

MAR 6 2006
Place On Calendar

HOUSE FILE 2657
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 657)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to certain human services programs directed to
2 families with a child with a disability and to persons with a
3 disability and providing an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I
FAMILY SUPPORT SUBSIDY AND COMPREHENSIVE FAMILY
SUPPORT PROGRAMS

Section 1. Section 225C.37, subsection 2, Code 2005, is amended to read as follows:

2. Verification that the family member meets the definitional requirements of section 225C.35, subsection 3. Along with the verification, the application shall identify an age when the family member's eligibility for the family support subsidy under such definitional requirements will end. The age identified is subject to approval by the department.

Sec. 2. Section 225C.38, subsection 1, paragraphs b and c, Code Supplement 2005, are amended to read as follows:

b. A family support subsidy shall be used to meet the special needs of the family. This subsidy is intended to complement but not supplant public assistance or social service benefits based on economic need, available through governmental programs or other means available to the family.

c. Except as provided in section 225C.41, a family support subsidy for a fiscal year shall be in an amount ~~equivalent to the monthly maximum supplemental security income payment available in Iowa on July 1 of that fiscal year for an adult recipient living in the household of another, as formulated under federal regulations. In addition, the parent or legal guardian of a family member who is in an out-of-home placement at the time of application may receive a one-time lump-sum advance payment of twice the monthly family support subsidy amount for the purpose of meeting the special needs of the family in preparing for in-home care~~ determined by the department in consultation with the comprehensive family support council created in section 225C.48. The parent or legal guardian receiving a family support subsidy may elect to receive a payment amount which is less than the amount determined in accordance with this paragraph.

Sec. 3. Section 225C.38, subsection 2, Code Supplement

1 2005, is amended by adding the following new paragraph:

2 NEW PARAGRAPH. c. Unless there are exceptional
3 circumstances and the family requests and receives approval
4 from the department for an exception to policy, a family is
5 not eligible to receive the family support subsidy if any of
6 the following are applicable to the family or the family
7 member for whom the application was submitted:

8 (1) The family member is a special needs child who was
9 adopted by the family and the family is receiving financial
10 assistance under section 600.17.

11 (2) Medical assistance home and community-based waiver
12 services are provided for the family member and the family
13 lives in a county in which comprehensive family support
14 program services are available.

15 (3) Medical assistance home and community-based waiver
16 services are provided for the family member under a consumer
17 choices option.

18 Sec. 4. Section 225C.40, subsection 3, Code 2005, is
19 amended to read as follows:

20 3. If an application for a family support subsidy is
21 denied, the family member end-of-eligibility age identified in
22 the application is not approved by the department, or a family
23 support subsidy is terminated by the department, the parent or
24 legal guardian of the affected family member may request, in
25 writing, a hearing before an impartial hearing officer.

26 Sec. 5. Section 225C.41, unnumbered paragraph 2, Code
27 2005, is amended to read as follows:

28 Notwithstanding section 8.33, funds remaining unexpended on
29 June 30 of any fiscal year shall not revert to the general
30 fund of the state but shall remain available to provide family
31 support subsidy payments or to expand the comprehensive family
32 support program in the succeeding fiscal year.

33 Sec. 6. Section 225C.42, subsection 1, Code Supplement
34 2005, is amended to read as follows:

35 1. The department shall conduct a-periodic an annual

1 evaluation of the family support subsidy program in
2 conjunction with the comprehensive family support council and
3 shall submit the evaluation report with recommendations to the
4 governor and general assembly. The report shall be submitted
5 on or before October 30 and provide an evaluation of the
6 latest completed fiscal year.

7 Sec. 7. Section 225C.47, subsection 4, Code 2005, is
8 amended to read as follows:

9 4. A family may apply to the department or to a family
10 support center developed pursuant to this section for
11 assistance under the comprehensive family support program.
12 The department or family support center shall determine
13 eligibility for the program in accordance with the provisions
14 of this section.

15 Sec. 8. Section 225C.47, subsection 5, unnumbered
16 paragraph 1, Code 2005, is amended to read as follows:

17 The department shall design the program in consultation
18 with the ~~personal-assistance-and~~ comprehensive family support
19 ~~services~~ council created in section 225C.48. The department
20 shall adopt rules to implement the program which provide for
21 all of the following:

22 Sec. 9. Section 225C.47, subsection 5, paragraph e, Code
23 2005, is amended to read as follows:

24 e. A process is available to appeal the department's or
25 family support center's decisions involving families ~~which~~
26 that apply for the comprehensive family support program and
27 are denied services and support under the comprehensive family
28 support program. The department shall make reasonable efforts
29 to utilize telecommunications so that a family initiating an
30 appeal may complete the appeal process in the family's local
31 geographic area.

32 Sec. 10. Section 225C.47, subsection 5, paragraph i, Code
33 2005, is amended to read as follows:

34 i. The utilization of a voucher system for payment
35 provisions for the ~~children-at-home~~ family support center

1 component of the program developed under subsection 7.

2 Sec. 11. Section 225C.47, subsection 7, Code 2005, is
3 amended to read as follows:

4 7. The comprehensive family support program shall include
5 a children-at-home family support center component developed
6 by the department in accordance with this subsection. A
7 ~~family-eligible-for-the-comprehensive-family-support-program~~
8 ~~may-choose-the-children-at-home-component.~~ Under the
9 children-at-home component, a family member of an individual
10 with a disability shall be assisted by ~~department-staff~~ a
11 family support center in identifying the services and support
12 to be provided to the family under the family support subsidy
13 program or the comprehensive family support program. The
14 identification of services and support shall be based upon the
15 specific needs of the individual and the individual's family
16 which are not met by other service programs available to the
17 individual and the individual's family. ~~Based-upon-the~~
18 ~~services-and-support-identified,~~ ~~the-department-shall-develop~~
19 ~~a-contract-for-direct-payment-of-the-services-and-support~~
20 ~~provided-to-the-family.~~

21 Sec. 12. Section 225C.48, Code 2005, is amended to read as
22 follows:

23 225C.48 PERSONAL-ASSISTANCE-AND COMPREHENSIVE FAMILY
24 SUPPORT SERVICES COUNCIL.

25 1. a. An eleven-member ~~personal-assistance-and~~
26 comprehensive family support ~~services~~ council is created in
27 the department. The members of the council shall be appointed
28 by the following officials as follows: governor, five
29 members; majority leader of the senate, three members; and
30 speaker of the house, three members. At least three of the
31 governor's appointments and one of each legislative chamber's
32 appointments shall be a family member of an individual with a
33 disability as defined in section 225C.47. At least five of
34 the members shall be current or former service consumers of
35 personal-services or family members of such service consumers.

1 Members shall serve for three-year staggered terms. A vacancy
2 on the council shall be filled in the same manner as the
3 original appointment.

4 b. The members of the council ~~shall-be~~ are entitled to
5 reimbursement of actual and necessary expenses incurred in the
6 performance of their official duties. In addition, the
7 members who are current or former service consumers or family
8 members of such service consumers are entitled to a stipend of
9 fifty dollars for each council meeting attended, subject to a
10 limit of one meeting per month. The expenses and stipend
11 shall be paid from the appropriation made for purposes of the
12 comprehensive family support program.

13 c. The council shall elect officers from among the
14 council's members.

15 2. The council shall provide ongoing guidance, advice, and
16 direction to the department and other agencies working with
17 the department in the development and implementation of the
18 ~~personal-assistance-services~~ family support subsidy program
19 created in section 225C-46 225C.36 and the comprehensive
20 family support program created in section 225C.47. The
21 council shall perform an annual evaluation of each program,
22 and annually make recommendations concerning each program to
23 the governor and general assembly. The evaluation and
24 recommendations shall be prepared and submitted in conjunction
25 with the evaluation report submitted by the department
26 pursuant to section 225C.42. The department shall provide
27 sufficient staff support to the council to enable the council
28 to carry out its responsibilities.

29 3. The council shall perform the following duties in
30 consultation with the department and any department staff with
31 duties associated with the ~~personal-assistance-services~~ family
32 support subsidy and comprehensive family support programs:

33 a. Oversee the operations of the programs.

34 b. Coordinate with the department of education and
35 programs administered by the department of education to

1 individuals with a disability, in providing information to
2 individuals and families eligible for the programs under
3 ~~sections-225C-46-and-225C-47.~~

4 c. Work with the department and counties regarding managed
5 care provisions utilized by the department and counties for
6 services to individuals with a disability to advocate the
7 inclusion of ~~personal-assistance-services~~ family support
8 subsidy and the comprehensive family support ~~program~~ programs
9 as approved service provisions under managed care.

10 d. Develop and oversee implementation of evaluation
11 processes for the programs.

12 e. Oversee statewide training of department and family
13 support center staff regarding the ~~two~~ programs.

14 f. Oversee efforts to promote public awareness of the
15 programs.

16 4. The department shall consider recommendations from the
17 council in developing and implementing each program, including
18 the development of administrative rules. The department shall
19 regularly report to the council on the status of each program
20 and any actions planned or taken by the department related to
21 each program.

22 Sec. 13. Section 225C.46, Code 2005, is repealed.

23 Sec. 14. TRANSITION PROVISIONS -- EFFECTIVE DATE.

24 1. If a family that adopted a special needs child receives
25 the family support subsidy under section 225C.38 and also
26 receives financial assistance under section 600.17 for the
27 same child as of July 1, 2006, the department of human
28 services shall provide notice to the family that effective
29 January 1, 2007, the family will no longer be eligible for the
30 family support subsidy. The department shall notify the
31 families affected by this subsection on before July 1, 2006.
32 This subsection, being deemed of immediate importance, takes
33 effect upon enactment.

34 2. If a family that receives the family support subsidy
35 under section 225C.38 as of July 1, 2006, also receives

1 medical assistance home and community-based waiver services
2 and lives in a county in which the comprehensive family
3 support program services are available, effective January 1,
4 2007, the family is not eligible to receive the family support
5 subsidy. The department of human services shall notify the
6 families affected by this subsection on or before July 1,
7 2006. This subsection, being deemed of immediate importance,
8 takes effect upon enactment.

9 3. a. The provision of this division of this Act enacting
10 section 225C.38, subsection 2, paragraph "c", subparagraph
11 (3), relating to medical assistance home and community-based
12 waiver services provided under a consumer choices option, is
13 contingent upon receipt of federal approval of a waiver
14 authorizing utilization of the consumer choices option. The
15 department of human services shall notify the Code editor
16 regarding the receipt of the federal approval and the
17 implementation date.

18 b. A family receiving family support services that also
19 receives medical assistance home and community-based waiver
20 services and resides in an area in which the consumer choices
21 option is available under the waiver is ineligible to receive
22 the family support subsidy. The department shall notify a
23 family affected by this subsection six months prior to
24 terminating the family support subsidy.

25 c. This subsection, being deemed of immediate importance,
26 takes effect upon enactment.

27 4. Any savings generated by the requirements of this
28 section and the program changes implemented pursuant to this
29 Act during the fiscal year beginning July 1, 2006, shall be
30 used by the department of human services to provide
31 eligibility for families on the waiting list for the family
32 support subsidy program. If the waiting list is eliminated,
33 any remaining funds shall be used to expand the comprehensive
34 family support program during that fiscal year.

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DIVISION II

1 PERSONAL ASSISTANCE SERVICES PROGRAM REPEAL --

2 CONFORMING AMENDMENTS

3 Sec. 15. Section 216E.1, subsection 1, Code 2005, is
4 amended to read as follows:

5 1. "Assistive device" means any item, piece of equipment,
6 or product system which is purchased, or whose transfer is
7 accepted in this state, and which is used to increase,
8 maintain, or improve the functional capabilities of
9 individuals with disabilities concerning a major life activity
10 ~~as-defined-in-section-225E-46~~. "Assistive device" does not
11 mean any medical device, surgical device, or organ implanted
12 or transplanted into or attached directly to an individual.
13 "Assistive device" does not mean any device for which a
14 certificate of title is issued by the state department of
15 transportation but does mean any item, piece of equipment, or
16 product system otherwise meeting the definition of "assistive
17 device" that is incorporated, attached, or included as a
18 modification in or to such a certificated device.

19 Sec. 16. Section 216E.1, Code 2005, is amended by adding
20 the following new subsection:

21 NEW SUBSECTION. 9A. "Major life activity" includes
22 functions such as caring for one's self, performing manual
23 tasks, walking, seeing, hearing, speaking, breathing,
24 learning, or working.

25 Sec. 17. Section 225C.49, subsection 3, paragraph b, Code
26 2005, is amended to read as follows:

27 b. Utilize internal training resources or contract for
28 additional training of staff concerning the information under
29 paragraph "a" and training of families and individuals as
30 necessary to ~~develop-plans-and-contracts~~ implement the family
31 support subsidy and comprehensive family support programs
32 under ~~sections-225E-46-and-225E-47~~ this chapter.

33 Sec. 18. Section 225C.49, subsection 4, Code 2005, is
34 amended to read as follows:

35 4. The department shall designate one individual whose

1 sole duties are to provide central coordination of the
2 programs under sections ~~225E-46~~ 225C.36 and 225C.47 and to
3 work with the ~~personal-assistance-and~~ comprehensive family
4 support services council to oversee development and
5 implementation of the programs.

6 Sec. 19. Section 422.11E, subsection 4, paragraph b, Code
7 2005, is amended to read as follows:

8 b. "Disability" means the same as defined in section
9 ~~225E-46~~ 15.102 except that it does not include alcoholism.

10 Sec. 20. Section 422.33, subsection 9, paragraph c,
11 subparagraph (2), Code Supplement 2005, is amended to read as
12 follows:

13 (2) "Disability" means the same as defined in section
14 ~~225E-46~~ 15.102, except that it does not include alcoholism.

15 EXPLANATION

16 This bill relates to certain human services programs
17 directed to families with a child with a disability and to
18 persons with a disability. The bill is organized into
19 divisions with the first providing substantive changes and the
20 other conforming amendments.

21 Division I revises provisions involving the family support
22 subsidy program, repeals the personal assistance services
23 program, revises the comprehensive family support program, and
24 revises the name and duties of the personal assistance and
25 family support services council. These provisions are all
26 part of Code chapter 225C, relating to mental health, mental
27 retardation, developmental disabilities, and brain injury
28 services.

29 Code section 225C.37, relating to the application process
30 for the family support subsidy program, is amended to require
31 the application to identify an age of eligibility end date.
32 The age identified is subject to approval by the department.
33 The bill also amends Code section 225C.40 to provide for
34 appeal of the department's disapproval.

35 Code section 225C.38, relating to the department's

1 administration of the family support subsidy program, is
2 amended to prohibit program eligibility if any of the
3 following apply: the family adopted a special needs child and
4 is receiving an adoption subsidy under Code section 600.17; a
5 family member receives medical assistance (Medicaid) home and
6 community-based waiver services and lives in a county in which
7 comprehensive family support program services are available;
8 or a family member receives such waiver services under a
9 consumer choices option. However, the family may request an
10 exception to policy under which the department may authorize
11 eligibility to continue if exceptional circumstances exist.
12 The bill includes transition provisions with an immediate
13 effective date requiring the department to notify affected
14 families participating in the subsidy of the changes in
15 eligibility provisions. Implementation of the provision
16 involving consumer choices is subject to federal approval and
17 the department is required to notify the Code editor if that
18 approval is received. The department is directed to utilize
19 any savings realized from the changes for families on the
20 family support subsidy waiting list and for expansion of the
21 comprehensive family support program.

22 Code section 225C.41, providing for nonreversion of
23 appropriations made for purposes of the family support subsidy
24 program, is amended to allow carryforward funds to also be
25 used for the expansion of the comprehensive family support
26 program.

27 Code section 225C.42, requiring periodic evaluation of the
28 family support subsidy program, is amended to require an
29 annual evaluation to be conducted in conjunction with the
30 comprehensive family support council (renamed from the
31 personal assistance and family support council in the bill).
32 In addition, the bill provides a submission date of October 30
33 for the evaluation of the previous fiscal year.

34 Code section 225C.47, relating to the comprehensive family
35 support program, is amended to delete references to the

1 personal assistance services program that is repealed by the
2 bill. In addition, the children-at-home component of the
3 program is eliminated and replaced with a requirement for the
4 department to develop a family support center to assist
5 families with the family support subsidy program and
6 comprehensive family support program.

7 Code section 225C.48 is amended to change the name of the
8 personal assistance and family support services council to the
9 comprehensive family support council. The membership
10 provisions are revised to include consumers, former consumers,
11 and family members of consumers and former consumers. In
12 addition, the council members who are consumers and family
13 members of consumers are authorized to receive a stipend for
14 meeting attendance and the council is directed to work with
15 the family support subsidy program in place of the personal
16 assistance services program repealed by the bill.

17 Code section 225C.46, relating to the personal assistance
18 services program, is repealed. The program enrollment was
19 limited to existing enrollees for several years in the annual
20 human services appropriations bill, and no funding for the
21 program was appropriated for FY 2005-2006.

22 Division II provides conforming amendments for the bill's
23 repeal of the personal assistance services program in Code
24 section 225C.46. Several Code sections utilize definitions
25 contained in Code section 225C.46.

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Kurtenbach
Heaton
Freeman
Heddens
Jacoby

Succ^d By **HSB 657**
SF **2657** **HUMAN RESOURCES**

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
HUMAN SERVICES BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to certain human services programs directed to
2 families with a child with a disability and to persons with a
3 disability and providing an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

FAMILY SUPPORT SUBSIDY AND COMPREHENSIVE FAMILY
SUPPORT PROGRAMS

1
2 Section 1. Section 225C.37, subsection 2, Code 2005, is
3 amended to read as follows:

4 2. Verification that the family member meets the
5 definitional requirements of section 225C.35, subsection 3.
6 Along with the verification, the application shall identify an
7 age when the family member's eligibility for the family
8 support subsidy under such definitional requirements will end.
9 The age identified is subject to approval by the department.

10 Sec. 2. Section 225C.38, subsection 1, paragraphs b and c,
11 Code Supplement 2005, are amended to read as follows:

12 b. A family support subsidy shall be used to meet the
13 special needs of the family. This subsidy is intended to
14 complement but not supplant public assistance or social
15 service benefits based on economic need, available through
16 governmental programs or other means available to the family.

17 c. Except as provided in section 225C.41, a family support
18 subsidy for a fiscal year shall be in an amount ~~equivalent to~~
19 ~~the monthly maximum supplemental security income payment~~
20 ~~available in Iowa on July 1 of that fiscal year for an adult~~
21 ~~recipient living in the household of another, as formulated~~
22 ~~under federal regulations. In addition, the parent or legal~~
23 ~~guardian of a family member who is in an out-of-home placement~~
24 ~~at the time of application may receive a one-time lump-sum~~
25 ~~advance payment of twice the monthly family support subsidy~~
26 ~~amount for the purpose of meeting the special needs of the~~
27 ~~family in preparing for in-home care~~ determined by the
28 department in consultation with the comprehensive family
29 support council created in section 225C.48. The parent or
30 legal guardian receiving a family support subsidy may elect to
31 receive a payment amount which is less than the amount
32 determined in accordance with this paragraph.

33 Sec. 3. Section 225C.38, subsection 2, Code Supplement
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35

1 2005, is amended by adding the following new paragraphs:

2 NEW PARAGRAPH. c. A family that adopted a special needs
3 child and is receiving financial assistance under section
4 600.17 is not eligible for the family support subsidy for that
5 child.

6 NEW PARAGRAPH. d. A person who receives medical
7 assistance home and community-based waiver services and lives
8 in a county in which the comprehensive family support program
9 services are available is not eligible to receive the family
10 support subsidy.

11 Sec. 4. Section 225C.40, subsection 3, Code 2005, is
12 amended to read as follows:

13 3. If an application for a family support subsidy is
14 denied, the family member end-of-eligibility age identified in
15 the application is not approved by the department, or a family
16 support subsidy is terminated by the department, the parent or
17 legal guardian of the affected family member may request, in
18 writing, a hearing before an impartial hearing officer.

19 Sec. 5. Section 225C.41, unnumbered paragraph 2, Code
20 2005, is amended to read as follows:

21 Notwithstanding section 8.33, funds remaining unexpended on
22 June 30 of any fiscal year shall not revert to the general
23 fund of the state but shall remain available to provide family
24 support subsidy payments or to expand the comprehensive family
25 support program in the succeeding fiscal year.

26 Sec. 6. Section 225C.42, subsection 1, Code Supplement
27 2005, is amended to read as follows:

28 1. The department shall conduct a-periodic an annual
29 evaluation of the family support subsidy program in
30 conjunction with the comprehensive family support council and
31 shall submit the evaluation report with recommendations to the
32 governor and general assembly. The report shall be submitted
33 on or before October 30 and provide an evaluation of the
34 latest completed fiscal year.

35 Sec. 7. Section 225C.47, subsection 4, Code 2005, is

1 amended to read as follows:

2 4. A family may apply to the department or to a family
3 support center developed pursuant to this section for
4 assistance under the comprehensive family support program.
5 The department or family support center shall determine
6 eligibility for the program in accordance with the provisions
7 of this section.

8 Sec. 8. Section 225C.47, subsection 5, unnumbered
9 paragraph 1, Code 2005, is amended to read as follows:

10 The department shall design the program in consultation
11 with the ~~personal-assistance-and~~ comprehensive family support
12 services council created in section 225C.48. The department
13 shall adopt rules to implement the program which provide for
14 all of the following:

15 Sec. 9. Section 225C.47, subsection 5, paragraph e, Code
16 2005, is amended to read as follows:

17 e. A process is available to appeal the department's or
18 family support center's decisions involving families which
19 that apply for the comprehensive family support program and
20 are denied services and support under the comprehensive family
21 support program. The department shall make reasonable efforts
22 to utilize telecommunications so that a family initiating an
23 appeal may complete the appeal process in the family's local
24 geographic area.

25 Sec. 10. Section 225C.47, subsection 5, paragraph i, Code
26 2005, is amended to read as follows:

27 i. The utilization of a voucher system for payment
28 provisions for the ~~children-at-home~~ family support center
29 component of the program developed under subsection 7.

30 Sec. 11. Section 225C.47, subsection 7, Code 2005, is
31 amended to read as follows:

32 7. The comprehensive family support program shall include
33 a ~~children-at-home~~ family support center component developed
34 by the department in accordance with this subsection. A
35 ~~family-eligible-for-the-comprehensive-family-support-program~~

1 ~~may-choose-the-children-at-home-component.~~ Under the
2 ~~children-at-home~~ component, a family member of an individual
3 with a disability shall be assisted by ~~department-staff~~ a
4 family support center in identifying the services and support
5 to be provided to the family under the family support subsidy
6 program or the comprehensive family support program. The
7 identification of services and support shall be based upon the
8 specific needs of the individual and the individual's family
9 which are not met by other service programs available to the
10 individual and the individual's family. ~~Based-upon-the~~
11 ~~services-and-support-identified,-the-department-shall-develop~~
12 ~~a-contract-for-direct-payment-of-the-services-and-support~~
13 ~~provided-to-the-family.~~

14 Sec. 12. Section 225C.48, Code 2005, is amended to read as
15 follows:

16 225C.48 ~~PERSONAL-ASSISTANCE-AND~~ COMPREHENSIVE FAMILY
17 SUPPORT SERVICES COUNCIL.

18 1. a. An eleven-member ~~personal-assistance-and~~
19 comprehensive family support services council is created in
20 the department. The members of the council shall be appointed
21 by the following officials as follows: governor, five
22 members; majority leader of the senate, three members; and
23 speaker of the house, three members. At least three of the
24 governor's appointments and one of each legislative chamber's
25 appointments shall be a family member of an individual with a
26 disability as defined in section 225C.47. At least five of
27 the members shall be service consumers of-personal-services.
28 Members shall serve for three-year staggered terms. A vacancy
29 on the council shall be filled in the same manner as the
30 original appointment.

31 b. The members of the council ~~shall-be~~ are entitled to
32 reimbursement of actual and necessary expenses incurred in the
33 performance of their official duties. In addition, the
34 members are entitled to a stipend of fifty dollars for each
35 council meeting attended, subject to a limit of one meeting

1 per month. The expenses and stipend shall be paid from the
2 appropriation made for purposes of the comprehensive family
3 support program.

4 c. The council shall elect officers from among the
5 council's members.

6 2. The council shall provide ongoing guidance, advice, and
7 direction to the department and other agencies working with
8 the department in the development and implementation of the
9 personal-assistance-services family support subsidy program
10 created in section 225E-46 225C.36 and the comprehensive
11 family support program created in section 225C.47. The
12 council shall perform an annual evaluation of each program,
13 and annually make recommendations concerning each program to
14 the governor and general assembly. The evaluation and
15 recommendations shall be prepared and submitted in conjunction
16 with the evaluation report submitted by the department
17 pursuant to section 225C.42. The department shall provide
18 sufficient staff support to the council to enable the council
19 to carry out its responsibilities.

20 3. The council shall perform the following duties in
21 consultation with the department and any department staff with
22 duties associated with the personal-assistance-services family
23 support subsidy and comprehensive family support programs:

24 a. Oversee the operations of the programs.

25 b. Coordinate with the department of education and
26 programs administered by the department of education to
27 individuals with a disability, in providing information to
28 individuals and families eligible for the programs under
29 sections-225E-46-and-225E-47.

30 c. Work with the department and counties regarding managed
31 care provisions utilized by the department and counties for
32 services to individuals with a disability to advocate the
33 inclusion of personal-assistance-services family support
34 subsidy and the comprehensive family support program programs
35 as approved service provisions under managed care.

1 d. Develop and oversee implementation of evaluation
2 processes for the programs.

3 e. Oversee statewide training of department and family
4 support center staff regarding the ~~two~~ programs.

5 f. Oversee efforts to promote public awareness of the
6 programs.

7 4. The department shall consider recommendations from the
8 council in developing and implementing each program, including
9 the development of administrative rules. The department shall
10 regularly report to the council on the status of each program
11 and any actions planned or taken by the department related to
12 each program.

13 Sec. 13. Section 225C.46, Code 2005, is repealed.

14 Sec. 14. TRANSITION PROVISIONS -- EFFECTIVE DATE.

15 1. If a family that adopted a special needs child receives
16 the family support subsidy under section 225C.38 and also
17 receives financial assistance under section 600.17 for the
18 same child as of the effective date of this subsection, the
19 department of human services shall provide notice to the
20 family that the family will no longer be eligible for the
21 family support subsidy for that child once the current
22 eligibility period ends. The notice shall be sent by May 1,
23 2006, or the date the governor signs this Act, whichever date
24 is later. This subsection, being deemed of immediate
25 importance, takes effect upon enactment.

26 2. If a family that receives the family support subsidy
27 under section 225C.38 as of July 1, 2006, also receives
28 medical assistance home and community-based waiver services
29 and lives in a county in which the comprehensive family
30 support program services are available, effective January 1,
31 2007, the family is not eligible to receive the family support
32 subsidy. The department of human services shall notify the
33 families affected by this subsection on or before July 1,
34 2006. This subsection, being deemed of immediate importance,
35 takes effect upon enactment.

1 3. Any savings generated by the requirements of this
2 section and the program changes implemented pursuant to this
3 Act during the fiscal year beginning July 1, 2006, shall be
4 used by the department of human services to provide
5 eligibility for families on the waiting list for the family
6 support subsidy program. If the waiting list is eliminated,
7 any remaining funds shall be used to expand the comprehensive
8 family support program during that fiscal year.

9 DIVISION II

10 PERSONAL ASSISTANCE SERVICES PROGRAM REPEAL --

11 CONFORMING AMENDMENTS

12 Sec. 15. Section 216E.1, subsection 1, Code 2005, is
13 amended to read as follows:

14 1. "Assistive device" means any item, piece of equipment,
15 or product system which is purchased, or whose transfer is
16 accepted in this state, and which is used to increase,
17 maintain, or improve the functional capabilities of
18 individuals with disabilities concerning a major life activity
19 ~~as-defined-in-section-225E-46~~. "Assistive device" does not
20 mean any medical device, surgical device, or organ implanted
21 or transplanted into or attached directly to an individual.
22 "Assistive device" does not mean any device for which a
23 certificate of title is issued by the state department of
24 transportation but does mean any item, piece of equipment, or
25 product system otherwise meeting the definition of "assistive
26 device" that is incorporated, attached, or included as a
27 modification in or to such a certificated device.

28 Sec. 16. Section 216E.1, Code 2005, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 9A. "Major life activity" includes
31 functions such as caring for one's self, performing manual
32 tasks, walking, seeing, hearing, speaking, breathing,
33 learning, or working.

34 Sec. 17. Section 225C.49, subsection 3, paragraph b, Code
35 2005, is amended to read as follows:

1 b. Utilize internal training resources or contract for
2 additional training of staff concerning the information under
3 paragraph "a" and training of families and individuals as
4 necessary to ~~develop plans and contracts~~ implement the family
5 support subsidy and comprehensive family support programs
6 under ~~sections 225C.46 and 225C.47~~ this chapter.

7 Sec. 18. Section 225C.49, subsection 4, Code 2005, is
8 amended to read as follows:

9 4. The department shall designate one individual whose
10 sole duties are to provide central coordination of the
11 programs under sections ~~225C.46~~ 225C.36 and 225C.47 and to
12 work with the ~~personal assistance and~~ comprehensive family
13 support services council to oversee development and
14 implementation of the programs.

15 Sec. 19. Section 422.11E, subsection 4, paragraph b, Code
16 2005, is amended to read as follows:

17 b. "Disability" means the same as defined in section
18 ~~225C.46~~ 15.102 except that it does not include alcoholism.

19 Sec. 20. Section 422.33, subsection 9, paragraph c,
20 subparagraph (2), Code Supplement 2005, is amended to read as
21 follows:

22 (2) "Disability" means the same as defined in section
23 ~~225C.46~~ 15.102, except that it does not include alcoholism.

24 EXPLANATION

25 This bill relates to certain human services programs
26 directed to families with a child with a disability and to
27 persons with a disability. The bill is organized into
28 divisions with the first providing substantive changes and the
29 other conforming amendments.

30 Division I revises provisions involving the family support
31 subsidy program, repeals the personal assistance services
32 program, revises the comprehensive family support program, and
33 revises the name and duties of the personal assistance and
34 family support services council. These provisions are all
35 part of Code chapter 225C, relating to mental health, mental

1 retardation, developmental disabilities, and brain injury
2 services.

3 Code section 225C.37, relating to the application process
4 for the family support subsidy program, is amended to require
5 the application to identify an age of eligibility end date.
6 The age identified is subject to approval by the department.
7 The bill also amends Code section 225C.40 to provide for
8 appeal of the department's disapproval.

9 Code section 225C.38, relating to the department's
10 administration of the family support subsidy program, is
11 amended to prohibit program eligibility if any of the
12 following apply: the family adopted a special needs child and
13 is receiving an adoption subsidy under Code section 600.17; or
14 a person receives medical assistance (Medicaid) home and
15 community-based waiver services and lives in a county in which
16 comprehensive family support program services are available.
17 The bill includes transition provisions with an immediate
18 effective date requiring the department to notify affected
19 families participating in the subsidy of the changes in
20 eligibility provisions. In addition, the department is
21 directed to utilize any savings realized from the changes for
22 families on the family support subsidy waiting list and for
23 expansion of the comprehensive family support program.

24 Code section 225C.41, providing for nonreversion of
25 appropriations made for purposes of the family support subsidy
26 program, is amended to allow carryforward funds to also be
27 used for the expansion of the comprehensive family support
28 program.

29 Code section 225C.42, requiring periodic evaluation of the
30 family support subsidy program, is amended to require an
31 annual evaluation to be conducted in conjunction with the
32 comprehensive family support council (renamed from the
33 personal assistance and family support council in the bill).
34 In addition, the bill provides a submission date of October 30
35 for the evaluation of the previous fiscal year.

1 Code section 225C.47, relating to the comprehensive family
2 support program, is amended to delete references to the
3 personal assistance services program that is repealed by the
4 bill. In addition, the children-at-home component of the
5 program is eliminated and replaced with a requirement for the
6 department to develop a family support center to assist
7 families with the family support subsidy program and
8 comprehensive family support program.

9 Code section 225C.48 is amended to change the name of the
10 personal assistance and family support services council to the
11 comprehensive family support council. In addition, the
12 council members are authorized to receive a stipend for
13 meeting attendance and the council is directed to work with
14 the family support subsidy program in place of the personal
15 assistance services program repealed by the bill.

16 Code section 225C.46, relating to the personal assistance
17 services program, is repealed. The program enrollment was
18 limited to existing enrollees for several years in the annual
19 human services appropriations bill, and no funding for the
20 program was appropriated for FY 2005-2006.

21 Division II provides conforming amendments for the bill's
22 repeal of the personal assistance services program in Code
23 section 225C.46. Several Code sections utilize definitions
24 contained in Code section 225C.46.

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STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
Kevin Concannon, DIRECTOR

January 23, 2006

To: General Assembly
From: Alisa Morris
Re: Comprehensive Family Support Program

Purpose/Need: Expand Family Support Subsidy and the Children at Home programs statewide. The programs were created to assist families who wanted to keep their children at home.

The Family Support Subsidy provides monthly cash payments of \$353.29. The Children at Home program was created as a pilot project to provide assistance on an "as needed" basis as well as helping locate services and programs. Due to the success of the program the Department of Human Services is seeking to gradually expand it statewide.

Background: Families who are raising children with disabilities face enormous challenges in attempting to meet the special needs of their children. Years ago the only option many parents had was to place their child in an institution. Society has recognized that with the right support parents do a much better job of caring for children with special needs. For example, in the 1960's when the usual practice was to place children in an institution, the expected life span of a child with Down's Syndrome was about seven years. Today most children with this disorder live at home and the life expectancy has increased to over forty-five years.

Reason for change: There is currently a three to four year waiting list to receive the Family Support Subsidy. The Children at Home program is currently only available in 14 counties. Waiting three to four years to receive the family support subsidy means that it is unavailable during a critical period of a child's development. Research tells us that the early intervention is important in mitigating future developmental delays.

Having the Children at Home program only available in 14 counties is not fair to children and families in the other 85 counties of Iowa. The proposed changes combine features of both programs to make timely support available to more families statewide. These changes were developed with the assistance and advice of the Comprehensive Family Support/Personal Assistance Services Council.

Brief summary of proposed changes: 1. Tighten eligibility standards for the Family Support Subsidy (based on the availability of other sources of support such as Medicaid Waivers) and use the savings to expand the Children at Home program. 2. Pay a stipend to family members and disabled individuals to participate on the family support council. 3. Change the name of the Children at Home program to comprehensive family support and expand services statewide as funds become available. 4. Eliminate chapter 225C.46 as the personal assistance services program was not funded in FY 04-05.