounts from which
30 future goods or services which are not defined specifically by
31 good or service, time period, or recipient, may be purchased.

32 2. The procedures shall provide that if any funds are
33 expended in a manner that is not in compliance with the
34 procedures and applicable federal and state laws, rules, and
35 regulations, and are subsequently subject to repayment, the

1 area agency on aging expending such funds in contravention of
2 such procedures, laws, rules and regulations, not the state,
3 shall be liable for such repayment.

4 Sec. 150. Section 231.56, Code 2024, is amended to read as
5 follows:

6 **231.56 Services and programs.**

7 The department shall administer long-term living and
8 community support services and programs that allow older
9 individuals and individuals with disabilities to secure and
10 maintain maximum independence and dignity in a home environment
11 that provides for self-care with appropriate supportive
12 services, assist in removing individual and social barriers
13 to economic and personal independence for older individuals
14 and individuals with disabilities, and provide a continuum of
15 care for older individuals and individuals with disabilities.
16 Funds appropriated for this purpose shall be allocated based
17 on ~~administrative~~ rules adopted by the ~~commission~~ department
18 pursuant to chapter 17A. The department shall ~~require such~~
19 ~~records as needed~~ adopt rules pursuant to chapter 17A that
20 allow the department to collect information as necessary from
21 long-term living and community support services, program
22 providers, and patients to administer this section.

23 Sec. 151. Section 231.57, Code 2024, is amended to read as
24 follows:

25 **231.57 Coordination of advocacy.**

26 The department shall administer a program for the
27 coordination of information and assistance provided within
28 the state to assist older individuals and individuals with
29 disabilities, and their caregivers, in obtaining and protecting
30 their rights and benefits. State and local agencies providing
31 information and assistance to older individuals and individuals
32 with disabilities, and their caregivers, in seeking their
33 rights and benefits shall cooperate with the department in
34 administering this program.

35 Sec. 152. Section 231.58, Code 2024, is amended to read as

1 follows:

2 **231.58 Long-term living coordination.**

3 The director may convene meetings, as necessary, of the
4 director and the director of inspections, appeals, and
5 licensing, to assist in the coordination of policy, service
6 delivery, and long-range planning relating to the long-term
7 living system and older Iowans and Iowans with disabilities
8 in the state. The group may consult with individuals,
9 institutions, and entities with expertise in the area of the
10 long-term living system and older Iowans and Iowans with
11 disabilities, as necessary, to facilitate the group's efforts.

12 Sec. 153. Section 231.64, Code 2024, is amended to read as
13 follows:

14 **231.64 Aging and disability resource center centers.**

15 1. ~~The aging and disability resource center shall be~~
16 ~~administered by the department consistent with the federal Act.~~
17 The department shall designate ~~area agencies on aging and~~
18 disability resource centers to establish, in consultation with
19 other stakeholders including organizations representing the
20 disability community, a coordinated local aging and disability
21 service system for providing. In addition to services required
22 by the department by rules adopted pursuant to chapter 17A,
23 aging and disability resource centers shall provide for all of
24 the following:

25 a. Comprehensive information, referral, and assistance
26 regarding the full range of available public and private
27 long-term living and community support services, options,
28 service providers, and resources within a community, including
29 information on the availability of integrated long-term care.

30 b. Options counseling to assist individuals in assessing
31 their existing or anticipated long-term care needs and
32 developing and implementing a plan for long-term living and
33 community support services designed to meet their specific
34 needs and circumstances. The plan for long-term living
35 and community support services may include support with

1 person-centered care transitions to assist consumers and family
2 caregivers with transitions between home and care settings.

3 c. Consumer access to the range of publicly-supported
4 long-term living and community support services for which
5 consumers may be eligible, by serving as a convenient point
6 of entry for such services. ~~The aging~~ Aging and disability
7 resource center centers shall offer information online and
8 be available via a toll-free telephone number, electronic
9 communications, and in person.

10 2. The following entities shall be eligible to be designated
11 as an aging and disability resource center by the department:

12 a. An area agency on aging established on or before June 30,
13 2024.

14 b. A public or private nonprofit agency, or any separate
15 organizational unit within the public or private nonprofit
16 agency, that has the capabilities to engage in the planning or
17 provision of aging and disability services only as directed by
18 the department.

19 ~~2.~~ 3. ~~The aging~~ Aging and disability resource center
20 centers shall assist older individuals, ~~persons~~ individuals
21 with disabilities ~~age eighteen or older~~, family caregivers,
22 and people who inquire about or request assistance on behalf
23 of members of these groups, as they seek long-term living and
24 community support services.

25 4. The department shall adopt rules pursuant to chapter 17A
26 to implement this section.

27 Sec. 154. NEW SECTION. 231.75 Scope.

28 The service quality standards and rights in this subchapter
29 VII shall apply to any person with an intellectual disability,
30 a developmental disability, brain injury, or chronic mental
31 illness who receives services which are funded in whole or in
32 part by public funds, or services which are permitted under
33 Iowa law.

34 Sec. 155. NEW SECTION. 231.76 Service quality standards.

35 As the state participates more fully in funding services

1 and other support for persons with an intellectual disability,
2 developmental disability, brain injury, or chronic mental
3 illness, it is the intent of the general assembly that the
4 state shall seek to attain the following quality standards in
5 the provision of services and other supports:

6 1. Provide comprehensive evaluation and diagnosis adapted
7 to the cultural background, primary language, and ethnic origin
8 of a person.

9 2. Provide an individual treatment, habilitation, and
10 program services plan.

11 3. Provide treatment, habilitation, and program services
12 that are individualized, flexible, cost-effective, and produce
13 results.

14 4. Provide periodic review of an individual's treatment,
15 habilitation, and program services plan.

16 5. Provide for the least restrictive environment, and
17 age-appropriate services.

18 6. Provide appropriate training and employment
19 opportunities so that a person's ability to contribute to, and
20 participate in, the community is maximized.

21 7. Provide an ongoing process to determine the degree of
22 access to, and the effectiveness of, the services and other
23 supports in achieving the disability service outcomes and
24 indicators identified by the department.

25 Sec. 156. NEW SECTION. 231.77 Rights.

26 All of the following rights shall apply to a person with an
27 intellectual disability, a developmental disability, a brain
28 injury, or a chronic mental illness:

29 1. *Wage protection.* A person engaged in a work program
30 shall be paid wages commensurate with the going rate for
31 comparable work and productivity.

32 2. *Insurance protection.* Pursuant to section 507B.4,
33 subsection 3, paragraph "g", a person or designated group
34 of persons shall not be unfairly discriminated against for
35 purposes of insurance coverage.

1 3. *Citizenship.* A person retains the right to citizenship
2 in accordance with the laws of the state.

3 4. *Participation in planning activities.* A person has
4 the right to participate in the formulation of an individual
5 treatment, habilitation, and program plan developed for the
6 person.

7 Sec. 157. NEW SECTION. **231.78 Compliance.**

8 1. A person's sole remedy for a violation of a rule adopted
9 by the department to implement sections 231.75 through 231.77
10 shall be to initiate a proceeding with the department by
11 request pursuant to chapter 17A.

12 a. Any decision of the department shall be in accordance
13 with due process of law. A person or party who is aggrieved or
14 adversely affected by the department's action may seek judicial
15 review pursuant to section 17A.19. A person or party who is
16 aggrieved or adversely affected by a final judgment of the
17 district court may appeal under section 17A.20.

18 b. Either the department or a party in interest may apply
19 to the Iowa district court for an order to enforce a final
20 decision of the department.

21 2. Any rules adopted by the department to implement sections
22 231.76 and 231.77 shall not create any right, entitlement,
23 property or liberty right or interest, or private cause of
24 action for damages against the state or a political subdivision
25 of the state, or for which the state or a political subdivision
26 of the state would be responsible.

27 3. Notwithstanding subsection 1, any violation of section
28 231.77, subsection 2, shall be subject to enforcement by the
29 commissioner of insurance pursuant to chapter 507B.

30 Sec. 158. NEW SECTION. **231.79 Appeals process.**

31 The department shall establish an appeals process by which a
32 person or the person's representative may appeal a decision of
33 the department concerning the provision or denial of aging or
34 disability services to the person.

35 Sec. 159. Section 231E.3, Code 2024, is amended to read as

1 follows:

2 **231E.3 Definitions.**

3 As used in this chapter, unless the context otherwise
4 requires:

- 5 1. "*Client*" means an individual for whom a representative
6 payee is appointed.
- 7 ~~2. "*Commission*" means the commission on aging.~~
- 8 ~~3.~~ 2. "*Conservator*" means conservator as defined in section
9 633.3.
- 10 ~~4.~~ 3. "*Court*" means court as defined in section 633.3.
- 11 ~~5.~~ 4. "*Department*" means the department of health and human
12 services.
- 13 ~~6.~~ 5. "*Director*" means the director of health and human
14 services.
- 15 ~~7.~~ 6. "*Guardian*" means guardian as defined in section
16 633.3.
- 17 ~~8.~~ 7. "*Incompetent*" means incompetent as defined in section
18 633.3.
- 19 ~~9.~~ 8. "*Local office*" means a local office of public
20 guardian.
- 21 ~~10.~~ 9. "*Local public guardian*" means an individual under
22 contract with the department to act as a guardian, conservator,
23 or representative payee.
- 24 ~~11.~~ 10. "*Public guardian*" means the state public guardian
25 or a local public guardian.
- 26 ~~12.~~ 11. "*Public guardianship services*" means guardianship,
27 conservatorship, or representative payee services provided by
28 the state public guardian or a local public guardian.
- 29 ~~13.~~ 12. "*Representative payee*" means an individual
30 appointed by a government entity to receive funds on behalf of
31 a client pursuant to federal regulation.
- 32 ~~14.~~ 13. "*State agency*" means any executive department,
33 commission, board, institution, division, bureau, office,
34 agency, or other executive entity of state government.
- 35 ~~15.~~ 14. "*State office*" means the state office of public

1 guardian.

2 ~~16.~~ 15. "*State public guardian*" means the administrator of
3 the state office of public guardian.

4 ~~17.~~ 16. "*Ward*" means the individual for whom a guardianship
5 or conservatorship is established.

6 Sec. 160. REPEAL. Sections 231.11, 231.12, and 231.13, Code
7 2024, are repealed.

8 Sec. 161. CODE EDITOR DIRECTIVE. The Code editor is
9 directed to do all of the following:

10 1. Entitle Code chapter 231 "Department of Health and Human
11 Services — Aging and Disability Services".

12 2. Designate sections 231.75 through 231.79, as enacted in
13 this division of this Act, as subchapter VII entitled "Bill
14 of Rights and Service Quality Standards for Persons with an
15 Intellectual Disability, Developmental Disability, Brain
16 Injury, or Chronic Mental Illness".

17 3. Correct internal references in the Code and in any
18 enacted legislation as necessary due to the enactment of this
19 division of this Act.

20 Sec. 162. EFFECTIVE DATE. The following take effect July
21 1, 2025:

22 1. The parts of the sections of this division of this Act
23 amending the following:

24 a. Section 231.3.

25 b. Section 231.4, subsection 1.

26 c. Section 231.23, subsections 4 and 7.

27 d. Section 231.23A, subsection 1.

28 e. Sections 231.56, 231.57, and 231.58.

29 f. Section 231.64, subsection 2.

30 2. The parts of the sections of this division of this Act
31 enacting the following: sections 231.23A, subsection 7A,
32 231.75, 231.76, 231.77, 231.78, and 231.79.

33 DIVISION IV

34 TRANSITION PROVISIONS

35 Sec. 163. DEPARTMENT OF HEALTH AND HUMAN SERVICES —

1 TRANSITION OF MENTAL HEALTH SERVICES, ADDICTIVE DISORDER
2 SERVICES, AND DISABILITY SERVICES.

3 1. For purposes of this division:

4 a. "Administrative services organization" means the same
5 as defined in section 225A.1, as enacted in division I of this
6 Act.

7 b. "Behavioral health district" means the same as defined in
8 section 225A.1, as enacted in division I of this Act.

9 c. "Department" means the department of health and human
10 services.

11 d. "District behavioral health service system plan" means
12 the same as defined in section 225A.1, as enacted in division
13 I of this Act.

14 e. "Mental health and disability services region" means the
15 same as defined in section 225C.2, subsection 9.

16 f. "State behavioral health service system" means the state
17 behavioral health service system as established in section
18 225A.3, as enacted in division I of this Act.

19 g. "State behavioral health service system plan" means the
20 same as defined in section 225A.1, as enacted in division I of
21 this Act.

22 h. "Transition period" means the period beginning on the
23 date of enactment of this division of this Act and concluding
24 on June 30, 2025.

25 2. There is created a behavioral health service system under
26 the control of the department. For the fiscal year beginning
27 July 1, 2025, and each succeeding fiscal year, the behavioral
28 health service system shall be responsible for implementing and
29 maintaining a statewide system of prevention, education, early
30 intervention, treatment, recovery support, and crisis services
31 related to mental health and addictive disorders, including
32 but not limited to substance use, tobacco use, and problem
33 gambling. For the fiscal year beginning July 1, 2025, and each
34 succeeding fiscal year, the department's division of aging
35 and disability services shall be responsible for disability

1 services.

2 3. During the transition period, the department may
3 exercise all policymaking functions and regulatory powers
4 established in division I of this Act, as necessary to
5 establish the state behavioral health service system.

6 4. To ensure the state behavioral health service system
7 and the division of aging and disability services are able to
8 operate as intended at the conclusion of the transition period,
9 the department shall perform all the following duties:

10 a. Make contracts as necessary to set up services and
11 administrative functions.

12 b. Adopt rules as necessary to establish and administer the
13 state's behavioral health service system.

14 c. Establish policies as necessary to ensure efficient
15 implementation and operation of the behavioral health service
16 system.

17 d. Prepare forms necessary for the implementation and
18 administration of behavioral health services.

19 e. Prepare a state behavioral health service system plan for
20 the state behavioral health service system.

21 f. Designate behavioral health districts on or before
22 August 1, 2024. The behavioral health district designation
23 process shall include an opportunity for the public to
24 review and to comment on proposed behavioral health district
25 boundaries.

26 g. Designate an administrative services organization for
27 each behavioral health district on or before December 31, 2024.

28 h. Review and approve district behavioral health service
29 system plans for services related to the behavioral health
30 service system.

31 i. Issue all necessary licenses and certifications.

32 j. Establish contractual rights, privileges, and
33 responsibilities as necessary to establish and implement the
34 state behavioral health service system.

35 k. Develop and implement a plan to ensure that persons

1 currently receiving disability services or early intervention,
2 treatment, recovery support, or crisis services related
3 to mental health or addictive disorders, including but not
4 limited to alcohol use, substance use, tobacco use, and problem
5 gambling, have an uninterrupted continuum of care.

6 1. Establish a central data repository as described in
7 section 225A.6, as enacted in division I of this Act.

8 m. Collaborate with the department of revenue for
9 enforcement of tobacco laws, regulations, and ordinances and
10 engage in tobacco control activities.

11 n. Submit a report to the general assembly no later
12 than January 13, 2025, that details the administrative and
13 operational costs for the establishment, implementation, and
14 administration of the state behavioral health service system.

15 5. If the department determines that a federal waiver or
16 authorization is necessary to administer any provision of this
17 division of this Act or to effectuate the state behavioral
18 health service system by the conclusion of the transition
19 period, the department shall timely request the federal waiver
20 or authorization. Notwithstanding any other effective date to
21 the contrary, a provision the department determines requires a
22 federal waiver or authorization shall be effective only upon
23 receipt of federal approval for the waiver or authorization.

24 6. a. On or before July 1, 2024, the department shall
25 publish on the department's internet site an initial transition
26 plan for establishing the state behavioral health service
27 system. The transition plan shall describe, at a minimum, all
28 of the following:

29 (1) All tasks that require completion before July 1, 2025.
30 The description of tasks shall include a description of how the
31 department will solicit comments from stakeholders, including
32 employees of the department, persons served by the department,
33 partners of the department, members of the public, and members
34 of the general assembly, and a detailed timeline for the
35 completion of the tasks described.

1 (2) The proposed organizational structure of the state
2 behavioral health service system.

3 (3) The transition of service delivery sites from locations
4 where people currently receive behavioral health services to
5 where the people will receive behavioral health services under
6 the state behavioral health service system.

7 (4) Procedures for the transfer and reconciliation of
8 budgeting and funding between the mental health and disability
9 services regions and the department.

10 (5) A description of how responsibilities for disability
11 services programs will be transferred from current program
12 administrators to the department's division of aging and
13 disability services by the end of the transition period.

14 (6) Any additional known tasks that may require completion
15 after the transition on July 1, 2025.

16 b. The transition plan published under paragraph "a" shall:

17 (1) Be updated no less than quarterly during the transition
18 period with the current status of completing the tasks
19 identified in paragraph "a", subparagraph (1).

20 (2) Describe how information regarding any changes in
21 service delivery will be provided to persons receiving services
22 from the mental health and disability services regions or
23 current behavioral health care providers contracted with the
24 department.

25 (3) Describe how the transition is being funded, including
26 how expenses associated with the transition will be managed.

27 7. a. Before the end of the transition period, the
28 governing board of each mental health and disability services
29 region that maintains a combined account pursuant to section
30 225C.58, subsection 1, shall transfer all unencumbered and
31 unobligated moneys remaining in the combined account to the
32 treasurer of state for deposit into the behavioral health fund
33 as established in section 225A.7 as enacted in division I of
34 this Act.

35 b. Before the end of the transition period, each county

1 which maintains a county mental health and disability services
2 fund pursuant to section 225C.58, subsection 1, shall transfer
3 all unencumbered and unobligated moneys remaining in the mental
4 health and disability services fund to the treasurer of state
5 for deposit into the behavioral health fund as established in
6 section 225A.7 as enacted in division I of this Act.

7 c. Moneys in the behavioral health fund as established
8 in section 225A.7 as enacted in division I of this Act are
9 appropriated to the department for the purposes established in
10 section 225A.7 as enacted in division I of this Act, and as
11 otherwise necessary to effectuate this division of this Act.

12 8. a. All debts, claims, or other liabilities owed to a
13 county, a mental health and disability services region, or
14 the state due to services rendered pursuant to chapter 125,
15 222, 225, 225C, 226, 227, 229, 230, or 230A, Code 2024, at the
16 conclusion of the transition period shall remain due and owing
17 after the transition period concludes.

18 b. After the transition period concludes, each county
19 auditor shall collect outstanding debts, claims, or other
20 liabilities owed to the county for services rendered pursuant
21 to chapter 125, 222, 225, 225C, 226, 227, 229, 230, or 230A,
22 Code 2024, before the transition period concluded. The county
23 attorney may bring a judicial action as necessary to collect
24 the outstanding debts, claims, or other liabilities.

25 9. With input from appropriate stakeholders, the department
26 shall identify each contract that will be impacted by mental
27 health and disability services being transferred to the state
28 behavioral health service system, or by responsibilities
29 being transferred to the department's division of aging and
30 disabilities, pursuant to this Act. On or before June 30,
31 2025, a party to a contract identified by the department
32 under this subsection shall exercise the option, if available
33 pursuant to the terms of the contract, to terminate the
34 contract in accordance with the terms of the contract which
35 provide for termination. Contracts that do not provide for

1 termination shall not be renewed or extended at the end of the
2 current contract term.

3 10. A mental health and disability services region, a
4 regional administrator as defined in section 225C.55, and
5 any subdivision of the state shall not enter into, renew, or
6 extend any contract for services related to mental health and
7 disability services or addictive disorder services beyond June
8 30, 2025.

9 Sec. 164. DEPARTMENT OF HEALTH AND HUMAN SERVICES —
10 TRANSITION FUNDING.

11 1. Notwithstanding any provision of law to the contrary,
12 there is appropriated from the region incentive fund of the
13 mental health and disability services regional service fund
14 created in section 225C.7A, subsection 8, to the department of
15 health and human services for the fiscal year beginning July
16 1, 2024, and ending June 30, 2025, the following amount, or
17 so much thereof as is necessary, to be used for the purposes
18 designated:

19 For the establishment of a central data repository as
20 described in section 225A.6, subsection 1, as enacted in
21 division I of this Act:

22 \$ 645,179

23 2. There is appropriated from the region incentive fund
24 of the mental health and disability services regional service
25 fund created in section 225C.7A, to the department of health
26 and human services for the fiscal year beginning July 1, 2024,
27 and ending June 30, 2025, the following amount, or so much
28 thereof as is necessary, to be used to support the statewide
29 988 suicide and crisis line:

30 \$ 3,000,000

31 3. There is appropriated from the region incentive fund of
32 the mental health and disability services regional service fund
33 created in section 225C.7A, to the department of health and
34 human services for the fiscal year beginning July 1, 2024, and
35 ending June 30, 2025, the following amount, or so much thereof

1 as is necessary, to be used to implement the provisions of this
2 division of this Act:

3 \$ 1,000,000

4 4. Notwithstanding section 8.33, moneys appropriated in
5 this section that remain unencumbered or unobligated at the
6 close of the fiscal year shall not revert to the credit of
7 the region incentive fund of the mental health and disability
8 services regional service fund, but shall be credited to the
9 behavioral health fund created in section 225A.7, as enacted in
10 division I of this Act, and are appropriated to the department
11 of health and human services for expenditure for the purposes
12 of the behavioral health fund.

13 Sec. 165. EMERGENCY RULES. The department of health and
14 human services may adopt emergency rules under section 17A.4,
15 subsection 3, and section 17A.5, subsection 2, paragraph "b",
16 to implement the provisions of this division of this Act and
17 the rules shall be effective immediately upon filing unless
18 a later date is specified in the rules. Any rules adopted
19 in accordance with this section shall also be published as a
20 notice of intended action as provided in section 17A.4.

21 Sec. 166. EFFECTIVE DATE. This division of this Act, being
22 deemed of immediate importance, takes effect upon enactment.

23 DIVISION V

24 ELIMINATION OF SPECIAL INTELLECTUAL DISABILITY UNITS

25 Sec. 167. Section 222.1, subsection 3, Code 2024, is amended
26 by striking the subsection.

27 Sec. 168. Section 222.2, subsection 8, Code 2024, is amended
28 by striking the subsection.

29 Sec. 169. Section 222.5, Code 2024, is amended to read as
30 follows:

31 **222.5 Preadmission diagnostic evaluation.**

32 A person shall not be eligible for admission to a resource
33 center ~~or a special unit~~ until a preadmission diagnostic
34 evaluation has been made by a resource center ~~or a special unit~~
35 which confirms or establishes the need for admission.

1 Sec. 170. Section 222.7, unnumbered paragraph 1, Code 2024,
2 is amended to read as follows:

3 The department may transfer patients from one state resource
4 center to the other and may at any time transfer patients from
5 the resource centers to the hospitals for persons with mental
6 illness, ~~or transfer patients in the resource centers to a~~
7 ~~special unit or vice versa.~~ The department may also transfer
8 patients from a hospital for persons with mental illness to a
9 resource center if consent is given or obtained as follows:

10 Sec. 171. Section 222.8, Code 2024, is amended to read as
11 follows:

12 **222.8 Communications by patients.**

13 Persons admitted to the resource centers ~~or a special~~
14 ~~unit~~ shall have all reasonable opportunity and facility for
15 communication with their friends. Such persons shall be
16 permitted to write and send letters, provided the letters
17 contain nothing of an offensive character. Letters written by
18 any patient to the director or to any state or county official
19 shall be forwarded unopened.

20 Sec. 172. Section 222.9, Code 2024, is amended to read as
21 follows:

22 **222.9 Unauthorized departures.**

23 If any person with an intellectual disability shall depart
24 without proper authorization from a resource center ~~or a~~
25 ~~special unit~~, it shall be the duty of the superintendent
26 and the superintendent's assistants and all peace officers
27 of any county in which such patient may be found to take
28 and detain the patient without a warrant or order and to
29 immediately report such detention to the superintendent who
30 shall immediately provide for the return of such patient to the
31 resource center ~~or special unit~~.

32 Sec. 173. Section 222.12, subsection 1, Code 2024, is
33 amended to read as follows:

34 1. Upon the death of a patient of a resource center ~~or~~
35 ~~special unit~~, a preliminary investigation of the death shall be

1 conducted as required by section 218.64 by the county medical
2 examiner as provided in section 331.802. Such a preliminary
3 investigation shall also be conducted in the event of a sudden
4 or mysterious death of a patient in a private institution
5 for persons with an intellectual disability. The chief
6 administrative officer of any private institution may request
7 an investigation of the death of any patient by the county
8 medical examiner.

9 Sec. 174. Section 222.73, subsections 1, 3, and 5, Code
10 2024, are amended to read as follows:

11 1. The superintendent of each resource center ~~and special~~
12 ~~unit~~ shall compute by February 1 the average daily patient
13 charge and outpatient treatment charges for which each county
14 will be billed for services provided to patients chargeable to
15 the county during the fiscal year beginning the following July
16 1. The department shall certify the amount of the charges and
17 notify the counties of the billing charges.

18 a. The superintendent shall compute the average daily
19 patient charge for a resource center ~~or special unit~~ for
20 services provided in the following fiscal year, in accordance
21 with generally accepted accounting procedures, by totaling
22 the expenditures of the resource center ~~or special unit~~ for
23 the immediately preceding calendar year, by adjusting the
24 expenditures by a percentage not to exceed the percentage
25 increase in the consumer price index for all urban consumers
26 for the immediately preceding calendar year, and by dividing
27 the adjusted expenditures by the total inpatient days of
28 service provided during the immediately preceding calendar
29 year.

30 b. The department shall compute the outpatient treatment
31 charges, in accordance with generally accepted accounting
32 procedures, on the basis of the actual cost of the outpatient
33 treatment provided during the immediately preceding calendar
34 year.

35 ~~3.~~ 2. The superintendent shall compute in January the

1 actual per-patient-per-day cost for each resource center ~~or~~
2 ~~special unit~~ for the immediately preceding calendar year, in
3 accordance with generally accepted accounting procedures, by
4 totaling the actual expenditures of the resource center ~~or~~
5 ~~special unit~~ for the calendar year and by dividing the total
6 actual expenditures by the total inpatient days of service
7 provided during the calendar year.

8 ~~5.~~ 3. A superintendent of a resource center ~~or special~~
9 ~~unit~~ may request that the director enter into a contract with
10 a person for the resource center ~~or special unit~~ to provide
11 consultation or treatment services or for fulfilling other
12 purposes which are consistent with the purposes stated in
13 section 222.1. The contract provisions shall include charges
14 which reflect the actual cost of providing the services. Any
15 income from a contract authorized under this subsection may
16 be retained by the resource center ~~or special unit~~ to defray
17 the costs of providing the services or fulfilling the other
18 purposes. Except for a contract voluntarily entered into by a
19 county under this subsection, the costs or income associated
20 with a contract authorized under this subsection shall not
21 be considered in computing charges and per diem costs in
22 accordance with the provisions of subsections ~~1 through 4~~ and
23 2.

24 Sec. 175. Section 222.83, Code 2024, is amended to read as
25 follows:

26 **222.83 Nonresident patients.**

27 The estates of all nonresident patients who are provided
28 treatment, training, instruction, care, habilitation, and
29 support in or by a resource center ~~or a special unit~~, and all
30 persons legally bound for the support of such persons, shall be
31 liable to the state for the reasonable value of such services.
32 The certificate of the superintendent of the resource center
33 ~~or special unit~~ in which any nonresident is or has been a
34 patient, showing the amounts drawn from the state treasury or
35 due therefrom as provided by law on account of such nonresident

1 patient, shall be presumptive evidence of the reasonable value
2 of such services furnished such patient by the resource center
3 ~~or special unit.~~

4 Sec. 176. Section 222.84, Code 2024, is amended to read as
5 follows:

6 **222.84 Patients' personal deposit fund.**

7 There is established at each resource center ~~and special~~
8 ~~unit~~ a patients' personal deposit fund. ~~In the case of a~~
9 ~~special unit, the director may direct that the patients'~~
10 ~~personal deposit fund be maintained and administered as a part~~
11 ~~of the fund established, pursuant to sections 226.43 through~~
12 ~~226.46, by the state mental health institute where the special~~
13 ~~unit is located.~~

14 Sec. 177. Section 222.85, subsection 1, Code 2024, is
15 amended to read as follows:

16 1. Any funds coming into the possession of the
17 superintendent or any employee of a resource center ~~or special~~
18 ~~unit~~ belonging to any patient in that institution shall be
19 deposited in the name of the patient in the patients' personal
20 deposit fund, except that if a guardian of the property has
21 been appointed for the person, the guardian shall have the
22 right to demand and receive such funds. Funds belonging to a
23 patient deposited in the patients' personal deposit fund may
24 be used for the purchase of personal incidentals, desires, and
25 comforts for the patient.

26 Sec. 178. Section 222.87, Code 2024, is amended to read as
27 follows:

28 **222.87 Deposit in bank.**

29 The department shall deposit the patients' personal deposit
30 fund in a commercial account of a bank of reputable standing.
31 When deposits in the commercial account exceed average monthly
32 withdrawals, the department may deposit the excess at interest.
33 The savings account shall be in the name of the patients'
34 personal deposit fund and interest paid on the account may be
35 used for recreational purposes for the patients at the resource

1 center ~~or special unit~~.

2 Sec. 179. REPEAL. Sections 222.88, 222.89, 222.90, and
3 222.91, Code 2024, are repealed.

4 Sec. 180. EFFECTIVE DATE. This division of this Act, being
5 deemed of immediate importance, takes effect upon enactment.

6 DIVISION VI

7 COUNTY OF RESIDENCE DETERMINATIONS

8 Sec. 181. NEW SECTION. 331.190 County of residence —
9 dispute resolution.

10 1. "*County of residence*" means the county in this state
11 in which, at the time a person applies for or receives
12 services, the person is living and has established an ongoing
13 presence with the declared, good faith intention of living
14 for a permanent or indefinite period of time. The county
15 of residence of a homeless person is the county in which
16 the homeless person usually sleeps. A person maintains
17 residency in the county or state in which the person last
18 resided during the time period that the person is present in
19 a different county or state receiving services in a hospital,
20 a correctional facility, a halfway house for community-based
21 corrections or substance use disorder treatment, a nursing
22 facility, an intermediate care facility for persons with an
23 intellectual disability, a residential care facility, or for
24 the purpose of attending a college or university.

25 2. a. The dispute resolution process in this subsection
26 shall apply to county of residence disputes. The dispute
27 resolution process shall not be applicable to any of the
28 following:

29 (1) Disputes involving persons committed to a state
30 facility pursuant to chapter 812.

31 (2) Disputes involving Iowa rule of criminal procedure
32 2.22(8)(b), commitment for evaluation.

33 (3) Disputes involving chapter 12 of Iowa court rules, rules
34 for involuntary hospitalization of mentally ill persons.

35 b. If a county objects to a billing for services or a

1 residency determination and asserts that either the person
2 has residency in a different county or the person is not a
3 resident of this state, the person's county of residence
4 shall be determined as provided in this subsection. If the
5 county asserts that the person has residency in a different
6 county in this state, the county shall notify that county in
7 writing within one hundred twenty calendar days of receiving
8 the billing for services or of the county of residence
9 determination.

10 c. The county that receives the notification under paragraph
11 "b" shall respond in writing to the county that provided the
12 notification within forty-five calendar days of receiving the
13 notification. If the parties cannot agree as to the person's
14 county of residence within ninety calendar days of the date of
15 notification, on motion of either of the parties, the matter
16 shall be referred to the administrative hearings division of
17 the department of inspections, appeals, and licensing for
18 a contested case proceeding under chapter 17A, before an
19 administrative law judge assigned in accordance with section
20 10A.801, to determine the person's county of residence.

21 d. (1) Notwithstanding section 17A.15, the administrative
22 law judge's determination of a person's county of residence
23 shall be considered final agency action. Judicial review of
24 the determination may be sought in accordance with section
25 17A.19.

26 (2) If following the determination of a person's county of
27 residence under this subsection additional evidence becomes
28 available that merits a change in the determination of the
29 person's county of residence, the affected parties may change
30 the determination of county of residence by mutual agreement.
31 Otherwise, a party may move that the matter be reconsidered
32 by the county, or by an administrative law judge assigned in
33 accordance with section 10A.801.

34 e. Unless a petition is filed for judicial review, the
35 administrative law judge's determination of the person's county

1 of residence shall result in one of the following:

2 (1) If a county is determined to be the person's county
3 of residence, that county shall pay any amounts due and shall
4 reimburse the other county for any amounts paid for services
5 provided to the person by the other county prior to the county
6 of residence determination.

7 (2) If it is determined that the person is not a resident of
8 this state, neither the state nor either county shall be liable
9 for payment of amounts due for services provided to the person
10 prior to the determination of the person's county of residence.

11 *f.* (1) The party that does not prevail in a contested
12 case proceeding or a subsequent judicial review pursuant to
13 this subsection shall be liable for costs associated with
14 the proceeding or judicial review, including reimbursement
15 of the administrative hearings division of the department of
16 inspections, appeals, and licensing's actual costs associated
17 with the administrative proceeding, court costs, and reasonable
18 attorney fees.

19 (2) A payment or reimbursement pursuant to this subsection
20 shall be remitted within forty-five calendar days of the
21 date the county of residence determination is issued by the
22 administrative law judge or the date the court files an order
23 determining the person's county of residence, whichever is
24 later. After forty-five calendar days, the prevailing party
25 may add a penalty of up to one percent per month to any amounts
26 due.

27 Sec. 182. Section 35D.9, Code 2024, is amended to read as
28 follows:

29 **35D.9 County of residence upon discharge.**

30 A member of the home does not acquire residency in the county
31 in which the home is located unless the member is voluntarily
32 or involuntarily discharged from the home and the member
33 meets county of residence requirements. For purposes of this
34 section, "*county of residence*" means the same as defined in
35 section ~~225C.61~~ 331.190.

1 Sec. 183. Section 232.141, subsections 7 and 8, Code 2024,
2 are amended to read as follows:

3 7. A county charged with the costs and expenses under
4 subsections 2 and 3 may recover the costs and expenses from the
5 child's custodial parent's county of residence, as defined in
6 section ~~225C.61~~ 331.190, by filing verified claims which are
7 payable as are other claims against the county. A detailed
8 statement of the facts upon which a claim is based shall
9 accompany the claim.

10 8. This subsection applies only to placements in a juvenile
11 shelter care home which is publicly owned, operated as a county
12 or multicounty shelter care home, organized under a chapter
13 28E agreement, or operated by a private juvenile shelter care
14 home. If the actual and allowable costs of a child's shelter
15 care placement exceed the amount the department is authorized
16 to pay, the unpaid costs may be recovered from the child's
17 custodial parent's county of residence. However, the maximum
18 amount of the unpaid costs which may be recovered under this
19 subsection is limited to the difference between the amount
20 the department is authorized to pay and the statewide average
21 of the actual and allowable rates as reasonably determined
22 by the department annually. A home may only be reimbursed
23 for the lesser of the home's actual and allowable costs or
24 the statewide average of the actual and allowable rates as
25 determined by the department in effect on the date the costs
26 were paid. The unpaid costs are payable pursuant to filing of
27 verified claims against the child's custodial parent's county
28 of residence. A detailed statement of the facts upon which a
29 claim is based shall accompany the claim. Any dispute between
30 counties arising from ~~filings of claims~~ filed pursuant to this
31 subsection shall be settled in the manner provided to determine
32 residency county of residence in section ~~225C.61~~ 331.190.

33 Sec. 184. EFFECTIVE DATE. This division of this Act takes
34 effect July 1, 2025.

35

DIVISION VII

1 SUBSTANCE USE DISORDER — BEER AND LIQUOR CONTROL FUND

2 Sec. 185. Section 123.17, subsection 5, Code 2024, is
3 amended to read as follows:

4 5. After any transfer provided for in subsection 3 is
5 made, the department shall transfer into a special revenue
6 account in the general fund of the state, a sum of money at
7 least equal to seven percent of the gross amount of sales made
8 by the department from the beer and liquor control fund on a
9 monthly basis but not less than nine million dollars annually.
10 Of the amounts transferred, two million dollars, ~~plus an~~
11 ~~additional amount determined by the general assembly,~~ shall be
12 appropriated to the department of health and human services for
13 use by the staff who administer the comprehensive substance use
14 disorder program under chapter 125 for substance use disorder
15 treatment and prevention programs. Any amounts received in
16 excess of the amounts appropriated to the department of health
17 and human services for use by the staff who administer the
18 comprehensive substance use disorder program under chapter 125
19 shall be considered part of the general fund balance.

20 Sec. 186. EFFECTIVE DATE. This division of this Act, being
21 deemed of immediate importance, takes effect upon enactment.

22 DIVISION VIII

23 SUPPORTED COMMUNITY LIVING SERVICES

24 Sec. 187. Section 225C.21, subsection 1, Code 2024, is
25 amended to read as follows:

26 1. As used in this section, "*supported community living*
27 *services*" means services provided in a noninstitutional
28 setting to ~~adult~~ persons sixteen years of age and older with
29 mental illness, an intellectual disability, brain injury, or
30 developmental disabilities to meet the persons' daily living
31 needs.

32 Sec. 188. EFFECTIVE DATE. This division of this Act, being
33 deemed of immediate importance, takes effect upon enactment.>

H-8336 (Continued)

H-8336 FILED APRIL 17, 2024

HOUSE FILE 2697

H-8342

1 Amend House File 2697 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <DIVISION I

5 FY 2024—2025 APPROPRIATIONS

6 Section 1. GOALS AND ACCOUNTABILITY — ECONOMIC
7 DEVELOPMENT.

8 1. For the fiscal year beginning July 1, 2024, the goals
9 for the economic development authority shall be to expand and
10 stimulate the state economy, increase the wealth of Iowans, and
11 increase the population of the state.

12 2. To achieve the goals in subsection 1, the economic
13 development authority shall do all of the following for the
14 fiscal year beginning July 1, 2024:

15 a. Concentrate its efforts on programs and activities that
16 result in commercially viable products and services.

17 b. Adopt practices and services consistent with free
18 market, private sector philosophies.

19 c. Ensure economic growth and development throughout the
20 state.

21 d. Work with businesses and communities to continually
22 improve the economic development climate along with the
23 economic well-being and quality of life for Iowans.

24 e. Coordinate with other state agencies to ensure that they
25 are attentive to the needs of an entrepreneurial culture.

26 f. Establish a strong and aggressive marketing image to
27 showcase Iowa's workforce, existing industry, and potential.

28 A priority shall be placed on recruiting new businesses,
29 business expansion, and retaining existing Iowa businesses.

30 Emphasis shall be placed on entrepreneurial development through
31 helping entrepreneurs secure capital, and developing networks
32 and a business climate conducive to entrepreneurs and small
33 businesses.

34 g. Encourage the development of communities and quality of
35 life to foster economic growth.

1 h. Prepare communities for future growth and development
2 through development, expansion, and modernization of
3 infrastructure.

4 i. Develop public-private partnerships with Iowa businesses
5 in the tourism industry, Iowa tour groups, Iowa tourism
6 organizations, and political subdivisions in this state to
7 assist in the development of advertising efforts.

8 Sec. 2. ECONOMIC DEVELOPMENT AUTHORITY.

9 1. APPROPRIATION

10 a. There is appropriated from the general fund of the state
11 to the economic development authority for the fiscal year
12 beginning July 1, 2024, and ending June 30, 2025, the following
13 amount, or so much thereof as is necessary, to be used for the
14 purposes designated in this subsection, and for not more than
15 the following full-time equivalent positions:

16	\$ 12,921,510
17	FTEs 112.50

18 b. (1) For salaries, support, miscellaneous purposes,
19 programs, marketing, administration, business development,
20 community development, small business development, and any
21 divisions the authority may organize.

22 (2) For business development operations and programs,
23 international trade, export assistance, workforce recruitment,
24 and the partner state program.

25 (3) For transfer to a fund created pursuant to section
26 15.313 for purposes of financing strategic infrastructure
27 projects.

28 (4) For community economic development programs, tourism
29 operations, community assistance, and the community development
30 block grant.

31 (5) For achieving the goals and accountability, and
32 fulfilling the requirements and duties required under this Act.

33 (6) The full-time equivalent positions authorized under
34 this section are funded, in whole or in part, by the moneys
35 appropriated under this subsection or by other moneys received

1 by the authority, including certain federal moneys.

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

7 2. FINANCIAL ASSISTANCE RESTRICTIONS

8 a. A business creating jobs through moneys appropriated in
9 subsection 1 shall be subject to contract provisions requiring
10 new and retained jobs to be filled by individuals who are
11 citizens of the United States who reside within the United
12 States, or any person authorized to work in the United States
13 pursuant to federal law, including legal resident aliens
14 residing in the United States.

15 b. Any vendor who receives moneys appropriated in
16 subsection 1 shall adhere to such contract provisions and
17 provide periodic assurances as the state shall require that the
18 jobs are filled solely by citizens of the United States who
19 reside within the United States, or any person authorized to
20 work in the United States, pursuant to federal law, including
21 legal resident aliens residing in the United States.

22 c. A business that receives financial assistance from
23 the authority from moneys appropriated in subsection 1 shall
24 only employ individuals legally authorized to work in this
25 state. In addition to all other applicable penalties provided
26 by current law, all or a portion of the assistance received
27 by a business which is found to knowingly employ individuals
28 not legally authorized to work in this state is subject to
29 recapture by the authority.

30 3. USES OF APPROPRIATIONS

31 a. From the moneys appropriated in subsection 1, the
32 authority may provide financial assistance in the form of a
33 grant to a community economic development entity for conducting
34 a local workforce recruitment effort designed to recruit former
35 citizens of the state and former students at colleges and

1 universities in the state to meet the needs of local employers.

2 b. From the moneys appropriated in subsection 1, the
3 authority may provide financial assistance to early stage
4 industry companies being established by women entrepreneurs.

5 c. From the moneys appropriated in subsection 1, the
6 authority may provide financial assistance in the form of
7 grants, loans, or forgivable loans for advanced research and
8 commercialization projects involving value-added agriculture,
9 advanced technology, or biotechnology.

10 d. The authority shall not use any moneys appropriated in
11 subsection 1 for purposes of providing financial assistance
12 for any program or project that involves the installation of
13 geothermal systems for melting snow and ice from streets or
14 sidewalks.

15 4. WORLD FOOD PRIZE

16 In lieu of the standing appropriation in section 15.368,
17 there is appropriated from the general fund of the state to the
18 economic development authority for the fiscal year beginning
19 July 1, 2024, and ending June 30, 2025, the following amount
20 for the world food prize:

21 \$ 650,000

22 5. COUNCILS OF GOVERNMENTS — ASSISTANCE

23 There is appropriated from the general fund of the state
24 to the economic development authority for the fiscal year
25 beginning July 1, 2024, and ending June 30, 2025, the following
26 amount to be used for the purposes of providing financial
27 assistance to Iowa's councils of governments:

28 \$ 350,000

29 6. TOURISM OFFICE

30 a. There is appropriated from the general fund of the state
31 to the economic development authority for the fiscal year
32 beginning July 1, 2024, and ending June 30, 2025, the following
33 amount for the tourism office to be used for advertising,
34 promoting, placement, and implementation of the economic
35 development authority's strategic plan for tourism and travel:

1 \$ 1,100,000

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

7 c. The economic development authority shall submit an
8 annual report on or before January 15 to the general assembly
9 regarding the tourism office's activities funded with moneys
10 appropriated under this subsection. The report shall be
11 provided in an electronic format and shall include metrics
12 and criteria that allow the general assembly to quantify
13 and evaluate the effectiveness and economic impact of the
14 tourism office's activities related to advertising, promoting,
15 placement, and implementation of the economic development
16 authority's strategic plan for tourism and travel.

17 7. CULTURAL AFFAIRS ACTIVITIES

18 a. There is appropriated from the general fund of the state
19 to the economic development authority for the fiscal year
20 beginning July 1, 2024, and ending June 30, 2025, the following
21 amounts, or so much thereof as is necessary, to be used for the
22 purposes designated:

23 (1) For planning and programming for the community cultural
24 grants program established under section 15.436:

25 \$ 172,090

26 (2) For support of the Iowa arts council:

27 \$ 1,450,000

28 Of the moneys appropriated in this subparagraph, the
29 authority shall allocate \$300,000 for purposes of the film
30 office.

31 (3) For the Iowa great places program established under
32 section 15.439:

33 \$ 149,710

34 (4) For grant programs administered by the Iowa arts
35 council including those programs supporting the long-term

1 financial stability and sustainability of nonprofit cultural
2 organizations:

3 \$ 150,000

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

9 Sec. 3. LIMITATIONS OF STANDING APPROPRIATIONS — FY
10 2024-2025. Notwithstanding the standing appropriations
11 in the following designated sections for the fiscal year
12 beginning July 1, 2024, and ending June 30, 2025, the amounts
13 appropriated from the general fund of the state pursuant to
14 those sections for the following purposes shall not exceed the
15 following amounts:

16 1. For operational support grants and community cultural
17 grants under section 99F.11, subsection 4, paragraph "d",
18 subparagraph (1):

19 \$ 448,403

20 2. For the purposes of tourism marketing under section
21 99F.11, subsection 4, paragraph "d", subparagraph (2):

22 \$ 1,443,700

23 Sec. 4. FINANCIAL ASSISTANCE REPORTING — ECONOMIC
24 DEVELOPMENT AUTHORITY. The economic development authority
25 shall submit an annual report to the general assembly no later
26 than November 1, 2024, that details the amount of every direct
27 loan, forgivable loan, tax credit, tax exemption, tax refund,
28 grant, or any other financial assistance awarded to a person
29 during the prior fiscal year by the authority under an economic
30 development program administered by the authority. The report
31 shall identify the county where the project associated with
32 each such award is located.

33 Sec. 5. INSURANCE ECONOMIC DEVELOPMENT. From the moneys
34 collected by the insurance division of the department of
35 insurance and financial services in excess of the anticipated

1 gross revenues under section 505.7, subsection 3, during
2 the fiscal year beginning July 1, 2024, \$100,000 shall be
3 transferred to the economic development authority for insurance
4 economic development and international insurance economic
5 development.

6 Sec. 6. IOWA FINANCE AUTHORITY.

7 1. There is appropriated from the general fund of the state
8 to the Iowa finance authority for the fiscal year beginning
9 July 1, 2024, and ending June 30, 2025, the following amounts,
10 or so much thereof as is necessary, to be used for the purposes
11 designated:

12 a. Rent subsidy program

13 (1) To provide reimbursement for rent expenses to eligible
14 persons under the home and community-based services rent
15 subsidy program established in section 16.55:

16 \$ 873,000

17 (2) Of the moneys appropriated in this paragraph, not more
18 than \$35,000 may be used for administrative costs.

19 b. Housing renewal pilot program

20 To provide housing renewal moneys to a nonprofit Iowa
21 affiliate to award grants to eligible communities for a housing
22 renewal pilot program:

23 \$ 550,000

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

29 Sec. 7. IOWA FINANCE AUTHORITY AUDIT. The auditor of state
30 is requested to review the audit of the Iowa finance authority
31 performed by the auditor hired by the authority.

32 Sec. 8. PUBLIC EMPLOYMENT RELATIONS BOARD.

33 1. There is appropriated from the general fund of the state
34 to the public employment relations board for the fiscal year
35 beginning July 1, 2024, and ending June 30, 2025, the following

1 amount, or so much thereof as is necessary, to be used for the
2 purposes designated:

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

6	\$	1,296,403
7	FTEs	9.00

8 2. Of the moneys appropriated in this section, the board
9 shall allocate \$15,000 for maintaining an internet site that
10 allows access to a searchable database of collective bargaining
11 information.

12 Sec. 9. DEPARTMENT OF WORKFORCE DEVELOPMENT. There
13 is appropriated from the general fund of the state to the
14 department of workforce development for the fiscal year
15 beginning July 1, 2024, and ending June 30, 2025, the following
16 amounts, or so much thereof as is necessary, to be used for the
17 purposes designated:

18 1. WORKFORCE DEVELOPMENT OPERATIONS

19 a. For the operation of field offices and the workforce
20 development board, and for not more than the following
21 full-time equivalent positions:

22	\$	6,902,636
23	FTEs	166.41

24 b. Of the moneys appropriated in paragraph "a", the
25 department shall allocate \$150,000 to the state library for the
26 purpose of licensing an online resource which prepares persons
27 to succeed in the workplace through programs which improve job
28 skills and vocational test-taking abilities.

29 2. OFFENDER REENTRY PROGRAM

30 a. For the development and administration of an offender
31 reentry program to provide offenders with employment skills,
32 and for not more than the following full-time equivalent
33 positions:

34	\$	387,158
35	FTEs	5.00

1 b. The department of workforce development shall partner
2 with the department of corrections to provide staff within
3 the correctional facilities resources to improve offenders'
4 abilities to find and retain productive employment.

5 3. INTEGRATED INFORMATION FOR IOWA SYSTEM

6 For the payment of services provided by the department of
7 administrative services related to the integrated information
8 for Iowa system:

9 \$ 228,822

10 4. WORKPLACE INJURY AND SAFETY SURVEYS

11 For the operation of workplace safety surveys and workplace
12 data collection and analysis, including salaries, support,
13 maintenance, and miscellaneous purposes, and for not more than
14 the following full-time equivalent positions:

15 \$ 125,555

16 FTEs 3.00

17 5. SUMMER YOUTH INTERN PILOT PROGRAM

18 For the funding of a summer youth intern pilot program that
19 will help young people at risk of not graduating from high
20 school to explore and prepare for high-demand careers through
21 summer work experience, including the development of soft
22 skills:

23 \$ 250,000

24 6. VOCATIONAL REHABILITATION SERVICES DIVISION

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

28 \$ 6,226,739

29 FTEs 248.00

30 For purposes of optimizing the job placement of individuals
31 with disabilities, the division shall make its best efforts
32 to work with community rehabilitation program providers for
33 job placement and retention services for individuals with
34 significant disabilities and most significant disabilities. By
35 January 15, 2025, the division shall submit a written report to

1 the general assembly regarding the division's outreach efforts
2 with community rehabilitation program providers.

3 b. For matching moneys for programs to enable persons
4 with severe physical or mental disabilities to function more
5 independently, including salaries and support, and for not more
6 than the following full-time equivalent positions:

7	\$	84,804
8	FTEs	1.00

9 c. For the entrepreneurs with disabilities program
10 established pursuant to section 84H.4:

11	\$	138,506
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12 d. For costs associated with centers for independent
13 living:

14	\$	86,547
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15 7. ADULT EDUCATION AND LITERACY PROGRAMS

16 For distribution as grants to community colleges for
17 the purpose of adult basic education programs for students
18 requiring instruction in English as a second language:

19	\$	500,000
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20 In issuing grants under this subsection, the department of
21 workforce development shall use the same application process
22 and criteria as are used for purposes of awarding grants to
23 community colleges for the purpose of adult basic education
24 programs for students requiring instruction in English as a
25 second language using moneys that are appropriated to the
26 department from the Iowa skilled worker and job creation fund.

27 8. REGISTERED APPRENTICESHIP DEVELOPMENT PROGRAMS

28 For the funding of the registered apprenticeship development
29 programs under chapter 84F to encourage small to midsize
30 businesses to start or grow registered apprenticeships:

31	\$	760,000
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32 Notwithstanding section 8.33, moneys appropriated in this
33 section that remain unencumbered or unobligated at the close of
34 the fiscal year shall not revert but shall remain available for
35 expenditure for the purposes designated until the close of the

1 succeeding fiscal year.

2 Sec. 10. GENERAL FUND — EMPLOYEE MISCLASSIFICATION
3 PROGRAM. There is appropriated from the general fund of the
4 state to the department of workforce development for the fiscal
5 year beginning July 1, 2024, and ending June 30, 2025, the
6 following amount, or so much thereof as is necessary, to be
7 used for the purposes designated:

8 For enhancing efforts to investigate employers that
9 misclassify workers, and for not more than the following
10 full-time equivalent positions:

11	\$	379,631
12	FTEs	3.00

13 Sec. 11. SPECIAL EMPLOYMENT SECURITY CONTINGENCY FUND.

14 1. There is appropriated from the special employment
15 security contingency fund created in section 96.13 to the
16 department of workforce development for the fiscal year
17 beginning July 1, 2024, and ending June 30, 2025, the following
18 amount, or so much thereof as is necessary, to be used for
19 field offices:

20	\$	2,416,084
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21 2. Any remaining additional penalty and interest revenue
22 collected by the department of workforce development is
23 appropriated to the department for the fiscal year beginning
24 July 1, 2024, and ending June 30, 2025, to accomplish the
25 mission of the department.

26 Sec. 12. UNEMPLOYMENT COMPENSATION RESERVE FUND — FIELD
27 OFFICES. Notwithstanding section 96.9, subsection 8, paragraph
28 "e", there is appropriated from interest earned on the
29 unemployment compensation reserve fund created in section 96.9
30 to the department of workforce development for the fiscal year
31 beginning July 1, 2024, and ending June 30, 2025, the following
32 amount, or so much thereof as is necessary, to be used for the
33 purposes designated:

34 For the operation of field offices:

35	\$	2,200,000
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1 Sec. 13. IOWA SKILLED WORKER AND JOB CREATION FUND.

2 1. There is appropriated from the Iowa skilled worker and
3 job creation fund created in section 8.75 to the following
4 departments, agencies, and institutions for the fiscal year
5 beginning July 1, 2024, and ending June 30, 2025, the following
6 amounts, or so much thereof as is necessary, to be used for the
7 purposes designated:

8 a. ECONOMIC DEVELOPMENT AUTHORITY

9 (1) For the purposes of providing assistance as described in
10 section 15.335B for the high quality jobs program:

11 \$ 11,700,000

12 (a) From the moneys appropriated in this subparagraph

13 (1), the economic development authority may use not more than
14 \$1,000,000 for purposes of providing infrastructure grants to
15 main street communities under the main street Iowa program.

16 (b) As a condition of receiving moneys appropriated in this
17 subparagraph (1), an entity shall testify upon the request of
18 the joint appropriations subcommittee on economic development
19 regarding the expenditure of such moneys.

20 (2) For support of the manufacturing 4.0 technology
21 investment program established in section 15.371:

22 \$ 2,016,675

23 (3) For the empower rural Iowa program:

24 \$ 700,000

25 b. STATE BOARD OF REGENTS AND REGENTS INSTITUTIONS

26 (1) STATE BOARD OF REGENTS. For capacity building
27 infrastructure in areas related to technology
28 commercialization, marketing and business development
29 efforts in areas related to technology commercialization,
30 entrepreneurship, and business growth, and infrastructure
31 projects and programs needed to assist in implementation of
32 activities under chapter 262B:

33 \$ 3,000,000

34 (a) Of the moneys appropriated pursuant to this
35 subparagraph (1), 35 percent shall be allocated for Iowa state

1 university of science and technology, 35 percent shall be
2 allocated for the state university of Iowa, and 30 percent
3 shall be allocated for the university of northern Iowa.

4 (b) The institutions shall provide a one-to-one match
5 of additional moneys for the activities funded with moneys
6 appropriated under this subparagraph (1).

7 (c) The state board of regents shall submit a report by
8 January 15, 2025, to the governor and the general assembly
9 regarding the activities, projects, and programs funded with
10 moneys appropriated under this subparagraph (1). The report
11 shall be provided in an electronic format and shall include a
12 list of metrics and criteria mutually agreed to in advance by
13 the board of regents and the economic development authority.
14 The metrics and criteria shall allow the governor's office and
15 the general assembly to quantify and evaluate the progress
16 of the board of regents institutions with regard to their
17 activities, projects, and programs in the areas of technology
18 commercialization, entrepreneurship, regional development, and
19 market research.

20 (2) IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY. For
21 small business development centers, the research park, and the
22 center for industrial research and service, and for not more
23 than the following full-time equivalent positions:

24	\$ 2,424,302
25	FTEs 50.95

26 (a) Of the moneys appropriated in this subparagraph (2),
27 Iowa state university of science and technology shall allocate
28 at least \$735,728 for purposes of funding small business
29 development centers. Iowa state university of science and
30 technology may allocate the appropriated moneys to the various
31 small business development centers in any manner necessary to
32 achieve the purposes of this subparagraph.

33 (b) Iowa state university of science and technology shall
34 do all of the following:

35 (i) Direct expenditures for research toward projects that

1 will provide economic stimulus for Iowa.

2 (ii) Provide emphasis to providing services to Iowa-based
3 companies.

4 (c) It is the intent of the general assembly that the
5 industrial incentive program focus on Iowa industrial sectors
6 and seek contributions and in-kind donations from businesses,
7 industrial foundations, and trade associations, and that moneys
8 for the center for industrial research and service industrial
9 incentive program shall be allocated only for projects which
10 are matched by private sector moneys for directed contract
11 research or for nondirected research. The match required of
12 small businesses as defined in section 15.102 for directed
13 contract research or for nondirected research shall be \$1
14 for each \$3 of state funds. The match required for other
15 businesses for directed contract research or for nondirected
16 research shall be \$1 for each \$1 of state funds. The match
17 required of industrial foundations or trade associations shall
18 be \$1 for each \$1 of state funds.

19 (d) Iowa state university of science and technology shall
20 report annually to the general assembly the total amount of
21 private contributions, the proportion of contributions from
22 small businesses and other businesses, and the proportion for
23 directed contract research and nondirected research of benefit
24 to Iowa businesses and industrial sectors.

25 (3) STATE UNIVERSITY OF IOWA

26 (a) For the state university of Iowa research park and for
27 university of Iowa pharmaceuticals located at the research
28 park, including salaries, support, maintenance, equipment, and
29 miscellaneous purposes, and for not more than the following
30 full-time equivalent positions:

31	\$	209,279
32	FTEs	6.00

33 The state university of Iowa shall do all of the following:

34 (i) Direct expenditures for research toward projects that
35 will provide economic stimulus for Iowa.

1 (ii) Provide emphasis to providing services to Iowa-based
2 companies.

3 (b) For the purpose of implementing the entrepreneurship
4 and economic growth initiative, and for not more than the
5 following full-time equivalent positions:

6	\$	2,000,000
7	FTEs	8.00

8 (4) UNIVERSITY OF NORTHERN IOWA. For the metal casting and
9 foundry 4.0 centers, advance Iowa, family business center, and
10 the institute for decision making, including salaries, support,
11 maintenance, and miscellaneous purposes, and for not more than
12 the following full-time equivalent positions:

13	\$	1,466,419
14	FTEs	13.00

15 The university of northern Iowa shall do all of the
16 following:

17 (a) Direct expenditures for research toward projects that
18 will provide economic stimulus for Iowa.

19 (b) Provide emphasis to providing services to Iowa-based
20 companies.

21 (5) As a condition of receiving moneys appropriated in
22 this lettered paragraph "b", an entity shall testify upon the
23 request of the joint appropriations subcommittee on economic
24 development regarding the expenditure of such moneys.

25 c. DEPARTMENT OF WORKFORCE DEVELOPMENT

26 (1) To develop a long-term sustained program to train
27 unemployed and underemployed central Iowans with skills
28 necessary to advance to higher-paying jobs with full benefits:

29	\$	100,000
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30 As a condition of receiving moneys appropriated under this
31 subparagraph (1), an entity shall testify upon the request of
32 the joint appropriations subcommittee on economic development
33 regarding the expenditure of such moneys.

34 (2) For distribution to community colleges for the purposes
35 of implementing adult education and literacy programs pursuant

1 to section 84A.19:

2 \$ 5,500,000

3 (a) From the moneys appropriated in this numbered
4 subparagraph, \$3,883,000 shall be allocated pursuant to the
5 formula established in section 260C.18C.

6 (b) From the moneys appropriated in this numbered
7 subparagraph, not more than \$150,000 shall be used by the
8 department of workforce development for implementation of adult
9 education and literacy programs pursuant to section 84A.19.

10 (c) From the moneys appropriated in this numbered
11 subparagraph, not more than \$1,257,000 shall be distributed
12 as grants to community colleges for the purpose of adult
13 basic education programs for students requiring instruction
14 in English as a second language. The department of workforce
15 development shall establish an application process and criteria
16 to award grants pursuant to this subparagraph division to
17 community colleges. The criteria shall be based on need for
18 instruction in English as a second language in the region
19 served by each community college as determined by factors
20 including data from the latest federal decennial census and
21 outreach efforts to determine regional needs.

22 (d) From the moneys appropriated in this numbered
23 subparagraph, \$210,000 shall be transferred to the department
24 of health and human services for purposes of administering a
25 program to provide access to international resources to Iowans
26 and new Iowans to provide economic and leadership development
27 resulting in Iowa being a more welcoming place to live, work,
28 and raise a family. The program shall provide supplemental
29 support services for international refugees to improve
30 learning, English literacy, life skills, cultural competencies,
31 and integration in a county with a population over 350,000
32 as determined by the 2020 federal decennial census. The
33 department of health and human services shall utilize a request
34 for proposals process to identify the entity best qualified to
35 implement the program.

1 (3) For the funding of internships for students studying in
2 the fields of science, technology, engineering, and mathematics
3 with eligible Iowa employers as provided in section 15.411,
4 subsection 3, paragraph "c":

5 \$ 633,325

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

11 Sec. 14. GENERAL FUND — CERTAIN REGENTS INSTITUTIONS.

12 1. There is appropriated from the general fund of the state
13 to the following institutions for the fiscal year beginning
14 July 1, 2024, and ending June 30, 2025, the following amounts,
15 or so much thereof as is necessary, to be used for the purposes
16 designated:

17 a. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY

18 In cooperation with the economic development authority, for
19 support of a biosciences innovation ecosystem, to strengthen
20 Iowa's leadership positions in the area of bio-based chemicals,
21 digital agriculture, vaccines, and medical devices, including
22 salaries, support, maintenance, and miscellaneous purposes, and
23 for not more than the following full-time equivalent positions:

24 \$ 2,963,995

25 FTEs 8.40

26 b. STATE UNIVERSITY OF IOWA

27 In cooperation with the economic development authority, for
28 support of a biosciences innovation ecosystem, to strengthen
29 Iowa's leadership positions in the area of bio-based chemicals,
30 digital agriculture, vaccines, and medical devices, including
31 salaries, support, maintenance, and miscellaneous purposes, and
32 for not more than the following full-time equivalent positions:

33 \$ 1,000,000

34 FTEs 4.35

35 c. UNIVERSITY OF NORTHERN IOWA

1 For equipment and technology to expand the university's
2 additive manufacturing capabilities related to investment
3 castings technology and industry support, including salaries,
4 support, maintenance, and miscellaneous purposes, and for not
5 more than the following full-time equivalent positions:

6	\$	394,321
7	FTEs	2.73

8 The university of northern Iowa shall make a good-faith
9 effort to coordinate with private entities to seek moneys to
10 supplement this appropriation to support the expansion of the
11 university's additive manufacturing capabilities.

12 2. Notwithstanding section 8.33, moneys appropriated in
13 subsection 1, paragraphs "a" and "b", that remain unencumbered
14 or unobligated at the close of the fiscal year shall not revert
15 but shall remain available for expenditure for the purposes
16 designated until the close of the succeeding fiscal year.

17 DIVISION II

18 GAMBLING RECEIPTS — ECONOMIC DEVELOPMENT AUTHORITY

19 Sec. 15. Section 99F.11, subsection 4, paragraph d,
20 subparagraph (2), Code 2024, is amended to read as follows:

21 (2) One-half of the moneys remaining after the
22 appropriation in subparagraph (1) is appropriated to the
23 ~~community development division of the~~ economic development
24 authority for the purposes of ~~regional~~ tourism marketing. The
25 moneys appropriated in this subparagraph shall be disbursed to
26 the authority in quarterly allotments. However, none of the
27 moneys appropriated under this subparagraph shall be used for
28 administrative purposes.>

29 2. Title page, by striking lines 6 through 8 and inserting
30 <certain regents institutions.>

By GRABER of Lee

SENATE FILE 2395

H-8341

1 Amend the amendment, H-8314, to Senate File 2395, as passed
2 by the Senate, as follows:

3 1. Page 4, after line 6 by inserting:

4 <Sec. ____ . OPIOID SETTLEMENT FUND — APPROPRIATIONS — FY
5 2024-2025. There is appropriated from the opioid settlement
6 fund created in section 12.51 to the department of health and
7 human services for the fiscal year beginning July 1, 2024, and
8 ending June 30, 2025, the following amounts, or so much thereof
9 as is necessary, for the purposes designated:

10 1. For a youth substance use treatment and recovery campus
11 in a central Iowa county with a population between 98,000 and
12 99,000 based on the 2020 federal decennial census:

13 \$ 3,000,000

14 2. For a nonprofit organization headquartered in a city
15 with a population between 24,500 and 25,000 as determined by
16 the 2020 federal decennial census, that is a member of the Iowa
17 substance use and problem gambling services integrated provider
18 network and specializes in the treatment and prevention of
19 co-occurring mental health and substance use disorders for
20 adolescents and adults, to be used for renovation and expansion
21 of a nature-based recovery campus to provide co-occurring
22 assessment, treatment, and prevention services for both
23 adolescents and adults who are suffering from mental health
24 and substance use disorders, including outpatient, residential
25 treatment, and detoxification:

26 \$ 8,000,000

27 3. To provide funding for the renewal, extension, and
28 expansion of an opioid addiction prevention surgery support
29 services agreement entered into by the Iowa attorney general's
30 office that became effective October 1, 2022, to provide
31 surgery care management services to facilitate the reduction
32 of post-surgery opioid use and to optimize therapeutic,
33 humanistic, and economic results from surgery and surgical
34 recovery:

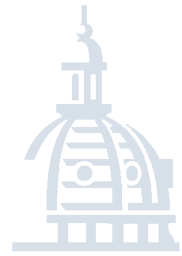
35 \$ 1,541,700>

H-8341 (Continued)

1 2. Page 4, line 8, after <fund> by inserting <, and making
2 appropriations>

By FRY of Clarke

[H-8341](#) FILED APRIL 17, 2024



[HF 2402](#) – Psychiatric Medical Institutions for Children, Medicaid Rates (LSB5260HV.2)
Staff Contact: Eric Richardson (515.281.6767) eric.richardson@legis.iowa.gov
Fiscal Note Version – As amended by Senate amendment [H-8340](#)

Description

[House File 2402](#) as amended by Senate amendment [H-8340](#) relates to Medicaid reimbursement for psychiatric medical care in institutions for children. **Section 1** of the Bill as amended strikes the requirement that an applicant for a license has been awarded a certificate of need. **Section 2** of the Bill as amended allows the Director of the Department of Health and Human Services (HHS) to determine whether the approval of an application for the total number of beds reimbursed by Medicaid to more than 430 beds is necessary for good cause.

Section 3 of the Bill as amended:

- Requires the HHS, no later than January 1, 2025, to select one or more psychiatric medical institutions for children (PMICs) with specialized needs.
- Requires the HHS to implement a Medicaid program enhanced reimbursement methodology for PMICs.

Section 4 of the Bill as amended requires the HHS to review administrative rules regarding PMICs and to update the rules according to the findings of the Association of Children’s Residential Centers’ most recent nationwide survey and scan of psychiatric residential treatment facilities, and the recommendations of the Coalition for Family and Children’s Services in Iowa, to:

- Allow a physician assistant or advanced registered nurse practitioner to serve on a plan of care team and to be a member of the team to complete the certification of need for PMIC placement services.
- Allow licensed professionals, based on competencies rather than license type, to order the use of restraints or seclusions. The Department of Inspections, Appeals, and Licensing (DIAL) is required to adopt administrative rules to administer this subsection of the Bill as amended.
- Allow family therapy and family behavioral health intervention services to be included as billable services provided during a placement at a PMIC.
- Provide reimbursement codes to cover services beyond those provided outside the PMIC care team.
- Standardize managed care organization (MCO) rules and authorizations for PMICs.
- Allow a previously licensed PMIC with capacity to increase its licensed capacity to include additional beds without further review including by the [Health Facilities Council](#).
- Allow for step-down PMIC placements or supervised apartment living for a child to utilize PMIC programs while living independently in a smaller residential setting without 24-hour supervision.

Section 5 of the Bill as amended addresses the inclusion of applied behavior analysis services as a covered benefit under the Healthy and Well Kids in Iowa (Hawki) program. By December 1, 2024, the HHS is required to report the findings of the review of benefits included in a qualified health plan under Hawki to the General Assembly.

Section 6 of the Bill as amended requires the HHS to review the effectiveness of the reduction of regulatory barriers and restrictions specified in the Bill as amended and report the resulting costs and savings to the Governor and the General Assembly by March 1, 2025.

Background

Iowa Code chapter [135H](#) defines a PMIC as an institution providing more than 24 hours of continuous care involving long-term psychiatric services to 3 or more children in residence for expected periods of 14 or more days for diagnosis and evaluations or for expected periods of 90 days or more for treatment.

Enhanced reimbursement rates provide funding for services to Medicaid members based on the severity of the member's needs. Reimbursement to providers is higher for members with more severe needs and lower for members with less severe needs, as documented by a reliable assessment. Currently, Iowa's Medicaid program reimburses providers for each child in a PMIC with no differentiation for the severity of the child's needs.

Federal fiscal year (FFY) 2025 Federal Medical Assistance Percentage (FMAP) rates are based on per capita personal incomes for calendar years 2020 through 2022. Iowa's FFY 2025 FMAP rate decreased by -0.88% to 63.25%, meaning for every dollar spent on the Medicaid program, the federal government will pay \$0.6325 and Iowa will pay \$0.3675, beginning on October 1, 2024.

Assumptions

- According to the HHS, there are currently eight PMIC providers, one of which operates with an enhanced fee. The average stay in a PMIC is approximately 120 days. The regular per diem rate for PMICs is \$465, with one provider receiving an enhanced per diem rate of \$763 for higher acuity needs (a \$298 increase), which is assumed as the enhanced rate for this ***Fiscal Note***.
- According to the HHS, based on FY 2022 data, it is estimated there will be an 8.7% increase in bed day services at the enhanced rate, from approximately 55,000 per year to 60,000 per year.
- The Program will begin on January 1, 2025, reducing the fiscal impact in FY 2025 by 50.0%.
- For State FY 2025, the State share for provider reimbursement is approximately 36.53%, which is a blended FMAP rate consisting of 25.0% of the FFY 2024 FMAP rate and 75.0% of the FFY 2025 FMAP rate. In FY 2025, the enhanced rate to providers is expected to cost \$777,000 total, with the State paying \$284,000 and the federal government paying \$493,000.
- For State FY 2026, the State share for provider reimbursement is approximately 36.75%, or the State share of FY 2025 Medicaid costs via the FMAP rate. Beginning in FY 2026 and continuing annually, the enhanced rate is expected to cost \$1.6 million total, with the State paying \$571,000 and the federal government paying \$983,000.
- According to the HHS, an actuarial services contract to analyze the development of provider rates is necessary to administer the Bill as amended, costing \$100,000 in FY 2025 (split 50.0% each between the State and the federal government).
- According to the HHS, a Medicaid Management Information System (MMIS) contract amendment to properly identify claims and pay at enhanced rates is necessary to administer the Bill as amended, costing \$141,000 in FY 2025 (1,370 programming hours at \$103 per hour), with the State paying 25.0% and the federal government paying 75.0%.
- An increase in the General Fund appropriation to the HHS for Medicaid will be necessary to pay for costs in the Bill as amended.

- According to the HHS, review and update of the following administrative rules is anticipated to have a fiscal impact that cannot be estimated due to a lack of data:
 - The rules that allow family therapy and family behavioral health intervention services to be included as billable services provided during a placement at a PMIC will allow a person to see the person’s current therapist; allow the PMIC to receive a per diem; update detailed rates for therapists; and decrease the number of days stayed at a PMIC, an inpatient hospital, or out-of-state facilities (costing \$630 per day). These rules may have an offsetting cost to reduce the fiscal impact.
 - The rules that provide reimbursement codes to cover services beyond those provided outside the PMIC care team will decrease the number of days stayed in a PMIC, inpatient hospital, or out-of-state facility while potentially increasing utilization. These rules may have an offsetting cost to reduce the fiscal impact.
 - The rules that standardize MCO rules and authorizations for PMICs will increase costs due to an increase in authorization days, prohibiting an MCO from denying PMIC authorizations and requiring an MCO to offer support to families, a service that is currently available but not utilized.
 - The rules to allow for step-down PMIC placements or supervised apartment living for a child to utilize PMIC programs while living independently in a smaller residential setting without 24-hour supervision will increase utilization of community-based services for the foster care populations ages 16 to 20 that would be impacted since those members may currently be living in supervised apartments.

Fiscal Impact

Section 2 of House File 2402 as amended is estimated to increase costs to the State by approximately \$369,000 in FY 2025 and \$571,000 annually beginning in FY 2026.

Figure 1 — Total Costs of Enhanced Rate to PMICs

Expense Category	FY 2025		FY 2026	
	Total	State	Total	State
Actuarial Services Contract	\$ 100,000	\$ 50,000	\$ 0	\$ 0
MMIS Contract	141,000	35,000	0	0
Enhanced Rate to Providers	777,000	284,000	1,553,000	571,000
Total Costs	\$1,018,000	\$369,000	\$1,553,000	\$571,000

Section 3 of the Bill as amended is expected to have a fiscal impact that cannot be estimated due to a lack of data.

Sources

Department of Health and Human Services
Legislative Services Agency analysis

/s/ Jennifer Acton

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The fiscal note for this Bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.