

MAR 9 2006
APPROPRIATIONS CALENDAR

HOUSE FILE 2734
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 764)

Passed House, Date 3-15-06 Passed Senate, Date _____
Vote: Ayes 79 Nays 17 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 human services, the department of elder affairs, the Iowa
3 department of public health, the department of veterans
4 affairs and the Iowa veterans home, and the department of
5 inspections and appeals, providing for fee increases, and
6 including other related provisions and appropriations, and
7 providing effective dates.

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

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HOUSE FILE 2734

H-8177

- 1 Amend House File 2734 as follows:
 - 2 1. Page 2, line 32, by striking the figure
 - 3 "1,761,036" and inserting the following: "5,761,036".
- By FOEGE of Linn

H-8177 FILED MARCH 10, 2006

HF 2734

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DIVISION I
GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
ELDER AFFAIRS

Section 1. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department of elder affairs and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly, resident advocate committee coordination, employment, and other services which may include, but are not limited to, adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions with the department of elder affairs:

.....	\$	3,627,645
.....	FTEs	30.50

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. Of the funds appropriated in this section, \$2,153,208 shall be used for case management for the frail elderly. Of

1 the funds allocated in this subsection, \$750,000 shall be
2 transferred to the department of human services in equal
3 amounts on a quarterly basis for reimbursement of case
4 management services provided under the medical assistance
5 elderly waiver. The monthly cost per client for case
6 management for the frail elderly services provided shall not
7 exceed \$70. It is the intent of the general assembly that the
8 additional funding provided for case management for the frail
9 elderly for the fiscal year beginning July 1, 2006, and ending
10 June 30, 2007, shall be used to provide case management
11 services for an additional 1,650 individuals.

12 3. Of the funds appropriated in this section, the
13 department shall use \$25,000 to provide training to the
14 members of boards of directors of area agencies on aging
15 pursuant to section 231.23, as amended by this Act.

16 4. Of the funds appropriated in this section, \$200,198
17 shall be transferred to the department of economic development
18 for the Iowa commission on volunteer services to be used for
19 the retired and senior volunteer program.

20 HEALTH

21 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
22 appropriated from the general fund of the state to the Iowa
23 department of public health for the fiscal year beginning July
24 1, 2006, and ending June 30, 2007, the following amounts, or
25 so much thereof as is necessary, to be used for the purposes
26 designated:

27 1. ADDICTIVE DISORDERS

28 For reducing the prevalence of use of tobacco, alcohol, and
29 other drugs, and treating individuals affected by addictive
30 behaviors, including gambling, and for not more than the
31 following full-time equivalent positions:

32	\$	1,761,036
33	FTEs	4.35

34 The department and any grantee or subgrantee of the
35 department shall not discriminate against a nongovernmental

1 organization that provides substance abuse treatment and
2 prevention services or applies for funding to provide those
3 services on the basis that the organization has a religious
4 character.

5 Of the moneys appropriated in this subsection, \$30,310
6 shall be used to continue to provide funding to local
7 communities that have previously received funding from the
8 centers for disease control and prevention of the United
9 States department of health and human services for secondhand
10 smoke education initiatives.

11 2. HEALTHY CHILDREN AND FAMILIES

12 For promoting the optimum health status for children,
13 adolescents from birth through 21 years of age, and families
14 and for not more than the following full-time equivalent
15 positions:

16	\$	1,866,264
17	FTEs	7.60

18 Of the funds appropriated in this subsection, not more than
19 \$645,917 shall be used for the healthy opportunities to
20 experience success (HOPES)-healthy families Iowa (HFI) program
21 established pursuant to section 135.106. The department shall
22 transfer the funding allocated for the HOPES-HFI program to
23 the Iowa empowerment board for distribution and shall assist
24 the board in managing the contracting for the funding. The
25 funding shall be distributed to renew the grants that were
26 provided to the grantees that operated the program during the
27 fiscal year ending June 30, 2006.

28 3. CHRONIC CONDITIONS

29 For serving individuals identified as having chronic
30 conditions or special health care needs, and for not more than
31 the following full-time equivalent positions:

32	\$	1,442,840
33	FTEs	2.35

34 Of the funds appropriated in this subsection, not more than
35 \$100,000 shall be used to leverage federal funding through the

1 federal Ryan White Care Act, Title II, AIDS drug assistance
2 program supplemental drug treatment grants.

3 4. COMMUNITY CAPACITY

4 For strengthening the health care delivery system at the
5 local level, and for not more than the following full-time
6 equivalent positions:

7	\$ 1,418,662
8	FTEs 10.75

9 Of the funds appropriated in this subsection, \$100,000 is
10 allocated for a child vision screening program implemented
11 through the university of Iowa hospitals and clinics in
12 collaboration with community empowerment areas.

13 5. ELDERLY WELLNESS

14 For optimizing the health of persons 60 years of age and
15 older:

16	\$ 9,233,985
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17 6. ENVIRONMENTAL HAZARDS

18 For reducing the public's exposure to hazards in the
19 environment, primarily chemical hazards, and for not more than
20 the following full-time equivalent positions:

21	\$ 623,821
22	FTEs 1.75

23 The amount appropriated in this subsection includes
24 \$350,000 in continued funding for childhood lead poisoning
25 prevention activities for counties not receiving federal
26 funding for this purpose prior to July 1, 2005, and of this
27 amount, \$50,000 is allocated for a pilot project to address
28 lead poisoning prevention and remediation activities in a
29 three-county program in north central Iowa with a combined
30 population of at least 50,000.

31 7. INFECTIOUS DISEASES

32 For reducing the incidence and prevalence of communicable
33 diseases, and for not more than the following full-time
34 equivalent positions:

35	\$ 1,258,230
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1 FTEs 4.75

2 If House File 2493 or other legislation providing for a
3 viral hepatitis program and study is enacted into law, of the
4 funds appropriated in this subsection, \$158,000 is allocated
5 for a viral hepatitis program and study.

6 8. PUBLIC PROTECTION

7 For protecting the health and safety of the public through
8 establishing standards and enforcing regulations, and for not
9 more than the following full-time equivalent positions:

10 \$ 7,891,473

11 FTEs 109.80

12 Of the funds appropriated in this subsection, \$643,500
13 shall be credited to the emergency medical services fund
14 created in section 135.25.

15 9. RESOURCE MANAGEMENT

16 For establishing and sustaining the overall ability of the
17 department to deliver services to the public, and for not more
18 than the following full-time equivalent positions:

19 \$ 1,016,420

20 FTEs 3.00

21 10. IOWA COLLABORATIVE SAFETY NET PROVIDER NETWORK

22 For continuation of the formal network of safety net
23 providers as provided in 2005 Iowa Acts, chapter 175, section
24 2, subsection 12. Of the amount appropriated in this division
25 of this Act for the medical assistance program, \$1,100,000 is
26 transferred to the appropriations made in this subsection.

27 The amount transferred is allocated as follows:

28 a. To continue the contract for the program to develop an
29 Iowa collaborative safety net provider network:

30 \$ 450,000

31 b. For continuation of the incubation grant program to
32 community health centers that receive a total score of 85
33 based on the evaluation criteria of the health resources and
34 services administration of the United States department of
35 health and human services:

1 \$ 650,000

2 The university of Iowa hospitals and clinics under the
3 control of the state board of regents shall not receive
4 indirect costs from the funds appropriated in this section.

5 Sec. 3. DEPARTMENT OF PUBLIC HEALTH -- ADDITIONAL
6 PROVISIONS.

7 For the fiscal year beginning July 1, 2006, and ending June
8 30, 2007:

9 1. A local health care provider or nonprofit health care
10 organization seeking grant moneys administered by the Iowa
11 department of public health shall provide documentation that
12 the provider or organization has coordinated its services with
13 other local entities providing similar services.

14 2. a. The department shall apply for available federal
15 funds for sexual abstinence education programs.

16 b. It is the intent of the general assembly to comply with
17 the United States Congress' intent to provide education that
18 promotes abstinence from sexual activity outside of marriage
19 and reduces pregnancies, by focusing efforts on those persons
20 most likely to father and bear children out of wedlock.

21 c. Any sexual abstinence education program awarded moneys
22 under the grant program shall meet the definition of
23 abstinence education in the federal law. Grantees shall be
24 evaluated based upon the extent to which the abstinence
25 program successfully communicates the goals set forth in the
26 federal law.

27 Sec. 4. GAMBLING TREATMENT FUND -- APPROPRIATION. In lieu
28 of the appropriation made in section 135.150, subsection 1,
29 there is appropriated from funds available in the gambling
30 treatment fund created in section 135.150 to the Iowa
31 department of public health for the fiscal year beginning July
32 1, 2006, and ending June 30, 2007, the following amount, or so
33 much thereof as is necessary, to be used for the purposes
34 designated:

35 1. ADDICTIVE DISORDERS

1 To be utilized for the benefit of persons with addictions:
2 \$ 1,690,000

3 It is the intent of the general assembly that from the
4 moneys appropriated in this subsection, persons with a dual
5 diagnosis of substance abuse and gambling addictions shall be
6 given priority in treatment services.

7 2. GAMBLING TREATMENT PROGRAM

8 The amount remaining in the gambling treatment fund after
9 the appropriation made in subsection 1 is appropriated to the
10 department to be used for funding of administrative costs and
11 to provide programs which may include, but are not limited to,
12 outpatient and follow-up treatment for persons affected by
13 problem gambling, rehabilitation and residential treatment
14 programs, information and referral services, education and
15 preventive services, and financial management services. Of
16 the amount appropriated in this subsection, up to \$100,000 may
17 be used for the licensing of gambling treatment programs as
18 provided in section 135.150.

19 DEPARTMENT OF VETERANS AFFAIRS

20 Sec. 5. DEPARTMENT OF VETERANS AFFAIRS. There is
21 appropriated from the general fund of the state to the
22 department of veterans affairs for the fiscal year beginning
23 July 1, 2006, and ending June 30, 2007, the following amounts,
24 or so much thereof as is necessary, to be used for the
25 purposes designated:

26 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

27 For salaries, support, maintenance, miscellaneous purposes,
28 including the war orphans educational aid fund established
29 pursuant to chapter 35 and for not more than the following
30 full-time equivalent positions:

31	\$	522,114
32	FTEs	6.50

33 Of the funds appropriated in this subsection, \$50,000 is
34 allocated for county commissions of veterans affairs to
35 utilize retired and senior volunteers through programs

1 established pursuant to chapter 15H to identify and increase
2 the use of benefits available through the United States
3 department of veterans affairs. County commissions that
4 currently lack the capacity to conduct adequate outreach or
5 have a disproportionate number of eligible persons not
6 receiving benefits shall have priority in funding allocations.

7 2. IOWA VETERANS HOME

8 For salaries, support, maintenance, and miscellaneous
9 purposes and for not more than the following full-time
10 equivalent positions:

11	\$ 13,569,501
12	FTEs 874.55

13 HUMAN SERVICES

14 Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK

15 GRANT. There is appropriated from the fund created in section
16 8.41 to the department of human services for the fiscal year
17 beginning July 1, 2006, and ending June 30, 2007, from moneys
18 received under the federal temporary assistance for needy
19 families (TANF) block grant pursuant to the federal Personal
20 Responsibility and Work Opportunity Reconciliation Act of
21 1996, Pub. L. No. 104-193, and successor legislation, which
22 are federally appropriated for the federal fiscal years
23 beginning October 1, 2005, and ending September 30, 2006, and
24 beginning October 1, 2006, and ending September 30, 2007, the
25 following amounts, or so much thereof as is necessary, to be
26 used for the purposes designated:

27 1. To be credited to the family investment program account
28 and used for assistance under the family investment program
29 under chapter 239B:

30	\$ 43,096,689
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31 2. To be credited to the family investment program account
32 and used for the job opportunities and basic skills (JOBS)
33 program, and implementing family investment agreements, in
34 accordance with chapter 239B:

35	\$ 13,545,163
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1 3. To be credited to the family investment program account
2 and used for the JOBS program and the family development and
3 self-sufficiency grant program for one-time expenditures to
4 improve Iowa's ability to meet federal employment targets:

5 \$ 1,244,000

6 Notwithstanding section 8.33, moneys appropriated in this
7 subsection that remain unexpended at the close of the fiscal
8 year shall not revert but shall remain available for
9 expenditure for the purposes designated until the close of the
10 succeeding fiscal year.

11 4. For implementation of grants to provide financial
12 education for needy families and others:

13 \$ 200,000

14 The department shall utilize a request for proposals
15 process to award the grants.

16 5. For field operations:

17 \$ 16,782,495

18 6. For general administration:

19 \$ 3,744,000

20 7. For local administrative costs:

21 \$ 2,189,830

22 8. For state child care assistance:

23 \$ 14,556,560

24 a. Of the funds appropriated in this subsection, \$200,000
25 shall be used for provision of educational opportunities to
26 registered child care home providers in order to improve
27 services and programs offered by this category of providers
28 and to increase the number of providers. The department may
29 contract with institutions of higher education or child care
30 resource and referral centers to provide the educational
31 opportunities. Allowable administrative costs under the
32 contracts shall not exceed 5 percent. The application for a
33 grant shall not exceed two pages in length.

34 b. The funds appropriated in this subsection shall be
35 transferred to the child care and development block grant

1 appropriation.

2 9. For mental health and developmental disabilities
3 community services:

4 \$ 4,894,052

5 10. For child and family services:

6 \$ 32,084,430

7 11. For child abuse prevention grants:

8 \$ 250,000

9 12. For pregnancy prevention grants on the condition that
10 family planning services are funded:

11 \$ 1,987,530

12 Pregnancy prevention grants shall be awarded to programs in
13 existence on or before July 1, 2006, if the programs are
14 comprehensive in scope and have demonstrated positive
15 outcomes. Grants shall be awarded to pregnancy prevention
16 programs which are developed after July 1, 2006, if the
17 programs are comprehensive in scope and are based on existing
18 models that have demonstrated positive outcomes. Grants shall
19 comply with the requirements provided in 1997 Iowa Acts,
20 chapter 208, section 14, subsections 1 and 2, including the
21 requirement that grant programs must emphasize sexual
22 abstinence. Priority in the awarding of grants shall be given
23 to programs that serve areas of the state which demonstrate
24 the highest percentage of unplanned pregnancies of females of
25 childbearing age within the geographic area to be served by
26 the grant.

27 13. For technology needs and other resources necessary to
28 meet federal welfare reform reporting, tracking, and case
29 management requirements:

30 \$ 1,037,186

31 14. For the healthy opportunities for parents to
32 experience success (HOPES) program administered by the Iowa
33 department of public health to target child abuse prevention:

34 \$ 200,000

35 15. To be credited to the state child care assistance

1 appropriation made in this section to be used for funding of
2 community-based early childhood programs targeted to children
3 from birth through five years of age, developed by community
4 empowerment areas as provided in section 28.9:

5 \$ 7,350,000

6 The department shall transfer TANF block grant funding
7 appropriated and allocated in this subsection to the child
8 care and development block grant appropriation in accordance
9 with federal law as necessary to comply with the provisions of
10 this subsection.

11 16. For a pilot program to be established in one or more
12 judicial districts, selected by the department and the
13 judicial council, to provide employment and support services
14 to delinquent child support obligors as an alternative to
15 commitment to jail as punishment for contempt of court:

16 \$ 200,000

17 Of the amounts appropriated in this section, \$13,019,471
18 for the fiscal year beginning July 1, 2006, shall be
19 transferred to the appropriation of the federal social
20 services block grant for that fiscal year. If the federal
21 government revises requirements to reduce the amount that may
22 be transferred to the federal social services block grant, it
23 is the intent of the general assembly to act expeditiously
24 during the 2007 legislative session to adjust appropriations
25 or the transfer amount or take other actions to address the
26 reduced amount.

27 The department may transfer funds allocated in this section
28 to the appropriations in this Act for general administration
29 and field operations for resources necessary to implement and
30 operate the services referred to in this section and those
31 funded in the appropriation made in this division of this Act
32 for the family investment program from the general fund.

33 Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

34 1. Moneys credited to the family investment program (FIP)
35 account for the fiscal year beginning July 1, 2006, and ending

1 June 30, 2007, shall be used to provide assistance in
2 accordance with chapter 239B.

3 2. The department may use a portion of the moneys credited
4 to the FIP account under this section as necessary for
5 salaries, support, maintenance, and miscellaneous purposes and
6 for not more than the following full-time equivalent positions
7 which are in addition to any other full-time equivalent
8 positions authorized in this division of this Act:

9 FTEs 14.00

10 3. The department may transfer funds allocated in this
11 section to the appropriations in this Act for general
12 administration and field operations for resources necessary to
13 implement and operate the services referred to in this section
14 and those funded in the appropriation made in this division of
15 this Act for the family investment program from the general
16 fund of the state.

17 4. Moneys appropriated in this division of this Act and
18 credited to the FIP account for the fiscal year beginning July
19 1, 2006, and ending June 30, 2007, are allocated as follows:

20 a. For the family development and self-sufficiency grant
21 program as provided under section 217.12:

22 \$ 5,433,042

23 (1) Of the funds allocated for the family development and
24 self-sufficiency grant program in this lettered paragraph, not
25 more than 5 percent of the funds shall be used for the
26 administration of the grant program.

27 (2) The department may continue to implement the family
28 development and self-sufficiency grant program statewide
29 during FY 2006-2007.

30 b. For the diversion subaccount of the FIP account:

31 \$ 2,814,000

32 (1) A portion of the moneys allocated for the subaccount
33 may be used for field operations salaries, data management
34 system development, and implementation costs and support
35 deemed necessary by the director of human services in order to

1 administer the FIP diversion program.

2 (2) Of the funds allocated in this lettered paragraph, not
3 more than \$250,000 shall be used to develop or continue
4 community-level parental obligation pilot projects. The
5 requirements established under 2001 Iowa Acts, chapter 191,
6 section 3, subsection 5, paragraph "c", subparagraph (3),
7 shall remain applicable to the parental obligation pilot
8 projects for fiscal year 2006-2007. Notwithstanding 441 IAC
9 100.8, providing for termination of rules relating to the
10 pilot projects the earlier of October 1, 2006, or when
11 legislative authority is discontinued, the rules relating to
12 the pilot projects shall remain in effect until June 30, 2007.

13 c. For the food stamp employment and training program:
14 \$ 64,278

15 5. Of the child support collections assigned under FIP, an
16 amount equal to the federal share of support collections shall
17 be credited to the child support recovery appropriation. Of
18 the remainder of the assigned child support collections
19 received by the child support recovery unit, a portion shall
20 be credited to the FIP account and a portion may be used to
21 increase recoveries. If child support collections assigned
22 under FIP are greater than estimated, the state share of that
23 greater portion may be transferred to the child support
24 payments account.

25 6. The department may adopt emergency rules for the family
26 investment, food stamp, and medical assistance programs if
27 necessary to comply with federal requirements.

28 Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
29 appropriated from the general fund of the state to the
30 department of human services for the fiscal year beginning
31 July 1, 2006, and ending June 30, 2007, the following amount,
32 or so much thereof as is necessary, to be used for the purpose
33 designated:

34 To be credited to the family investment program (FIP)
35 account and used for family investment program assistance

1 under chapter 239B:

2 \$ 42,749,885

3 1. Of the funds appropriated in this section, \$9,274,134
4 is allocated for the JOBS program.

5 2. Of the funds appropriated in this section, \$200,000
6 shall be used to provide a grant to an Iowa-based nonprofit
7 organization with a history of providing tax preparation
8 assistance to low-income Iowans in order to expand the usage
9 of the earned income tax credit. The purpose of the grant is
10 to supply this assistance to underserved areas of the state.
11 The grant shall be provided to an organization that has
12 existing national foundation support for supplying such
13 assistance that can also secure local charitable match
14 funding.

15 Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated
16 from the general fund of the state to the department of human
17 services for the fiscal year beginning July 1, 2006, and
18 ending June 30, 2007, the following amount, or so much thereof
19 as is necessary, to be used for the purposes designated:

20 For child support recovery, including salaries, support,
21 maintenance, and miscellaneous purposes and for not more than
22 the following full-time equivalent positions:

23 \$ 8,214,690

24 FTEs 450.00

25 1. The department shall expend up to \$31,000, including
26 federal financial participation, for the fiscal year beginning
27 July 1, 2006, for a child support public awareness campaign.
28 The department and the office of the attorney general shall
29 cooperate in continuation of the campaign. The public
30 awareness campaign shall emphasize, through a variety of media
31 activities, the importance of maximum involvement of both
32 parents in the lives of their children as well as the
33 importance of payment of child support obligations.

34 2. Federal access and visitation grant moneys shall be
35 issued directly to private not-for-profit agencies that

1 provide services designed to increase compliance with the
2 child access provisions of court orders, including but not
3 limited to neutral visitation site and mediation services.

4 Sec. 10. MEDICAL ASSISTANCE. There is appropriated from
5 the general fund of the state to the department of human
6 services for the fiscal year beginning July 1, 2006, and
7 ending June 30, 2007, the following amount, or so much thereof
8 as is necessary, to be used for the purpose designated:

9 For medical assistance reimbursement and associated costs
10 as specifically provided in the reimbursement methodologies in
11 effect on June 30, 2006, except as otherwise expressly
12 authorized by law, including reimbursement for abortion
13 services, which shall be available under the medical
14 assistance program only for those abortions which are
15 medically necessary:

16 \$708,671,610

17 1. Medically necessary abortions are those performed under
18 any of the following conditions:

19 a. The attending physician certifies that continuing the
20 pregnancy would endanger the life of the pregnant woman.

21 b. The attending physician certifies that the fetus is
22 physically deformed, mentally deficient, or afflicted with a
23 congenital illness.

24 c. The pregnancy is the result of a rape which is reported
25 within 45 days of the incident to a law enforcement agency or
26 public or private health agency which may include a family
27 physician.

28 d. The pregnancy is the result of incest which is reported
29 within 150 days of the incident to a law enforcement agency or
30 public or private health agency which may include a family
31 physician.

32 e. Any spontaneous abortion, commonly known as a
33 miscarriage, if not all of the products of conception are
34 expelled.

35 2. The department shall utilize not more than \$60,000 of

1 the funds appropriated in this section to continue the
2 AIDS/HIV health insurance premium payment program as
3 established in 1992 Iowa Acts, Second Extraordinary Session,
4 chapter 1001, section 409, subsection 6. Of the funds
5 allocated in this subsection, not more than \$5,000 may be
6 expended for administrative purposes.

7 3. Of the funds appropriated to the Iowa department of
8 public health for addictive disorders, \$950,000 for the fiscal
9 year beginning July 1, 2006, shall be transferred to the
10 department of human services for an integrated substance abuse
11 managed care system.

12 4. Based upon a waiver from the federal centers for
13 Medicare and Medicaid services, the department shall provide a
14 period of 12 months of guaranteed eligibility for medical
15 assistance family planning services only, regardless of the
16 change in circumstances of a woman who was a medical
17 assistance recipient when a pregnancy ended. The department
18 shall also provide this eligibility to women of childbearing
19 age with countable income at or below 200 percent of the
20 federal poverty level. The department may adopt emergency
21 rules to implement this subsection.

22 5. a. The department shall aggressively pursue options
23 for providing medical assistance or other assistance to
24 individuals with special needs who become ineligible to
25 continue receiving services under the early and periodic
26 screening, diagnosis, and treatment program under the medical
27 assistance program due to becoming 21 years of age, who have
28 been approved for additional assistance through the
29 department's exception to policy provisions, but who have
30 health care needs in excess of the funding available through
31 the exception to policy process.

32 b. Of the funds appropriated in this section, \$100,000
33 shall be used for participation in one or more pilot projects
34 operated by a private provider to allow the individual or
35 individuals to receive service in the community in accordance

1 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
2 (1999), for the purpose of providing medical assistance or
3 other assistance to individuals with special needs who become
4 ineligible to continue receiving services under the early and
5 periodic screening, diagnosis, and treatment program under the
6 medical assistance program due to becoming 21 years of age,
7 who have been approved for additional assistance through the
8 department's exception to policy provisions, but who have
9 health care needs in excess of the funding available through
10 the exception to the policy provisions.

11 6. Of the funds available in this section, up to
12 \$3,050,082 may be transferred to the field operations or
13 general administration appropriations in this Act for
14 implementation and operational costs associated with Part D of
15 the federal Medicare Prescription Drug, Improvement, and
16 Modernization Act of 2003, Pub. L. No. 108-173.

17 7. The department shall initiate planning to address
18 options available under the federal Family Opportunity Act
19 enacted as part of the federal Deficit Reduction Act of 2005,
20 Pub. L. No. 109-171. The options addressed shall include but
21 are not limited to the option to allow families of children
22 with disabilities to purchase Medicaid coverage, other health
23 coverage options, and the option to apply to the centers for
24 Medicare and Medicaid services of the United States department
25 of health and human services for Iowa to participate in a
26 demonstration project to develop home and community-based
27 services as an alternative to psychiatric residential
28 treatment for children with psychiatric disabilities who are
29 enrolled in the Medicaid program. The department shall report
30 by December 15, 2006, to the persons designated by this Act to
31 receive reports regarding the planning activities and
32 recommendations regarding the options.

33 8. The department shall apply to the centers for Medicare
34 and Medicaid services of the United States department of
35 health and human services to participate in the Medicaid

1 transformation grants program as specified in section 6081 of
2 the federal Deficit Reduction Act of 2005, Pub. L. No. 109-
3 171, to implement initiatives including but not limited to
4 electronic medical records and medication risk management
5 under the Medicaid and IowaCare programs.

6 Sec. 11. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
7 is appropriated from the general fund of the state to the
8 department of human services for the fiscal year beginning
9 July 1, 2006, and ending June 30, 2007, the following amount,
10 or so much thereof as is necessary, to be used for the purpose
11 designated:

12 For administration of the health insurance premium payment
13 program, including salaries, support, maintenance, and
14 miscellaneous purposes, and for not more than the following
15 full-time equivalent positions:

16	\$	634,162
17	FTEs	21.00

18 Sec. 12. MEDICAL CONTRACTS. There is appropriated from
19 the general fund of the state to the department of human
20 services for the fiscal year beginning July 1, 2006, and
21 ending June 30, 2007, the following amount, or so much thereof
22 as is necessary, to be used for the purpose designated:

23 For medical contracts, including salaries, support,
24 maintenance, and miscellaneous purposes:
25 \$ 14,417,985

26 Sec. 13. STATE SUPPLEMENTARY ASSISTANCE.

27 1. There is appropriated from the general fund of the
28 state to the department of human services for the fiscal year
29 beginning July 1, 2006, and ending June 30, 2007, the
30 following amount, or so much thereof as is necessary, to be
31 used for the purpose designated:

32 For the state supplementary assistance program:
33 \$ 18,710,335

34 2. The department shall increase the personal needs
35 allowance for residents of residential care facilities by the

1 same percentage and at the same time as federal supplemental
2 security income and federal social security benefits are
3 increased due to a recognized increase in the cost of living.
4 The department may adopt emergency rules to implement this
5 subsection.

6 3. If during the fiscal year beginning July 1, 2006, the
7 department projects that state supplementary assistance
8 expenditures for a calendar year will not meet the federal
9 pass-along requirement specified in Title XVI of the federal
10 Social Security Act, section 1618, as codified in 42 U.S.C. §
11 1382g, the department may take actions including but not
12 limited to increasing the personal needs allowance for
13 residential care facility residents and making programmatic
14 adjustments or upward adjustments of the residential care
15 facility or in-home health-related care reimbursement rates
16 prescribed in this division of this Act to ensure that federal
17 requirements are met. In addition, the department may make
18 other programmatic and rate adjustments necessary to remain
19 within the amount appropriated in this section while ensuring
20 compliance with federal requirements. The department may
21 adopt emergency rules to implement the provisions of this
22 subsection.

23 Sec. 14. CHILDREN'S HEALTH INSURANCE PROGRAM. There is
24 appropriated from the general fund of the state to the
25 department of human services for the fiscal year beginning
26 July 1, 2006, and ending June 30, 2007, the following amount,
27 or so much thereof as is necessary, to be used for the purpose
28 designated:

29 For maintenance of the healthy and well kids in Iowa (hawk-
30 i) program pursuant to chapter 514I for receipt of federal
31 financial participation under Title XXI of the federal Social
32 Security Act, which creates the state children's health
33 insurance program:

34 \$ 19,703,715

35 Sec. 15. CHILD CARE ASSISTANCE. There is appropriated

1 from the general fund of the state to the department of human
2 services for the fiscal year beginning July 1, 2006, and
3 ending June 30, 2007, the following amount, or so much thereof
4 as is necessary, to be used for the purpose designated:

5 For child care programs:

6 \$ 21,801,198

7 1. Of the funds appropriated in this section, \$18,850,674
8 shall be used for state child care assistance in accordance
9 with section 237A.13.

10 2. Nothing in this section shall be construed or is
11 intended as, or shall imply, a grant of entitlement for
12 services to persons who are eligible for assistance due to an
13 income level consistent with the waiting list requirements of
14 section 237A.13. Any state obligation to provide services
15 pursuant to this section is limited to the extent of the funds
16 appropriated in this section.

17 3. Of the funds appropriated in this section, \$525,524 is
18 allocated for the statewide program for child care resource
19 and referral services under section 237A.26.

20 4. Of the funds appropriated in this section, \$1,225,000
21 is allocated for child care quality improvement initiatives
22 including but not limited to development and continuation of a
23 quality rating system.

24 5. The department may use any of the funds appropriated in
25 this section as a match to obtain federal funds for use in
26 expanding child care assistance and related programs. For the
27 purpose of expenditures of state and federal child care
28 funding, funds shall be considered obligated at the time
29 expenditures are projected or are allocated to the
30 department's service areas. Projections shall be based on
31 current and projected caseload growth, current and projected
32 provider rates, staffing requirements for eligibility
33 determination and management of program requirements including
34 data systems management, staffing requirements for
35 administration of the program, contractual and grant

1 obligations and any transfers to other state agencies, and
2 obligations for decategorization or innovation projects.

3 6. A portion of the state match for the federal child care
4 and development block grant shall be provided through the
5 state general fund appropriation for child development grants
6 and other programs for at-risk children in section 279.51.

7 7. Of the funds appropriated in this section, \$1,200,000
8 is transferred to the Iowa empowerment fund. The amount
9 transferred shall be used by the Iowa empowerment board in
10 collaboration with the Iowa state university of science and
11 technology cooperative extension service in agriculture and
12 home economics for support of professional development and
13 training activities for persons working in early care, health,
14 and education. Expenditures shall be limited to professional
15 development and training activities agreed upon by one or more
16 community empowerment boards and the extension service staff
17 assigned to the community empowerment areas under the boards.

18 Sec. 16. JUVENILE INSTITUTIONS. There is appropriated
19 from the general fund of the state to the department of human
20 services for the fiscal year beginning July 1, 2006, and
21 ending June 30, 2007, the following amounts, or so much
22 thereof as is necessary, to be used for the purposes
23 designated:

24 1. For operation of the Iowa juvenile home at Toledo and
25 for salaries, support, maintenance, and for not more than the
26 following full-time equivalent positions:

27	\$	6,667,400
28	FTEs	118.50

29 a. Of the funds appropriated in this subsection, at least
30 \$25,000 is allocated for provision of books or other learning
31 materials and activities associated with the education of
32 children placed at the Iowa juvenile home.

33 b. It is the intent of the general assembly that effective
34 July 1, 2009, placements at the Iowa juvenile home will be
35 limited to females and that placements of boys at the home

1 will be diverted to other options. The department shall
2 utilize a study group to make recommendations on the options
3 for diversion of placements of boys and the study group shall
4 report on or before July 1, 2007, to the persons designated by
5 this division of this Act for submission of reports. The
6 membership of the study group shall include the parties
7 represented on the work group established for a similar
8 purpose by the child welfare services work group authorized by
9 the legislative council to meet in 1997-1999.

10 2. For operation of the state training school at Eldora
11 and for salaries, support, maintenance, and for not more than
12 the following full-time equivalent positions:

13 \$ 10,623,148
14 FTEs 196.55

15 Of the funds appropriated in this subsection, at least
16 \$40,000 is allocated for provision of books or other learning
17 materials and activities associated with the education of
18 children placed at the state training school.

19 3. A portion of the moneys appropriated in this section
20 shall be used by the state training school and by the Iowa
21 juvenile home for grants for adolescent pregnancy prevention
22 activities at the institutions in the fiscal year beginning
23 July 1, 2006.

24 Sec. 17. CHILD AND FAMILY SERVICES.

25 1. There is appropriated from the general fund of the
26 state to the department of human services for the fiscal year
27 beginning July 1, 2006, and ending June 30, 2007, the
28 following amount, or so much thereof as is necessary, to be
29 used for the purpose designated:

30 For child and family services:
31 \$ 80,715,373

32 In order to address a reduction of \$5,200,000 from the
33 amount allocated under this appropriation in prior years for
34 purposes of juvenile delinquent graduated sanction services,
35 up to \$5,200,000 of the amount of federal temporary assistance

1 for needy families block grant funding appropriated in this
2 division of this Act for child and family services, shall be
3 made available for purposes of juvenile delinquent graduated
4 sanction services.

5 2. The department may transfer funds appropriated in this
6 section as necessary to pay the nonfederal costs of services
7 reimbursed under the medical assistance program or the family
8 investment program which are provided to children who would
9 otherwise receive services paid under the appropriation in
10 this section. The department may transfer funds appropriated
11 in this section to the appropriations in this division of this
12 Act for general administration and for field operations for
13 resources necessary to implement and operate the services
14 funded in this section.

15 3. a. Of the funds appropriated in this section, up to
16 \$37,084,884 is allocated as the statewide expenditure target
17 under section 232.143 for group foster care maintenance and
18 services.

19 b. If at any time after September 30, 2006, annualization
20 of a service area's current expenditures indicates a service
21 area is at risk of exceeding its group foster care expenditure
22 target under section 232.143 by more than 5 percent, the
23 department and juvenile court services shall examine all group
24 foster care placements in that service area in order to
25 identify those which might be appropriate for termination. In
26 addition, any aftercare services believed to be needed for the
27 children whose placements may be terminated shall be
28 identified. The department and juvenile court services shall
29 initiate action to set dispositional review hearings for the
30 placements identified. In such a dispositional review
31 hearing, the juvenile court shall determine whether needed
32 aftercare services are available and whether termination of
33 the placement is in the best interest of the child and the
34 community.

35 c. Of the funds allocated in this subsection, \$1,510,661

1 is allocated as the state match funding for 50 highly
2 structured juvenile program beds. If the number of beds
3 provided for in this lettered paragraph is not utilized, the
4 remaining funds allocated may be used for group foster care.

5 4. In accordance with the provisions of section 232.188,
6 the department shall continue the child welfare and juvenile
7 justice funding initiative. Of the funds appropriated in this
8 section, \$2,500,000 is allocated specifically for expenditure
9 through the decategorization service funding pools and
10 governance boards established pursuant to section 232.188. In
11 addition, up to \$1,000,000 of the amount of federal temporary
12 assistance for needy families block grant funding appropriated
13 in this division of this Act for child and family services
14 shall be made available for purposes of the decategorization
15 initiative as provided in this subsection.

16 5. A portion of the funds appropriated in this section may
17 be used for emergency family assistance to provide other
18 resources required for a family participating in a family
19 preservation or reunification project to stay together or to
20 be reunified.

21 6. Notwithstanding section 234.35, subsection 1, for the
22 fiscal year beginning July 1, 2006, state funding for shelter
23 care paid pursuant to section 234.35, subsection 1, paragraph
24 "h", shall be limited to \$7,578,872.

25 7. Federal funds received by the state during the fiscal
26 year beginning July 1, 2006, as the result of the expenditure
27 of state funds appropriated during a previous state fiscal
28 year for a service or activity funded under this section, are
29 appropriated to the department to be used as additional
30 funding for services and purposes provided for under this
31 section. Notwithstanding section 8.33, moneys received in
32 accordance with this subsection that remain unencumbered or
33 unobligated at the close of the fiscal year shall not revert
34 to any fund but shall remain available for the purposes
35 designated until the close of the succeeding fiscal year.

1 8. Of the funds appropriated in this section, not more
2 than \$442,100 is allocated to provide clinical assessment
3 services as necessary to continue funding of children's
4 rehabilitation services under medical assistance in accordance
5 with federal law and requirements. The funding allocated is
6 the amount projected to be necessary for providing the
7 clinical assessment services.

8 9. Of the funds appropriated in this section, \$3,696,285
9 shall be used for protective child care assistance.

10 10. Of the funds appropriated in this section, up to
11 \$3,002,844 is allocated for the payment of the expenses of
12 court-ordered services provided to juveniles which are a
13 charge upon the state pursuant to section 232.141, subsection

14 4. Of the amount allocated in this subsection, up to
15 \$1,505,161 shall be made available to provide school-based
16 supervision of children adjudicated under chapter 232, of
17 which not more than \$15,000 may be used for the purpose of
18 training. A portion of the cost of each school-based liaison
19 officer shall be paid by the school district or other funding
20 source as approved by the chief juvenile court officer.

21 a. Notwithstanding section 232.141 or any other provision
22 of law to the contrary, the amount allocated in this
23 subsection shall be distributed to the judicial districts as
24 determined by the state court administrator. The state court
25 administrator shall make the determination of the distribution
26 amounts on or before June 15, 2006.

27 b. Notwithstanding chapter 232 or any other provision of
28 law to the contrary, a district or juvenile court shall not
29 order any service which is a charge upon the state pursuant to
30 section 232.141 if there are insufficient court-ordered
31 services funds available in the district court distribution
32 amount to pay for the service. The chief juvenile court
33 officer shall encourage use of the funds allocated in this
34 subsection such that there are sufficient funds to pay for all
35 court-related services during the entire year. The chief

1 juvenile court officers shall attempt to anticipate potential
2 surpluses and shortfalls in the distribution amounts and shall
3 cooperatively request the state court administrator to
4 transfer funds between the districts' distribution amounts as
5 prudent.

6 c. Notwithstanding any provision of law to the contrary, a
7 district or juvenile court shall not order a county to pay for
8 any service provided to a juvenile pursuant to an order
9 entered under chapter 232 which is a charge upon the state
10 under section 232.141, subsection 4.

11 d. Of the funds allocated in this subsection, not more
12 than \$100,000 may be used by the judicial branch for
13 administration of the requirements under this subsection and
14 for travel associated with court-ordered placements which are
15 a charge upon the state pursuant to section 232.141,
16 subsection 4.

17 11. Notwithstanding 2000 Iowa Acts, chapter 1228, section
18 43, the department may operate a subsidized guardianship
19 program if the United States department of health and human
20 services approves a waiver under Title IV-E of the federal
21 Social Security Act or the federal Social Security Act is
22 amended to allow Title IV-E funding to be used for subsidized
23 guardianship, and the subsidized guardianship program can be
24 operated without loss of Title IV-E funds.

25 12. Of the funds appropriated in this section, \$1,000,000
26 shall be transferred to the Iowa department of public health
27 to be used for the child protection center grant program in
28 accordance with section 135.118.

29 13. Of the funds appropriated in this section, \$148,000
30 shall be used for funding of one or more child welfare
31 diversion and mediation pilot projects as provided in 2004
32 Iowa Acts, chapter 1130, section 1.

33 14. If the department receives federal approval to
34 implement a waiver under Title IV-E of the federal Social
35 Security Act to enable providers to serve children who remain

1 in the children's families and communities, for purposes of
2 eligibility under the medical assistance program children who
3 participate in the waiver shall be considered to be placed in
4 foster care.

5 15. a. Funds appropriated in this section may be used to
6 provide continued support for young adults who are age
7 eighteen and graduate from high school or complete a
8 graduation equivalency diploma after May 1, 2006, have a self-
9 sufficiency plan, and are continuing their education, working,
10 or are in work training. The department may amend existing
11 contracts to provide the additional services to this
12 population. The department may adopt emergency rules to
13 implement the provisions of this subsection.

14 b. Of the funds appropriated in this section, \$854,012 is
15 allocated for the program described in this subsection for
16 young adults who leave foster care services at age 18 provided
17 legislation is enacted by the Eighty-first General Assembly,
18 2006 Session, to codify requirements for the program. If
19 enacted, the program shall commence on or after October 1,
20 2006.

21 16. Of the funds appropriated in this section, \$50,000 is
22 allocated for a grant to expand an existing program operated
23 by a nonprofit organization providing family treatment and
24 community education services in a nine-county area.

25 17. Of the funds appropriated in this section, \$1,000,000
26 shall be used for juvenile drug courts to replace lost federal
27 grants and to expand juvenile drug courts.

28 18. Of the funds appropriated in this section, \$100,000 is
29 allocated to establish a multidimensional treatment level
30 foster care program provided House File 2567 or other
31 legislation requiring the department to establish the program
32 is enacted by the Eighty-first General Assembly, 2006 Session.

33 Sec. 18. ADOPTION SUBSIDY.

34 1. There is appropriated from the general fund of the
35 state to the department of human services for the fiscal year

1 beginning July 1, 2006, and ending June 30, 2007, the
2 following amount, or so much thereof as is necessary, to be
3 used for the purpose designated:

4 For adoption subsidy payments and services:
5 \$ 31,746,063

6 2. The department may transfer funds appropriated in this
7 section to the appropriations in this Act for child and family
8 services to be used for adoptive family recruitment and other
9 services to achieve adoption.

10 3. Federal funds received by the state during the fiscal
11 year beginning July 1, 2006, as the result of the expenditure
12 of state funds during a previous state fiscal year for a
13 service or activity funded under this section, are
14 appropriated to the department to be used as additional
15 funding for the services and activities funded under this
16 section. Notwithstanding section 8.33, moneys received in
17 accordance with this subsection that remain unencumbered or
18 unobligated at the close of the fiscal year shall not revert
19 to any fund but shall remain available for expenditure for the
20 purposes designated until the close of the succeeding fiscal
21 year.

22 Sec. 19. JUVENILE DETENTION HOME FUND. Moneys deposited
23 in the juvenile detention home fund created in section 232.142
24 during the fiscal year beginning July 1, 2006, and ending June
25 30, 2007, are appropriated to the department of human services
26 for the fiscal year beginning July 1, 2006, and ending June
27 30, 2007, for distribution as follows:

28 1. An amount equal to 10 percent of the costs of the
29 establishment, improvement, operation, and maintenance of
30 county or multicounty juvenile detention homes in the fiscal
31 year beginning July 1, 2005. Moneys appropriated for
32 distribution in accordance with this subsection shall be
33 allocated among eligible detention homes, prorated on the
34 basis of an eligible detention home's proportion of the costs
35 of all eligible detention homes in the fiscal year beginning

1 July 1, 2005. Notwithstanding section 232.142, subsection 3,
2 the financial aid payable by the state under that provision
3 for the fiscal year beginning July 1, 2006, shall be limited
4 to the amount appropriated for the purposes of this
5 subsection.

6 2. For renewal of a grant to a county with a population
7 between 189,000 and 196,000 for implementation of the county's
8 runaway treatment plan under section 232.195:

9 \$ 80,000

10 3. For continuation and expansion of the community
11 partnership for child protection sites:

12 \$ 318,000

13 4. For continuation of the department's minority youth and
14 family projects under the redesign of the child welfare
15 system:

16 \$ 375,000

17 5. For grants to counties implementing a runaway treatment
18 plan under section 232.195.

19 6. The remainder for additional allocations to county or
20 multicounty juvenile detention homes, in accordance with the
21 distribution requirements of subsection 1.

22 Sec. 20. FAMILY SUPPORT SUBSIDY PROGRAM. There is
23 appropriated from the general fund of the state to the
24 department of human services for the fiscal year beginning
25 July 1, 2006, and ending June 30, 2007, the following amount,
26 or so much thereof as is necessary, to be used for the purpose
27 designated:

28 For the family support subsidy program:

29 \$ 1,936,434

30 1. The department shall use at least \$333,312 of the
31 moneys appropriated in this section to continue the children-
32 at-home program in current counties, and if funds are
33 available after exhausting the family support subsidy waiting
34 list, to expand the program to additional counties. Not more
35 than \$20,000 of the amount allocated in this subsection shall

1 be used for administrative costs.

2 2. Notwithstanding contrary provisions of section 225C.38,
3 subsection 1, the monthly family support subsidy payment
4 amount for the fiscal year beginning July 1, 2006, shall be
5 determined by the department in consultation with the council
6 created in section 225C.48, not to exceed the amount in effect
7 on June 30, 2006.

8 Sec. 21. CONNER DECREE. There is appropriated from the
9 general fund of the state to the department of human services
10 for the fiscal year beginning July 1, 2006, and ending June
11 30, 2007, the following amount, or so much thereof as is
12 necessary, to be used for the purpose designated:

13 For building community capacity through the coordination
14 and provision of training opportunities in accordance with the
15 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
16 Iowa, July 14, 1994):

17 \$ 42,623

18 Sec. 22. MENTAL HEALTH INSTITUTES. There is appropriated
19 from the general fund of the state to the department of human
20 services for the fiscal year beginning July 1, 2006, and
21 ending June 30, 2007, the following amounts, or so much
22 thereof as is necessary, to be used for the purposes
23 designated:

24 1. For the state mental health institute at Cherokee for
25 salaries, support, maintenance, and miscellaneous purposes and
26 for not more than the following full-time equivalent
27 positions:

28 \$ 4,893,698

29 FTES 215.00

30 Of the funds appropriated in this subsection, at least
31 \$5,000 is allocated for provision of books or other learning
32 materials and activities associated with the education of
33 children placed in facilities operated at the state mental
34 health institute at Cherokee.

35 2. For the state mental health institute at Clarinda for

1 salaries, support, maintenance, and miscellaneous purposes and
2 for not more than the following full-time equivalent
3 positions:

4 \$ 5,979,344
5 FTEs 101.15

6 3. For the state mental health institute at Independence
7 for salaries, support, maintenance, and miscellaneous purposes
8 and for not more than the following full-time equivalent
9 positions:

10 \$ 9,006,899
11 FTEs 286.40

12 Of the funds appropriated in this subsection, at least
13 \$5,000 is allocated for provision of books or other learning
14 materials and activities associated with the education of
15 children placed in facilities located at the state mental
16 health institute at Independence.

17 4. For the state mental health institute at Mount Pleasant
18 for salaries, support, maintenance, and miscellaneous purposes
19 and for not more than the following full-time equivalent
20 positions:

21 \$ 746,333
22 FTEs 96.84

23 Sec. 23. STATE RESOURCE CENTERS. There is appropriated
24 from the general fund of the state to the department of human
25 services for the fiscal year beginning July 1, 2006, and
26 ending June 30, 2007, the following amounts, or so much
27 thereof as is necessary, to be used for the purposes
28 designated:

29 1. For the state resource center at Glenwood for salaries,
30 support, maintenance, and miscellaneous purposes:

31 \$ 14,506,583

32 2. For the state resource center at Woodward for salaries,
33 support, maintenance, and miscellaneous purposes:

34 \$ 8,590,761

35 3. The department may continue to bill for state resource

1 center services utilizing a scope of services approach used
2 for private providers of ICFMR services, in a manner which
3 does not shift costs between the medical assistance program,
4 counties, or other sources of funding for the state resource
5 centers.

6 4. The state resource centers may expand the time limited
7 assessment and respite services during the fiscal year.

8 5. If the department's administration and the department
9 of management concur with a finding by a state resource
10 center's superintendent that projected revenues can reasonably
11 be expected to pay the salary and support costs for a new
12 employee position, or that such costs for adding a particular
13 number of new positions for the fiscal year would be less than
14 the overtime costs if new positions would not be added, the
15 superintendent may add the new position or positions. If the
16 vacant positions available to a resource center do not include
17 the position classification desired to be filled, the state
18 resource center's superintendent may reclassify any vacant
19 position as necessary to fill the desired position. The
20 superintendents of the state resource centers may, by mutual
21 agreement, pool vacant positions and position classifications
22 during the course of the fiscal year in order to assist one
23 another in filling necessary positions.

24 6. If existing capacity limitations are reached in
25 operating units, a waiting list is in effect for a service or
26 a special need for which a payment source or other funding is
27 available for the service or to address the special need, and
28 facilities for the service or to address the special need can
29 be provided within the available payment source or other
30 funding, the superintendent of a state resource center may
31 authorize opening not more than two units or other facilities
32 and to begin implementing the service or addressing the
33 special need during fiscal year 2006-2007.

34 Sec. 24. MI/MR/DD STATE CASES.

35 1. There is appropriated from the general fund of the

1 state to the department of human services for the fiscal year
2 beginning July 1, 2006, and ending June 30, 2007, the
3 following amount, or so much thereof as is necessary, to be
4 used for the purpose designated:

5 For purchase of local services for persons with mental
6 illness, mental retardation, and developmental disabilities
7 where the client has no established county of legal
8 settlement:

9 \$ 10,786,619

10 2. For the fiscal year beginning July 1, 2006, and ending
11 June 30, 2007, \$200,000 is allocated for state cases from the
12 amounts appropriated from the fund created in section 8.41 to
13 the department of human services from the funds received from
14 the federal government under 42 U.S.C., chapter 6A, subchapter
15 XVII, relating to the community mental health center block
16 grant, for the federal fiscal years beginning October 1, 2004,
17 and ending September 30, 2005, beginning October 1, 2005, and
18 ending September 30, 2006, and beginning October 1, 2006, and
19 ending September 30, 2007. The allocation made in this
20 subsection shall be made prior to any other distribution
21 allocation of the appropriated federal funds.

22 Sec. 25. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES --
23 COMMUNITY SERVICES FUND. There is appropriated from the
24 general fund of the state to the mental health and
25 developmental disabilities community services fund created in
26 section 225C.7 for the fiscal year beginning July 1, 2006, and
27 ending June 30, 2007, the following amount, or so much thereof
28 as is necessary, to be used for the purpose designated:

29 For mental health and developmental disabilities community
30 services in accordance with this division of this Act:

31 \$ 17,757,890

32 1. Of the funds appropriated in this section, \$17,727,890
33 shall be allocated to counties for funding of community-based
34 mental health and developmental disabilities services. The
35 moneys shall be allocated to a county as follows:

1 a. Fifty percent based upon the county's proportion of the
2 state's population of persons with an annual income which is
3 equal to or less than the poverty guideline established by the
4 federal office of management and budget.

5 b. Fifty percent based upon the county's proportion of the
6 state's general population.

7 2. a. A county shall utilize the funding the county
8 receives pursuant to subsection 1 for services provided to
9 persons with a disability, as defined in section 225C.2.

10 However, no more than 50 percent of the funding shall be used
11 for services provided to any one of the service populations.

12 b. A county shall use at least 50 percent of the funding
13 the county receives under subsection 1 for contemporary
14 services provided to persons with a disability, as described
15 in rules adopted by the department.

16 3. Of the funds appropriated in this section, \$30,000
17 shall be used to support the Iowa compass program providing
18 computerized information and referral services for Iowans with
19 disabilities and their families.

20 4. a. Funding appropriated for purposes of the federal
21 social services block grant is allocated for distribution to
22 counties for local purchase of services for persons with
23 mental illness or mental retardation or other developmental
24 disability.

25 b. The funds allocated in this subsection shall be
26 expended by counties in accordance with the county's approved
27 county management plan. A county without an approved county
28 management plan shall not receive allocated funds until the
29 county's management plan is approved.

30 c. The funds provided by this subsection shall be
31 allocated to each county as follows:

32 (1) Fifty percent based upon the county's proportion of
33 the state's population of persons with an annual income which
34 is equal to or less than the poverty guideline established by
35 the federal office of management and budget.

1 (2) Fifty percent based upon the amount provided to the
2 county for local purchase of services in the preceding fiscal
3 year.

4 5. A county is eligible for funds under this section if
5 the county qualifies for a state payment as described in
6 section 331.439.

7 Sec. 26. SEXUALLY VIOLENT PREDATORS.

8 1. There is appropriated from the general fund of the
9 state to the department of human services for the fiscal year
10 beginning July 1, 2006, and ending June 30, 2007, the
11 following amount, or so much thereof as is necessary, to be
12 used for the purpose designated:

13 For costs associated with the commitment and treatment of
14 sexually violent predators in the unit located at the state
15 mental health institute at Cherokee, including costs of legal
16 services and other associated costs, including salaries,
17 support, maintenance, miscellaneous purposes, and for not more
18 than the following full-time equivalent positions:

19	\$	4,750,704
20	FTEs	73.66

21 2. Unless specifically prohibited by law, if the amount
22 charged provides for recoupment of at least the entire amount
23 of direct and indirect costs, the department of human services
24 may contract with other states to provide care and treatment
25 of persons placed by the other states at the unit for sexually
26 violent predators at Cherokee. The moneys received under such
27 a contract shall be considered to be repayment receipts and
28 used for the purposes of the appropriation made in this
29 section.

30 Sec. 27. FIELD OPERATIONS. There is appropriated from the
31 general fund of the state to the department of human services
32 for the fiscal year beginning July 1, 2006, and ending June
33 30, 2007, the following amount, or so much thereof as is
34 necessary, to be used for the purposes designated:

35 For field operations, including salaries, support,

1 maintenance, and miscellaneous purposes and for not more than
2 the following full-time equivalent positions:

3 \$ 57,044,250
4 FTEs 1,885.87

5 Priority in filling full-time equivalent positions shall be
6 given to those positions related to child protection services.

7 Sec. 28. GENERAL ADMINISTRATION. There is appropriated
8 from the general fund of the state to the department of human
9 services for the fiscal year beginning July 1, 2006, and
10 ending June 30, 2007, the following amount, or so much thereof
11 as is necessary, to be used for the purpose designated:

12 For general administration, including salaries, support,
13 maintenance, and miscellaneous purposes and for not more than
14 the following full-time equivalent positions:

15 \$ 14,028,679
16 FTEs 309.00

17 1. Of the funds appropriated in this section, \$57,000 is
18 allocated for the prevention of disabilities policy council
19 established in section 225B.3.

20 2. Of the funds appropriated in this section, \$30,000 is
21 allocated to the department of human services for a statewide
22 coordinator for the program of all-inclusive care for the
23 elderly as defined in section 249H.3. The coordinator shall
24 work in collaboration with the department of elder affairs in
25 carrying out the coordinator's duties.

26 Sec. 29. VOLUNTEERS. There is appropriated from the
27 general fund of the state to the department of human services
28 for the fiscal year beginning July 1, 2006, and ending June
29 30, 2007, the following amount, or so much thereof as is
30 necessary, to be used for the purpose designated:

31 For development and coordination of volunteer services:

32 \$ 109,568

33 Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
34 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
35 DEPARTMENT OF HUMAN SERVICES.

1 1. a. (1) For the fiscal year beginning July 1, 2006,
2 nursing facilities shall be reimbursed at 100 percent of the
3 modified price-based case-mix reimbursement rate. Nursing
4 facilities reimbursed under the medical assistance program
5 shall submit annual cost reports and additional documentation
6 as required by rules adopted by the department.

7 (2) For the fiscal year beginning July 1, 2006, the total
8 state funding amount for the nursing facility budget shall not
9 exceed \$177,701,264. The department, in cooperation with
10 nursing facility representatives, shall review projections for
11 state funding expenditures for reimbursement of nursing
12 facilities on a quarterly basis and the department shall
13 determine if an adjustment to the medical assistance
14 reimbursement rate is necessary in order to provide
15 reimbursement within the state funding amount. Any temporary
16 enhanced federal financial participation that may become
17 available to the Iowa medical assistance program during the
18 fiscal year shall not be used in projecting the nursing
19 facility budget. Notwithstanding 2001 Iowa Acts, chapter 192,
20 section 4, subsection 2, paragraph "c", and subsection 3,
21 paragraph "a", subparagraph (2), if the state funding
22 expenditures for the nursing facility budget for the fiscal
23 year beginning July 1, 2006, are projected to exceed the
24 amount specified in this subparagraph, the department shall
25 adjust the inflation factor of the reimbursement rate
26 calculation for only the nursing facilities reimbursed under
27 the case-mix reimbursement system to maintain expenditures of
28 the nursing facility budget within the specified amount.

29 (3) For the fiscal year beginning July 1, 2006, the
30 patient-day-weighted medians used in rate setting for nursing
31 facilities shall be recalculated and the rates adjusted to
32 provide an increase in nursing facility rates not to exceed
33 \$162,315,695.

34 b. For the fiscal year beginning July 1, 2006, the
35 department shall reimburse pharmacy dispensing fees using a

1 single rate of \$4.52 per prescription, or the pharmacy's usual
2 and customary fee, whichever is lower.

3 c. For the fiscal year beginning July 1, 2006,
4 reimbursement rates for inpatient and outpatient hospital
5 services shall be increased by 3 percent over the rates in
6 effect on June 30, 2006. The department shall continue the
7 outpatient hospital reimbursement system based upon ambulatory
8 patient groups implemented pursuant to 1994 Iowa Acts, chapter
9 1186, section 25, subsection 1, paragraph "f". In addition,
10 the department shall continue the revised medical assistance
11 payment policy implemented pursuant to that paragraph to
12 provide reimbursement for costs of screening and treatment
13 provided in the hospital emergency room if made pursuant to
14 the prospective payment methodology developed by the
15 department for the payment of outpatient services provided
16 under the medical assistance program. Any rebasing of
17 hospital inpatient or outpatient rates shall not increase
18 total payments for inpatient and outpatient services beyond
19 the percentage increase provided in this paragraph.

20 d. For the fiscal year beginning July 1, 2006,
21 reimbursement rates for rural health clinics, hospices,
22 independent laboratories, and acute mental hospitals shall be
23 increased in accordance with increases under the federal
24 Medicare program or as supported by their Medicare audited
25 costs.

26 e. (1) For the fiscal year beginning July 1, 2006,
27 reimbursement rates for home health agencies shall be
28 increased by 3 percent over the rates in effect on June 30,
29 2006, not to exceed a home health agency's actual allowable
30 cost.

31 (2) The department shall establish a fixed-fee
32 reimbursement schedule for home health agencies under the
33 medical assistance program beginning July 1, 2006.

34 f. For the fiscal year beginning July 1, 2006, federally
35 qualified health centers shall receive cost-based

1 reimbursement for 100 percent of the reasonable costs for the
2 provision of services to recipients of medical assistance.

3 g. Beginning July 1, 2006, the reimbursement rates for
4 dental services shall be increased by 3 percent over the rates
5 in effect on June 30, 2006.

6 h. Beginning July 1, 2006, the reimbursement rates for
7 community mental health centers shall be increased by 3
8 percent over the rates in effect on June 30, 2006.

9 i. For the fiscal year beginning July 1, 2006, the maximum
10 reimbursement rate for psychiatric medical institutions for
11 children shall be \$160.71 per day.

12 j. For the fiscal year beginning July 1, 2006, unless
13 otherwise specified in this Act, all noninstitutional medical
14 assistance provider reimbursement rates shall be increased by
15 3 percent over the rates in effect on June 30, 2006, except
16 for area education agencies, local education agencies, infant
17 and toddler services providers, and those providers whose
18 rates are required to be determined pursuant to section
19 249A.20.

20 k. Notwithstanding section 249A.20, for the fiscal year
21 beginning July 1, 2006, the average reimbursement rate for
22 health care providers eligible for use of the federal Medicare
23 resource-based relative value scale reimbursement methodology
24 under that section shall be increased by 3 percent over the
25 rate in effect on June 30, 2006; however, this rate shall not
26 exceed the maximum level authorized by the federal government.

27 1. Beginning July 1, 2006, the department shall increase
28 the personal needs allowance under the medical assistance
29 program which may be retained by a resident of a nursing
30 facility to fifty dollars.

31 2. For the fiscal year beginning July 1, 2006, the
32 reimbursement rate for residential care facilities shall not
33 be less than the minimum payment level as established by the
34 federal government to meet the federally mandated maintenance
35 of effort requirement. The flat reimbursement rate for

1 facilities electing not to file semiannual cost reports shall
2 not be less than the minimum payment level as established by
3 the federal government to meet the federally mandated
4 maintenance of effort requirement.

5 3. For the fiscal year beginning July 1, 2006, the
6 reimbursement rate for providers reimbursed under the in-
7 home-related care program shall not be less than the minimum
8 payment level as established by the federal government to meet
9 the federally mandated maintenance of effort requirement.

10 4. Unless otherwise directed in this section, when the
11 department's reimbursement methodology for any provider
12 reimbursed in accordance with this section includes an
13 inflation factor, this factor shall not exceed the amount by
14 which the consumer price index for all urban consumers
15 increased during the calendar year ending December 31, 2002.

16 5. For the fiscal year beginning July 1, 2006, the foster
17 family basic daily maintenance rate paid in accordance with
18 section 234.38 and the maximum adoption subsidy rate for
19 children ages 0 through 5 years shall be \$15.31, the rate for
20 children ages 6 through 11 years shall be \$15.99, the rate for
21 children ages 12 through 15 years shall be \$17.57, and the
22 rate for children ages 16 and older shall be \$17.73.

23 6. For the fiscal year beginning July 1, 2006, the maximum
24 reimbursement rates for social service providers shall be
25 increased by 3 percent over the rates in effect on June 30,
26 2006, or to the provider's actual and allowable cost plus
27 inflation for each service, whichever is less. The rates may
28 also be adjusted under any of the following circumstances:

29 a. If a new service was added after June 30, 2006, the
30 initial reimbursement rate for the service shall be based upon
31 actual and allowable costs.

32 b. If a social service provider loses a source of income
33 used to determine the reimbursement rate for the provider, the
34 provider's reimbursement rate may be adjusted to reflect the
35 loss of income, provided that the lost income was used to

1 support actual and allowable costs of a service purchased
2 under a purchase of service contract.

3 7. The group foster care reimbursement rates paid for
4 placement of children out of state shall be calculated
5 according to the same rate-setting principles as those used
6 for in-state providers unless the director of human services
7 or the director's designee determines that appropriate care
8 cannot be provided within the state. The payment of the daily
9 rate shall be based on the number of days in the calendar
10 month in which service is provided.

11 8. For the fiscal year beginning July 1, 2006, the
12 reimbursement rates for rehabilitative treatment and support
13 services providers shall be increased by 3 percent over the
14 rates in effect on June 30, 2006.

15 9. a. For the fiscal year beginning July 1, 2006, the
16 combined service and maintenance components of the
17 reimbursement rate paid for shelter care services purchased
18 under a contract shall be based on the financial and
19 statistical report submitted to the department. The maximum
20 reimbursement rate shall be \$88.79 per day. The department
21 shall reimburse a shelter care provider at the provider's
22 actual and allowable unit cost, plus inflation, not to exceed
23 the maximum reimbursement rate.

24 b. Notwithstanding section 232.141, subsection 8, for the
25 fiscal year beginning July 1, 2006, the amount of the
26 statewide average of the actual and allowable rates for
27 reimbursement of juvenile shelter care homes that is utilized
28 for the limitation on recovery of unpaid costs shall be
29 increased by \$2.59 over the amount in effect for this purpose
30 in the preceding fiscal year.

31 10. For the fiscal year beginning July 1, 2006, the
32 department shall calculate reimbursement rates for
33 intermediate care facilities for persons with mental
34 retardation at the 80th percentile.

35 11. For the fiscal year beginning July 1, 2006, for child

1 care providers reimbursed under the state child care
2 assistance program, the department shall set provider
3 reimbursement rates based on the rate reimbursement survey
4 completed in December 2004. The department shall set rates in
5 a manner so as to provide incentives for a nonregistered
6 provider to become registered.

7 12. For the fiscal year beginning July 1, 2006,
8 reimbursements for providers reimbursed by the department of
9 human services may be modified if appropriated funding is
10 allocated for that purpose from the senior living trust fund
11 created in section 249H.4, or as specified in appropriations
12 from the healthy Iowans tobacco trust created in section
13 12.65.

14 13. The department shall apply the three percent
15 reimbursement rate increase prescribed for specified providers
16 for the fiscal year beginning July 1, 2005, pursuant to 2005
17 Iowa Acts, chapter 175, separately from the three percent
18 reimbursement rate increase prescribed for specified providers
19 for the fiscal year beginning July 1, 2006, under this Act.

20 14. The department may adopt emergency rules to implement
21 this section.

22 Sec. 31. EMERGENCY RULES. If specifically authorized by a
23 provision of this division of this Act, the department of
24 human services or the mental health, mental retardation,
25 developmental disabilities, and brain injury commission may
26 adopt administrative rules under section 17A.4, subsection 2,
27 and section 17A.5, subsection 2, paragraph "b", to implement
28 the provisions and the rules shall become effective
29 immediately upon filing or on a later effective date specified
30 in the rules, unless the effective date is delayed by the
31 administrative rules review committee. Any rules adopted in
32 accordance with this section shall not take effect before the
33 rules are reviewed by the administrative rules review
34 committee. The delay authority provided to the administrative
35 rules review committee under section 17A.4, subsection 5, and

1 section 17A.8, subsection 9, shall be applicable to a delay
2 imposed under this section, notwithstanding a provision in
3 those sections making them inapplicable to section 17A.5,
4 subsection 2, paragraph "b". Any rules adopted in accordance
5 with the provisions of this section shall also be published as
6 notice of intended action as provided in section 17A.4.

7 Sec. 32. REPORTS. Any reports or information required to
8 be compiled and submitted under this division of this Act
9 shall be submitted to the chairpersons and ranking members of
10 the joint appropriations subcommittee on health and human
11 services, the legislative services agency, and the legislative
12 caucus staffs on or before the dates specified for submission
13 of the reports or information.

14 Sec. 33. 2005 Iowa Acts, chapter 175, section 2,
15 subsection 4, unnumbered paragraph 2, is amended to read as
16 follows:

17 Of the funds appropriated in this subsection, not more than
18 \$100,000 shall be used to leverage federal funding through the
19 federal Ryan White Care Act, Title II, AIDS drug assistance
20 program supplemental drug treatment grants. Notwithstanding
21 section 8.33, moneys allocated in this subparagraph that
22 remain unencumbered or unobligated at the close of the fiscal
23 year shall not revert but shall remain available for
24 expenditure for the purposes designated until the close of the
25 succeeding fiscal year.

26 Sec. 34. 2005 Iowa Acts, chapter 175, section 2,
27 subsection 12, is amended by adding the following new
28 unnumbered paragraph:

29 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
30 moneys appropriated in this subsection that remain
31 unencumbered or unobligated at the close of the fiscal year
32 shall not revert but shall remain available for expenditure
33 for the purposes designated until the close of the succeeding
34 fiscal year.

35 Sec. 35. 2005 Iowa Acts, chapter 175, section 3, is

1 amended by adding the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
3 moneys appropriated in this section that remain unencumbered
4 or unobligated at the close of the fiscal year shall not
5 revert but shall remain available for expenditure for the
6 purposes designated until the close of the succeeding fiscal
7 year.

8 Sec. 36. 2005 Iowa Acts, chapter 175, section 4,
9 subsection 2, is amended by adding the following new
10 unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33 and
12 section 35D.18, subsection 5, moneys appropriated in this
13 subsection that remain unencumbered or unobligated at the
14 close of the fiscal year shall not revert but shall remain
15 available for expenditure in succeeding fiscal years. Of the
16 amount remaining available for expenditure under this
17 paragraph, the first \$1,000,000 shall be used for Iowa
18 veterans home operations in the immediately succeeding fiscal
19 year and the balance shall be transferred to any appropriation
20 made for the fiscal year beginning July 1, 2006, for purposes
21 of capital improvements, renovations, or new construction at
22 the Iowa veterans home. However, if an appropriation is not
23 made for such purposes for that fiscal year by the Eighty-
24 first General Assembly, 2006 Session, the balance shall remain
25 available to be used to supplement an appropriation made for
26 such purposes for a subsequent fiscal year.

27 Sec. 37. 2005 Iowa Acts, chapter 175, section 12, is
28 amended by adding the following new subsection:

29 NEW SUBSECTION. 4. Notwithstanding section 8.33,
30 \$1,100,000 of the moneys appropriated in this section that
31 remain unencumbered or unobligated at the close of the fiscal
32 year shall not revert but shall remain available for
33 expenditure for the purposes designated until the close of the
34 succeeding fiscal year.

35 Sec. 38. 2005 Iowa Acts, chapter 175, section 14,

1 subsection 2, is amended to read as follows:

2 2. Of the funds appropriated in this section, \$900,000
3 shall be used for implementation of a quality rating system
4 for child care providers, in accordance with legislation
5 enacted to authorize implementation of the rating system.
6 Notwithstanding section 8.33, \$125,000 of the moneys allocated
7 in this subsection that remain unencumbered or unobligated at
8 the close of the fiscal year shall not revert but shall remain
9 available for expenditure for the purposes designated until
10 the close of the succeeding fiscal year.

11 Sec. 39. 2005 Iowa Acts, chapter 175, section 16, is
12 amended by adding the following new subsection:

13 NEW SUBSECTION. 18. Notwithstanding section 8.33,
14 \$1,000,000 of the moneys appropriated in this section that
15 remain unencumbered or unobligated at the close of the fiscal
16 year shall not revert but shall remain available for
17 expenditure for the purposes designated until the close of the
18 succeeding fiscal year.

19 Sec. 40. 2005 Iowa Acts, chapter 175, section 17, is
20 amended by adding the following new subsection:

21 NEW SUBSECTION. 4. Notwithstanding section 8.33,
22 \$1,700,000 of the moneys appropriated in this section that
23 remain unencumbered or unobligated at the close of the fiscal
24 year shall not revert but shall remain available for
25 expenditure for the purposes designated until the close of the
26 succeeding fiscal year.

27 Sec. 41. 2005 Iowa Acts, chapter 175, section 21,
28 subsection 3, is amended by adding the following new
29 unnumbered paragraph:

30 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
31 revenues that are directly attributable to the psychiatric
32 medical institution for children beds operated by the state at
33 the state mental health institute at Independence in
34 accordance with section 226.9B, that are received as repayment
35 receipts and are attributed to the fiscal year beginning July

1 1, 2005, shall not revert but shall remain available for
2 expenditure for the purposes designated until the close of the
3 succeeding fiscal year.

4 Sec. 42. 2005 Iowa Acts, chapter 175, section 26, is
5 amended by adding the following new unnumbered paragraph:

6 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
7 the moneys appropriated in this section that remain
8 unencumbered or unobligated at the close of the fiscal year
9 shall not revert and the first \$500,000 shall be transferred
10 to the appropriation made in this Act for the medical
11 assistance program to be used for the program and the residual
12 balance shall be used for the purposes designated in this
13 section. The amount transferred and the residual balance
14 shall remain available for expenditure as provided in this
15 paragraph until the close of the succeeding fiscal year.

16 Sec. 43. 2005 Iowa Acts, chapter 175, section 29,
17 subsection 1, paragraph a, subparagraph (2), is amended to
18 read as follows:

19 (2) For the fiscal year beginning July 1, 2005, the total
20 state funding amount for the nursing facility budget shall not
21 exceed ~~\$161,600,000~~ \$167,042,326. The department, in
22 cooperation with nursing facility representatives, shall
23 review projections for state funding expenditures for
24 reimbursement of nursing facilities on a quarterly basis and
25 the department shall determine if an adjustment to the medical
26 assistance reimbursement rate is necessary in order to provide
27 reimbursement within the state funding amount. Any temporary
28 enhanced federal financial participation that may become
29 available to the Iowa medical assistance program during the
30 fiscal year shall not be used in projecting the nursing
31 facility budget. Notwithstanding 2001 Iowa Acts, chapter 192,
32 section 4, subsection 2, paragraph "c", and subsection 3,
33 paragraph "a", subparagraph (2), if the state funding
34 expenditures for the nursing facility budget for the fiscal
35 year beginning July 1, 2005, are projected to exceed the

1 amount specified in this subparagraph, the department shall
2 adjust the inflation factor of the reimbursement rate
3 calculation for only the nursing facilities reimbursed under
4 the case-mix reimbursement system to maintain expenditures of
5 the nursing facility budget within the specified amount.

6 Sec. 44. EFFECTIVE DATES. The following provisions of
7 this division of this Act, being deemed of immediate
8 importance, take effect upon enactment:

9 1. The provision under the appropriation for child and
10 family services, relating to requirements of sections 232.143
11 for representatives of the department of human services and
12 juvenile court services to establish a plan for continuing
13 group foster care expenditures for the 2006-2007 fiscal year.

14 2. The provision amending 2005 Iowa Acts, chapter 175,
15 section 2, subsection 4.

16 3. The provision amending 2005 Iowa Acts, chapter 175,
17 section 2, subsection 12.

18 4. The provision amending 2005 Iowa Acts, chapter 175,
19 section 3.

20 5. The provision amending 2005 Iowa Acts, chapter 175,
21 section 4.

22 6. The provision amending 2005 Iowa Acts, chapter 175,
23 section 12.

24 7. The provision amending 2005 Iowa Acts, chapter 175,
25 section 14, subsection 2.

26 8. The provision amending 2005 Iowa Acts, chapter 175,
27 section 16.

28 9. The provision amending 2005 Iowa Acts, chapter 175,
29 section 17.

30 10. The provision amending 2005 Iowa Acts, chapter 175,
31 section 21, subsection 3.

32 11. The provision amending 2005 Iowa Acts, chapter 175,
33 section 26.

34 12. The provision amending 2005 Iowa Acts, chapter 175,
35 section 29, subsection 1, paragraph "a", subparagraph (2).

1 DIVISION II
2 SENIOR LIVING TRUST FUND,
3 PHARMACEUTICAL SETTLEMENT ACCOUNT,
4 IOWACARE ACCOUNT, AND HEALTH CARE
5 TRANSFORMATION ACCOUNT

6 Sec. 45. DEPARTMENT OF ELDER AFFAIRS. There is
7 appropriated from the senior living trust fund created in
8 section 249H.4 to the department of elder affairs for the
9 fiscal year beginning July 1, 2006, and ending June 30, 2007,
10 the following amount, or so much thereof as is necessary, to
11 be used for the purpose designated:

12 For the development and implementation of a comprehensive
13 senior living program, including program administration and
14 costs associated with implementation, salaries, support,
15 maintenance, and miscellaneous purposes and for not more than
16 the following full-time equivalent positions:

17 \$ 8,296,730
18 FTEs 3.00

19 1. Of the funds appropriated in this section, \$2,196,967
20 shall be used for case management for the frail elderly. Of
21 the funds allocated in this subsection, \$1,010,000 shall be
22 transferred to the department of human services in equal
23 amounts on a quarterly basis for reimbursement of case
24 management services provided under the medical assistance
25 elderly waiver. The monthly cost per client for case
26 management for the frail elderly services provided shall not
27 exceed \$70. It is the intent of the general assembly that the
28 additional funding provided for case management for the frail
29 elderly for the fiscal year beginning July 1, 2006, and ending
30 June 30, 2007, shall be used to provide case management
31 services for an additional 1,650 individuals.

32 2. Notwithstanding section 249H.7, the department of elder
33 affairs shall distribute up to \$400,000 of the funds
34 appropriated in this section in a manner that will supplement
35 and maximize federal funds under the federal Older Americans

1 Act and shall not use the amount distributed for any
2 administrative purposes of either the department of elder
3 affairs or the area agencies on aging.

4 Sec. 46. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
5 appropriated from the senior living trust fund created in
6 section 249H.4 to the department of inspections and appeals
7 for the fiscal year beginning July 1, 2006, and ending June
8 30, 2007, the following amount, or so much thereof as is
9 necessary, to be used for the purpose designated:

10 For the inspection and certification of assisted living
11 facilities and adult day care services, including program
12 administration and costs associated with implementation,
13 salaries, support, maintenance, and miscellaneous purposes and
14 for not more than the following full-time equivalent
15 positions:

16	\$	758,474
17	FTEs	5.00

18 Sec. 47. DEPARTMENT OF HUMAN SERVICES. There is
19 appropriated from the senior living trust fund created in
20 section 249H.4 to the department of human services for the
21 fiscal year beginning July 1, 2006, and ending June 30, 2007,
22 the following amounts, or so much thereof as is necessary, to
23 be used for the purpose designated:

24 1. To supplement the medical assistance appropriation,
25 including program administration and costs associated with
26 implementation, salaries, support, maintenance, and
27 miscellaneous purposes and for not more than the following
28 fulltime equivalent positions:

29	\$	40,000,000
30	FTEs	5.00

31 2. Notwithstanding sections 249H.4 and 249H.5, the
32 department of human services may use moneys from the senior
33 living trust fund for cash flow purposes to make payments
34 under the nursing facility or hospital upper payment limit
35 methodology. The amount of any moneys so used shall be

1 refunded to the senior living trust fund within the same
2 fiscal year and in a prompt manner.

3 In order to carry out the purposes of this section, the
4 department may transfer funds appropriated in this section to
5 supplement other appropriations made to the department of
6 human services.

7 Sec. 48. IOWA FINANCE AUTHORITY. There is appropriated
8 from the senior living trust fund created in section 249H.4 to
9 the Iowa finance authority for the fiscal year beginning July
10 1, 2006, and ending June 30, 2007, the following amount, or so
11 much thereof as is necessary, to be used for the purposes
12 designated:

13 To provide reimbursement for rent expenses to eligible
14 persons:

15 \$ 700,000

16 Participation in the rent subsidy program shall be limited
17 to only those persons who meet the nursing facility level of
18 care for home and community-based services waiver services as
19 established on or after July 1, 2006.

20 Sec. 49. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
21 appropriated from the pharmaceutical settlement account
22 created in section 249A.33 to the department of human services
23 for the fiscal year beginning July 1, 2006, and ending June
24 30, 2007, the following amount, or so much thereof as is
25 necessary, to be used for the purpose designated:

26 To supplement the appropriations made for medical contracts
27 under the medical assistance program:

28 \$ 379,000

29 Sec. 50. APPROPRIATIONS FROM IOWACARE ACCOUNT.

30 1. There is appropriated from the IowaCare account created
31 in section 249J.24 to the state board of regents for
32 distribution to the university of Iowa hospitals and clinics
33 for the fiscal year beginning July 1, 2006, and ending June
34 30, 2007, the following amount, or so much thereof as is
35 necessary, to be used for the purposes designated:

1 For salaries, support, maintenance, equipment, and
2 miscellaneous purposes, for the provision of medical and
3 surgical treatment of indigent patients, for provision of
4 services to members of the expansion population pursuant to
5 chapter 249J, and for medical education:

6 \$ 27,284,584

7 a. The university of Iowa hospitals and clinics shall,
8 when medically appropriate, make reasonable efforts to extend
9 the university of Iowa hospitals and clinics' use of home
10 telemedicine and other technologies to reduce the frequency of
11 visits to the hospital required by indigent patients.

12 b. The university of Iowa hospitals and clinics shall
13 submit quarterly a report regarding the portion of the
14 appropriation in this subsection expended on medical
15 education. The report shall be submitted in a format jointly
16 developed by the university of Iowa hospitals and clinics, the
17 legislative services agency, and the department of management,
18 and shall delineate the expenditures and purposes of the
19 funds.

20 c. Funds appropriated in this subsection shall not be used
21 to perform abortions except medically necessary abortions, and
22 shall not be used to operate the early termination of
23 pregnancy clinic except for the performance of medically
24 necessary abortions. For the purpose of this subsection, an
25 abortion is the purposeful interruption of pregnancy with the
26 intention other than to produce a live-born infant or to
27 remove a dead fetus, and a medically necessary abortion is one
28 performed under one of the following conditions:

29 (1) The attending physician certifies that continuing the
30 pregnancy would endanger the life of the pregnant woman.

31 (2) The attending physician certifies that the fetus is
32 physically deformed, mentally deficient, or afflicted with a
33 congenital illness.

34 (3) The pregnancy is the result of a rape which is
35 reported within 45 days of the incident to a law enforcement

1 agency or public or private health agency which may include a
2 family physician.

3 (4) The pregnancy is the result of incest which is
4 reported within 150 days of the incident to a law enforcement
5 agency or public or private health agency which may include a
6 family physician.

7 (5) The abortion is a spontaneous abortion, commonly known
8 as a miscarriage, wherein not all of the products of
9 conception are expelled.

10 2. There is appropriated from the IowaCare account created
11 in section 249J.24 to the department of human services for
12 distribution to a publicly owned acute care teaching hospital
13 located in a county with a population over three hundred fifty
14 thousand for the fiscal year beginning July 1, 2006, and
15 ending June 30, 2007, the following amount, or so much thereof
16 as is necessary, to be used for the purposes designated:

17 For the provision of medical and surgical treatment of
18 indigent patients, for provision of services to members of the
19 expansion population pursuant to chapter 249J, and for medical
20 education:

21 \$ 37,000,000

22 3. There is appropriated from the IowaCare account created
23 in section 249J.24 to the department of human services for the
24 state hospitals for persons with mental illness designated in
25 section 226.1 for the fiscal year beginning July 1, 2006, and
26 ending June 30, 2007, the following amounts, or so much
27 thereof as is necessary, to be used for the purposes
28 designated:

29 a. For the state mental health institute at Cherokee, for
30 salaries, support, maintenance, and miscellaneous purposes,
31 including services to members of the expansion population
32 pursuant to chapter 249J:

33 \$ 9,098,425

34 b. For the state mental health institute at Clarinda, for
35 salaries, support, maintenance, and miscellaneous purposes,

1 including services to members of the expansion population
2 pursuant to chapter 249J:
3 \$ 1,977,305

4 c. For the state mental health institute at Independence,
5 for salaries, support, maintenance, and miscellaneous
6 purposes, including services to members of the expansion
7 population pursuant to chapter 249J:
8 \$ 9,045,894

9 d. For the state mental health institute at Mount
10 Pleasant, for salaries, support, maintenance, and
11 miscellaneous purposes, including services to members of the
12 expansion population designation pursuant to chapter 249J:
13 \$ 5,752,587

14 Sec. 51. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
15 TRANSFORMATION. There is appropriated from the account for
16 health care transformation created in section 249J.23, to the
17 department of human services, for the fiscal year beginning
18 July 1, 2006, and ending June 30, 2007, the following amounts,
19 or so much thereof as is necessary, to be used for the
20 purposes designated:

21 1. For the costs of medical examinations and development
22 of personal health improvement plans for the expansion
23 population pursuant to section 249J.6:
24 \$ 556,800

25 2. For the provision of a medical information hotline for
26 the expansion population as provided in section 249J.6:
27 \$ 150,000

28 3. For the insurance cost subsidy program pursuant to
29 section 249J.8:
30 \$ 1,500,000

31 4. For the health care account program option pursuant to
32 section 249J.8:
33 \$ 400,000

34 5. For the use of electronic medical records by medical
35 assistance program and expansion population provider network

- 1 providers pursuant to section 249J.14:
 - 2 \$ 2,000,000
 - 3 6. For other health partnership activities pursuant to
 - 4 section 249J.14:
 - 5 \$ 550,000
 - 6 7. For the costs related to audits, performance
 - 7 evaluations, and studies required pursuant to chapter 249J:
 - 8 \$ 100,000
 - 9 8. For administrative costs associated with chapter 249J:
 - 10 \$ 930,352
 - 11 9. For development of a case-mix acuity-based
 - 12 reimbursement system for intermediate care facilities for
 - 13 persons with mental retardation:
 - 14 \$ 150,000
 - 15 10. For development of a provider incentive payment
 - 16 program to reward performance and quality of service:
 - 17 \$ 50,000

18 Sec. 52. TRANSFER FROM ACCOUNT FOR HEALTH CARE
19 TRANSFORMATION. There is transferred from the account for
20 health care transformation created pursuant to section
21 249J.23, to the IowaCare account created in section 249J.24, a
22 total of \$3,000,000 for the fiscal year beginning July 1,
23 2006, and ending June 30, 2007.

24 Sec. 53. MEDICAL ASSISTANCE PROGRAM -- REVERSION TO SENIOR
25 LIVING TRUST FUND FOR FY 2006-2007. Notwithstanding section
26 8.33, if moneys appropriated for purposes of the medical
27 assistance program for the fiscal year beginning July 1, 2006,
28 and ending June 30, 2007, from the general fund of the state,
29 the senior living trust fund, and the healthy Iowans tobacco
30 trust fund are in excess of actual expenditures for the
31 medical assistance program and remain unencumbered or
32 unobligated at the close of the fiscal year, the excess moneys
33 shall not revert but shall be transferred to the senior living
34 trust fund created in section 249H.4. Unless otherwise
35 provided in this Act, moneys appropriated for purposes of the

1 medical assistance program for the fiscal year beginning July
2 1, 2006, and ending June 30, 2007, are not subject to transfer
3 under section 8.39 or other provision of law except as
4 authorized in this section.

5 Sec. 54. Section 249H.11, Code 2005, is amended to read as
6 follows:

7 249H.11 ~~FUTURE-REPEAL~~ GRANTS -- NONREVERSION.

8 1. Section-249H-6-is-repealed-on-June-30,-2005.--However,
9 Nursing facility conversion and long-term care services
10 development grants awarded and moneys appropriated for grants
11 on or before June 30, 2005, shall be disbursed to eligible
12 applicants after that date if necessary.

13 2. Notwithstanding section 8.33, moneys committed from the
14 senior living trust fund to grantees under contract to provide
15 for conversion to assisted living programs or for development
16 of long-term care alternatives that remain unexpended at the
17 close of any fiscal year shall not revert to any fund but
18 shall remain available for expenditure for the purposes of the
19 contract.

20 Sec. 55. 2005 Iowa Acts, chapter 175, section 48, is
21 amended to read as follows:

22 SEC. 48. MEDICAL ASSISTANCE PROGRAM -- REVERSION TO SENIOR
23 LIVING TRUST FUND FOR FY 2005-2006. Notwithstanding section
24 8.33, if moneys appropriated ~~in-this-Act~~ for purposes of the
25 medical assistance program for the fiscal year beginning July
26 1, 2005, and ending June 30, 2006, from the general fund of
27 the state, the senior living trust fund, the hospital trust
28 fund, or the healthy Iowans tobacco trust fund are in excess
29 of actual expenditures for the medical assistance program and
30 remain unencumbered or unobligated at the close of the fiscal
31 year, the excess moneys shall not revert but shall be
32 transferred to the senior living trust fund created in section
33 249H.4. Unless otherwise provided in this Act, moneys
34 appropriated for purposes of the medical assistance program
35 for the fiscal year beginning July 1, 2005, and ending June

1 30, 2006, are not subject to transfer under section 8.39 or
2 other provision of law except as authorized in this section.

3 Sec. 56. EFFECTIVE DATE. The following provisions of this
4 division of this Act, being deemed of immediate importance,
5 take effect upon enactment:

6 1. The provision amending 2005 Iowa Acts, chapter 175,
7 section 48.

8 2. The provision amending section 249H.11.

9 DIVISION III

10 MENTAL HEALTH, MENTAL RETARDATION,
11 DEVELOPMENTAL DISABILITIES,
12 AND BRAIN INJURY SERVICES
13 ALLOWED GROWTH FUNDING --
14 FISCAL YEAR 2006-2007

15 Sec. 57. 2005 Iowa Acts, chapter 179, section 1,
16 subsection 2, paragraph a, is amended to read as follows:

17 a. For distribution to counties for fiscal year ~~2005-2006~~
18 2006-2007 in accordance with the formula in section 331.438,
19 subsection 2, paragraph "b":

20 \$ 12,000,000

21 Sec. 58. 2005 Iowa Acts, chapter 179, section 1,
22 subsection 2, paragraph c, is amended to read as follows:

23 ~~c. For-deposit-in-the-risk-pool-created-in-the-property~~
24 ~~tax-relief-fund-and-for-distribution-in-accordance-with~~
25 ~~section-426B-57-subsection-2~~ To the department of human
26 services for supplementation of the appropriations made for
27 the medical assistance program for the fiscal year beginning
28 July 1, 2006, and ending June 30, 2007:

29 \$ 2,000,000

30 Sec. 59. 2005 Iowa Acts, chapter 179, section 1, is
31 amended by adding the following new subsections:

32 NEW SUBSECTION. 3. The following formula amounts shall be
33 utilized only to calculate preliminary distribution amounts
34 for fiscal year 2006-2007 under this section by applying the
35 indicated formula provisions to the formula amounts and

1 producing a preliminary distribution total for each county:

2 a. For calculation of an allowed growth factor adjustment
3 amount for each county in accordance with the formula in
4 section 331.438, subsection 2, paragraph "b":

5 \$ 12,000,000

6 b. For calculation of a distribution amount for eligible
7 counties from the per capita expenditure target pool created
8 in the property tax relief fund in accordance with the
9 requirements in section 426B.5, subsection 1:

10 \$ 23,925,724

11 c. For calculation of a distribution amount for counties
12 from the mental health and developmental disabilities (MH/DD)
13 community services fund in accordance with the formula
14 provided in the appropriation made for the MH/DD community
15 services fund for the fiscal year beginning July 1, 2006:

16 \$ 17,727,890

17 NEW SUBSECTION. 4. After applying the applicable
18 statutory distribution formulas to the amounts indicated in
19 subsection 3 for purposes of producing preliminary
20 distribution totals, the department of human services shall
21 apply a withholding factor to adjust an eligible individual
22 county's preliminary distribution total. An ending balance
23 percentage for each county shall be determined by expressing
24 the county's ending balance on a modified accrual basis under
25 generally accepted accounting principles for the fiscal year
26 beginning July 1, 2005, in the county's mental health, mental
27 retardation, and developmental disabilities services fund
28 created under section 331.424A, as a percentage of the
29 county's gross expenditures from that fund for that fiscal
30 year. The withholding factor for a county shall be the
31 following applicable percent:

32 a. For an ending balance percentage of less than 5
33 percent, a withholding factor of 0 percent. In addition, a
34 county that is subject to this lettered paragraph shall
35 receive an inflation adjustment equal to 3 percent of the

1 gross expenditures reported for the county's services fund for
2 the fiscal year.

3 b. For an ending balance percentage of 5 or more but less
4 than 10 percent, a withholding factor of 0 percent. In
5 addition, a county that is subject to this lettered paragraph
6 shall receive an inflation adjustment equal to 2 percent of
7 the gross expenditures reported for the county's services fund
8 for the fiscal year.

9 c. For an ending balance percentage of 10 or more but less
10 than 25 percent, a withholding factor of 25 percent.

11 d. For an ending balance percentage of 25 percent or more,
12 a withholding percentage of 100 percent.

13 NEW SUBSECTION. 5. The total withholding amounts applied
14 pursuant to subsection 4 shall be equal to a withholding
15 target amount of \$4,564,576. If the department of human
16 services determines that the amount to be withheld in
17 accordance with subsection 4 is not equal to the target
18 withholding amount, the department shall adjust the
19 withholding factors listed in subsection 4 as necessary to
20 achieve the withholding target amount. However, in making
21 such adjustments to the withholding factors, the department
22 shall strive to minimize changes to the withholding factors
23 for those ending balance percentage ranges that are lower than
24 others and shall not adjust the zero withholding factor or the
25 inflation adjustment percentage specified in subsection 4,
26 paragraph "a".

27 Sec. 60. EFFECTIVE DATE. The section of this division of
28 this Act amending 2005 Iowa Acts, chapter 179, section 1,
29 subsection 2, paragraph "a", being deemed of immediate
30 importance, takes effect upon enactment.

31 DIVISION IV

32 MISCELLANEOUS PROVISIONS

33 Sec. 61. Section 225B.8, Code 2005, is amended to read as
34 follows:

35 225B.8 REPEAL.

1 This chapter is repealed July 1, 2006 2011.

2 Sec. 62. Section 231.23, Code Supplement 2005, is amended
3 by adding the following new subsections:

4 NEW SUBSECTION. 13. Provide annual training for area
5 agency on aging board of directors members.

6 NEW SUBSECTION. 14. Establish a procedure for an area
7 agency on aging to use in selection of members of the agency's
8 board of directors. The selection procedure shall be
9 incorporated into the bylaws of the board of directors and
10 shall include a nomination process by which nominations are
11 submitted to the department, objections to a nominee may be
12 submitted to the department by a date certain, and if at least
13 twenty-five objections to a nominee are received by the
14 department, the nominee shall be eliminated from nomination
15 for that term of membership.

16 NEW SUBSECTION. 15. Provide oversight to ensure that the
17 composition of the area agency on aging board of directors
18 complies with the rules of the department.

19 Sec. 63. Section 231.33, Code Supplement 2005, is amended
20 by adding the following new subsections:

21 NEW SUBSECTION. 19. Require the completion by board of
22 directors members, annually, of four hours of training,
23 provided by the department of elder affairs.

24 NEW SUBSECTION. 20. Incorporate into the bylaws of the
25 area agency's board of directors and comply with the procedure
26 established by the department for selection of members to the
27 board of directors as provided in section 231.23.

28 Sec. 64. Section 249J.20, subsection 5, Code Supplement
29 2005, is amended to read as follows:

30 5. The department of human services, the department of
31 management, and the legislative services agency shall utilize
32 a joint process to arrive at an annual consensus projection
33 for medical assistance program and expansion population
34 expenditures for submission to the council. By December 15 of
35 each fiscal year, the council shall ~~agree-to-a~~ review the

1 consensus projection of expenditures for the fiscal year
2 beginning the following July 17-based-upon-the-consensus
3 projection-submitted.

4 Sec. 65. NEW SECTION. 263.23 OBLIGATIONS TO INDIGENT
5 PATIENTS.

6 The university of Iowa hospitals and clinics shall continue
7 the obligation existing on April 1, 2005, to provide care or
8 treatment at the university of Iowa hospitals and clinics to
9 indigent patients and to any inmate, student, patient, or
10 former inmate of a state institution as specified in sections
11 263.21 and 263.22, with the exception of the specific
12 obligation to committed indigent patients pursuant to section
13 255.16, Code 2005.

14 Sec. 66. TRAVEL POLICY.

15 1. For the fiscal year beginning July 1, 2006, each
16 department or independent agency receiving an appropriation in
17 this Act shall review the employee policy for daily or short-
18 term travel including but not limited to the usage of motor
19 pool vehicles under the department of administrative services,
20 employee mileage reimbursement for the use of a personal
21 vehicle, and the usage of private automobile rental companies.
22 Following the review, the department or agency shall implement
23 revisions in the employee policy for daily or short-term
24 travel as necessary to maximize cost savings.

25 2. Each department or independent agency subject to
26 subsection 1 shall report to the general assembly's standing
27 committees on government oversight regarding the policy
28 revisions implemented and the savings realized from the
29 changes. An initial report shall be submitted on or before
30 December 1, 2006, and a follow-up report shall be submitted on
31 or before December 1, 2007.

32 EXPLANATION

33 This bill relates to and makes appropriations for health
34 and human services for fiscal year 2006-2007 to the state
35 commission of veterans affairs, the Iowa veterans home, the

1 department of elder affairs, the Iowa department of public
2 health, and the department of human services.

3 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS. This division
4 appropriates funding from the general fund of the state for
5 the department of elder affairs, the Iowa department of public
6 health, and the department of veterans affairs.

7 The division appropriates funds from the gambling treatment
8 fund in lieu of the standing appropriation in Code section
9 135.150 for addictive disorders and provides for use of the
10 funds remaining in the fund.

11 The division appropriates funding from the general fund of
12 the state and the federal temporary assistance for needy
13 families block grant to the department of human services.

14 The bill amends 2005 Iowa Acts, chapter 175, relating to
15 appropriations made for health and human services for FY 2005-
16 2006, to allow unobligated appropriations made from the
17 gambling treatment fund, and from the general fund of the
18 state for chronic conditions and the Iowa collaborative safety
19 net provider network under the Iowa department of public
20 health, gambling treatment, the Iowa veterans home, state
21 supplementary assistance, a quality rating system for child
22 care providers, child and family services, adoption subsidy,
23 the psychiatric medical institution for children at
24 Independence, and field operations to carry forward to the
25 succeeding fiscal year. In addition, \$500,000 of the field
26 operations balance for fiscal year 2005-2006 is transferred to
27 the Medicaid program appropriation. The amount of the Iowa
28 veterans home carryforward for fiscal year 2005-2006 in excess
29 of \$1,000,000 is designated for purposes of capital
30 improvements, renovations, or new construction at the Iowa
31 veterans home and is subject to transfer to any appropriation
32 made for the same purposes.

33 In addition, 2005 Iowa Acts, chapter 175, section 29,
34 relating to reimbursement of nursing facilities using a case-
35 mix methodology, is amended to revise the excess amount

1 applied for those facilities with direct-care and indirect-
2 care costs at certain percentages below the median. The
3 amendments to 2005 Iowa Acts, chapter 175, take effect upon
4 enactment.

5 SENIOR TRUST FUND, PHARMACEUTICAL SETTLEMENT ACCOUNT,
6 IOWACARE ACCOUNT, AND HEALTH CARE TRANSFORMATION ACCOUNT.

7 This division makes appropriations for the 2006-2007 fiscal
8 year from the senior living trust fund to the department of
9 elder affairs, the department of human services, the
10 department of inspections and appeals, and the Iowa finance
11 authority.

12 The division makes an appropriation from the pharmaceutical
13 settlement account to the department of human services to
14 supplement the medical assistance appropriation and the
15 medical contracts appropriation.

16 The division makes appropriations to the university of Iowa
17 hospitals and clinics, a publicly owned acute care teaching
18 hospital in a county with a population over 350,000, and the
19 state hospitals for persons with mental illness for purposes
20 related to the IowaCare program and indigent care. The
21 division also makes an appropriation to the department of
22 human services from the health care transformation account for
23 various health care reform initiatives.

24 The division provides for nonreversion of assisted living
25 conversion grant funding that remains unexpended at the close
26 of FY 2004-2005 or FY 2005-2006. This section takes effect
27 upon enactment.

28 MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL
29 DISABILITIES, AND BRAIN INJURY SERVICES ALLOWED GROWTH FUNDING
30 -- FISCAL YEAR 2006-2007. This division relates to mental
31 health, mental retardation and other developmental
32 disabilities, and brain injury (MH/MR/DD/BI) services funding
33 for fiscal year 2006-2007.

34 The division provides for distribution of the services
35 funding previously appropriated for fiscal year 2006-2007 and

1 shifts an allocation made from that funding to the risk pool
2 fund to instead be used for the Medicaid program.

3 MISCELLANEOUS PROVISIONS. This division provides
4 miscellaneous provisions, including the extension of the
5 existence of the prevention of disabilities policy council
6 until July 1, 2011.

7 The bill provides for the training and selection of members
8 of the area agency on aging boards of directors under Code
9 sections 231.23 and 231.33. The bill changes the requirement
10 under Code section 249J.20 that the medical assistance
11 projections and assessment council (MAPAC) agree to a
12 projection of expenditures for a subsequent fiscal year and
13 instead requires that MAPAC review the consensus projection of
14 expenditures of the department of human services, the
15 department of management, and the legislative services agency
16 for the subsequent fiscal year. In new Code section 263.23,
17 the bill codifies language regarding the care of indigent
18 patients at the university of Iowa hospitals and clinics that
19 was formerly included in session law.

20 The bill includes a directive for the departments and
21 independent agencies receiving an appropriation in the bill to
22 review employee policy for daily or short-term travel and to
23 implement policy revisions to maximize cost savings. The
24 directive includes requirements for reporting to the
25 committees on government oversight.

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HOUSE FILE 2734

H-8170

1 Amend House File 2734 as follows:

2 1. Page 1, line 18, by inserting after the word
3 "handicapped," the following: "for the development
4 and implementation of a comprehensive senior living
5 program,".

6 2. Page 1, line 23, by striking the figure
7 "3,627,645" and inserting the following: "11,924,375".

8 3. Page 1, line 24, by striking the figure
9 "30.50" and inserting the following: "33.50".

10 4. Page 2, by inserting after line 19 the
11 following:

12 "____. Of the funds appropriated in this section,
13 \$2,196,967 shall be used for case management for the
14 frail elderly. Of the funds allocated in this
15 subsection, \$1,010,000 shall be transferred to the
16 department of human services in equal amounts on a
17 quarterly basis for reimbursement of case management
18 services provided under the medical assistance elderly
19 waiver. The monthly cost per client for case
20 management for the frail elderly services provided
21 shall not exceed \$70. It is the intent of the general
22 assembly that the additional funding provided for case
23 management for the frail elderly for the fiscal year
24 beginning July 1, 2006, and ending June 30, 2007,
25 shall be used to provide case management services for
26 an additional 1,650 individuals.

27 _____. The department of elder affairs shall
28 distribute up to \$400,000 of the funds appropriated in
29 this section in a manner that will supplement and
30 maximize federal funds under the federal Older
31 Americans Act and shall not use the amount distributed
32 for any administrative purposes of either the
33 department of elder affairs or the area agencies on
34 aging."

35 5. Page 2, by inserting before line 20 the
36 following:

37 "INSPECTIONS AND APPEALS

38 Sec. _____. DEPARTMENT OF INSPECTIONS AND APPEALS.

39 There is appropriated from the general fund of the
40 state to the department of inspections and appeals for
41 the fiscal year beginning July 1, 2006, and ending
42 June 30, 2007, the following amount, or so much
43 thereof as is necessary, to be used for the purpose
44 designated:

45 For the inspection and certification of assisted
46 living facilities and adult day care services,
47 including program administration and costs associated
48 with implementation, salaries, support, maintenance,
49 and miscellaneous purposes and for not more than the
50 following full-time equivalent positions:

H-8170

1	\$	758,474
2	FTEs	5.00

IOWA FINANCE AUTHORITY

4 Sec. ____ IOWA FINANCE AUTHORITY. There is
5 appropriated from the general fund of the state to the
6 Iowa finance authority for the fiscal year beginning
7 July 1, 2006, and ending June 30, 2007, the following
8 amount, or so much thereof as is necessary, to be used
9 for the purpose designated:

10 To provide reimbursement for rent expenses to
11 eligible persons:

12	\$	700,000
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13 Participation in the rent subsidy program shall be
14 limited to only those persons who meet the nursing
15 facility level of care for home and community-based
16 services waiver services as established on or after
17 July 1, 2006."

18 6. Page 15, line 16, by striking the figure
19 "708,671,610" and inserting the following:
20 "766,671,610".

21 7. Page 36, line 4, by striking the figure
22 "1,885.87" and inserting the following: "1,890.87".

23 8. By striking page 48, line 6, through page 50,
24 line 19.

25 9. Page 60, by inserting after line 13 the
26 following:

27 "Sec. ____ Section 453A.6, subsection 1, Code
28 2005, is amended to read as follows:

29 1. There is imposed, and shall be collected and
30 paid to the department, ~~the following taxes~~ on all
31 cigarettes used or otherwise disposed of in this state
32 for any purpose whatsoever:

33 ~~Class A. On cigarettes weighing not more than~~
34 ~~three pounds per thousand, eighteen mills on each such~~
35 ~~cigarette.~~

36 ~~Class B. On cigarettes weighing more than three~~
37 ~~pounds per thousand, eighteen mills~~ a tax of five
38 cents on each such cigarette.

39 Sec. ____ Section 453A.40, subsection 1, Code
40 2005, is amended to read as follows:

41 1. All of the following persons shall be subject
42 to an inventory tax on the following items as provided
43 in this section:

44 a. All persons required to be licensed obtain a
45 permit under section 453A.13 as distributors or to be
46 licensed under section 453A.44 as a distributor or
47 subjobber, having in their possession and held for
48 resale on the effective date of an increase in the tax
49 rate cigarettes, ~~or~~ little cigars, or tobacco products
50 upon which the tax under section 453A.6 or 453A.43 has

1 been paid, unused cigarette tax stamps which have been
2 paid for under section 453A.8, or unused metered
3 imprints which have been paid for under section
4 453A.12 ~~shall be subject to an inventory tax on the~~
5 ~~items as provided in this section.~~

6 b. All consumers having for use or storage on the
7 effective date of an increase in the tax rate, tobacco
8 products upon which the tax under section 453A.43 has
9 been paid.

10 c. All consumers subject to section 453A.46,
11 subsection 6, who have acquired title to or possession
12 of tobacco products for storage in this state, upon
13 which tobacco products the tax imposed by section
14 453A.43 has not been paid.

15 Sec. _____. Section 453A.43, subsection 1,
16 unnumbered paragraph 1, Code 2005, is amended to read
17 as follows:

18 A tax is imposed upon all tobacco products in this
19 state and upon any person engaged in business as a
20 distributor of tobacco products, at the rate of
21 ~~twenty-two~~ twenty-two fifty-five percent of the wholesale sales
22 price of the tobacco products, except little cigars as
23 defined in section 453A.42. Little cigars shall be
24 subject to the same rate of tax imposed upon
25 cigarettes in section 453A.6, payable at the time and
26 in the manner provided in section 453A.6; and stamps
27 shall be affixed as provided in division I of this
28 chapter. The tax on tobacco products, excluding
29 little cigars, shall be imposed at the time the
30 distributor does any of the following:

31 Sec. _____. Section 453A.43, subsection 2,
32 unnumbered paragraph 1, Code 2005, is amended to read
33 as follows:

34 A tax is imposed upon the use or storage by
35 consumers of tobacco products in this state, and upon
36 the consumers, at the rate of ~~twenty-two~~ twenty-two fifty-five
37 percent of the cost of the tobacco products."

38 10. Page 60, by inserting after line 31 the
39 following:

40 "Sec. _____. EFFECTIVE DATE. The sections of this
41 division of this Act amending section 453A.6,
42 subsection 1, section 453A.40, subsection 1, and
43 section 453A.43, subsections 1 and 2, being deemed of
44 immediate importance, take effect on the first day of
45 the month that begins following enactment of this
46 Act."

47 11. By renumbering as necessary.

By HOGG of Linn

HOUSE FILE 2734

H-8169

1 Amend House File 2734 as follows:

2 1. Page 3, line 16, by striking the figure
3 "1,866,264" and inserting the following: "2,341,264".

4 2. Page 3, by inserting after line 27 the
5 following: "Of the funds appropriated in this
6 subsection, \$475,000 shall be used for the access to
7 baby and child dentistry (ABCD) program to improve
8 child dental care."

By MASCHER of Johnson

H-8169 FILED MARCH 9, 2006

HOUSE FILE 2734

H-8201

1 Amend House File 2734 as follows:

2 1. Page 55, by inserting after line 4 the
3 following:

4 "Sec. ____ . Section 249H.4, subsection 1, Code
5 Supplement 2005, is amended to read as follows:

6 1. A senior living trust fund is created in the
7 state treasury under the authority of the department
8 of human services. Moneys received through
9 intergovernmental agreements for the senior living
10 program and moneys received from sources, including
11 grants, contributions, and participant payments, shall
12 be deposited in the fund. Additionally, proceeds
13 derived from payment of taxes pursuant to section
14 453A.6, subsection 1, paragraph "a", subparagraph (2);
15 section 453A.6, subsection 1, paragraph "b",
16 subparagraph (2); section 453A.43, subsection 1,
17 paragraph "b"; and section 453A.43, subsection 2,
18 paragraph "b", shall be credited to the fund."

19 2. Page 55, by inserting after line 19 the
20 following:

21 "Sec. ____ . Section 453A.6, subsection 1, Code
22 2005, is amended to read as follows:

23 1. There is imposed, and shall be collected and
24 paid to the department, the following taxes on all
25 cigarettes used or otherwise disposed of in this state
26 for any purpose whatsoever:

27 a. CLASS A.

28 (1) On cigarettes weighing not more than three
29 pounds per thousand, ~~eighteen mills~~ one and eight-
30 tenths cents on each such cigarette.

31 (2) In addition to the tax imposed in subparagraph
32 (1), on cigarettes weighing not more than three pounds
33 per thousand, three and two-tenths cents on each
34 cigarette.

35 b. CLASS B.

36 (1) On cigarettes weighing more than three pounds
37 per thousand, ~~eighteen mills~~ one and eight-
38 cents on each such cigarette.

39 (2) In addition to the tax imposed in subparagraph
40 (1), on cigarettes weighing more than three pounds per
41 thousand, three and two-tenths cents on each
42 cigarette.

43 Sec. ____ . Section 453A.35, Code 2005, is amended
44 to read as follows:

45 453A.35 TAX AND FEES PAID TO GENERAL FUND.

46 The proceeds derived from the sale of stamps and
47 the payment of taxes, fees and penalties provided for
48 under this chapter, and the permit fees received from
49 all permits issued by the department, with the
50 exception of the proceeds derived from payment of

H-8201

1 taxes pursuant to section 453A.6, subsection 1,
 2 paragraph "a", subparagraph (2); section 453A.6,
 3 subsection 1, paragraph "b", subparagraph (2); section
 4 453A.43, subsection 1, paragraph "b"; and section
 5 453A.43, subsection 2, paragraph "b", which shall be
 6 credited to the senior living trust fund created in
 7 section 249H.4, shall be credited to the general fund
 8 of the state. All permit fees provided for in this
 9 chapter and collected by cities in the issuance of
 10 permits granted by the cities shall be paid to the
 11 treasurer of the city where the permit is effective,
 12 or to another city officer as designated by the
 13 council, and credited to the general fund of the city.
 14 Permit fees so collected by counties shall be paid to
 15 the county treasurer.

16 Sec. ____ . Section 453A.40, subsection 1, Code
 17 2005, is amended to read as follows:

18 1. All of the following persons shall be subject
 19 to an inventory tax on the following items as provided
 20 in this section:

21 a. All persons required to be licensed obtain a
 22 permit under section 453A.13 as distributors or to be
 23 licensed under section 453A.44 as a distributor or
 24 subjobber, having in their possession and held for
 25 resale on the effective date of an increase in the tax
 26 rate cigarettes, ~~or~~ little cigars, or tobacco products
 27 upon which the tax under section 453A.6 or 453A.43 has
 28 been paid, unused cigarette tax stamps which have been
 29 paid for under section 453A.8, or unused metered
 30 imprints which have been paid for under section
 31 453A.12 shall be subject to an inventory tax on the
 32 items as provided in this section.

33 b. All consumers having for use or storage on the
 34 effective date of an increase in the tax rate, tobacco
 35 products upon which the tax under section 453A.43 has
 36 been paid.

37 c. All consumers subject to section 453A.46,
 38 subsection 6, who have acquired title to or possession
 39 of tobacco products for storage in this state, upon
 40 which tobacco products the tax imposed by section
 41 453A.43 has not been paid.

42 Sec. ____ . Section 453A.43, subsections 1 and 2,
 43 Code 2005, are amended to read as follows:

44 1. a. A tax is imposed upon all tobacco products
 45 in this state and upon any person engaged in business
 46 as a distributor of tobacco products, at the rate of
 47 twenty-two percent of the wholesale sales price of the
 48 tobacco products, except little cigars as defined in
 49 section 453A.42.

50 b. In addition to the tax imposed under paragraph

1 "a", a tax is imposed upon all tobacco products in
2 this state and upon any person engaged in business as
3 a distributor of tobacco products, at the rate of
4 thirty-three percent of the wholesale sales price of
5 the tobacco products, except little cigars as defined
6 in section 453A.42.

7 c. Little cigars shall be subject to the same rate
8 of tax imposed upon cigarettes in section 453A.6,
9 payable at the time and in the manner provided in
10 section 453A.6; and stamps shall be affixed as
11 provided in division I of this chapter.

12 d. The ~~tax~~ taxes on tobacco products, excluding
13 little cigars, shall be imposed at the time the
14 distributor does any of the following:

15 a. (1) Brings, or causes to be brought, into this
16 state from without the state tobacco products for
17 sale.

18 b. (2) Makes, manufactures, or fabricates tobacco
19 products in this state for sale in this state.

20 e. (3) Ships or transports tobacco products to
21 retailers in this state, to be sold by those
22 retailers.

23 2. a. A tax is imposed upon the use or storage by
24 consumers of tobacco products in this state, and upon
25 the consumers, at the rate of twenty-two percent of
26 the cost of the tobacco products.

27 b. In addition to the tax imposed in paragraph
28 "a", a tax is imposed upon the use or storage by
29 consumers of tobacco products in this state, and upon
30 the consumers, at a rate of thirty-three percent of
31 the cost of the tobacco products.

32 c. The ~~tax~~ taxes imposed by this subsection shall
33 not apply if the ~~tax~~ taxes imposed by subsection 1 on
34 the tobacco products ~~has~~ have been paid.

35 d. ~~This tax~~ The taxes imposed under this
36 subsection shall not apply to the use or storage of
37 tobacco products in quantities of:

38 a. (1) Less than 25 cigars.

39 b. (2) Less than 10 oz. snuff or snuff powder.

40 e. (3) Less than 1 lb. smoking or chewing tobacco
41 or other tobacco products not specifically mentioned
42 herein, in the possession of any one consumer."

43 3. Page 56, by inserting after line 8 the
44 following:

45 "Sec. ____ . EFFECTIVE DATE. The sections of this
46 division of this Act amending section 249H.4,
47 subsection 1; section 453A.6, subsection 1; section
48 453A.35; section 453A.40, subsection 1; and section
49 453A.43, subsections 1 and 2, being deemed of
50 immediate importance, take effect on the first day of

H-8201

Page 4

1 the month that begins following enactment of this
2 Act."

By FOEGE of Linn

H-8201 FILED MARCH 13, 2006

HOUSE FILE 2734

H-8202

1 Amend House File 2734 as follows:

2 1. Page 3, line 16, by striking the figure
3 "1,866,264" and inserting the following: "2,341,264".

4 2. Page 3, by inserting after line 27 the
5 following:

6 "Of the funds appropriated in this subsection,
7 \$475,000 shall be used for the access to baby and
8 child dentistry (ABCD) program to improve child dental
9 care."

10 3. Page 15, line 16, by striking the figure
11 "708,671,610" and inserting the following:

12 "708,821,610".

13 4. Page 18, by inserting after line 5 the
14 following:

15 "_____. Of the funds appropriated in this section,
16 \$150,000 shall be used to provide adult periodontal
17 services to medical assistance recipients."

By MASCHER of Johnson

H-8202 FILED MARCH 13, 2006

HOUSE FILE 2734

H-8203

1 Amend House File 2734 as follows:

2 1. Page 19, by inserting after line 34, the
3 following:

4 "The director of human services shall seek a waiver
5 from the centers for Medicare and Medicaid services of
6 the United States department of health and human
7 services to provide family coverage under the state
8 children's health insurance program created under
9 Title XXI of the federal Social Security Act. The
10 program shall provide for payment of premiums for
11 private insurance for families if the cost of coverage
12 for the entire family is less than the cost of
13 enrollment of only the children of the family in the
14 state children's health insurance program. The
15 employers' private insurance benefit packages and
16 contribution levels shall comply with all federal
17 requirements. The department shall report progress
18 regarding the request for a waiver under this section
19 to the general assembly on a periodic basis."

By MASCHER of Johnson

H-8203 FILED MARCH 13, 2006

HOUSE FILE 2734

H-8194

1 Amend House File 2734 as follows:
2 1. Page 3, line 32, by striking the figure
3 "1,442,840" and inserting the following: "1,622,840".
4 2. Page 4, by inserting after line 2 the
5 following:
6 "Of the funds appropriated in this subsection,
7 \$180,000 is allocated for the department to enter into
8 a contract with the university of Iowa hospitals and
9 clinics to implement and administer the prescription
10 drug donation repository program authorized pursuant
11 to chapter 135M."

By SMITH of Marshall

H-8194 FILED MARCH 13, 2006

HOUSE FILE 2734

H-8198

1 Amend House File 2734 as follows:
2 1. Page 3, line 32, by striking the figure
3 "1,442,840" and inserting the following: "1,642,840".
4 2. Page 3, line 35, by striking the figure
5 "100,000" and inserting the following: "300,000".

By MURPHY of Dubuque

H-8198 FILED MARCH 13, 2006

HOUSE FILE 2734

H-8199

1 Amend House File 2734 as follows:
2 1. Page 22, line 31, by striking the figure
3 "80,715,373" and inserting the following:
4 "81,491,038".
5 2. Page 27, by inserting after line 32 the
6 following:
7 "____. Of the funds appropriated in this section,
8 \$775,665 shall be used to provide twelve clinical
9 consultants to provide clinical expertise, guidance,
10 and skill building support to frontline social workers
11 and the number of positions authorized in this
12 division of this Act for field operations shall be
13 increased accordingly."

By FOEGE of Linn

H-8199 FILED MARCH 13, 2006

HOUSE FILE 2734

H-8222

1 Amend House File 2734 as follows:

2 1. Page 3, line 16, by striking the figure
3 "1,866,264" and inserting the following: "2,341,264".

4 2. Page 3, by inserting after line 27 the
5 following:

6 "Of the funds appropriated in this subsection,
7 \$150,000 shall be used for the access to baby and
8 child dentistry (ABCD) program to improve child dental
9 care by reaching all Iowa counties with a demonstrated
10 oral health program for children from birth through
11 five years of age.

12 Of the funds appropriated in this subsection,
13 \$325,000 shall be used to address the healthy mental
14 development of children from birth through five years
15 of age through local level evidence-based strategies
16 that engage both the public and private sectors in
17 promoting healthy development, prevention, and
18 treatment for all children."

19 3. Page 15, line 16, by striking the figure
20 "708,671,610" and inserting the following:
21 "708,821,610".

22 4. Page 18, by inserting after line 5 the
23 following:

24 " . Of the funds appropriated in this section,
25 \$150,000 shall be used to provide adult periodontal
26 services to medical assistance recipients."

By MASCHER of Johnson

H-8222 FILED MARCH 14, 2006

HOUSE FILE 2734

H-8235

1 Amend House File 2734 as follows:
 2 1. Page 56, by striking lines 25 through 28 and
 3 inserting the following: "~~section 426B.5, subsection~~
 4 2 For deposit in the per capita expenditure target
 5 pool created in the property tax relief fund and for
 6 distribution in accordance with section 426B.5,
 7 subsection 1:"
 8 2. Page 57, line 10, by striking the figure
 9 "23,925,724" and inserting the following:
 10 "25,925,724".

By CARROLL of Poweshiek	BERRY of Black Hawk
S. OLSON of Clinton	D. TAYLOR of Linn
J. R. VAN FOSSEN of Scott	FOEGE of Linn
HEATON of Henry	WINCKLER of Scott
UPMEYER of Hancock	HUSER of Polk
J. K. VAN FOSSEN of Scott	BELL of Jasper
KURTENBACH of Story	T. TAYLOR of Linn
LUKAN of Dubuque	KRESSIG of Black Hawk
BOAL of Polk	SHOULTZ of Black Hawk
RAECKER of Polk	MASCHER of Johnson
JENKINS of Black Hawk	LENSING of Johnson
TOMENGA of Polk	JACOBY of Johnson
JACOBS of Polk	LYKAM of Scott
HUTTER of Scott	WHITEAD of Woodbury
PAULSEN of Linn	R. OLSON of Polk
WENDT of Woodbury	

H-8235 FILED MARCH 14, 2006

HOUSE FILE 2734

H-8240

1 Amend House File 2734 as follows:
 2 1. Page 8, by inserting after line 6 the
 3 following:
 4 "The department of veterans affairs shall report to
 5 the senate state government committee and to the
 6 veterans committee of the house of representatives by
 7 October 15, 2006, regarding employment of the
 8 additional field service officers authorized under
 9 this subsection."

By HEATON of Henry	KAUFMANN of Cedar
GRANZOW of Hardin	FOEGE of Linn
FREEMAN of Buena Vista	TYMESON of Madison
THOMAS of Clayton	

H-8240 FILED MARCH 14, 2006

HOUSE FILE 2734

H-8243

1 Amend House File 2734 as follows:

2 1. Page 3, line 16, by striking the figure
3 "1,866,264" and inserting the following: "2,201,264".

4 2. Page 3, by inserting after line 27 the
5 following:

6 "Of the funds appropriated in this subsection,
7 \$100,000 shall be allocated to the university of Iowa
8 hospitals and clinics, children's hospital of Iowa,
9 department of pediatrics, division of pediatric
10 nutrition, for operational costs of the mother's milk
11 bank of Iowa.

12 Of the funds appropriated in this subsection,
13 \$235,000 shall be used for the access to baby and
14 child dentistry (ABCD) program to improve child dental
15 care by reaching all Iowa counties with a demonstrated
16 oral health program for children from birth through
17 five years of age and to address the healthy mental
18 development of children from birth through five years
19 of age through local level evidence-based strategies
20 that engage both the public and private sectors in
21 promoting healthy development, prevention, and
22 treatment for all children."

23 3. Page 3, line 32, by striking the figure
24 "1,442,840" and inserting the following: "1,792,840".

25 4. Page 3, line 35, by striking the figure
26 "100,000" and inserting the following: "280,000".

27 5. Page 4, by inserting after line 2 the
28 following:

29 "Of the funds appropriated in this subsection,
30 \$170,000 is allocated for the department to enter into
31 a contract with the university of Iowa hospitals and
32 clinics to implement and administer the prescription
33 drug donation repository program authorized pursuant
34 to chapter 135M."

35 6. Page 4, line 7, by striking the figure
36 "1,418,662" and inserting the following: "1,593,662".

37 7. Page 4, by inserting after line 12, the
38 following:

39 "Of the funds appropriated in this subsection,
40 \$175,000 is allocated for the creation of two
41 additional psychiatric residency slots at the
42 university of Iowa college of medicine. In order to
43 be eligible for the residency program funds, a
44 resident shall agree to work in an Iowa mental health
45 shortage area for five years upon completion of the
46 program."

47 8. Page 15, line 16, by striking the figure
48 "708,671,610" and inserting the following:

49 "708,811,610".

50 9. Page 18, by inserting after line 5, the

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1 following:

2 "_____. Of the funds appropriated in this section,
3 \$140,000 shall be used to provide adult periodontal
4 services to medical assistance recipients."

5 10. Page 28, line 5, by striking the figure
6 "31,746,063" and inserting the following:

7 "31,446,063".

8 11. Page 31, line 31, by striking the figure
9 "14,506,583" and inserting the following:

10 "14,006,583".

11 12. Page 33, line 9, by striking the figure
12 "10,786,619" and inserting the following:

13 "10,586,619".

14 13. Page 45, line 22, by striking the figure
15 "1,700,000" and inserting the following: "2,000,000".

16 14. Page 46, by inserting after line 3 the
17 following:

18 "Sec. _____. 2005 Iowa Acts, chapter 175, section
19 22, subsection 1, is amended by adding the following
20 new unnumbered paragraph:

21 NEW UNNUMBERED PARAGRAPH. Notwithstanding sections
22 8.33 and 222.92, \$1,000,000 of the revenues available
23 to the state resource center at Glenwood that remain
24 unencumbered or unobligated at the close of the fiscal
25 year shall not revert but shall remain available for
26 expenditure for the purposes of the state resource
27 center until the close of the succeeding fiscal year.

28 Sec. _____. 2005 Iowa Acts, chapter 175, section 23,
29 is amended by adding the following new subsection:

30 NEW SUBSECTION. 3. Notwithstanding section 8.33,
31 \$200,000 of the moneys appropriated in this section
32 that remain unencumbered or unobligated at the close
33 of the fiscal year shall not revert but shall remain
34 available for expenditure for the purposes designated
35 until the close of the succeeding fiscal year."

36 15. Page 47, by inserting after line 31 the
37 following:

38 "_____. The provision amending 2005 Iowa Acts,
39 chapter 175, section 22.

40 _____. The provision amending 2005 Iowa Acts,
41 chapter 175, section 23."

42 16. By renumbering as necessary.

By FOEGE of Linn

HOUSE FILE 2734

H-8256

1 Amend House File 2734 as follows:

2 1. Page 22, line 31, by striking the figure
3 "80,715,373" and inserting the following:

4 "80,965,373".

5 2. Page 27, by inserting after line 32, the
6 following:

7 "____. Of the funds appropriated in this section,
8 \$250,000 is allocated for education and outreach
9 programs for children and for parents and adults to
10 reduce the incidence of sexual abuse and exploitation
11 of children. The amount allocated in this subsection
12 shall be distributed in accordance with section
13 235A.1."

14 3. By renumbering as necessary.

By SMITH of Marshall

H-8256 FILED MARCH 14, 2006

HOUSE FILE 2734

H-8260

1 Amend House File 2734 as follows:

2 1. Page 21, by inserting after line 17 the
3 following:

4 "Sec. ____ CHILD CARE AT NIGHT PILOT PROJECT.

5 There is appropriated from the general fund of the
6 state to the department of human services for the
7 fiscal year beginning July 1, 2006, and ending June
8 30, 2007, the following amount, or so much thereof as
9 is necessary, to be used for the purpose designated:

10 For implementation of a child care at night pilot
11 project in accordance with this section:

12 \$ 300,000

13 1. The department shall utilize the state child
14 care advisory council created in section 237A.21 to
15 develop and review grant applications made by licensed
16 child care centers, identify request for proposals
17 requirements, make recommendations regarding selection
18 of grantees, and perform other functions relating to
19 the child care at night pilot project.

20 2. The pilot project shall subsidize the cost of
21 child care provided in a child care center licensed
22 under chapter 237A to children whose parents are
23 working during the hours of 5 p.m. to 8 a.m. by paying
24 a provider reimbursement supplement of \$3 per hour per
25 child for up to 2,000 hours per child per year. The
26 pilot project shall be implemented in three pilot
27 project locations. The pilot project is subject to
28 all of the following requirements:

29 a. One project shall be located in a large city
30 and shall provide support for up to 20 children on a
31 regular basis. The total amount of the provider
32 reimbursement supplement payable for this location in
33 a fiscal year shall be limited to \$120,000.

34 b. One project shall be located in a small city
35 and shall provide support for up to 10 children on a
36 regular basis. The total amount of the provider
37 reimbursement supplement payable for this location in
38 a fiscal year shall be limited to \$60,000.

39 c. One project shall be located in a rural area
40 and shall provide support for up to 10 children on a
41 regular basis. The total amount of the provider
42 reimbursement supplement payable for this location in
43 a fiscal year shall be limited to \$60,000.

44 d. The department may adjust the amount of the
45 provider reimbursement supplement or the maximum
46 number of hours per child authorized to the extent
47 necessary to remain within the funding limitation
48 applicable to a pilot project location.

49 e. In addition to the provider reimbursement
50 supplement, a grantee shall be reimbursed up to

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1 \$20,000 for facility and equipment improvements made
2 to a pilot project location in connection with the
3 pilot project.

4 f. A grantee must provide evaluation information
5 identified by the advisory council and the department.

6 g. A portion of the children served by a pilot
7 project location must be receiving support from the
8 state child care assistance program under section
9 237A.13. The portion shall be identified in the grant
10 requirements.

11 3. The grant period shall begin on or before
12 August 15, 2006.

13 4. The grantees participating in the pilot project
14 shall provide an evaluation report to the state child
15 care advisory council on or before August 31, 2007.
16 The advisory council shall include the reports
17 received and provide its own findings and
18 recommendations in making a report concerning the
19 pilot project to the governor and the general assembly
20 on or before November 1, 2007. The evaluation report
21 information to be provided by grantees shall be
22 specified by the advisory council and shall include
23 but is not limited to a description of the demand for
24 services, identification of the cost of the services
25 provided, the public safety benefits accruing from the
26 pilot project, and customer issues with the pilot
27 project."

28 2. By renumbering as necessary.

By HOGG of Linn

HOUSE FILE 2734

H-8263

1 Amend House File 2734 as follows:

2 1. Page 59, by inserting after line 27 the
3 following:

4 "Sec. ____ . Section 249J.6, subsection 2, paragraph
5 a, Code Supplement 2005, is amended to read as
6 follows:

7 a. Beginning no later than March 1, 2006, within
8 ninety days of enrollment in the expansion population,
9 each expansion population member shall participate, in
10 conjunction with receiving a single comprehensive
11 medical examination and completing a personal health
12 improvement plan, in a health risk assessment
13 coordinated by a health consortium representing
14 providers, consumers, and medical education
15 institutions. An expansion population member who
16 enrolls in the expansion population prior to March 1,
17 2006, shall participate in the health risk assessment,
18 receive the single comprehensive medical examination,
19 and complete the personal health improvement plan by
20 June 1, 2006. The criteria for the health risk
21 assessment, the comprehensive medical examination, and
22 the personal health improvement plan shall be
23 developed and applied in a manner that takes into
24 consideration cultural variations that may exist
25 within the expansion population. The health risk
26 assessment shall utilize a gender-specific approach
27 that assesses health risk factors unique to men and
28 women. Specifically for women, in addition to health
29 risk factors identified for both men and women, the
30 health risk assessment shall include queries and
31 provide for necessary laboratory tests relating to
32 musculoskeletal health including but not limited to
33 osteoporosis, endocrine and hormonal health including
34 but not limited to thyroid health, and sexual and
35 reproductive health including but not limited to
36 fertility-related issues and sexually transmitted
37 diseases. In developing the queries unique to women,
38 a clinical advisory team shall be utilized that
39 includes women's health professionals including but
40 not limited to those with specialties in obstetrics
41 and gynecology, endocrinology, mental health,
42 behavioral health, oncology, cardiology, and
43 rheumatology. The health risk assessment shall also
44 provide queries relating to an individual's
45 environment, including but not limited to the presence
46 of domestic violence."

47 2. Page 60, by inserting after line 31 the
48 following:

49 "Sec. ____ . EFFECTIVE DATE. The section of this
50 division of this Act amending section 249J.6, being

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Page 2

1 deemed of immediate importance, takes effect upon
2 enactment."

By PETERSEN of Polk

H-8263 FILED MARCH 14, 2006

HOUSE FILE 2734

H-8266

1 Amend House File 2734 as follows:

2 1. Page 60, by inserting after line 31, the
3 following:

4 "Sec. ____ SINGLE POINT OF ENTRY LONG-TERM LIVING
5 SYSTEM INTERIM STUDY COMMITTEE. The legislative
6 council is requested to establish an interim study
7 committee to make recommendations for establishing a
8 single point of entry to the long-term living system.
9 The membership of the interim study committee shall
10 include four members of the senate, three members of
11 the house of representatives, and not more than four
12 members of the public. The study committee shall
13 report its findings and recommendations, including
14 recommendations for coordinating state efforts to
15 provide access to informational and educational
16 resources to assist individuals in making informed
17 choices to address their long-term living needs and
18 recommendations for funding the single point of entry,
19 to the general assembly for consideration during the
20 2007 Legislative Session."

21 2. By renumbering as necessary.

By UPMEYER of Hancock

H-8266 FILED MARCH 14, 2006

HOUSE FILE 2734

H-8267

1 Amend House File 2734 as follows:

2 1. Page 59, by inserting after line 27 the
3 following:

4 "Sec. _____. Section 249J.5, Code Supplement 2005,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 9. Following initial enrollment,
7 an expansion population shall reenroll annually by the
8 last day of the month in which the expansion
9 population member initially enrolled.

10 Sec. _____. Section 249J.6, subsection 2, paragraph
11 a, Code Supplement 2005, is amended to read as
12 follows:

13 a. ~~Beginning no later than March 1, 2006, within~~
14 Within ninety days of initial enrollment and within
15 ninety days of each reenrollment in the expansion
16 population, each expansion population member shall
17 participate, in conjunction with receiving a single
18 comprehensive medical examination and completing a
19 personal health improvement plan, in a health risk
20 assessment coordinated by a health consortium
21 representing providers, consumers, and medical
22 education institutions. An expansion population
23 member who initially enrolls in the expansion
24 population prior to March 1, 2006, shall participate
25 in the health risk assessment, receive the single
26 comprehensive medical examination, and complete the
27 personal health improvement plan by June 1, 2006. The
28 criteria for the health risk assessment, the
29 comprehensive medical examination, and the personal
30 health improvement plan shall be developed and applied
31 in a manner that takes into consideration cultural
32 variations that may exist within the expansion
33 population."

34 2. Page 60, by inserting after line 3 the
35 following:

36 "Sec. _____. Section 249J.24, subsection 6, Code
37 Supplement 2005, is amended to read as follows:

38 6. Notwithstanding any provision to the contrary,
39 from each semiannual collection of taxes levied under
40 section 347.7 for which the collection is performed
41 after July 1, 2005, the county treasurer of a county
42 with a population over three hundred fifty thousand in
43 which a publicly owned acute care teaching hospital is
44 located shall transfer the proceeds collected pursuant
45 to section 347.7 in a total amount of thirty-four
46 million dollars annually, which would otherwise be
47 distributed to the county hospital, to the treasurer
48 of state for deposit in the IowaCare account under
49 this section. The county treasurer shall transfer the
50 total amount of the proceeds specified above to the

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1 treasurer of state, semiannually, in two equal
2 installments of seventeen million dollars. All
3 proceeds collected pursuant to section 347.7 in excess
4 of the seventeen million dollars collected
5 semiannually and not transferred to the treasurer of
6 state shall be distributed by the county treasurer
7 directly to the publicly owned acute care teaching
8 hospital. The board of trustees of the acute care
9 teaching hospital identified in this subsection and
10 the department shall execute an agreement under
11 chapter 28E by July 1, 2005, and annually by July 1,
12 thereafter, to specify the requirements relative to
13 transfer of the proceeds and the distribution of
14 moneys to the hospital from the IowaCare account. The
15 agreement shall include provisions relating to
16 exceptions to the deadline for submission of clean
17 claims as required pursuant to section 249J.7 and
18 provisions relating to data reporting requirements
19 regarding the expansion population. The agreement may
20 also include a provision allowing such hospital to
21 limit access to such hospital by expansion population
22 members based on residency of the member, if such
23 provision reflects the policy of such hospital
24 regarding indigent patients existing on April 1, 2005,
25 as adopted by its board of hospital trustees pursuant
26 to section 347.14, subsection 4. Notwithstanding the
27 specified amount of proceeds to be transferred under
28 this subsection, if the amount allocated that does not
29 require federal matching funds under an appropriation
30 in a subsequent fiscal year to such hospital for
31 medical and surgical treatment of indigent patients,
32 for provision of services to expansion population
33 members, and for medical education, is reduced from
34 the amount allocated that does not require federal
35 matching funds under the appropriation for the fiscal
36 year beginning July 1, 2005, the amount of proceeds
37 required to be transferred under this subsection in
38 that subsequent fiscal year shall be reduced in the
39 same amount as the amount allocated that does not
40 require federal matching funds under that
41 appropriation."

42 3. Page 60, by inserting after line 31 the
43 following:

44 "Sec. ____ . EFFECTIVE DATE. The provisions of this
45 division of this Act amending sections 249J.5, 249J.6,
46 and 249J.24, being deemed of immediate importance,
47 take effect upon enactment."

By UPMEYER of Hancock

HOUSE FILE 2734

H-8268

1 Amend House File 2734 as follows:

2 1. Page 2, line 5, by inserting after the word
3 "waiver." the following: "The department of human
4 services shall adopt rules for case management
5 services provided under the medical assistance elderly
6 waiver in consultation with the department of elder
7 affairs."

8 2. Page 2, line 11, by inserting after the word
9 "for" the following: "up to".

10 3. Page 3, line 16, by striking the figure
11 "1,866,264" and inserting the following: "2,341,264".

12 4. Page 3, by inserting after line 27, the
13 following:

14 "Of the funds appropriated in this subsection,
15 \$150,000 shall be used for the access to baby and
16 child dentistry (ABCD) program to improve child dental
17 care by reaching all Iowa counties with a demonstrated
18 oral health program for children from birth through
19 five years of age.

20 Of the funds appropriated in this subsection,
21 \$325,000 shall be used to address the healthy mental
22 development of children from birth through five years
23 of age through local evidence-based strategies that
24 engage both the public and private sectors in
25 promoting healthy development, prevention, and
26 treatment for children."

27 5. Page 3, line 32, by striking the figure
28 "1,442,840" and inserting the following: "1,792,840".

29 6. Page 3, line 35, by striking the figure
30 "100,000" and inserting the following: "280,000".

31 7. Page 4, by inserting after line 2 the
32 following:

33 "Of the funds appropriated in this subsection,
34 \$170,000 is allocated for the department to enter into
35 a contract with the university of Iowa hospitals and
36 clinics to implement and administer the prescription
37 drug donation repository program authorized pursuant
38 to chapter 135M."

39 8. Page 4, line 7, by striking the figure
40 "1,418,662" and inserting the following: "1,718,662".

41 9. Page 4, by inserting after line 12 the
42 following:

43 "Of the funds appropriated in this subsection,
44 \$300,000 is allocated for an initiative implemented at
45 the university of Iowa to expand and improve the
46 workforce engaged in mental health treatment and
47 services. The initiative shall be guided by the
48 collaborative efforts between the Iowa department of
49 public health and the mental health, mental
50 retardation, developmental disabilities, and brain

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1 injury commission to address the focus of the
2 initiative and both the department and the commission
3 shall receive regular updates concerning the status of
4 the initiative."

5 10. Page 4, by striking lines 23 through 30, and
6 inserting the following:

7 "The amount appropriated in this subsection
8 includes an additional \$200,000 for childhood lead
9 poisoning prevention activities. Of this amount,
10 \$80,000 is allocated to implement blood lead testing
11 pursuant to section 135.105D, if enacted by 2006 Iowa
12 Acts, House File 2724, \$50,000 is allocated for a
13 pilot project to address lead poisoning prevention and
14 remediation activities in a three-county program in
15 north central Iowa with a combined population of at
16 least 50,000, and \$70,000 is allocated for lead hazard
17 remediation. The department shall select a local
18 childhood lead poisoning program to receive the amount
19 allocated for lead hazard remediation. The selection
20 shall be based on the number of lead-poisoned children
21 living in the service area of the local childhood lead
22 poisoning prevention program, the capacity of the
23 program to work with housing agencies to administer
24 the lead hazard remediation program, and the lack of
25 other resources available for lead hazard remediation
26 in the service area of the program."

27 11. Page 5, line 11, by striking the figure
28 "109.80" and inserting the following: "112.80".

29 12. By striking page 7, line 33, through page 8,
30 line 6, and inserting the following:

31 "Of the funds appropriated in this subsection,
32 \$50,000 is allocated for outreach efforts utilizing
33 retired and senior volunteers in programs established
34 pursuant to chapter 15H. If possible, for the fiscal
35 year beginning July 1, 2006, and ending June 30, 2007,
36 the department shall contract with individuals
37 currently coordinating volunteers with existing
38 programs. The department shall be responsible for
39 ensuring individuals responsible for claims processing
40 receive adequate training."

41 13. Page 8, line 30, by striking the figure
42 "43,096,689" and inserting the following:
43 "40,858,316".

44 14. Page 8, line 35, by striking the figure
45 "13,545,163" and inserting the following:
46 "17,827,536".

47 15. Page 9, by striking lines 1 through 15.

48 16. Page 9, line 17, by striking the figure
49 "16,782,495" and inserting the following:
50 "17,557,495".

1 17. Page 9, by inserting after line 17 the
2 following:

3 "Of the funds appropriated in this section,
4 \$775,000 is allocated for 12 new clinical consultant
5 positions in field operations."

6 18. Page 9, line 23, by striking the figure
7 "14,556,560" and inserting the following:
8 "15,756,560".

9 19. Page 11, by inserting after line 16 the
10 following:

11 "___". For a contract to enhance and streamline
12 income maintenance processing to help manage growing
13 caseloads:

14 \$ 150,000"

15 20. Page 14, line 2, by striking the figure
16 "42,749,885" and inserting the following:
17 "42,874,885".

18 21. Page 14, by inserting after line 14 the
19 following:

20 "___". Of the funds appropriated in this section,
21 \$125,000 is allocated for provision of financial
22 education services to persons who are not participants
23 in the family investment program. The department
24 shall utilize a request for proposals process to
25 contract for the financial education services."

26 22. Page 14, by inserting after line 14 the
27 following:

28 "___". Subject to the provisions of section 8.39,
29 for the fiscal year beginning July 1, 2006, if
30 necessary to meet federal maintenance of effort
31 requirements or to transfer federal temporary
32 assistance for needy families block grant funding to
33 be used for purposes of the federal social services
34 block grant or to meet cash flow needs resulting from
35 delays in receiving federal funding or to implement,
36 in accordance with this division of this Act,
37 activities currently funded with juvenile court
38 services, county, or community moneys and state moneys
39 used in combination with such moneys, the department
40 of human services may transfer funds within or between
41 any of the appropriations made in this division of
42 this Act and appropriations in law for the federal
43 social services block grant to the department for the
44 following purposes, provided that the combined amount
45 of state and federal temporary assistance for needy
46 families block grant funding for each appropriation
47 remains the same before and after the transfer:

- 48 a. For the family investment program.
- 49 b. For child care assistance.
- 50 c. For child and family services.

- 1 d. For field operations.
- 2 e. For general administration.
- 3 _____. MH/MR/DD/BI community services (local
- 4 purchase).

5 This subsection shall not be construed to prohibit
6 existing state transfer authority for other purposes."

- 7 23. Page 15, line 16, by striking the figure
- 8 "708,671,610" and inserting the following:
- 9 "708,121,610".

- 10 24. Page 17, line 11, by striking the word
- 11 "available" and inserting the following:
- 12 "appropriated".

- 13 25. Page 18, by inserting after line 5 the
- 14 following:

15 "_____. Of the amount appropriated in this section,
16 \$250,000 shall be used for a dollar-for-dollar
17 matching grant to a nonprofit organization of medical
18 providers established to provide direction in
19 promoting a health care culture of continuous
20 improvement in quality, patient safety, and value
21 through collaborative efforts by hospitals and
22 physicians.

23 _____. The department may amend the Medicaid state
24 plan to provide medical assistance reciprocity for
25 children who receive an adoption subsidy who are not
26 eligible for funding under Title IV-E of the federal
27 Social Security Act."

- 28 26. Page 22, by striking lines 5 through 9 and
- 29 inserting the following: "this division of this Act
- 30 to receive reports. Leadership for the study group
- 31 shall be provided by the division of criminal and
- 32 juvenile justice planning of the department of human
- 33 rights. The study group membership shall also include
- 34 but is not limited to two departmental service area
- 35 administrators or their designees, a representative of
- 36 the division of the commission on the status of women
- 37 of the department of human rights, a member of the
- 38 council on human services, a departmental division
- 39 administrator, two representatives of juvenile court
- 40 services, and two representatives of child welfare
- 41 service provider agencies. In addition, the study
- 42 group membership shall include four members of the
- 43 general assembly so that the majority and minority
- 44 parties of both chambers are represented. Legislative
- 45 members are eligible for reimbursement of actual
- 46 expenses paid under section 2.10."

- 47 27. Page 27, lines 19 and 20, by striking the
- 48 words and figures "on or after October 1, 2006." and
- 49 inserting the following: "as early as possible in the
- 50 fiscal year. The department may adopt emergency rules

1 to implement the program."

2 28. Page 27, line 27, by inserting after the word
3 "courts." the following: "The amount allocated in
4 this subsection shall be distributed as follows:

5 a. To the judicial branch for salaries to assist
6 with the operation of juvenile drug court programs
7 operated in the following jurisdictions:

- 8 (1) Marshall county:
- 9 \$ 60,000
- 10 (2) Woodbury county:
- 11 \$ 120,254
- 12 (3) Polk county:
- 13 \$ 187,434
- 14 (4) For establishing a program in the eighth
- 15 judicial district and in another judicial district:
- 16 \$ 130,000

17 b. For court-ordered services to support substance
18 abuse and related services provided to the juveniles
19 participating in the juvenile drug court programs
20 listed in paragraph "a":

21 \$ 502,312

22 The state court administrator shall allocate the
23 funding designated in this paragraph among the
24 programs."

25 29. Page 27, by inserting after line 32 the
26 following:

27 "____. During the fiscal year beginning July 1,
28 2006, the department shall continue funding one or
29 more child welfare diversion and mediation pilot
30 projects implemented pursuant to 2004 Iowa Acts,
31 chapter 1130, section 1. The department shall do all
32 of the following in continuing the pilot projects:

33 a. If an agency providing mediation services under
34 the pilot project has not demonstrated the ability to
35 deliver services throughout the entire fiscal year
36 within the funding allocated, the department shall not
37 renew the contract with the agency.

38 b. If a contract is not renewed as provided in
39 paragraph "a", the department shall select a
40 replacement provider agency with the experience and
41 capacity to provide mediation services in the county
42 or counties served by the provider agency whose
43 contract was not renewed. Whenever possible in
44 selecting a replacement provider agency, the
45 department shall select a provider agency whose
46 primary operations office is located within the
47 largest county served by the pilot project."

48 30. Page 29, by striking lines 17 and 18 and
49 inserting the following:

50 "5. For funding of the state match for the federal

67,600

1 substance abuse and mental health services
 2 administration (SAMSHA) system of care grant:
 3 \$
 4 If the federal grant is not approved on or before
 5 January 1, 2007, the amount designated in this
 6 subsection shall be allocated as provided in
 7 subsection 6."

8 31. Page 31, line 21, by striking the figure
 9 "746,333" and inserting the following: "1,071,074".

10 32. Page 31, line 22, by striking the figure
 11 "96.84" and inserting the following: "102.84".

12 33. Page 31, by inserting after line 22 the
 13 following:

14 "The department shall implement a new 20-bed
 15 substance abuse treatment unit beginning October 1,
 16 2006."

17 34. Page 36, line 4, by striking the figure
 18 "1,885.87" and inserting the following: "1,897.87".

19 35. Page 36, line 6, by inserting after the word
 20 "services." the following: "The full-time equivalent
 21 positions authorized in this section include clinical
 22 consultation positions relating to child protection
 23 services."

24 36. Page 37, line 25, by inserting after the
 25 words "adjust the" the following: "skilled nursing
 26 facility market basket".

27 37. Page 37, line 33, by inserting after the
 28 figure "162,315,695." the following: "The inflation
 29 factor applied from the mid-point of the cost report
 30 to the first day of the state fiscal year rate period
 31 shall not be less than zero percent."

32 38. Page 38, line 33, by striking the figure
 33 "2006" and inserting the following: "2007".

34 39. Page 41, line 35, by inserting after the
 35 figure "2006," the following: "effective January 1,
 36 2007,".

37 40. Page 42, by inserting after line 19 the
 38 following:

39 "____. The department shall adopt rules pursuant to
 40 chapter 17A to provide reimbursement for covered
 41 services provided by psychology interns and psychology
 42 residents to recipients of medical assistance, subject
 43 to limitations and exclusions the department finds
 44 necessary on the basis of federal laws and
 45 regulations."

46 41. Page 44, by inserting after line 26 the
 47 following:

48 "Sec. _____. 2005 Iowa Acts, chapter 175, section 9,
 49 is amended by adding the following new subsection:

50 NEW SUBSECTION. 15. Notwithstanding section 8.33,

1 \$500,000 of the moneys appropriated in this section
2 that remain unencumbered or unobligated at the close
3 of the fiscal year shall not revert but shall remain
4 available for expenditure for the operational costs
5 associated with Part D of the federal Medicare
6 Prescription Drug, Improvement, and Modernization Act
7 of 2003, Pub. L. No. 108-173, until the close of the
8 succeeding fiscal year."

9 42. Page 46, by striking lines 9 through 15 and
10 inserting the following: "shall not revert but shall
11 remain available for expenditure for the purposes
12 designated until the close of the succeeding fiscal
13 year."

14 43. Page 46, by inserting after line 3 the
15 following:

16 "Sec. _____. 2005 Iowa Acts, chapter 175, section
17 22, subsection 1, is amended by adding the following
18 new unnumbered paragraph:

19 NEW UNNUMBERED PARAGRAPH. Notwithstanding sections
20 8.33 and 222.92, \$1,000,000 of the revenues available
21 to the state resource center at Glenwood that remain
22 unencumbered or unobligated at the close of the fiscal
23 year shall not revert but shall remain available for
24 expenditure for the purposes of the state resource
25 center until the close of the succeeding fiscal year.

26 Sec. _____. 2005 Iowa Acts, chapter 175, section 23,
27 is amended by adding the following new subsection:

28 NEW SUBSECTION. 3. Notwithstanding section 8.33,
29 \$200,000 of the moneys appropriated in this section
30 that remain unencumbered or unobligated at the close
31 of the fiscal year shall not revert but shall remain
32 available for expenditure for the purposes designated
33 until the close of the succeeding fiscal year."

34 44. Page 47, by inserting after line 21 the
35 following:

36 "_____. The provision amending 2005 Iowa Acts,
37 chapter 175, section 9."

38 45. Page 47, by inserting after line 31 the
39 following:

40 "_____. The provision amending 2005 Iowa Acts,
41 chapter 175, section 22.

42 _____. The provision amending 2005 Iowa Acts,
43 chapter 175, section 23."

44 46. Page 48, line 31, by inserting after the word
45 "for" the following: "up to".

46 47. By renumbering as necessary.

By HEATON of Henry

HOUSE FILE 2734

H-8280

1 Amend the amendment, H-8268, to House File 2734 as
2 follows:

3 1. Page 4, line 9, by striking the figure
4 "708,121,610" and inserting the following:

5 "709,271,610".

6 2. Page 4, by inserting after line 27 the
7 following:

8 "_____. Of the amount appropriated in this section,
9 \$150,000 shall be used to provide adult periodontal
10 services to medical assistance recipients."

By MASCHER of Johnson

H-8280 FILED MARCH 15, 2006

LOST

HOUSE FILE 2734

H-8275

1 Amend the amendment, H-8268, to House File 2734 as
2 follows:

3 1. Page 1, line 40, by striking the figure
4 "1,718,662" and inserting the following: "1,898,662".

5 2. Page 2, by inserting after line 4 the
6 following:

7 "Of the funds appropriated in this subsection,
8 \$180,000 is allocated for the creation of two
9 additional psychiatric residency slots at the
10 university of Iowa college of medicine. In order to
11 be eligible for the residency program funds, a
12 resident shall agree to work in an Iowa mental health
13 shortage area for five years upon completion of the
14 program."

By SMITH of Marshall

H-8275 FILED MARCH 15, 2006

LOST

HOUSE FILE 2734

H-8279

1 Amend the amendment, H-8235, to House File 2734 as
2 follows:

3 1. Page 1, by inserting after line 10 the
4 following:

5 "_____. Page 58, line 10, by inserting after the
6 word "percent." the following: "However, the amount
7 withheld shall be limited to the amount by which the
8 county's ending balance was in excess of the ending
9 balance percentage of 10 percent.""

10 2. By renumbering as necessary.

By CARROLL of Poweshiek

H-8279 FILED MARCH 15, 2006

ADOPTED

HOUSE FILE 2734

H-8282

1 Amend the amendment, H-8268, to House File 2734 as
2 follows:
3 1. Page 1, by striking lines 33 through 38 and
4 inserting the following:
5 "Of the funds appropriated in this subsection,
6 \$170,000 shall be used to implement and administer the
7 prescription drug donation repository program
8 authorized pursuant to chapter 135M. The department
9 shall issue a request for proposals to select a
10 contractor to implement and administer the program."
11 2. Page 1, by striking lines 47 and 48 and
12 inserting the following: "services. The initiative
13 shall receive input from the university of Iowa, the
14 department of human services, the Iowa department of".
15 3. Page 2, by striking line 2 and inserting the
16 following: "initiative. The department of human
17 services, the Iowa department of public health, and
18 the commission".
19 4. Page 2, by striking lines 7 through 17 and
20 inserting the following:
21 "Of the amount appropriated in this subsection,
22 \$100,000 is allocated for childhood lead poisoning
23 prevention activities for counties not otherwise
24 receiving funding under this subsection, \$80,000 is
25 allocated to implement blood lead testing pursuant to
26 section 135.105D, if enacted by 2006 Iowa Acts, House
27 File 2724, \$50,000 is allocated to continue the pilot
28 project to address lead poisoning prevention and
29 remediation activities in a three-county program in
30 north central Iowa with a combined population of at
31 least 50,000, and \$120,000 is allocated for lead
32 hazard remediation. The department shall select a
33 local".
34 5. Page 2, by inserting after line 28 the
35 following:
36 "____. Page 5, by inserting after line 14, the
37 following:
38 "The department shall post all county biological
39 emergency response plans addressing pandemic influenza
40 preparedness on the department's official internet
41 website."
42 6. Page 4, by striking line 3 and inserting the
43 following:
44 "f. MH/MR/DD/BI community services (local
45 purchase)."
46 7. Page 5, by inserting after line 47, the
47 following:
48 "____. Page 28, line 5, by striking the figure
49 "31,746,063" and inserting the following:
50 "31,446,063"."

H-8282

- 1 8. Page 6, by inserting after line 16 the
2 following:
3 "_____. Page 31, line 31, by striking the figure
4 "14,506,583" and inserting the following:
5 "14,006,583".
6 _____ Page 33, line 9, by striking the figure
7 "10,786,619" and inserting the following:
8 "10,586,619"."
9 9. Page 7, by inserting after line 8 the
10 following:
11 "_____. Page 45, line 22, by striking the figure
12 "1,700,000" and inserting the following: "2,000,000"."
13 10. Page 7, by inserting after line 45 the
14 following:
15 "_____. Page 60, by inserting after line 31 the
16 following:
17 "Sec. _____. VETERANS TRUST FUND -- FEDERAL
18 REPLACEMENT FUNDS. If funds are received from the
19 United States department of veterans affairs for the
20 establishment and operation of a veterans cemetery in
21 this state, a portion of those funds, not to exceed
22 \$500,000, is appropriated to and shall be deposited in
23 the veterans trust fund established in section 35A.13,
24 subject to the requirements of this section and
25 consistent with any federal requirements associated
26 with such funds. The portion deposited in the
27 veterans trust fund shall be equal to moneys expended
28 for the establishment and operation of a veterans
29 cemetery from moneys appropriated for that purpose
30 pursuant to 2004 Iowa Acts, chapter 1175, section 288,
31 subsection 16.""
32 11. By renumbering as necessary.

By HEATON of Henry

HOUSE FILE 2734

H-8286

1 Amend the amendment, H-8268, to House File 2734 as
2 follows:
3 1. Page 1, by inserting after line 1 the
4 following:
5 "____". Page 1, line 23, by striking the figure
6 "3,627,645" and inserting the following: "5,950,145".
7 "____". Page 1, line 24, by striking the figure
8 "30.50" and inserting the following: "31.50".
9 "____". Page 1, line 34, by striking the figure
10 "2,153,208" and inserting the following: "4,475,708".
11 "____". Page 2, line 1, by striking the figure
12 "750,000" and inserting the following: "3,000,000".
13 2. Page 1, by inserting after line 7 the
14 following:
15 "____". Page 2, line 7, by striking the figure "70"
16 and inserting the following: "114".
17 3. Page 7, by inserting after line 43 the
18 following:
19 "____". Page 48, line 27, by striking the figure
20 "70" and inserting the following: "114".
21 4. By renumbering as necessary.

By HOGG of Linn

H-8286 FILED MARCH 15, 2006

LOST

HOUSE FILE 2734

H-8287

1 Amend the amendment, H-8235, to House File 2734 as
2 follows:

3 1. Page 1, by inserting after line 1 the
4 following:

5 "____. Page 56, by inserting after line 14 the
6 following:

7 "Sec. ____ . ALLOWED GROWTH FUNDING STUDY. A study
8 committee shall be established by the legislative
9 council for the 2006 legislative interim to review the
10 formulas used for distribution of state mental health,
11 mental retardation, and developmental disabilities
12 services allowed growth factor funding to counties.
13 The purpose of the review is to determine whether the
14 formulas are effective in distributing funds to
15 counties in a manner that best serves Iowans with
16 disabilities while enabling the state and counties to
17 budget effectively for providing the services. The
18 study committee shall hear testimony and provide an
19 opportunity for discussion with counties, advocates
20 for persons with disabilities, and other interested
21 parties."

22 2. Page 1, by inserting before line 2 the
23 following:

24 "____. Page 56, by inserting before line 15 the
25 following:

26 "Sec. ____ . 2005 Iowa Acts, chapter 179, section 1,
27 subsection 1, unnumbered paragraph 2, is amended to
28 read as follows:

29 For distribution to counties of the county mental
30 health, mental retardation, and developmental
31 disabilities allowed growth factor adjustment, as
32 provided in this section in lieu of the provisions of
33 section 331.438, subsection 2, and section 331.439,
34 subsection 3, and chapter 426B:

35 \$ ~~35,788,041~~
36 43,788,041"

37 ____ . Page 56, by inserting after line 20 the
38 following:

39 "Sec. ____ . 2005 Iowa Acts, chapter 179, section 1,
40 subsection 2, paragraph b, is amended to read as
41 follows:

42 b. For deposit in the per capita expenditure
43 target pool created in the property tax relief fund
44 and for distribution in accordance with section
45 426B.5, subsection 1:

46 \$ ~~19,361,148~~
47 27,361,148"

48 3. Page 1, line 10, by striking the figure
49 "25,925,724" and inserting the following:
50 "33,925,724".

H-8287

H-8287

Page 2

1 4. By renumbering as necessary.

By WINCKLER of Scott	WENDT of Woodbury
LYKAM of Scott	BERRY of Black Hawk
WHITEAD of Woodbury	KRESSIG of Black Hawk
JOCHUM of Dubuque	HOGG of Linn
SHOULTZ of Black Hawk	JACOBY of Johnson
T. TAYLOR of Linn	R. OLSON of Polk
LENSING of Johnson	HUNTER of Polk
WESSEL-KROESCHELL of Story	MASCHER of Johnson

H-8287 FILED MARCH 15, 2006

WITHDRAWN

HOUSE FILE 2734

H-8289

1 Amend the amendment, H-8263, to House File 2734 as
2 follows:

3 1. Page 1, by striking lines 26 through 46 and
4 inserting the following: "assessment shall utilize a
5 gender-specific approach. In developing the queries
6 unique to women, a clinical advisory team shall be
7 utilized that includes women's health professionals
8 including but not limited to those with specialties in
9 obstetrics and gynecology, endocrinology, mental
10 health, behavioral health, oncology, cardiology, and
11 rheumatology."

By PETERSEN of Polk
CARROLL of Poweshiek

H-8289 FILED MARCH 15, 2006

ADOPTED

HOUSE FILE 2734
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 764)

(As Amended and Passed by the House March 15, 2006)

Re- Passed House, Date 5-3-06 Passed Senate, Date 5-3-06
Vote: Ayes 94 Nays 0 Vote: Ayes 43 Nays 6
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 human services, the department of elder affairs, the Iowa
3 department of public health, the department of veterans
4 affairs and the Iowa veterans home, and the department of
5 inspections and appeals, providing for fee increases, and
6 including other related provisions and appropriations, and
7 providing effective dates.

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

9

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House Amendments _____

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DIVISION I
GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
ELDER AFFAIRS

Section 1. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department of elder affairs and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly, resident advocate committee coordination, employment, and other services which may include, but are not limited to, adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions with the department of elder affairs:

.....	\$	3,627,645
.....	FTEs	30.50

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. Of the funds appropriated in this section, \$2,153,208 shall be used for case management for the frail elderly. Of

1 the funds allocated in this subsection, \$750,000 shall be
2 transferred to the department of human services in equal
3 amounts on a quarterly basis for reimbursement of case
4 management services provided under the medical assistance
5 elderly waiver. The department of human services shall adopt
6 rules for case management services provided under the medical
7 assistance elderly waiver in consultation with the department
8 of elder affairs. The monthly cost per client for case
9 management for the frail elderly services provided shall not
10 exceed \$70. It is the intent of the general assembly that the
11 additional funding provided for case management for the frail
12 elderly for the fiscal year beginning July 1, 2006, and ending
13 June 30, 2007, shall be used to provide case management
14 services for up to an additional 1,650 individuals.

15 3. Of the funds appropriated in this section, the
16 department shall use \$25,000 to provide training to the
17 members of boards of directors of area agencies on aging
18 pursuant to section 231.23, as amended by this Act.

19 4. Of the funds appropriated in this section, \$200,198
20 shall be transferred to the department of economic development
21 for the Iowa commission on volunteer services to be used for
22 the retired and senior volunteer program.

23 HEALTH

24 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
25 appropriated from the general fund of the state to the Iowa
26 department of public health for the fiscal year beginning July
27 1, 2006, and ending June 30, 2007, the following amounts, or
28 so much thereof as is necessary, to be used for the purposes
29 designated:

30 1. ADDICTIVE DISORDERS

31 For reducing the prevalence of use of tobacco, alcohol, and
32 other drugs, and treating individuals affected by addictive
33 behaviors, including gambling, and for not more than the
34 following full-time equivalent positions:

35 \$ 1,761,036

1 FTEs 4.35

2 The department and any grantee or subgrantee of the
3 department shall not discriminate against a nongovernmental
4 organization that provides substance abuse treatment and
5 prevention services or applies for funding to provide those
6 services on the basis that the organization has a religious
7 character.

8 Of the moneys appropriated in this subsection, \$30,310
9 shall be used to continue to provide funding to local
10 communities that have previously received funding from the
11 centers for disease control and prevention of the United
12 States department of health and human services for secondhand
13 smoke education initiatives.

14 2. HEALTHY CHILDREN AND FAMILIES

15 For promoting the optimum health status for children,
16 adolescents from birth through 21 years of age, and families
17 and for not more than the following full-time equivalent
18 positions:

19 \$ 2,341,264
20 FTEs 7.60

21 Of the funds appropriated in this subsection, not more than
22 \$645,917 shall be used for the healthy opportunities to
23 experience success (HOPES)-healthy families Iowa (HFI) program
24 established pursuant to section 135.106. The department shall
25 transfer the funding allocated for the HOPES-HFI program to
26 the Iowa empowerment board for distribution and shall assist
27 the board in managing the contracting for the funding. The
28 funding shall be distributed to renew the grants that were
29 provided to the grantees that operated the program during the
30 fiscal year ending June 30, 2006.

31 Of the funds appropriated in this subsection, \$150,000
32 shall be used for the access to baby and child dentistry
33 (ABCD) program to improve child dental care by reaching all
34 Iowa counties with a demonstrated oral health program for
35 children from birth through five years of age.

1 Of the funds appropriated in this subsection, \$325,000
2 shall be used to address the healthy mental development of
3 children from birth through five years of age through local
4 evidence-based strategies that engage both the public and
5 private sectors in promoting healthy development, prevention,
6 and treatment for children.

7 3. CHRONIC CONDITIONS

8 For serving individuals identified as having chronic
9 conditions or special health care needs, and for not more than
10 the following full-time equivalent positions:

11	\$	<u>1,792,840</u>
12	FTEs	2.35

13 Of the funds appropriated in this subsection, not more than
14 \$280,000 shall be used to leverage federal funding through the
15 federal Ryan White Care Act, Title II, AIDS drug assistance
16 program supplemental drug treatment grants.

17 [Of the funds appropriated in this subsection, \$170,000
18 shall be used to implement and administer the prescription
19 drug donation repository program authorized pursuant to
20 chapter 135M. The department shall issue a request for
21 proposals to select a contractor to implement and administer
22 the program.]

23 4. COMMUNITY CAPACITY

24 For strengthening the health care delivery system at the
25 local level, and for not more than the following full-time
26 equivalent positions:

27	\$	<u>1,718,662</u>
28	FTEs	10.75

29 Of the funds appropriated in this subsection, \$100,000 is
30 allocated for a child vision screening program implemented
31 through the university of Iowa hospitals and clinics in
32 collaboration with community empowerment areas.

33 [Of the funds appropriated in this subsection, \$300,000 is
34 allocated for an initiative implemented at the university of
35 Iowa to expand and improve the workforce engaged in mental

1 health treatment and services. The initiative shall receive
2 input from the university of Iowa, the department of human
3 services, the Iowa department of public health and the mental
4 health, mental retardation, developmental disabilities, and
5 brain injury commission to address the focus of the
6 initiative. The department of human services, the Iowa
7 department of public health, and the commission shall receive
8 regular updates concerning the status of the initiative.]

9 5. ELDERLY WELLNESS

10 For optimizing the health of persons 60 years of age and
11 older:

12 \$ 9,233,985

13 6. ENVIRONMENTAL HAZARDS

14 For reducing the public's exposure to hazards in the
15 environment, primarily chemical hazards, and for not more than
16 the following full-time equivalent positions:

17 \$ 623,821

18 FTEs 1.75

19 [Of the amount appropriated in this subsection, \$100,000 is
20 allocated for childhood lead poisoning prevention activities
21 for counties not otherwise receiving funding under this
22 subsection, \$80,000 is allocated to implement blood lead
23 testing pursuant to section 135.105D, if enacted by 2006 Iowa
24 Acts, House File 2724, \$50,000 is allocated to continue the
25 pilot project to address lead poisoning prevention and
26 remediation activities in a three-county program in north
27 central Iowa with a combined population of at least 50,000,
28 and \$120,000 is allocated for lead hazard remediation. The
29 department shall select a local childhood lead poisoning
30 program to receive the amount allocated for lead hazard
31 remediation. The selection shall be based on the number of
32 lead-poisoned children living in the service area of the local
33 childhood lead poisoning prevention program, the capacity of
34 the program to work with housing agencies to administer the
35 lead hazard remediation program, and the lack of other

1 resources available for lead hazard remediation in the service
2 area of the program.]

3 7. INFECTIOUS DISEASES

4 For reducing the incidence and prevalence of communicable
5 diseases, and for not more than the following full-time
6 equivalent positions:

7 \$ 1,258,230
8 FTEs 4.75

9 If House File 2493 or other legislation providing for a
10 viral hepatitis program and study is enacted into law, of the
11 funds appropriated in this subsection, \$158,000 is allocated
12 for a viral hepatitis program and study.

13 8. PUBLIC PROTECTION

14 For protecting the health and safety of the public through
15 establishing standards and enforcing regulations, and for not
16 more than the following full-time equivalent positions:

17 \$ 7,891,473
18 FTEs 112.80

19 Of the funds appropriated in this subsection, \$643,500
20 shall be credited to the emergency medical services fund
21 created in section 135.25.

22 [The department shall post all county biological emergency
23 response plans addressing pandemic influenza preparedness on
24 the department's official internet website.]

25 9. RESOURCE MANAGEMENT

26 For establishing and sustaining the overall ability of the
27 department to deliver services to the public, and for not more
28 than the following full-time equivalent positions:

29 \$ 1,016,420
30 FTEs 3.00

31 10. IOWA COLLABORATIVE SAFETY NET PROVIDER NETWORK

32 For continuation of the formal network of safety net
33 providers as provided in 2005 Iowa Acts, chapter 175, section
34 2, subsection 12. Of the amount appropriated in this division
35 of this Act for the medical assistance program, \$1,100,000 is

1 transferred to the appropriations made in this subsection.

2 The amount transferred is allocated as follows:

3 a. To continue the contract for the program to develop an
4 Iowa collaborative safety net provider network:

5 \$ 450,000

6 b. For continuation of the incubation grant program to
7 community health centers that receive a total score of 85
8 based on the evaluation criteria of the health resources and
9 services administration of the United States department of
10 health and human services:

11 \$ 650,000

12 The university of Iowa hospitals and clinics under the
13 control of the state board of regents shall not receive
14 indirect costs from the funds appropriated in this section.

15 Sec. 3. DEPARTMENT OF PUBLIC HEALTH -- ADDITIONAL
16 PROVISIONS.

17 For the fiscal year beginning July 1, 2006, and ending June
18 30, 2007:

19 1. A local health care provider or nonprofit health care
20 organization seeking grant moneys administered by the Iowa
21 department of public health shall provide documentation that
22 the provider or organization has coordinated its services with
23 other local entities providing similar services.

24 2. a. The department shall apply for available federal
25 funds for sexual abstinence education programs.

26 b. It is the intent of the general assembly to comply with
27 the United States Congress' intent to provide education that
28 promotes abstinence from sexual activity outside of marriage
29 and reduces pregnancies, by focusing efforts on those persons
30 most likely to father and bear children out of wedlock.

31 c. Any sexual abstinence education program awarded moneys
32 under the grant program shall meet the definition of
33 abstinence education in the federal law. Grantees shall be
34 evaluated based upon the extent to which the abstinence
35 program successfully communicates the goals set forth in the

1 federal law.

2 Sec. 4. GAMBLING TREATMENT FUND -- APPROPRIATION. In lieu
3 of the appropriation made in section 135.150, subsection 1,
4 there is appropriated from funds available in the gambling
5 treatment fund created in section 135.150 to the Iowa
6 department of public health for the fiscal year beginning July
7 1, 2006, and ending June 30, 2007, the following amount, or so
8 much thereof as is necessary, to be used for the purposes
9 designated:

10 1. ADDICTIVE DISORDERS

11 To be utilized for the benefit of persons with addictions:
12 \$ 1,690,000

13 It is the intent of the general assembly that from the
14 moneys appropriated in this subsection, persons with a dual
15 diagnosis of substance abuse and gambling addictions shall be
16 given priority in treatment services.

17 2. GAMBLING TREATMENT PROGRAM

18 The amount remaining in the gambling treatment fund after
19 the appropriation made in subsection 1 is appropriated to the
20 department to be used for funding of administrative costs and
21 to provide programs which may include, but are not limited to,
22 outpatient and follow-up treatment for persons affected by
23 problem gambling, rehabilitation and residential treatment
24 programs, information and referral services, education and
25 preventive services, and financial management services. Of
26 the amount appropriated in this subsection, up to \$100,000 may
27 be used for the licensing of gambling treatment programs as
28 provided in section 135.150.

29 DEPARTMENT OF VETERANS AFFAIRS

30 Sec. 5. DEPARTMENT OF VETERANS AFFAIRS. There is
31 appropriated from the general fund of the state to the
32 department of veterans affairs for the fiscal year beginning
33 July 1, 2006, and ending June 30, 2007, the following amounts,
34 or so much thereof as is necessary, to be used for the
35 purposes designated:

1 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

2 For salaries, support, maintenance, miscellaneous purposes,
3 including the war orphans educational aid fund established
4 pursuant to chapter 35 and for not more than the following
5 full-time equivalent positions:

6	\$	522,114
7	FTEs	6.50

8 [Of the funds appropriated in this subsection, \$50,000 is
9 allocated for outreach efforts utilizing retired and senior
10 volunteers in programs established pursuant to chapter 15H.
11 If possible, for the fiscal year beginning July 1, 2006, and
12 ending June 30, 2007, the department shall contract with
13 individuals currently coordinating volunteers with existing
14 programs. The department shall be responsible for ensuring
15 individuals responsible for claims processing receive adequate
16 training.]

17 [The department of veterans affairs shall report to the
18 senate state government committee and to the veterans
19 committee of the house of representatives by October 15, 2006,
20 regarding employment of the additional field service officers
21 authorized under this subsection.]

22 2. IOWA VETERANS HOME

23 For salaries, support, maintenance, and miscellaneous
24 purposes and for not more than the following full-time
25 equivalent positions:

26	\$	13,569,501
27	FTEs	874.55

28 HUMAN SERVICES

29 Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
30 GRANT. There is appropriated from the fund created in section
31 8.41 to the department of human services for the fiscal year
32 beginning July 1, 2006, and ending June 30, 2007, from moneys
33 received under the federal temporary assistance for needy
34 families (TANF) block grant pursuant to the federal Personal
35 Responsibility and Work Opportunity Reconciliation Act of

1 1996, Pub. L. No. 104-193, and successor legislation, which
2 are federally appropriated for the federal fiscal years
3 beginning October 1, 2005, and ending September 30, 2006, and
4 beginning October 1, 2006, and ending September 30, 2007, the
5 following amounts, or so much thereof as is necessary, to be
6 used for the purposes designated:

7 1. To be credited to the family investment program account
8 and used for assistance under the family investment program
9 under chapter 239B:

10 \$ 40,858,316

11 2. To be credited to the family investment program account
12 and used for the job opportunities and basic skills (JOBS)
13 program, and implementing family investment agreements, in
14 accordance with chapter 239B:

15 \$ 17,827,536

*16 3. For field operations:

17 \$ 17,557,495

18 [Of the funds appropriated in this section, \$775,000 is
19 allocated for 12 new clinical consultant positions in field
20 operations.]

21 4. For general administration:

22 \$ 3,744,000

23 5. For local administrative costs:

24 \$ 2,189,830

25 6. For state child care assistance:

26 \$ 15,756,560

27 a. Of the funds appropriated in this subsection, \$200,000
28 shall be used for provision of educational opportunities to
29 registered child care home providers in order to improve
30 services and programs offered by this category of providers
31 and to increase the number of providers. The department may
32 contract with institutions of higher education or child care
33 resource and referral centers to provide the educational
34 opportunities. Allowable administrative costs under the
35 contracts shall not exceed 5 percent. The application for a

1 grant shall not exceed two pages in length.

2 b. The funds appropriated in this subsection shall be
3 transferred to the child care and development block grant
4 appropriation.

5 7. For mental health and developmental disabilities
6 community services:

7 \$ 4,894,052

8 8. For child and family services:

9 \$ 32,084,430

10 9. For child abuse prevention grants:

11 \$ 250,000

12 10. For pregnancy prevention grants on the condition that
13 family planning services are funded:

14 \$ 1,987,530

15 Pregnancy prevention grants shall be awarded to programs in
16 existence on or before July 1, 2006, if the programs are
17 comprehensive in scope and have demonstrated positive
18 outcomes. Grants shall be awarded to pregnancy prevention
19 programs which are developed after July 1, 2006, if the
20 programs are comprehensive in scope and are based on existing
21 models that have demonstrated positive outcomes. Grants shall
22 comply with the requirements provided in 1997 Iowa Acts,
23 chapter 208, section 14, subsections 1 and 2, including the
24 requirement that grant programs must emphasize sexual
25 abstinence. Priority in the awarding of grants shall be given
26 to programs that serve areas of the state which demonstrate
27 the highest percentage of unplanned pregnancies of females of
28 childbearing age within the geographic area to be served by
29 the grant.

30 11. For technology needs and other resources necessary to
31 meet federal welfare reform reporting, tracking, and case
32 management requirements:

33 \$ 1,037,186

34 12. For the healthy opportunities for parents to
35 experience success (HOPES) program administered by the Iowa

1 department of public health to target child abuse prevention:
2 \$ 200,000

3 13. To be credited to the state child care assistance
4 appropriation made in this section to be used for funding of
5 community-based early childhood programs targeted to children
6 from birth through five years of age, developed by community
7 empowerment areas as provided in section 28.9:

8 \$ 7,350,000

9 The department shall transfer TANF block grant funding
10 appropriated and allocated in this subsection to the child
11 care and development block grant appropriation in accordance
12 with federal law as necessary to comply with the provisions of
13 this subsection.

14 14. For a pilot program to be established in one or more
15 judicial districts, selected by the department and the
16 judicial council, to provide employment and support services
17 to delinquent child support obligors as an alternative to
18 commitment to jail as punishment for contempt of court:

19 \$ 200,000

20 [15. For a contract to enhance and streamline income
21 maintenance processing to help manage growing caseloads:

22 \$ 150,000]

23 Of the amounts appropriated in this section, \$13,019,471
24 for the fiscal year beginning July 1, 2006, shall be
25 transferred to the appropriation of the federal social
26 services block grant for that fiscal year. If the federal
27 government revises requirements to reduce the amount that may
28 be transferred to the federal social services block grant, it
29 is the intent of the general assembly to act expeditiously
30 during the 2007 legislative session to adjust appropriations
31 or the transfer amount or take other actions to address the
32 reduced amount.

33 The department may transfer funds allocated in this section
34 to the appropriations in this Act for general administration
35 and field operations for resources necessary to implement and

1 operate the services referred to in this section and those
2 funded in the appropriation made in this division of this Act
3 for the family investment program from the general fund.

4 Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

5 1. Moneys credited to the family investment program (FIP)
6 account for the fiscal year beginning July 1, 2006, and ending
7 June 30, 2007, shall be used to provide assistance in
8 accordance with chapter 239B.

9 2. The department may use a portion of the moneys credited
10 to the FIP account under this section as necessary for
11 salaries, support, maintenance, and miscellaneous purposes and
12 for not more than the following full-time equivalent positions
13 which are in addition to any other full-time equivalent
14 positions authorized in this division of this Act:

15 FTEs 14.00

16 3. The department may transfer funds allocated in this
17 section to the appropriations in this Act for general
18 administration and field operations for resources necessary to
19 implement and operate the services referred to in this section
20 and those funded in the appropriation made in this division of
21 this Act for the family investment program from the general
22 fund of the state.

23 4. Moneys appropriated in this division of this Act and
24 credited to the FIP account for the fiscal year beginning July
25 1, 2006, and ending June 30, 2007, are allocated as follows:

26 a. For the family development and self-sufficiency grant
27 program as provided under section 217.12:

28 \$ 5,433,042

29 (1) Of the funds allocated for the family development and
30 self-sufficiency grant program in this lettered paragraph, not
31 more than 5 percent of the funds shall be used for the
32 administration of the grant program.

33 (2) The department may continue to implement the family
34 development and self-sufficiency grant program statewide
35 during FY 2006-2007.

1 b. For the diversion subaccount of the FIP account:

2 \$ 2,814,000

3 (1) A portion of the moneys allocated for the subaccount
4 may be used for field operations salaries, data management
5 system development, and implementation costs and support
6 deemed necessary by the director of human services in order to
7 administer the FIP diversion program.

8 (2) Of the funds allocated in this lettered paragraph, not
9 more than \$250,000 shall be used to develop or continue
10 community-level parental obligation pilot projects. The
11 requirements established under 2001 Iowa Acts, chapter 191,
12 section 3, subsection 5, paragraph "c", subparagraph (3),
13 shall remain applicable to the parental obligation pilot
14 projects for fiscal year 2006-2007. Notwithstanding 441 IAC
15 100.8, providing for termination of rules relating to the
16 pilot projects the earlier of October 1, 2006, or when
17 legislative authority is discontinued, the rules relating to
18 the pilot projects shall remain in effect until June 30, 2007.

19 c. For the food stamp employment and training program:

20 \$ 64,278

21 5. Of the child support collections assigned under FIP, an
22 amount equal to the federal share of support collections shall
23 be credited to the child support recovery appropriation. Of
24 the remainder of the assigned child support collections
25 received by the child support recovery unit, a portion shall
26 be credited to the FIP account and a portion may be used to
27 increase recoveries. If child support collections assigned
28 under FIP are greater than estimated, the state share of that
29 greater portion may be transferred to the child support
30 payments account.

31 6. The department may adopt emergency rules for the family
32 investment, food stamp, and medical assistance programs if
33 necessary to comply with federal requirements.

34 Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
35 appropriated from the general fund of the state to the

1 department of human services for the fiscal year beginning
2 July 1, 2006, and ending June 30, 2007, the following amount,
3 or so much thereof as is necessary, to be used for the purpose
4 designated:

5 To be credited to the family investment program (FIP)
6 account and used for family investment program assistance
7 under chapter 239B:

8 \$ 42,874,885

9 1. Of the funds appropriated in this section, \$9,274,134
10 is allocated for the JOBS program.

11 2. Of the funds appropriated in this section, \$200,000
12 shall be used to provide a grant to an Iowa-based nonprofit
13 organization with a history of providing tax preparation
14 assistance to low-income Iowans in order to expand the usage
15 of the earned income tax credit. The purpose of the grant is
16 to supply this assistance to underserved areas of the state.
17 The grant shall be provided to an organization that has
18 existing national foundation support for supplying such
19 assistance that can also secure local charitable match
20 funding.

21 [3. Of the funds appropriated in this section, \$125,000 is
22 allocated for provision of financial education services to
23 persons who are not participants in the family investment
24 program. The department shall utilize a request for proposals
25 process to contract for the financial education services.

26 4. Subject to the provisions of section 8.39, for the
27 fiscal year beginning July 1, 2006, if necessary to meet
28 federal maintenance of effort requirements or to transfer
29 federal temporary assistance for needy families block grant
30 funding to be used for purposes of the federal social services
31 block grant or to meet cash flow needs resulting from delays
32 in receiving federal funding or to implement, in accordance
33 with this division of this Act, activities currently funded
34 with juvenile court services, county, or community moneys and
35 state moneys used in combination with such moneys, the

1 department of human services may transfer funds within or
2 between any of the appropriations made in this division of
3 this Act and appropriations in law for the federal social
4 services block grant to the department for the following
5 purposes, provided that the combined amount of state and
6 federal temporary assistance for needy families block grant
7 funding for each appropriation remains the same before and
8 after the transfer:

- 9 a. For the family investment program.
- 10 b. For child care assistance.
- 11 c. For child and family services.
- 12 d. For field operations.
- 13 e. For general administration.
- 14 f. MH/MR/DD/BI community services (local purchase).

15 This subsection shall not be construed to prohibit existing
16 state transfer authority for other purposes.]

17 Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated
18 from the general fund of the state to the department of human
19 services for the fiscal year beginning July 1, 2006, and
20 ending June 30, 2007, the following amount, or so much thereof
21 as is necessary, to be used for the purposes designated:

22 For child support recovery, including salaries, support,
23 maintenance, and miscellaneous purposes and for not more than
24 the following full-time equivalent positions:

25	\$	8,214,690
26	FTEs	450.00

27 1. The department shall expend up to \$31,000, including
28 federal financial participation, for the fiscal year beginning
29 July 1, 2006, for a child support public awareness campaign.
30 The department and the office of the attorney general shall
31 cooperate in continuation of the campaign. The public
32 awareness campaign shall emphasize, through a variety of media
33 activities, the importance of maximum involvement of both
34 parents in the lives of their children as well as the
35 importance of payment of child support obligations.

1 2. Federal access and visitation grant moneys shall be
2 issued directly to private not-for-profit agencies that
3 provide services designed to increase compliance with the
4 child access provisions of court orders, including but not
5 limited to neutral visitation site and mediation services.

6 Sec. 10. MEDICAL ASSISTANCE. There is appropriated from
7 the general fund of the state to the department of human
8 services for the fiscal year beginning July 1, 2006, and
9 ending June 30, 2007, the following amount, or so much thereof
10 as is necessary, to be used for the purpose designated:

11 For medical assistance reimbursement and associated costs
12 as specifically provided in the reimbursement methodologies in
13 effect on June 30, 2006, except as otherwise expressly
14 authorized by law, including reimbursement for abortion
15 services, which shall be available under the medical
16 assistance program only for those abortions which are
17 medically necessary:

18 \$708,121,610

19 1. Medically necessary abortions are those performed under
20 any of the following conditions:

21 a. The attending physician certifies that continuing the
22 pregnancy would endanger the life of the pregnant woman.

23 b. The attending physician certifies that the fetus is
24 physically deformed, mentally deficient, or afflicted with a
25 congenital illness.

26 c. The pregnancy is the result of a rape which is reported
27 within 45 days of the incident to a law enforcement agency or
28 public or private health agency which may include a family
29 physician.

30 d. The pregnancy is the result of incest which is reported
31 within 150 days of the incident to a law enforcement agency or
32 public or private health agency which may include a family
33 physician.

34 e. Any spontaneous abortion, commonly known as a
35 miscarriage, if not all of the products of conception are

1 expelled.

2 2. The department shall utilize not more than \$60,000 of
3 the funds appropriated in this section to continue the
4 AIDS/HIV health insurance premium payment program as
5 established in 1992 Iowa Acts, Second Extraordinary Session,
6 chapter 1001, section 409, subsection 6. Of the funds
7 allocated in this subsection, not more than \$5,000 may be
8 expended for administrative purposes.

9 3. Of the funds appropriated to the Iowa department of
10 public health for addictive disorders, \$950,000 for the fiscal
11 year beginning July 1, 2006, shall be transferred to the
12 department of human services for an integrated substance abuse
13 managed care system.

14 4. Based upon a waiver from the federal centers for
15 Medicare and Medicaid services, the department shall provide a
16 period of 12 months of guaranteed eligibility for medical
17 assistance family planning services only, regardless of the
18 change in circumstances of a woman who was a medical
19 assistance recipient when a pregnancy ended. The department
20 shall also provide this eligibility to women of childbearing
21 age with countable income at or below 200 percent of the
22 federal poverty level. The department may adopt emergency
23 rules to implement this subsection.

24 5. a. The department shall aggressively pursue options
25 for providing medical assistance or other assistance to
26 individuals with special needs who become ineligible to
27 continue receiving services under the early and periodic
28 screening, diagnosis, and treatment program under the medical
29 assistance program due to becoming 21 years of age, who have
30 been approved for additional assistance through the
31 department's exception to policy provisions, but who have
32 health care needs in excess of the funding available through
33 the exception to policy process.

34 b. Of the funds appropriated in this section, \$100,000
35 shall be used for participation in one or more pilot projects

1 operated by a private provider to allow the individual or
2 individuals to receive service in the community in accordance
3 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
4 (1999), for the purpose of providing medical assistance or
5 other assistance to individuals with special needs who become
6 ineligible to continue receiving services under the early and
7 periodic screening, diagnosis, and treatment program under the
8 medical assistance program due to becoming 21 years of age,
9 who have been approved for additional assistance through the
10 department's exception to policy provisions, but who have
11 health care needs in excess of the funding available through
12 the exception to the policy provisions.

13 6. Of the funds appropriated in this section, up to
14 \$3,050,082 may be transferred to the field operations or
15 general administration appropriations in this Act for
16 implementation and operational costs associated with Part D of
17 the federal Medicare Prescription Drug, Improvement, and
18 Modernization Act of 2003, Pub. L. No. 108-173.

19 7. The department shall initiate planning to address
20 options available under the federal Family Opportunity Act
21 enacted as part of the federal Deficit Reduction Act of 2005,
22 Pub. L. No. 109-171. The options addressed shall include but
23 are not limited to the option to allow families of children
24 with disabilities to purchase Medicaid coverage, other health
25 coverage options, and the option to apply to the centers for
26 Medicare and Medicaid services of the United States department
27 of health and human services for Iowa to participate in a
28 demonstration project to develop home and community-based
29 services as an alternative to psychiatric residential
30 treatment for children with psychiatric disabilities who are
31 enrolled in the Medicaid program. The department shall report
32 by December 15, 2006, to the persons designated by this Act to
33 receive reports regarding the planning activities and
34 recommendations regarding the options.

35 8. The department shall apply to the centers for Medicare

1 and Medicaid services of the United States department of
2 health and human services to participate in the Medicaid
3 transformation grants program as specified in section 6081 of
4 the federal Deficit Reduction Act of 2005, Pub. L. No. 109-
5 171, to implement initiatives including but not limited to
6 electronic medical records and medication risk management
7 under the Medicaid and IowaCare programs.

8 [9. Of the amount appropriated in this section, \$250,000
9 shall be used for a dollar-for-dollar matching grant to a
10 nonprofit organization of medical providers established to
11 provide direction in promoting a health care culture of
12 continuous improvement in quality, patient safety, and value
13 through collaborative efforts by hospitals and physicians.

14 10. The department may amend the Medicaid state plan to
15 provide medical assistance reciprocity for children who
16 receive an adoption subsidy who are not eligible for funding
17 under Title IV-E of the federal Social Security Act.]

18 Sec. 11. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
19 is appropriated from the general fund of the state to the
20 department of human services for the fiscal year beginning
21 July 1, 2006, and ending June 30, 2007, the following amount,
22 or so much thereof as is necessary, to be used for the purpose
23 designated:

24 For administration of the health insurance premium payment
25 program, including salaries, support, maintenance, and
26 miscellaneous purposes, and for not more than the following
27 full-time equivalent positions:

28	\$	634,162
29	FTEs	21.00

30 Sec. 12. MEDICAL CONTRACTS. There is appropriated from
31 the general fund of the state to the department of human
32 services for the fiscal year beginning July 1, 2006, and
33 ending June 30, 2007, the following amount, or so much thereof
34 as is necessary, to be used for the purpose designated:

35 For medical contracts, including salaries, support,

1 maintenance, and miscellaneous purposes:

2 \$ 14,417,985

3 Sec. 13. STATE SUPPLEMENTARY ASSISTANCE.

4 1. There is appropriated from the general fund of the
5 state to the department of human services for the fiscal year
6 beginning July 1, 2006, and ending June 30, 2007, the
7 following amount, or so much thereof as is necessary, to be
8 used for the purpose designated:

9 For the state supplementary assistance program:

10 \$ 18,710,335

11 2. The department shall increase the personal needs
12 allowance for residents of residential care facilities by the
13 same percentage and at the same time as federal supplemental
14 security income and federal social security benefits are
15 increased due to a recognized increase in the cost of living.
16 The department may adopt emergency rules to implement this
17 subsection.

18 3. If during the fiscal year beginning July 1, 2006, the
19 department projects that state supplementary assistance
20 expenditures for a calendar year will not meet the federal
21 pass-along requirement specified in Title XVI of the federal
22 Social Security Act, section 1618, as codified in 42 U.S.C. §
23 1382g, the department may take actions including but not
24 limited to increasing the personal needs allowance for
25 residential care facility residents and making programmatic
26 adjustments or upward adjustments of the residential care
27 facility or in-home health-related care reimbursement rates
28 prescribed in this division of this Act to ensure that federal
29 requirements are met. In addition, the department may make
30 other programmatic and rate adjustments necessary to remain
31 within the amount appropriated in this section while ensuring
32 compliance with federal requirements. The department may
33 adopt emergency rules to implement the provisions of this
34 subsection.

35 Sec. 14. CHILDREN'S HEALTH INSURANCE PROGRAM. There is

1 appropriated from the general fund of the state to the
2 department of human services for the fiscal year beginning
3 July 1, 2006, and ending June 30, 2007, the following amount,
4 or so much thereof as is necessary, to be used for the purpose
5 designated:

6 For maintenance of the healthy and well kids in Iowa (hawk-
7 i) program pursuant to chapter 514I for receipt of federal
8 financial participation under Title XXI of the federal Social
9 Security Act, which creates the state children's health
10 insurance program:

11 \$ 19,703,715

12 Sec. 15. CHILD CARE ASSISTANCE. There is appropriated
13 from the general fund of the state to the department of human
14 services for the fiscal year beginning July 1, 2006, and
15 ending June 30, 2007, the following amount, or so much thereof
16 as is necessary, to be used for the purpose designated:

17 For child care programs:
18 \$ 21,801,198

19 1. Of the funds appropriated in this section, \$18,850,674
20 shall be used for state child care assistance in accordance
21 with section 237A.13.

22 2. Nothing in this section shall be construed or is
23 intended as, or shall imply, a grant of entitlement for
24 services to persons who are eligible for assistance due to an
25 income level consistent with the waiting list requirements of
26 section 237A.13. Any state obligation to provide services
27 pursuant to this section is limited to the extent of the funds
28 appropriated in this section.

29 3. Of the funds appropriated in this section, \$525,524 is
30 allocated for the statewide program for child care resource
31 and referral services under section 237A.26.

32 4. Of the funds appropriated in this section, \$1,225,000
33 is allocated for child care quality improvement initiatives
34 including but not limited to development and continuation of a
35 quality rating system.

1 5. The department may use any of the funds appropriated in
2 this section as a match to obtain federal funds for use in
3 expanding child care assistance and related programs. For the
4 purpose of expenditures of state and federal child care
5 funding, funds shall be considered obligated at the time
6 expenditures are projected or are allocated to the
7 department's service areas. Projections shall be based on
8 current and projected caseload growth, current and projected
9 provider rates, staffing requirements for eligibility
10 determination and management of program requirements including
11 data systems management, staffing requirements for
12 administration of the program, contractual and grant
13 obligations and any transfers to other state agencies, and
14 obligations for decategorization or innovation projects.

15 6. A portion of the state match for the federal child care
16 and development block grant shall be provided through the
17 state general fund appropriation for child development grants
18 and other programs for at-risk children in section 279.51.

19 7. Of the funds appropriated in this section, \$1,200,000
20 is transferred to the Iowa empowerment fund. The amount
21 transferred shall be used by the Iowa empowerment board in
22 collaboration with the Iowa state university of science and
23 technology cooperative extension service in agriculture and
24 home economics for support of professional development and
25 training activities for persons working in early care, health,
26 and education. Expenditures shall be limited to professional
27 development and training activities agreed upon by one or more
28 community empowerment boards and the extension service staff
29 assigned to the community empowerment areas under the boards.

30 Sec. 16. JUVENILE INSTITUTIONS. There is appropriated
31 from the general fund of the state to the department of human
32 services for the fiscal year beginning July 1, 2006, and
33 ending June 30, 2007, the following amounts, or so much
34 thereof as is necessary, to be used for the purposes
35 designated:

1 1. For operation of the Iowa juvenile home at Toledo and
2 for salaries, support, maintenance, and for not more than the
3 following full-time equivalent positions:

4 \$ 6,667,400
5 FTEs 118.50

6 a. Of the funds appropriated in this subsection, at least
7 \$25,000 is allocated for provision of books or other learning
8 materials and activities associated with the education of
9 children placed at the Iowa juvenile home.

10 b. It is the intent of the general assembly that effective
11 July 1, 2009, placements at the Iowa juvenile home will be
12 limited to females and that placements of boys at the home
13 will be diverted to other options. The department shall
14 utilize a study group to make recommendations on the options
15 for diversion of placements of boys and the study group shall
16 report on or before July 1, 2007, to the persons designated by
17 [this division of this Act to receive reports. Leadership for
18 the study group shall be provided by the division of criminal
19 and juvenile justice planning of the department of human
20 rights. The study group membership shall also include but is
21 not limited to two departmental service area administrators or
22 their designees, a representative of the division of the
23 commission on the status of women of the department of human
24 rights, a member of the council on human services, a
25 departmental division administrator, two representatives of
26 juvenile court services, and two representatives of child
27 welfare service provider agencies. In addition, the study
28 group membership shall include four members of the general
29 assembly so that the majority and minority parties of both
30 chambers are represented. Legislative members are eligible
31 for reimbursement of actual expenses paid under section 2.10.]

32 2. For operation of the state training school at Eldora
33 and for salaries, support, maintenance, and for not more than
34 the following full-time equivalent positions:

35 \$ 10,623,148

1 FTEs 196.55

2 Of the funds appropriated in this subsection, at least
3 \$40,000 is allocated for provision of books or other learning
4 materials and activities associated with the education of
5 children placed at the state training school.

6 3. A portion of the moneys appropriated in this section
7 shall be used by the state training school and by the Iowa
8 juvenile home for grants for adolescent pregnancy prevention
9 activities at the institutions in the fiscal year beginning
10 July 1, 2006.

11 Sec. 17. CHILD AND FAMILY SERVICES.

12 1. There is appropriated from the general fund of the
13 state to the department of human services for the fiscal year
14 beginning July 1, 2006, and ending June 30, 2007, the
15 following amount, or so much thereof as is necessary, to be
16 used for the purpose designated:

17 For child and family services:

18 \$ 80,715,373

19 In order to address a reduction of \$5,200,000 from the
20 amount allocated under this appropriation in prior years for
21 purposes of juvenile delinquent graduated sanction services,
22 up to \$5,200,000 of the amount of federal temporary assistance
23 for needy families block grant funding appropriated in this
24 division of this Act for child and family services, shall be
25 made available for purposes of juvenile delinquent graduated
26 sanction services.

27 2. The department may transfer funds appropriated in this
28 section as necessary to pay the nonfederal costs of services
29 reimbursed under the medical assistance program or the family
30 investment program which are provided to children who would
31 otherwise receive services paid under the appropriation in
32 this section. The department may transfer funds appropriated
33 in this section to the appropriations in this division of this
34 Act for general administration and for field operations for
35 resources necessary to implement and operate the services

1 funded in this section.

2 3. a. Of the funds appropriated in this section, up to
3 \$37,084,884 is allocated as the statewide expenditure target
4 under section 232.143 for group foster care maintenance and
5 services.

6 b. If at any time after September 30, 2006, annualization
7 of a service area's current expenditures indicates a service
8 area is at risk of exceeding its group foster care expenditure
9 target under section 232.143 by more than 5 percent, the
10 department and juvenile court services shall examine all group
11 foster care placements in that service area in order to
12 identify those which might be appropriate for termination. In
13 addition, any aftercare services believed to be needed for the
14 children whose placements may be terminated shall be
15 identified. The department and juvenile court services shall
16 initiate action to set dispositional review hearings for the
17 placements identified. In such a dispositional review
18 hearing, the juvenile court shall determine whether needed
19 aftercare services are available and whether termination of
20 the placement is in the best interest of the child and the
21 community.

22 c. Of the funds allocated in this subsection, \$1,510,661
23 is allocated as the state match funding for 50 highly
24 structured juvenile program beds. If the number of beds
25 provided for in this lettered paragraph is not utilized, the
26 remaining funds allocated may be used for group foster care.

27 4. In accordance with the provisions of section 232.188,
28 the department shall continue the child welfare and juvenile
29 justice funding initiative. Of the funds appropriated in this
30 section, \$2,500,000 is allocated specifically for expenditure
31 through the decategorization service funding pools and
32 governance boards established pursuant to section 232.188. In
33 addition, up to \$1,000,000 of the amount of federal temporary
34 assistance for needy families block grant funding appropriated
35 in this division of this Act for child and family services

1 shall be made available for purposes of the decategorization
2 initiative as provided in this subsection.

3 5. A portion of the funds appropriated in this section may
4 be used for emergency family assistance to provide other
5 resources required for a family participating in a family
6 preservation or reunification project to stay together or to
7 be reunified.

8 6. Notwithstanding section 234.35, subsection 1, for the
9 fiscal year beginning July 1, 2006, state funding for shelter
10 care paid pursuant to section 234.35, subsection 1, paragraph
11 "h", shall be limited to \$7,578,872.

12 7. Federal funds received by the state during the fiscal
13 year beginning July 1, 2006, as the result of the expenditure
14 of state funds appropriated during a previous state fiscal
15 year for a service or activity funded under this section, are
16 appropriated to the department to be used as additional
17 funding for services and purposes provided for under this
18 section. Notwithstanding section 8.33, moneys received in
19 accordance with this subsection that remain unencumbered or
20 unobligated at the close of the fiscal year shall not revert
21 to any fund but shall remain available for the purposes
22 designated until the close of the succeeding fiscal year.

23 8. Of the funds appropriated in this section, not more
24 than \$442,100 is allocated to provide clinical assessment
25 services as necessary to continue funding of children's
26 rehabilitation services under medical assistance in accordance
27 with federal law and requirements. The funding allocated is
28 the amount projected to be necessary for providing the
29 clinical assessment services.

30 9. Of the funds appropriated in this section, \$3,696,285
31 shall be used for protective child care assistance.

32 10. Of the funds appropriated in this section, up to
33 \$3,002,844 is allocated for the payment of the expenses of
34 court-ordered services provided to juveniles which are a
35 charge upon the state pursuant to section 232.141, subsection

1 4. Of the amount allocated in this subsection, up to
2 \$1,505,161 shall be made available to provide school-based
3 supervision of children adjudicated under chapter 232, of
4 which not more than \$15,000 may be used for the purpose of
5 training. A portion of the cost of each school-based liaison
6 officer shall be paid by the school district or other funding
7 source as approved by the chief juvenile court officer.

8 a. Notwithstanding section 232.141 or any other provision
9 of law to the contrary, the amount allocated in this
10 subsection shall be distributed to the judicial districts as
11 determined by the state court administrator. The state court
12 administrator shall make the determination of the distribution
13 amounts on or before June 15, 2006.

14 b. Notwithstanding chapter 232 or any other provision of
15 law to the contrary, a district or juvenile court shall not
16 order any service which is a charge upon the state pursuant to
17 section 232.141 if there are insufficient court-ordered
18 services funds available in the district court distribution
19 amount to pay for the service. The chief juvenile court
20 officer shall encourage use of the funds allocated in this
21 subsection such that there are sufficient funds to pay for all
22 court-related services during the entire year. The chief
23 juvenile court officers shall attempt to anticipate potential
24 surpluses and shortfalls in the distribution amounts and shall
25 cooperatively request the state court administrator to
26 transfer funds between the districts' distribution amounts as
27 prudent.

28 c. Notwithstanding any provision of law to the contrary, a
29 district or juvenile court shall not order a county to pay for
30 any service provided to a juvenile pursuant to an order
31 entered under chapter 232 which is a charge upon the state
32 under section 232.141, subsection 4.

33 d. Of the funds allocated in this subsection, not more
34 than \$100,000 may be used by the judicial branch for
35 administration of the requirements under this subsection and

1 for travel associated with court-ordered placements which are
2 a charge upon the state pursuant to section 232.141,
3 subsection 4.

4 11. Notwithstanding 2000 Iowa Acts, chapter 1228, section
5 43, the department may operate a subsidized guardianship
6 program if the United States department of health and human
7 services approves a waiver under Title IV-E of the federal
8 Social Security Act or the federal Social Security Act is
9 amended to allow Title IV-E funding to be used for subsidized
10 guardianship, and the subsidized guardianship program can be
11 operated without loss of Title IV-E funds.

12 12. Of the funds appropriated in this section, \$1,000,000
13 shall be transferred to the Iowa department of public health
14 to be used for the child protection center grant program in
15 accordance with section 135.118.

16 13. Of the funds appropriated in this section, \$148,000
17 shall be used for funding of one or more child welfare
18 diversion and mediation pilot projects as provided in 2004
19 Iowa Acts, chapter 1130, section 1.

20 14. If the department receives federal approval to
21 implement a waiver under Title IV-E of the federal Social
22 Security Act to enable providers to serve children who remain
23 in the children's families and communities, for purposes of
24 eligibility under the medical assistance program children who
25 participate in the waiver shall be considered to be placed in
26 foster care.

27 15. a. Funds appropriated in this section may be used to
28 provide continued support for young adults who are age
29 eighteen and graduate from high school or complete a
30 graduation equivalency diploma after May 1, 2006, have a self-
31 sufficiency plan, and are continuing their education, working,
32 or are in work training. The department may amend existing
33 contracts to provide the additional services to this
34 population. The department may adopt emergency rules to
35 implement the provisions of this subsection.

1 b. Of the funds appropriated in this section, \$854,012 is
2 allocated for the program described in this subsection for
3 young adults who leave foster care services at age 18 provided
4 legislation is enacted by the Eighty-first General Assembly,
5 2006 Session, to codify requirements for the program. If
6 enacted, the program shall commence as early as possible in
7 the fiscal year. The department may adopt emergency rules to
8 implement the program.

9 16. Of the funds appropriated in this section, \$50,000 is
10 allocated for a grant to expand an existing program operated
11 by a nonprofit organization providing family treatment and
12 community education services in a nine-county area.

13 17. Of the funds appropriated in this section, \$1,000,000
14 shall be used for juvenile drug courts to replace lost federal
15 grants and to expand juvenile drug courts. The amount
16 allocated in this subsection shall be distributed as follows:

17 a. To the judicial branch for salaries to assist with the
18 operation of juvenile drug court programs operated in the
19 following jurisdictions:

20	(1) Marshall county:		
21	.....	\$	60,000
22	(2) Woodbury county:		
23	.....	\$	120,254
24	(3) Polk county:		
25	.....	\$	187,434
26	(4) For establishing a program in the eighth judicial		
27	district and in another judicial district:		
28	.....	\$	130,000

29	b. For court-ordered services to support substance abuse		
30	and related services provided to the juveniles participating		
31	in the juvenile drug court programs listed in paragraph "a":		
32	.....	\$	502,312

33 The state court administrator shall allocate the funding
34 designated in this paragraph among the programs.]

35 18. Of the funds appropriated in this section, \$100,000 is

1 allocated to establish a multidimensional treatment level
2 foster care program provided House File 2567 or other
3 legislation requiring the department to establish the program
4 is enacted by the Eighty-first General Assembly, 2006 Session.

5 [19. During the fiscal year beginning July 1, 2006, the
6 department shall continue funding one or more child welfare
7 diversion and mediation pilot projects implemented pursuant to
8 2004 Iowa Acts, chapter 1130, section 1. The department shall
9 do all of the following in continuing the pilot projects:

10 a. If an agency providing mediation services under the
11 pilot project has not demonstrated the ability to deliver
12 services throughout the entire fiscal year within the funding
13 allocated, the department shall not renew the contract with
14 the agency.

15 b. If a contract is not renewed as provided in paragraph
16 "a", the department shall select a replacement provider agency
17 with the experience and capacity to provide mediation services
18 in the county or counties served by the provider agency whose
19 contract was not renewed. Whenever possible in selecting a
20 replacement provider agency, the department shall select a
21 provider agency whose primary operations office is located
22 within the largest county served by the pilot project.]

23 Sec. 18. ADOPTION SUBSIDY.

24 1. There is appropriated from the general fund of the
25 state to the department of human services for the fiscal year
26 beginning July 1, 2006, and ending June 30, 2007, the
27 following amount, or so much thereof as is necessary, to be
28 used for the purpose designated:

29 For adoption subsidy payments and services:
30 \$ 31,446,063

31 2. The department may transfer funds appropriated in this
32 section to the appropriations in this Act for child and family
33 services to be used for adoptive family recruitment and other
34 services to achieve adoption.

35 3. Federal funds received by the state during the fiscal

1 year beginning July 1, 2006, as the result of the expenditure
2 of state funds during a previous state fiscal year for a
3 service or activity funded under this section, are
4 appropriated to the department to be used as additional
5 funding for the services and activities funded under this
6 section. Notwithstanding section 8.33, moneys received in
7 accordance with this subsection that remain unencumbered or
8 unobligated at the close of the fiscal year shall not revert
9 to any fund but shall remain available for expenditure for the
10 purposes designated until the close of the succeeding fiscal
11 year.

12 Sec. 19. JUVENILE DETENTION HOME FUND. Moneys deposited
13 in the juvenile detention home fund created in section 232.142
14 during the fiscal year beginning July 1, 2006, and ending June
15 30, 2007, are appropriated to the department of human services
16 for the fiscal year beginning July 1, 2006, and ending June
17 30, 2007, for distribution as follows:

18 1. An amount equal to 10 percent of the costs of the
19 establishment, improvement, operation, and maintenance of
20 county or multicounty juvenile detention homes in the fiscal
21 year beginning July 1, 2005. Moneys appropriated for
22 distribution in accordance with this subsection shall be
23 allocated among eligible detention homes, prorated on the
24 basis of an eligible detention home's proportion of the costs
25 of all eligible detention homes in the fiscal year beginning
26 July 1, 2005. Notwithstanding section 232.142, subsection 3,
27 the financial aid payable by the state under that provision
28 for the fiscal year beginning July 1, 2006, shall be limited
29 to the amount appropriated for the purposes of this
30 subsection.

31 2. For renewal of a grant to a county with a population
32 between 189,000 and 196,000 for implementation of the county's
33 runaway treatment plan under section 232.195:

34 \$ 80,000

35 3. For continuation and expansion of the community

1 partnership for child protection sites:

2 \$ 318,000

3 4. For continuation of the department's minority youth and
4 family projects under the redesign of the child welfare
5 system:

6 \$ 375,000

7 [5. For funding of the state match for the federal
8 substance abuse and mental health services administration
9 (SAMSHA) system of care grant:

10 \$ 67,600

11 If the federal grant is not approved on or before January
12 1, 2007, the amount designated in this subsection shall be
13 allocated as provided in subsection 6.]

14 6. The remainder for additional allocations to county or
15 multicounty juvenile detention homes, in accordance with the
16 distribution requirements of subsection 1.

17 Sec. 20. FAMILY SUPPORT SUBSIDY PROGRAM. There is
18 appropriated from the general fund of the state to the
19 department of human services for the fiscal year beginning
20 July 1, 2006, and ending June 30, 2007, the following amount,
21 or so much thereof as is necessary, to be used for the purpose
22 designated:

23 For the family support subsidy program:

24 \$ 1,936,434

25 1. The department shall use at least \$333,312 of the
26 moneys appropriated in this section to continue the children-
27 at-home program in current counties, and if funds are
28 available after exhausting the family support subsidy waiting
29 list, to expand the program to additional counties. Not more
30 than \$20,000 of the amount allocated in this subsection shall
31 be used for administrative costs.

32 2. Notwithstanding contrary provisions of section 225C.38,
33 subsection 1, the monthly family support subsidy payment
34 amount for the fiscal year beginning July 1, 2006, shall be
35 determined by the department in consultation with the council

1 created in section 225C.48, not to exceed the amount in effect
2 on June 30, 2006.

3 Sec. 21. CONNER DECREE. There is appropriated from the
4 general fund of the state to the department of human services
5 for the fiscal year beginning July 1, 2006, and ending June
6 30, 2007, the following amount, or so much thereof as is
7 necessary, to be used for the purpose designated:

8 For building community capacity through the coordination
9 and provision of training opportunities in accordance with the
10 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
11 Iowa, July 14, 1994):

12 \$ 42,623

13 Sec. 22. MENTAL HEALTH INSTITUTES. There is appropriated
14 from the general fund of the state to the department of human
15 services for the fiscal year beginning July 1, 2006, and
16 ending June 30, 2007, the following amounts, or so much
17 thereof as is necessary, to be used for the purposes
18 designated:

19 1. For the state mental health institute at Cherokee for
20 salaries, support, maintenance, and miscellaneous purposes and
21 for not more than the following full-time equivalent
22 positions:

23 \$ 4,893,698

24 FTEs 215.00

25 Of the funds appropriated in this subsection, at least
26 \$5,000 is allocated for provision of books or other learning
27 materials and activities associated with the education of
28 children placed in facilities operated at the state mental
29 health institute at Cherokee.

30 2. For the state mental health institute at Clarinda for
31 salaries, support, maintenance, and miscellaneous purposes and
32 for not more than the following full-time equivalent
33 positions:

34 \$ 5,979,344

35 FTEs 101.15

1 3. For the state mental health institute at Independence
2 for salaries, support, maintenance, and miscellaneous purposes
3 and for not more than the following full-time equivalent
4 positions:

5 \$ 9,006,899
6 FTEs 286.40

7 Of the funds appropriated in this subsection, at least
8 \$5,000 is allocated for provision of books or other learning
9 materials and activities associated with the education of
10 children placed in facilities located at the state mental
11 health institute at Independence.

12 4. For the state mental health institute at Mount Pleasant
13 for salaries, support, maintenance, and miscellaneous purposes
14 and for not more than the following full-time equivalent
15 positions:

16 \$ 1,071,074
17 FTEs 102.84

18 (The department shall implement a new 20-bed substance abuse
19 treatment unit beginning October 1, 2006.)

20 Sec. 23. STATE RESOURCE CENTERS. There is appropriated
21 from the general fund of the state to the department of human
22 services for the fiscal year beginning July 1, 2006, and
23 ending June 30, 2007, the following amounts, or so much
24 thereof as is necessary, to be used for the purposes
25 designated:

26 1. For the state resource center at Glenwood for salaries,
27 support, maintenance, and miscellaneous purposes:

28 \$ 14,006,583

29 2. For the state resource center at Woodward for salaries,
30 support, maintenance, and miscellaneous purposes:

31 \$ 8,590,761

32 3. The department may continue to bill for state resource
33 center services utilizing a scope of services approach used
34 for private providers of ICFMR services, in a manner which
35 does not shift costs between the medical assistance program,

1 counties, or other sources of funding for the state resource
2 centers.

3 4. The state resource centers may expand the time limited
4 assessment and respite services during the fiscal year.

5 5. If the department's administration and the department
6 of management concur with a finding by a state resource
7 center's superintendent that projected revenues can reasonably
8 be expected to pay the salary and support costs for a new
9 employee position, or that such costs for adding a particular
10 number of new positions for the fiscal year would be less than
11 the overtime costs if new positions would not be added, the
12 superintendent may add the new position or positions. If the
13 vacant positions available to a resource center do not include
14 the position classification desired to be filled, the state
15 resource center's superintendent may reclassify any vacant
16 position as necessary to fill the desired position. The
17 superintendents of the state resource centers may, by mutual
18 agreement, pool vacant positions and position classifications
19 during the course of the fiscal year in order to assist one
20 another in filling necessary positions.

21 6. If existing capacity limitations are reached in
22 operating units, a waiting list is in effect for a service or
23 a special need for which a payment source or other funding is
24 available for the service or to address the special need, and
25 facilities for the service or to address the special need can
26 be provided within the available payment source or other
27 funding, the superintendent of a state resource center may
28 authorize opening not more than two units or other facilities
29 and to begin implementing the service or addressing the
30 special need during fiscal year 2006-2007.

31 Sec. 24. MI/MR/DD STATE CASES.

32 1. There is appropriated from the general fund of the
33 state to the department of human services for the fiscal year
34 beginning July 1, 2006, and ending June 30, 2007, the
35 following amount, or so much thereof as is necessary, to be

1 used for the purpose designated:

2 For purchase of local services for persons with mental
3 illness, mental retardation, and developmental disabilities
4 where the client has no established county of legal
5 settlement:

6 \$ 10,586,619

7 2. For the fiscal year beginning July 1, 2006, and ending
8 June 30, 2007, \$200,000 is allocated for state cases from the
9 amounts appropriated from the fund created in section 8.41 to
10 the department of human services from the funds received from
11 the federal government under 42 U.S.C., chapter 6A, subchapter
12 XVII, relating to the community mental health center block
13 grant, for the federal fiscal years beginning October 1, 2004,
14 and ending September 30, 2005, beginning October 1, 2005, and
15 ending September 30, 2006, and beginning October 1, 2006, and
16 ending September 30, 2007. The allocation made in this
17 subsection shall be made prior to any other distribution
18 allocation of the appropriated federal funds.

19 Sec. 25. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES --
20 COMMUNITY SERVICES FUND. There is appropriated from the
21 general fund of the state to the mental health and
22 developmental disabilities community services fund created in
23 section 225C.7 for the fiscal year beginning July 1, 2006, and
24 ending June 30, 2007, the following amount, or so much thereof
25 as is necessary, to be used for the purpose designated:

26 For mental health and developmental disabilities community
27 services in accordance with this division of this Act:
28 \$ 17,757,890

29 1. Of the funds appropriated in this section, \$17,727,890
30 shall be allocated to counties for funding of community-based
31 mental health and developmental disabilities services. The
32 moneys shall be allocated to a county as follows:

33 a. Fifty percent based upon the county's proportion of the
34 state's population of persons with an annual income which is
35 equal to or less than the poverty guideline established by the

1 federal office of management and budget.

2 b. Fifty percent based upon the county's proportion of the
3 state's general population.

4 2. a. A county shall utilize the funding the county
5 receives pursuant to subsection 1 for services provided to
6 persons with a disability, as defined in section 225C.2.
7 However, no more than 50 percent of the funding shall be used
8 for services provided to any one of the service populations.

9 b. A county shall use at least 50 percent of the funding
10 the county receives under subsection 1 for contemporary
11 services provided to persons with a disability, as described
12 in rules adopted by the department.

13 3. Of the funds appropriated in this section, \$30,000
14 shall be used to support the Iowa compass program providing
15 computerized information and referral services for Iowans with
16 disabilities and their families.

17 4. a. Funding appropriated for purposes of the federal
18 social services block grant is allocated for distribution to
19 counties for local purchase of services for persons with
20 mental illness or mental retardation or other developmental
21 disability.

22 b. The funds allocated in this subsection shall be
23 expended by counties in accordance with the county's approved
24 county management plan. A county without an approved county
25 management plan shall not receive allocated funds until the
26 county's management plan is approved.

27 c. The funds provided by this subsection shall be
28 allocated to each county as follows:

29 (1) Fifty percent based upon the county's proportion of
30 the state's population of persons with an annual income which
31 is equal to or less than the poverty guideline established by
32 the federal office of management and budget.

33 (2) Fifty percent based upon the amount provided to the
34 county for local purchase of services in the preceding fiscal
35 year.

1 5. A county is eligible for funds under this section if
2 the county qualifies for a state payment as described in
3 section 331.439.

4 Sec. 26. SEXUALLY VIOLENT PREDATORS.

5 1. There is appropriated from the general fund of the
6 state to the department of human services for the fiscal year
7 beginning July 1, 2006, and ending June 30, 2007, the
8 following amount, or so much thereof as is necessary, to be
9 used for the purpose designated:

10 For costs associated with the commitment and treatment of
11 sexually violent predators in the unit located at the state
12 mental health institute at Cherokee, including costs of legal
13 services and other associated costs, including salaries,
14 support, maintenance, miscellaneous purposes, and for not more
15 than the following full-time equivalent positions:

16	\$	4,750,704
17	FTEs	73.66

18 2. Unless specifically prohibited by law, if the amount
19 charged provides for recoupment of at least the entire amount
20 of direct and indirect costs, the department of human services
21 may contract with other states to provide care and treatment
22 of persons placed by the other states at the unit for sexually
23 violent predators at Cherokee. The moneys received under such
24 a contract shall be considered to be repayment receipts and
25 used for the purposes of the appropriation made in this
26 section.

27 Sec. 27. FIELD OPERATIONS. There is appropriated from the
28 general fund of the state to the department of human services
29 for the fiscal year beginning July 1, 2006, and ending June
30 30, 2007, the following amount, or so much thereof as is
31 necessary, to be used for the purposes designated:

32 For field operations, including salaries, support,
33 maintenance, and miscellaneous purposes and for not more than
34 the following full-time equivalent positions:

35 \$ 57,044,250

1 FTEs 1,897.87

2 Priority in filling full-time equivalent positions shall be
3 given to those positions related to child protection services.
4 [The full-time equivalent positions authorized in this section
5 include clinical consultation positions relating to child
6 protection services.]

7 Sec. 28. GENERAL ADMINISTRATION. There is appropriated
8 from the general fund of the state to the department of human
9 services for the fiscal year beginning July 1, 2006, and
10 ending June 30, 2007, the following amount, or so much thereof
11 as is necessary, to be used for the purpose designated:

12 For general administration, including salaries, support,
13 maintenance, and miscellaneous purposes and for not more than
14 the following full-time equivalent positions:

15 \$ 14,028,679

16 FTEs 309.00

17 1. Of the funds appropriated in this section, \$57,000 is
18 allocated for the prevention of disabilities policy council
19 established in section 225B.3.

20 2. Of the funds appropriated in this section, \$30,000 is
21 allocated to the department of human services for a statewide
22 coordinator for the program of all-inclusive care for the
23 elderly as defined in section 249H.3. The coordinator shall
24 work in collaboration with the department of elder affairs in
25 carrying out the coordinator's duties.

26 Sec. 29. VOLUNTEERS. There is appropriated from the
27 general fund of the state to the department of human services
28 for the fiscal year beginning July 1, 2006, and ending June
29 30, 2007, the following amount, or so much thereof as is
30 necessary, to be used for the purpose designated:

31 For development and coordination of volunteer services:

32 \$ 109,568

33 Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
34 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
35 DEPARTMENT OF HUMAN SERVICES.

1 1. a. (1) For the fiscal year beginning July 1, 2006,
2 nursing facilities shall be reimbursed at 100 percent of the
3 modified price-based case-mix reimbursement rate. Nursing
4 facilities reimbursed under the medical assistance program
5 shall submit annual cost reports and additional documentation
6 as required by rules adopted by the department.

7 (2) For the fiscal year beginning July 1, 2006, the total
8 state funding amount for the nursing facility budget shall not
9 exceed \$177,701,264. The department, in cooperation with
10 nursing facility representatives, shall review projections for
11 state funding expenditures for reimbursement of nursing
12 facilities on a quarterly basis and the department shall
13 determine if an adjustment to the medical assistance
14 reimbursement rate is necessary in order to provide
15 reimbursement within the state funding amount. Any temporary
16 enhanced federal financial participation that may become
17 available to the Iowa medical assistance program during the
18 fiscal year shall not be used in projecting the nursing
19 facility budget. Notwithstanding 2001 Iowa Acts, chapter 192,
20 section 4, subsection 2, paragraph "c", and subsection 3,
21 paragraph "a", subparagraph (2), if the state funding
22 expenditures for the nursing facility budget for the fiscal
23 year beginning July 1, 2006, are projected to exceed the
24 amount specified in this subparagraph, the department shall
25 adjust the skilled nursing facility market basket inflation
26 factor of the reimbursement rate calculation for only the
27 nursing facilities reimbursed under the case-mix reimbursement
28 system to maintain expenditures of the nursing facility budget
29 within the specified amount.

30 (3) For the fiscal year beginning July 1, 2006, the
31 patient-day-weighted medians used in rate setting for nursing
32 facilities shall be recalculated and the rates adjusted to
33 provide an increase in nursing facility rates not to exceed
34 \$162,315,695. [The inflation factor applied from the mid-point
35 of the cost report to the first day of the state fiscal year

1 rate period shall not be less than zero percent.]

2 b. For the fiscal year beginning July 1, 2006, the
3 department shall reimburse pharmacy dispensing fees using a
4 single rate of \$4.52 per prescription, or the pharmacy's usual
5 and customary fee, whichever is lower.

6 c. For the fiscal year beginning July 1, 2006,
7 reimbursement rates for inpatient and outpatient hospital
8 services shall be increased by 3 percent over the rates in
9 effect on June 30, 2006. The department shall continue the
10 outpatient hospital reimbursement system based upon ambulatory
11 patient groups implemented pursuant to 1994 Iowa Acts, chapter
12 1186, section 25, subsection 1, paragraph "f". In addition,
13 the department shall continue the revised medical assistance
14 payment policy implemented pursuant to that paragraph to
15 provide reimbursement for costs of screening and treatment
16 provided in the hospital emergency room if made pursuant to
17 the prospective payment methodology developed by the
18 department for the payment of outpatient services provided
19 under the medical assistance program. Any rebasing of
20 hospital inpatient or outpatient rates shall not increase
21 total payments for inpatient and outpatient services beyond
22 the percentage increase provided in this paragraph.

23 d. For the fiscal year beginning July 1, 2006,
24 reimbursement rates for rural health clinics, hospices,
25 independent laboratories, and acute mental hospitals shall be
26 increased in accordance with increases under the federal
27 Medicare program or as supported by their Medicare audited
28 costs.

29 e. (1) For the fiscal year beginning July 1, 2006,
30 reimbursement rates for home health agencies shall be
31 increased by 3 percent over the rates in effect on June 30,
32 2006, not to exceed a home health agency's actual allowable
33 cost.

34 (2) The department shall establish a fixed-fee
35 reimbursement schedule for home health agencies under the

1 medical assistance program beginning July 1, 2007.

2 f. For the fiscal year beginning July 1, 2006, federally
3 qualified health centers shall receive cost-based
4 reimbursement for 100 percent of the reasonable costs for the
5 provision of services to recipients of medical assistance.

6 g. Beginning July 1, 2006, the reimbursement rates for
7 dental services shall be increased by 3 percent over the rates
8 in effect on June 30, 2006.

9 h. Beginning July 1, 2006, the reimbursement rates for
10 community mental health centers shall be increased by 3
11 percent over the rates in effect on June 30, 2006.

12 i. For the fiscal year beginning July 1, 2006, the maximum
13 reimbursement rate for psychiatric medical institutions for
14 children shall be \$160.71 per day.

15 j. For the fiscal year beginning July 1, 2006, unless
16 otherwise specified in this Act, all noninstitutional medical
17 assistance provider reimbursement rates shall be increased by
18 3 percent over the rates in effect on June 30, 2006, except
19 for area education agencies, local education agencies, infant
20 and toddler services providers, and those providers whose
21 rates are required to be determined pursuant to section
22 249A.20.

23 k. Notwithstanding section 249A.20, for the fiscal year
24 beginning July 1, 2006, the average reimbursement rate for
25 health care providers eligible for use of the federal Medicare
26 resource-based relative value scale reimbursement methodology
27 under that section shall be increased by 3 percent over the
28 rate in effect on June 30, 2006; however, this rate shall not
29 exceed the maximum level authorized by the federal government.

30 1. Beginning July 1, 2006, the department shall increase
31 the personal needs allowance under the medical assistance
32 program which may be retained by a resident of a nursing
33 facility to fifty dollars.

34 2. For the fiscal year beginning July 1, 2006, the
35 reimbursement rate for residential care facilities shall not

1 be less than the minimum payment level as established by the
2 federal government to meet the federally mandated maintenance
3 of effort requirement. The flat reimbursement rate for
4 facilities electing not to file semiannual cost reports shall
5 not be less than the minimum payment level as established by
6 the federal government to meet the federally mandated
7 maintenance of effort requirement.

8 3. For the fiscal year beginning July 1, 2006, the
9 reimbursement rate for providers reimbursed under the in-
10 home-related care program shall not be less than the minimum
11 payment level as established by the federal government to meet
12 the federally mandated maintenance of effort requirement.

13 4. Unless otherwise directed in this section, when the
14 department's reimbursement methodology for any provider
15 reimbursed in accordance with this section includes an
16 inflation factor, this factor shall not exceed the amount by
17 which the consumer price index for all urban consumers
18 increased during the calendar year ending December 31, 2002.

19 5. For the fiscal year beginning July 1, 2006, the foster
20 family basic daily maintenance rate paid in accordance with
21 section 234.38 and the maximum adoption subsidy rate for
22 children ages 0 through 5 years shall be \$15.31, the rate for
23 children ages 6 through 11 years shall be \$15.99, the rate for
24 children ages 12 through 15 years shall be \$17.57, and the
25 rate for children ages 16 and older shall be \$17.73.

26 6. For the fiscal year beginning July 1, 2006, the maximum
27 reimbursement rates for social service providers shall be
28 increased by 3 percent over the rates in effect on June 30,
29 2006, or to the provider's actual and allowable cost plus
30 inflation for each service, whichever is less. The rates may
31 also be adjusted under any of the following circumstances:

- 32 a. If a new service was added after June 30, 2006, the
33 initial reimbursement rate for the service shall be based upon
34 actual and allowable costs.
- 35 b. If a social service provider loses a source of income

1 used to determine the reimbursement rate for the provider, the
2 provider's reimbursement rate may be adjusted to reflect the
3 loss of income, provided that the lost income was used to
4 support actual and allowable costs of a service purchased
5 under a purchase of service contract.

6 7. The group foster care reimbursement rates paid for
7 placement of children out of state shall be calculated
8 according to the same rate-setting principles as those used
9 for in-state providers unless the director of human services
10 or the director's designee determines that appropriate care
11 cannot be provided within the state. The payment of the daily
12 rate shall be based on the number of days in the calendar
13 month in which service is provided.

14 8. For the fiscal year beginning July 1, 2006, the
15 reimbursement rates for rehabilitative treatment and support
16 services providers shall be increased by 3 percent over the
17 rates in effect on June 30, 2006.

18 9. a. For the fiscal year beginning July 1, 2006, the
19 combined service and maintenance components of the
20 reimbursement rate paid for shelter care services purchased
21 under a contract shall be based on the financial and
22 statistical report submitted to the department. The maximum
23 reimbursement rate shall be \$88.79 per day. The department
24 shall reimburse a shelter care provider at the provider's
25 actual and allowable unit cost, plus inflation, not to exceed
26 the maximum reimbursement rate.

27 b. Notwithstanding section 232.141, subsection 8, for the
28 fiscal year beginning July 1, 2006, the amount of the
29 statewide average of the actual and allowable rates for
30 reimbursement of juvenile shelter care homes that is utilized
31 for the limitation on recovery of unpaid costs shall be
32 increased by \$2.59 over the amount in effect for this purpose
33 in the preceding fiscal year.

34 10. For the fiscal year beginning July 1, 2006, the
35 department shall calculate reimbursement rates for

1 intermediate care facilities for persons with mental
2 retardation at the 80th percentile.

3 11. For the fiscal year beginning July 1, 2006, effective
4 January 1, 2007, for child care providers reimbursed under the
5 state child care assistance program, the department shall set
6 provider reimbursement rates based on the rate reimbursement
7 survey completed in December 2004. The department shall set
8 rates in a manner so as to provide incentives for a
9 nonregistered provider to become registered.

10 12. For the fiscal year beginning July 1, 2006,
11 reimbursements for providers reimbursed by the department of
12 human services may be modified if appropriated funding is
13 allocated for that purpose from the senior living trust fund
14 created in section 249H.4, or as specified in appropriations
15 from the healthy Iowans tobacco trust created in section
16 12.65.

17 13. The department shall apply the three percent
18 reimbursement rate increase prescribed for specified providers
19 for the fiscal year beginning July 1, 2005, pursuant to 2005
20 Iowa Acts, chapter 175, separately from the three percent
21 reimbursement rate increase prescribed for specified providers
22 for the fiscal year beginning July 1, 2006, under this Act.

23 [14. The department shall adopt rules pursuant to chapter
24 17A to provide reimbursement for covered services provided by
25 psychology interns and psychology residents to recipients of
26 medical assistance, subject to limitations and exclusions the
27 department finds necessary on the basis of federal laws and
28 regulations.]

29 15. The department may adopt emergency rules to implement
30 this section.

31 Sec. 31. EMERGENCY RULES. If specifically authorized by a
32 provision of this division of this Act, the department of
33 human services or the mental health, mental retardation,
34 developmental disabilities, and brain injury commission may
35 adopt administrative rules under section 17A.4, subsection 2,

1 and section 17A.5, subsection 2, paragraph "b", to implement
2 the provisions and the rules shall become effective
3 immediately upon filing or on a later effective date specified
4 in the rules, unless the effective date is delayed by the
5 administrative rules review committee. Any rules adopted in
6 accordance with this section shall not take effect before the
7 rules are reviewed by the administrative rules review
8 committee. The delay authority provided to the administrative
9 rules review committee under section 17A.4, subsection 5, and
10 section 17A.8, subsection 9, shall be applicable to a delay
11 imposed under this section, notwithstanding a provision in
12 those sections making them inapplicable to section 17A.5,
13 subsection 2, paragraph "b". Any rules adopted in accordance
14 with the provisions of this section shall also be published as
15 notice of intended action as provided in section 17A.4.

16 Sec. 32. REPORTS. Any reports or information required to
17 be compiled and submitted under this division of this Act
18 shall be submitted to the chairpersons and ranking members of
19 the joint appropriations subcommittee on health and human
20 services, the legislative services agency, and the legislative
21 caucus staffs on or before the dates specified for submission
22 of the reports or information.

23 Sec. 33. 2005 Iowa Acts, chapter 175, section 2,
24 subsection 4, unnumbered paragraph 2, is amended to read as
25 follows:

26 Of the funds appropriated in this subsection, not more than
27 \$100,000 shall be used to leverage federal funding through the
28 federal Ryan White Care Act, Title II, AIDS drug assistance
29 program supplemental drug treatment grants. Notwithstanding
30 section 8.33, moneys allocated in this subparagraph that
31 remain unencumbered or unobligated at the close of the fiscal
32 year shall not revert but shall remain available for
33 expenditure for the purposes designated until the close of the
34 succeeding fiscal year.

35 Sec. 34. 2005 Iowa Acts, chapter 175, section 2,

1 subsection 12, is amended by adding the following new
2 unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
4 moneys appropriated in this subsection that remain
5 unencumbered or unobligated at the close of the fiscal year
6 shall not revert but shall remain available for expenditure
7 for the purposes designated until the close of the succeeding
8 fiscal year.

9 Sec. 35. 2005 Iowa Acts, chapter 175, section 3, is
10 amended by adding the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
12 moneys appropriated in this section that remain unencumbered
13 or unobligated at the close of the fiscal year shall not
14 revert but shall remain available for expenditure for the
15 purposes designated until the close of the succeeding fiscal
16 year.

17 Sec. 36. 2005 Iowa Acts, chapter 175, section 4,
18 subsection 2, is amended by adding the following new
19 unnumbered paragraph:

20 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33 and
21 section 35D.18, subsection 5, moneys appropriated in this
22 subsection that remain unencumbered or unobligated at the
23 close of the fiscal year shall not revert but shall remain
24 available for expenditure in succeeding fiscal years. Of the
25 amount remaining available for expenditure under this
26 paragraph, the first \$1,000,000 shall be used for Iowa
27 veterans home operations in the immediately succeeding fiscal
28 year and the balance shall be transferred to any appropriation
29 made for the fiscal year beginning July 1, 2006, for purposes
30 of capital improvements, renovations, or new construction at
31 the Iowa veterans home. However, if an appropriation is not
32 made for such purposes for that fiscal year by the Eighty-
33 first General Assembly, 2006 Session, the balance shall remain
34 available to be used to supplement an appropriation made for
35 such purposes for a subsequent fiscal year.

1 [Sec. 37. 2005 Iowa Acts, chapter 175, section 9, is
2 amended by adding the following new subsection:
3 NEW SUBSECTION. 15. Notwithstanding section 8.33,
4 \$500,000 of the moneys appropriated in this section that
5 remain unencumbered or unobligated at the close of the fiscal
6 year shall not revert but shall remain available for
7 expenditure for the operational costs associated with Part D
8 of the federal Medicare Prescription Drug, Improvement, and
9 Modernization Act of 2003, Pub. L. No. 108-173, until the
10 close of the succeeding fiscal year.]

11 Sec. 38. 2005 Iowa Acts, chapter 175, section 12, is
12 amended by adding the following new subsection:
13 NEW SUBSECTION. 4. Notwithstanding section 8.33,
14 \$1,100,000 of the moneys appropriated in this section that
15 remain unencumbered or unobligated at the close of the fiscal
16 year shall not revert but shall remain available for
17 expenditure for the purposes designated until the close of the
18 succeeding fiscal year.

19 Sec. 39. 2005 Iowa Acts, chapter 175, section 14,
20 subsection 2, is amended to read as follows:
21 2. Of the funds appropriated in this section, \$900,000
22 shall be used for implementation of a quality rating system
23 for child care providers, in accordance with legislation
24 enacted to authorize implementation of the rating system.
25 Notwithstanding section 8.33, \$125,000 of the moneys allocated
26 in this subsection that remain unencumbered or unobligated at
27 the close of the fiscal year shall not revert but shall remain
28 available for expenditure for the purposes designated until
29 the close of the succeeding fiscal year.

30 Sec. 40. 2005 Iowa Acts, chapter 175, section 16, is
31 amended by adding the following new subsection:
32 NEW SUBSECTION. 18. Notwithstanding section 8.33,
33 \$1,000,000 of the moneys appropriated in this section that
34 remain unencumbered or unobligated at the close of the fiscal
35 year shall not revert but shall remain available for

1 expenditure for the purposes designated until the close of the
2 succeeding fiscal year.

3 Sec. 41. 2005 Iowa Acts, chapter 175, section 17, is
4 amended by adding the following new subsection:

5 NEW SUBSECTION. 4. Notwithstanding section 8.33,
6 \$2,000,000 of the moneys appropriated in this section that
7 remain unencumbered or unobligated at the close of the fiscal
8 year shall not revert but shall remain available for
9 expenditure for the purposes designated until the close of the
10 succeeding fiscal year.

11 Sec. 42. 2005 Iowa Acts, chapter 175, section 21,
12 subsection 3, is amended by adding the following new
13 unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
15 revenues that are directly attributable to the psychiatric
16 medical institution for children beds operated by the state at
17 the state mental health institute at Independence in
18 accordance with section 226.9B, that are received as repayment
19 receipts and are attributed to the fiscal year beginning July
20 1, 2005, shall not revert but shall remain available for
21 expenditure for the purposes designated until the close of the
22 succeeding fiscal year.

23 Sec. 43. 2005 Iowa Acts, chapter 175, section 22,
24 subsection 1, is amended by adding the following new
25 unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. Notwithstanding sections 8.33
27 and 222.92, \$1,000,000 of the revenues available to the state
28 resource center at Glenwood that remain unencumbered or
29 unobligated at the close of the fiscal year shall not revert
30 but shall remain available for expenditure for the purposes of
31 the state resource center until the close of the succeeding
32 fiscal year.

33 Sec. 44. 2005 Iowa Acts, chapter 175, section 23, is
34 amended by adding the following new subsection:

35 NEW SUBSECTION. 3. Notwithstanding section 8.33, \$200,000

1 of the moneys appropriated in this section that remain
2 unencumbered or unobligated at the close of the fiscal year
3 shall not revert but shall remain available for expenditure
4 for the purposes designated until the close of the succeeding
5 fiscal year.

6 Sec. 45. 2005 Iowa Acts, chapter 175, section 26, is
7 amended by adding the following new unnumbered paragraph:

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

14 Sec. 46. 2005 Iowa Acts, chapter 175, section 29,
15 subsection 1, paragraph a, subparagraph (2), is amended to
16 read as follows:

17 (2) For the fiscal year beginning July 1, 2005, the total
18 state funding amount for the nursing facility budget shall not
19 exceed ~~\$161,600,700~~ \$167,042,326. The department, in
20 cooperation with nursing facility representatives, shall
21 review projections for state funding expenditures for
22 reimbursement of nursing facilities on a quarterly basis and
23 the department shall determine if an adjustment to the medical
24 assistance reimbursement rate is necessary in order to provide
25 reimbursement within the state funding amount. Any temporary
26 enhanced federal financial participation that may become
27 available to the Iowa medical assistance program during the
28 fiscal year shall not be used in projecting the nursing
29 facility budget. Notwithstanding 2001 Iowa Acts, chapter 192,
30 section 4, subsection 2, paragraph "c", and subsection 3,
31 paragraph "a", subparagraph (2), if the state funding
32 expenditures for the nursing facility budget for the fiscal
33 year beginning July 1, 2005, are projected to exceed the
34 amount specified in this subparagraph, the department shall
35 adjust the inflation factor of the reimbursement rate

1 calculation for only the nursing facilities reimbursed under
2 the case-mix reimbursement system to maintain expenditures of
3 the nursing facility budget within the specified amount.

4 Sec. 47. EFFECTIVE DATES. The following provisions of
5 this division of this Act, being deemed of immediate
6 importance, take effect upon enactment:

7 1. The provision under the appropriation for child and
8 family services, relating to requirements of sections 232.143
9 for representatives of the department of human services and
10 juvenile court services to establish a plan for continuing
11 group foster care expenditures for the 2006-2007 fiscal year.

12 2. The provision amending 2005 Iowa Acts, chapter 175,
13 section 2, subsection 4.

14 3. The provision amending 2005 Iowa Acts, chapter 175,
15 section 2, subsection 12.

16 4. The provision amending 2005 Iowa Acts, chapter 175,
17 section 3.

18 5. The provision amending 2005 Iowa Acts, chapter 175,
19 section 4.

20 6. The provision amending 2005 Iowa Acts, chapter 175,
21 section 9.

22 7. The provision amending 2005 Iowa Acts, chapter 175,
23 section 12.

24 8. The provision amending 2005 Iowa Acts, chapter 175,
25 section 14, subsection 2.

26 9. The provision amending 2005 Iowa Acts, chapter 175,
27 section 16.

28 10. The provision amending 2005 Iowa Acts, chapter 175,
29 section 17.

30 11. The provision amending 2005 Iowa Acts, chapter 175,
31 section 21, subsection 3.

32 12. The provision amending 2005 Iowa Acts, chapter 175,
33 section 22.

34 13. The provision amending 2005 Iowa Acts, chapter 175,
35 section 23.

1 14. The provision amending 2005 Iowa Acts, chapter 175,
2 section 26.

3 15. The provision amending 2005 Iowa Acts, chapter 175,
4 section 29, subsection 1, paragraph "a", subparagraph (2).

5 DIVISION II

6 SENIOR LIVING TRUST FUND,
7 PHARMACEUTICAL SETTLEMENT ACCOUNT,
8 IOWACARE ACCOUNT, AND HEALTH CARE
9 TRANSFORMATION ACCOUNT

10 Sec. 48. DEPARTMENT OF ELDER AFFAIRS. There is
11 appropriated from the senior living trust fund created in
12 section 249H.4 to the department of elder affairs for the
13 fiscal year beginning July 1, 2006, and ending June 30, 2007,
14 the following amount, or so much thereof as is necessary, to
15 be used for the purpose designated:

16 For the development and implementation of a comprehensive
17 senior living program, including program administration and
18 costs associated with implementation, salaries, support,
19 maintenance, and miscellaneous purposes and for not more than
20 the following full-time equivalent positions:

21	\$	8,296,730
22	FTEs	3.00

23 1. Of the funds appropriated in this section, \$2,196,967
24 shall be used for case management for the frail elderly. Of
25 the funds allocated in this subsection, \$1,010,000 shall be
26 transferred to the department of human services in equal
27 amounts on a quarterly basis for reimbursement of case
28 management services provided under the medical assistance
29 elderly waiver. The monthly cost per client for case
30 management for the frail elderly services provided shall not
31 exceed \$70. It is the intent of the general assembly that the
32 additional funding provided for case management for the frail
33 elderly for the fiscal year beginning July 1, 2006, and ending
34 June 30, 2007, shall be used to provide case management
35 services for up to an additional 1,650 individuals.

1 2. Notwithstanding section 249H.7, the department of elder
2 affairs shall distribute up to \$400,000 of the funds
3 appropriated in this section in a manner that will supplement
4 and maximize federal funds under the federal Older Americans
5 Act and shall not use the amount distributed for any
6 administrative purposes of either the department of elder
7 affairs or the area agencies on aging.

8 Sec. 49. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
9 appropriated from the senior living trust fund created in
10 section 249H.4 to the department of inspections and appeals
11 for the fiscal year beginning July 1, 2006, and ending June
12 30, 2007, the following amount, or so much thereof as is
13 necessary, to be used for the purpose designated:

14 For the inspection and certification of assisted living
15 facilities and adult day care services, including program
16 administration and costs associated with implementation,
17 salaries, support, maintenance, and miscellaneous purposes and
18 for not more than the following full-time equivalent
19 positions:

20 \$ 758,474
21 FTEs 5.00

22 Sec. 50. DEPARTMENT OF HUMAN SERVICES. There is
23 appropriated from the senior living trust fund created in
24 section 249H.4 to the department of human services for the
25 fiscal year beginning July 1, 2006, and ending June 30, 2007,
26 the following amounts, or so much thereof as is necessary, to
27 be used for the purpose designated:

28 1. To supplement the medical assistance appropriation,
29 including program administration and costs associated with
30 implementation, salaries, support, maintenance, and
31 miscellaneous purposes and for not more than the following
32 fulltime equivalent positions:

33 \$ 40,000,000
34 FTEs 5.00

35 2. Notwithstanding sections 249H.4 and 249H.5, the

1 department of human services may use moneys from the senior
2 living trust fund for cash flow purposes to make payments
3 under the nursing facility or hospital upper payment limit
4 methodology. The amount of any moneys so used shall be
5 refunded to the senior living trust fund within the same
6 fiscal year and in a prompt manner.

7 In order to carry out the purposes of this section, the
8 department may transfer funds appropriated in this section to
9 supplement other appropriations made to the department of
10 human services.

11 Sec. 51. IOWA FINANCE AUTHORITY. There is appropriated
12 from the senior living trust fund created in section 249H.4 to
13 the Iowa finance authority for the fiscal year beginning July
14 1, 2006, and ending June 30, 2007, the following amount, or so
15 much thereof as is necessary, to be used for the purposes
16 designated:

17 To provide reimbursement for rent expenses to eligible
18 persons:

19 \$ 700,000

20 Participation in the rent subsidy program shall be limited
21 to only those persons who meet the nursing facility level of
22 care for home and community-based services waiver services as
23 established on or after July 1, 2006.

24 Sec. 52. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
25 appropriated from the pharmaceutical settlement account
26 created in section 249A.33 to the department of human services
27 for the fiscal year beginning July 1, 2006, and ending June
28 30, 2007, the following amount, or so much thereof as is
29 necessary, to be used for the purpose designated:

30 To supplement the appropriations made for medical contracts
31 under the medical assistance program:

32 \$ 379,000

33 Sec. 53. APPROPRIATIONS FROM IOWACARE ACCOUNT.

34 1. There is appropriated from the IowaCare account created
35 in section 249J.24 to the state board of regents for

1 distribution to the university of Iowa hospitals and clinics
2 for the fiscal year beginning July 1, 2006, and ending June
3 30, 2007, the following amount, or so much thereof as is
4 necessary, to be used for the purposes designated:

5 For salaries, support, maintenance, equipment, and
6 miscellaneous purposes, for the provision of medical and
7 surgical treatment of indigent patients, for provision of
8 services to members of the expansion population pursuant to
9 chapter 249J, and for medical education:

10 \$ 27,284,584

11 a. The university of Iowa hospitals and clinics shall,
12 when medically appropriate, make reasonable efforts to extend
13 the university of Iowa hospitals and clinics' use of home
14 telemedicine and other technologies to reduce the frequency of
15 visits to the hospital required by indigent patients.

16 b. The university of Iowa hospitals and clinics shall
17 submit quarterly a report regarding the portion of the
18 appropriation in this subsection expended on medical
19 education. The report shall be submitted in a format jointly
20 developed by the university of Iowa hospitals and clinics, the
21 legislative services agency, and the department of management,
22 and shall delineate the expenditures and purposes of the
23 funds.

24 c. Funds appropriated in this subsection shall not be used
25 to perform abortions except medically necessary abortions, and
26 shall not be used to operate the early termination of
27 pregnancy clinic except for the performance of medically
28 necessary abortions. For the purpose of this subsection, an
29 abortion is the purposeful interruption of pregnancy with the
30 intention other than to produce a live-born infant or to
31 remove a dead fetus, and a medically necessary abortion is one
32 performed under one of the following conditions:

- 33 (1) The attending physician certifies that continuing the
34 pregnancy would endanger the life of the pregnant woman.
- 35 (2) The attending physician certifies that the fetus is

1 physically deformed, mentally deficient, or afflicted with a
2 congenital illness.

3 (3) The pregnancy is the result of a rape which is
4 reported within 45 days of the incident to a law enforcement
5 agency or public or private health agency which may include a
6 family physician.

7 (4) The pregnancy is the result of incest which is
8 reported within 150 days of the incident to a law enforcement
9 agency or public or private health agency which may include a
10 family physician.

11 (5) The abortion is a spontaneous abortion, commonly known
12 as a miscarriage, wherein not all of the products of
13 conception are expelled.

14 2. There is appropriated from the IowaCare account created
15 in section 249J.24 to the department of human services for
16 distribution to a publicly owned acute care teaching hospital
17 located in a county with a population over three hundred fifty
18 thousand for the fiscal year beginning July 1, 2006, and
19 ending June 30, 2007, the following amount, or so much thereof
20 as is necessary, to be used for the purposes designated:

21 For the provision of medical and surgical treatment of
22 indigent patients, for provision of services to members of the
23 expansion population pursuant to chapter 249J, and for medical
24 education:

25 \$ 37,000,000

26 3. There is appropriated from the IowaCare account created
27 in section 249J.24 to the department of human services for the
28 state hospitals for persons with mental illness designated in
29 section 226.1 for the fiscal year beginning July 1, 2006, and
30 ending June 30, 2007, the following amounts, or so much
31 thereof as is necessary, to be used for the purposes
32 designated:

33 a. For the state mental health institute at Cherokee, for
34 salaries, support, maintenance, and miscellaneous purposes,
35 including services to members of the expansion population

1 pursuant to chapter 249J:
2 \$ 9,098,425

3 b. For the state mental health institute at Clarinda, for
4 salaries, support, maintenance, and miscellaneous purposes,
5 including services to members of the expansion population
6 pursuant to chapter 249J:

7 \$ 1,977,305

8 c. For the state mental health institute at Independence,
9 for salaries, support, maintenance, and miscellaneous
10 purposes, including services to members of the expansion
11 population pursuant to chapter 249J:

12 \$ 9,045,894

13 d. For the state mental health institute at Mount
14 Pleasant, for salaries, support, maintenance, and
15 miscellaneous purposes, including services to members of the
16 expansion population designation pursuant to chapter 249J:

17 \$ 5,752,587

18 Sec. 54. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
19 TRANSFORMATION. There is appropriated from the account for
20 health care transformation created in section 249J.23, to the
21 department of human services, for the fiscal year beginning
22 July 1, 2006, and ending June 30, 2007, the following amounts,
23 or so much thereof as is necessary, to be used for the
24 purposes designated:

25 1. For the costs of medical examinations and development
26 of personal health improvement plans for the expansion
27 population pursuant to section 249J.6:

28 \$ 556,800

29 2. For the provision of a medical information hotline for
30 the expansion population as provided in section 249J.6:

31 \$ 150,000

32 3. For the insurance cost subsidy program pursuant to
33 section 249J.8:

34 \$ 1,500,000

35 4. For the health care account program option pursuant to

1 section 249J.8:
2 \$ 400,000
3 5. For the use of electronic medical records by medical
4 assistance program and expansion population provider network
5 providers pursuant to section 249J.14:
6 \$ 2,000,000
7 6. For other health partnership activities pursuant to
8 section 249J.14:
9 \$ 550,000
10 7. For the costs related to audits, performance
11 evaluations, and studies required pursuant to chapter 249J:
12 \$ 100,000
13 8. For administrative costs associated with chapter 249J:
14 \$ 930,352
15 9. For development of a case-mix acuity-based
16 reimbursement system for intermediate care facilities for
17 persons with mental retardation:
18 \$ 150,000
19 10. For development of a provider incentive payment
20 program to reward performance and quality of service:
21 \$ 50,000
22 Sec. 55. TRANSFER FROM ACCOUNT FOR HEALTH CARE
23 TRANSFORMATION. There is transferred from the account for
24 health care transformation created pursuant to section
25 249J.23, to the IowaCare account created in section 249J.24, a
26 total of \$3,000,000 for the fiscal year beginning July 1,
27 2006, and ending June 30, 2007.
28 Sec. 56. MEDICAL ASSISTANCE PROGRAM -- REVERSION TO SENIOR
29 LIVING TRUST FUND FOR FY 2006-2007. Notwithstanding section
30 8.33, if moneys appropriated for purposes of the medical
31 assistance program for the fiscal year beginning July 1, 2006,
32 and ending June 30, 2007, from the general fund of the state,
33 the senior living trust fund, and the healthy Iowans tobacco
34 trust fund are in excess of actual expenditures for the
35 medical assistance program and remain unencumbered or

1 unobligated at the close of the fiscal year, the excess moneys
2 shall not revert but shall be transferred to the senior living
3 trust fund created in section 249H.4. Unless otherwise
4 provided in this Act, moneys appropriated for purposes of the
5 medical assistance program for the fiscal year beginning July
6 1, 2006, and ending June 30, 2007, are not subject to transfer
7 under section 8.39 or other provision of law except as
8 authorized in this section.

9 Sec. 57. Section 249H.11, Code 2005, is amended to read as
10 follows:

11 249H.11 FUTURE-REPEAL GRANTS -- NONREVERSION.

12 1. Section-249H-6-is-repealed-on-June-30,--2005---However,
13 Nursing facility conversion and long-term care services
14 development grants awarded and moneys appropriated for grants
15 on or before June 30, 2005, shall be disbursed to eligible
16 applicants after that date if necessary.

17 2. Notwithstanding section 8.33, moneys committed from the
18 senior living trust fund to grantees under contract to provide
19 for conversion to assisted living programs or for development
20 of long-term care alternatives that remain unexpended at the
21 close of any fiscal year shall not revert to any fund but
22 shall remain available for expenditure for the purposes of the
23 contract.

24 Sec. 58. 2005 Iowa Acts, chapter 175, section 48, is
25 amended to read as follows:

26 SEC. 48. MEDICAL ASSISTANCE PROGRAM -- REVERSION TO SENIOR
27 LIVING TRUST FUND FOR FY 2005-2006. Notwithstanding section
28 8.33, if moneys appropriated ~~in this Act~~ for purposes of the
29 medical assistance program for the fiscal year beginning July
30 1, 2005, and ending June 30, 2006, from the general fund of
31 the state, the senior living trust fund, the hospital trust
32 fund, or the healthy Iowans tobacco trust fund are in excess
33 of actual expenditures for the medical assistance program and
34 remain unencumbered or unobligated at the close of the fiscal
35 year, the excess moneys shall not revert but shall be

1 transferred to the senior living trust fund created in section
2 249H.4. Unless otherwise provided in this Act, moneys
3 appropriated for purposes of the medical assistance program
4 for the fiscal year beginning July 1, 2005, and ending June
5 30, 2006, are not subject to transfer under section 8.39 or
6 other provision of law except as authorized in this section.

7 Sec. 59. EFFECTIVE DATE. The following provisions of this
8 division of this Act, being deemed of immediate importance,
9 take effect upon enactment:

10 1. The provision amending 2005 Iowa Acts, chapter 175,
11 section 48.

12 2. The provision amending section 249H.11.

13 DIVISION III

14 MENTAL HEALTH, MENTAL RETARDATION,
15 DEVELOPMENTAL DISABILITIES,
16 AND BRAIN INJURY SERVICES
17 ALLOWED GROWTH FUNDING --
18 FISCAL YEAR 2006-2007

19 Sec. 60. 2005 Iowa Acts, chapter 179, section 1,
20 subsection 2, paragraph a, is amended to read as follows:

21 a. For distribution to counties for fiscal year 2005-2006
22 2006-2007 in accordance with the formula in section 331.438,
23 subsection 2, paragraph "b":

24 \$ 12,000,000

25 Sec. 61. 2005 Iowa Acts, chapter 179, section 1,
26 subsection 2, paragraph c, is amended to read as follows:

27 ~~c. For deposit in the risk pool created in the property~~
28 ~~tax relief fund and for distribution in accordance with~~
29 ~~section 426B.57, subsection 2~~ For deposit in the per capita
30 expenditure target pool created in the property tax relief
31 fund and for distribution in accordance with section 426B.5,
32 subsection 1:

33 \$ 2,000,000

34 Sec. 62. 2005 Iowa Acts, chapter 179, section 1, is
35 amended by adding the following new subsections:

1 NEW SUBSECTION. 3. The following formula amounts shall be
2 utilized only to calculate preliminary distribution amounts
3 for fiscal year 2006-2007 under this section by applying the
4 indicated formula provisions to the formula amounts and
5 producing a preliminary distribution total for each county:

6 a. For calculation of an allowed growth factor adjustment
7 amount for each county in accordance with the formula in
8 section 331.438, subsection 2, paragraph "b":

9 \$ 12,000,000

10 b. For calculation of a distribution amount for eligible
11 counties from the per capita expenditure target pool created
12 in the property tax relief fund in accordance with the
13 requirements in section 426B.5, subsection 1:

14 \$ 25,925,724

15 c. For calculation of a distribution amount for counties
16 from the mental health and developmental disabilities (MH/DD)
17 community services fund in accordance with the formula
18 provided in the appropriation made for the MH/DD community
19 services fund for the fiscal year beginning July 1, 2006:

20 \$ 17,727,890

21 NEW SUBSECTION. 4. After applying the applicable
22 statutory distribution formulas to the amounts indicated in
23 subsection 3 for purposes of producing preliminary
24 distribution totals, the department of human services shall
25 apply a withholding factor to adjust an eligible individual
26 county's preliminary distribution total. An ending balance
27 percentage for each county shall be determined by expressing
28 the county's ending balance on a modified accrual basis under
29 generally accepted accounting principles for the fiscal year
30 beginning July 1, 2005, in the county's mental health, mental
31 retardation, and developmental disabilities services fund
32 created under section 331.424A, as a percentage of the
33 county's gross expenditures from that fund for that fiscal
34 year. The withholding factor for a county shall be the
35 following applicable percent:

1 a. For an ending balance percentage of less than 5
2 percent, a withholding factor of 0 percent. In addition, a
3 county that is subject to this lettered paragraph shall
4 receive an inflation adjustment equal to 3 percent of the
5 gross expenditures reported for the county's services fund for
6 the fiscal year.

7 b. For an ending balance percentage of 5 or more but less
8 than 10 percent, a withholding factor of 0 percent. In
9 addition, a county that is subject to this lettered paragraph
10 shall receive an inflation adjustment equal to 2 percent of
11 the gross expenditures reported for the county's services fund
12 for the fiscal year.

13 c. For an ending balance percentage of 10 or more but less
14 than 25 percent, a withholding factor of 25 percent. However,
15 the amount withheld shall be limited to the amount by which
16 the county's ending balance was in excess of the ending
17 balance percentage of 10 percent.

18 d. For an ending balance percentage of 25 percent or more,
19 a withholding percentage of 100 percent.

20 NEW SUBSECTION. 5. The total withholding amounts applied
21 pursuant to subsection 4 shall be equal to a withholding
22 target amount of \$4,564,576. If the department of human
23 services determines that the amount to be withheld in
24 accordance with subsection 4 is not equal to the target
25 withholding amount, the department shall adjust the
26 withholding factors listed in subsection 4 as necessary to
27 achieve the withholding target amount. However, in making
28 such adjustments to the withholding factors, the department
29 shall strive to minimize changes to the withholding factors
30 for those ending balance percentage ranges that are lower than
31 others and shall not adjust the zero withholding factor or the
32 inflation adjustment percentage specified in subsection 4,
33 paragraph "a".

34 Sec. 63. EFFECTIVE DATE. The section of this division of
35 this Act amending 2005 Iowa Acts, chapter 179, section 1,

1 subsection 2, paragraph "a", being deemed of immediate
2 importance, takes effect upon enactment.

3 DIVISION IV

4 MISCELLANEOUS PROVISIONS

5 Sec. 64. Section 225B.8, Code 2005, is amended to read as
6 follows:

7 225B.8 REPEAL.

8 This chapter is repealed July 1, ~~2006~~ 2011.

9 Sec. 65. Section 231.23, Code Supplement 2005, is amended
10 by adding the following new subsections:

11 NEW SUBSECTION. 13. Provide annual training for area
12 agency on aging board of directors members.

13 NEW SUBSECTION. 14. Establish a procedure for an area
14 agency on aging to use in selection of members of the agency's
15 board of directors. The selection procedure shall be
16 incorporated into the bylaws of the board of directors and
17 shall include a nomination process by which nominations are
18 submitted to the department, objections to a nominee may be
19 submitted to the department by a date certain, and if at least
20 twenty-five objections to a nominee are received by the
21 department, the nominee shall be eliminated from nomination
22 for that term of membership.

23 NEW SUBSECTION. 15. Provide oversight to ensure that the
24 composition of the area agency on aging board of directors
25 complies with the rules of the department.

26 Sec. 66. Section 231.33, Code Supplement 2005, is amended
27 by adding the following new subsections:

28 NEW SUBSECTION. 19. Require the completion by board of
29 directors members, annually, of four hours of training,
30 provided by the department of elder affairs.

31 NEW SUBSECTION. 20. Incorporate into the bylaws of the
32 area agency's board of directors and comply with the procedure
33 established by the department for selection of members to the
34 board of directors as provided in section 231.23.

35 Sec. 67. Section 249J.6, subsection 2, paragraph a, Code Code

1 Supplement 2005, is amended to read as follows:

2 a. Beginning no later than March 1, 2006, within ninety
3 days of enrollment in the expansion population, each expansion
4 population member shall participate, in conjunction with
5 receiving a single comprehensive medical examination and
6 completing a personal health improvement plan, in a health
7 risk assessment coordinated by a health consortium
8 representing providers, consumers, and medical education
9 institutions. An expansion population member who enrolls in
10 the expansion population prior to March 1, 2006, shall
11 participate in the health risk assessment, receive the single
12 comprehensive medical examination, and complete the personal
13 health improvement plan by June 1, 2006. The criteria for the
14 health risk assessment, the comprehensive medical examination,
15 and the personal health improvement plan shall be developed
16 and applied in a manner that takes into consideration cultural
17 variations that may exist within the expansion population.
18 The health risk assessment shall utilize a gender-specific
19 approach. In developing the queries unique to women, a
20 clinical advisory team shall be utilized that includes women's
21 health professionals including but not limited to those with
22 specialties in obstetrics and gynecology, endocrinology,
23 mental health, behavioral health, oncology, cardiology, and
24 rheumatology.

25 Sec. 68. Section 249J.20, subsection 5, Code Supplement
26 2005, is amended to read as follows:

27 5. The department of human services, the department of
28 management, and the legislative services agency shall utilize
29 a joint process to arrive at an annual consensus projection
30 for medical assistance program and expansion population
31 expenditures for submission to the council. By December 15 of
32 each fiscal year, the council shall ~~agree-to-a~~ review the
33 consensus projection of expenditures for the fiscal year
34 beginning the following July ~~17-based-upon-the-consensus~~
35 projection-submitted.

1 Sec. 69. NEW SECTION. 263.23 OBLIGATIONS TO INDIGENT
2 PATIENTS.

3 The university of Iowa hospitals and clinics shall continue
4 the obligation existing on April 1, 2005, to provide care or
5 treatment at the university of Iowa hospitals and clinics to
6 indigent patients and to any inmate, student, patient, or
7 former inmate of a state institution as specified in sections
8 263.21 and 263.22, with the exception of the specific
9 obligation to committed indigent patients pursuant to section
10 255.16, Code 2005.

11 Sec. 70. TRAVEL POLICY.

12 1. For the fiscal year beginning July 1, 2006, each
13 department or independent agency receiving an appropriation in
14 this Act shall review the employee policy for daily or short-
15 term travel including but not limited to the usage of motor
16 pool vehicles under the department of administrative services,
17 employee mileage reimbursement for the use of a personal
18 vehicle, and the usage of private automobile rental companies.
19 Following the review, the department or agency shall implement
20 revisions in the employee policy for daily or short-term
21 travel as necessary to maximize cost savings.

22 2. Each department or independent agency subject to
23 subsection 1 shall report to the general assembly's standing
24 committees on government oversight regarding the policy
25 revisions implemented and the savings realized from the
26 changes. An initial report shall be submitted on or before
27 December 1, 2006, and a follow-up report shall be submitted on
28 or before December 1, 2007.

29 Sec. 71. VETERANS TRUST FUND -- FEDERAL REPLACEMENT FUNDS.
30 If funds are received from the United States department of
31 veterans affairs for the establishment and operation of a
32 veterans cemetery in this state, a portion of those funds, not
33 to exceed \$500,000, is appropriated to and shall be deposited
34 in the veterans trust fund established in section 35A.13,
35 subject to the requirements of this section and consistent

1 with any federal requirements associated with such funds. The
2 portion deposited in the veterans trust fund shall be equal to
3 moneys expended for the establishment and operation of a
4 veterans cemetery from moneys appropriated for that purpose
5 pursuant to 2004 Iowa Acts, chapter 1175, section 288,
6 subsection 16.

7 Sec. 72. SINGLE POINT OF ENTRY LONG-TERM LIVING SYSTEM
8 INTERIM STUDY COMMITTEE. The legislative council is requested
9 to establish an interim study committee to make
10 recommendations for establishing a single point of entry to
11 the long-term living system. The membership of the interim
12 study committee shall include four members of the senate,
13 three members of the house of representatives, and not more
14 than four members of the public. The study committee shall
15 report its findings and recommendations, including
16 recommendations for coordinating state efforts to provide
17 access to informational and educational resources to assist
18 individuals in making informed choices to address their long-
19 term living needs and recommendations for funding the single
20 point of entry, to the general assembly for consideration
21 during the 2007 Legislative Session.

22 Sec. 73. EFFECTIVE DATE. The section of this division of
23 this Act amending section 249J.6, being deemed of immediate
24 importance, takes effect upon enactment.

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HOUSE FILE 2734

S-5239

1 Amend House File 2734, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 64, by inserting after line 4 the
4 following:

5 "Sec. ____ . NEW SECTION. 136D.5 LIMITATION --
6 MINORS.

7 A tanning facility shall prohibit access to a
8 tanning device by children younger than fifteen years
9 of age, and shall permit access to a tanning device by
10 children fifteen through seventeen years of age only
11 when parental consent has been obtained prior to
12 utilization of the tanning device. The department
13 shall by rule establish procedures relating to age
14 verification by tanning facility personnel, and the
15 form and manner in which parental consent shall be
16 obtained and verified. The rules shall require that a
17 tanning facility post a sign in a conspicuous location
18 readily visible to persons entering the facility, and
19 a sign for each tanning device in a conspicuous
20 location readily visible to a person preparing to use
21 the device, clearly indicating the age restrictions
22 and parental consent requirements. The age
23 restrictions and parental consent requirements
24 otherwise applicable pursuant to this section shall be
25 waived if utilization of a tanning device by a minor
26 is authorized pursuant to a prescription by a
27 physician licensed pursuant to chapter 148, 150, or
28 150A."

29 2. By renumbering as necessary.

By NANCY BOETTGER

S-5239 FILED MAY 2, 2006

HOUSE FILE 2734

S-5241

1 Amend House File 2734, as amended, passed, and
2 reprinted by the house, as follows:

3 1. Page 64, by inserting after line 4 the
4 following:

5 "Sec. ____ . Section 135H.3, Code 2005, is amended
6 by adding the following new unnumbered paragraph:

7 NEW UNNUMBERED PARAGRAPH. A child who is diagnosed
8 with a biologically based mental illness, as defined
9 in section 514C.22, and meets the medical assistance
10 program criteria for admission to a psychiatric
11 medical institution for children, shall be deemed to
12 meet the acuity criteria for inpatient benefits under
13 a group policy, contract, or plan providing for third-
14 party payment or prepayment of health, medical, and
15 surgical coverage benefits issued by a carrier, as
16 defined in section 513B.2, or by an organized delivery
17 system authorized under 1993 Iowa Acts, ch. 158, that
18 is subject to section 514C.22. The treatment and
19 other care provided in a psychiatric institution shall
20 not be considered to be care that is substantially
21 custodial in nature for purposes of section 514C.22."

22 2. By renumbering as necessary.

By JACK HATCH

MICHAEL E. GRONSTAL

MARY A. LUNDBY

MAGGIE TINSMAN

DAVID JOHNSON

AMANDA RAGAN

S-5241 FILED MAY 2, 2006

HOUSE FILE 2734

S-5244

1 Amend House File 2734, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 64, by inserting after line 4 the
4 following:

5 "Sec. ____ . NEW SECTION. 147.105 PATIENT
6 PROTECTION -- HEALTH CARE WORKERS -- REPORT OF ADVERSE
7 EVENTS.

8 1. DEFINITIONS. As used in this section, unless
9 the context otherwise requires:

10 a. "Health care worker" means any individual
11 employed by or under contract with a hospital, health
12 care provider, or health care agency to provide health
13 care services.

14 b. "Professional standards of care" means
15 authoritative statements that describe a level of care
16 or performance common to the profession by which the
17 quality of professional practice can be judged and
18 which reflect the values and priorities of the
19 profession.

20 2. A health care worker, who reasonably believes a
21 particular practice the health care worker has
22 observed occurring at the health care worker's place
23 of employment, based on the health care worker's
24 professional standards of care or professional code of
25 ethics, is a violation of health and safety laws or a
26 breach of public safety that may lead to harm to
27 patients, consumers, or citizens, may report the
28 information relating to the violation or breach within
29 fourteen days of its occurrence to the health care
30 worker's supervisor or employer, in order that
31 corrective action can be taken. The health care
32 worker shall be protected against reprisals or
33 retaliatory or punitive action by the individual or
34 institution receiving such a report.

35 3. If after a reasonable period of time for
36 correction of the violation or breach reported
37 pursuant to subsection 2, the health care worker
38 continues to see the particular practice occurring in
39 the workplace giving rise to the report, the health
40 care worker may disclose information to the licensing
41 board, the department, the division of insurance in
42 the department of commerce, a member or employee of
43 the general assembly, the attorney general, a
44 state-mandated health information collection agency,
45 any other public official or law enforcement agency,
46 federal government agency or program, the governing
47 board of the health care worker's employer or
48 institution, the health care worker's professional
49 association, or the media, and shall be protected
50 against reprisals or retaliatory or punitive actions

S-5244

1 by the individual or institution if disclosure of the
2 information is not otherwise prohibited by statute and
3 if the information meets any of the following
4 requirements:

5 a. Constitutes state-mandated health data required
6 to be submitted to state agencies.

7 b. Informs state agencies or entities of
8 violations of state health, safety, occupational
9 health, licensure, or insurance laws.

10 c. Is reasonably believed by the health care
11 worker to be a violation of health and safety laws or
12 a breach of public safety that may lead to harm to
13 patients, consumers, or citizens, based upon the
14 health care worker's professional standards of care or
15 professional code of ethics.

16 A health care worker making a disclosure which
17 violates any provision of the federal Health Insurance
18 Portability and Accountability Act, Pub. L. No.
19 104-191, shall not be entitled to protection pursuant
20 to this section nor entitled to civil remedies which
21 might otherwise be available pursuant to subsection 7.

22 4. A health care worker disclosing in good faith
23 the information described in subsections 2 and 3 shall
24 be presumed to have established a prima facie case
25 showing a violation of subsection 2 or 3 by the health
26 care worker's employer if the individual or
27 institution employing the health care worker knows or
28 has reason to know of the disclosure, and if
29 subsequent to and as a result of the disclosure, one
30 or more of the following actions were initiated by the
31 employer:

32 a. Discharge of the health care worker from
33 employment.

34 b. Failure by the employer to take action
35 regarding a health care worker's appointment to,
36 promotion or proposed promotion to, or receipt of any
37 advantage or benefit in the health care worker's
38 position of employment.

39 c. Any adverse change to the health care worker's
40 terms or conditions of employment or any
41 administrative, civil, or criminal action or other
42 effort that diminished the professional competence,
43 reputation, stature, or marketability of the health
44 care worker.

45 An employer shall have the burden of proof
46 regarding any attempt to show that actions taken
47 pursuant to this subsection were for a legitimate
48 business purpose.

49 5. If an individual or institution employing a
50 health care worker is determined to have violated

1 state health, safety, or occupational health and
2 health licensure laws or regulations, or professional
3 standards of care or a professional code of ethics,
4 after a disclosure pursuant to subsection 2 or 3
5 results in an action as described in subsection 4,
6 such a determination shall create a presumption of
7 retaliation or reprisal against the health care worker
8 in violation of this section. Disclosure of a
9 reasonable belief that violations of health and safety
10 laws or breaches of public safety have occurred that
11 have caused or have a potential to cause harm to
12 patients, consumers, and citizens shall immediately
13 trigger the protection afforded by this section.

14 6. A person who violates this section commits a
15 simple misdemeanor and is subject to a civil action as
16 follows:

17 a. A person who violates this section is liable to
18 an aggrieved health care worker for affirmative
19 relief, including reinstatement with or without back
20 pay, or any other equitable relief the court deems
21 appropriate, including attorney fees and costs,
22 punitive or exemplary damages, and public notice of
23 the retaliation or reprisal undertaken against the
24 health care worker through publication in an official
25 newspaper in the city or county.

26 b. When a person commits, is committing, or
27 proposes to commit an act in violation of this
28 section, an injunction may be granted through an
29 action in district court to prohibit the person from
30 continuing such acts. The action for injunctive
31 relief may be brought by an aggrieved health care
32 worker or by the county attorney.

33 7. In addition to any other penalties applicable
34 to a person who violates this section, an individual,
35 institution, or organization employing a person who
36 violates this section shall be subject to a civil
37 penalty in the amount of one thousand dollars per
38 violation."

39 2. Title page, by striking line 6 and inserting
40 the following: "including other related provisions,
41 appropriations, and penalties, and".

42 3. By renumbering as necessary.

By MICHAEL E. GRONSTAL

HOUSE FILE 2734

S-5256

1 Amend House File 2734, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 66, by inserting after line 10 the
4 following:

5 "Sec. _____. Section 714.16, subsection 1, paragraph
6 o, Code 2005, is amended to read as follows:

7 o. "Water treatment system" means a device or
8 assembly for which a claim is made that it will
9 improve the quality of drinking water by reducing one
10 or more contaminants through mechanical, physical,
11 chemical, or biological processes or combinations of
12 the processes. As used in this paragraph and in
13 subsection 2, paragraph "h", each model of a water
14 treatment system shall be deemed a distinct water
15 treatment system. As used in this paragraph and in
16 subsection 2, paragraph "h", a water treatment system
17 does not include a portable filtration system
18 certified as a microbiological water purifier by the
19 United States environmental protection agency. The
20 Iowa department of public health shall establish rules
21 exempting portable filtration systems that meet these
22 standards."

23 2. By renumbering as necessary.

By BOB BRUNKHORST

S-5256 FILED MAY 2, 2006

S-5269

- 1 Amend House File 2734, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 1, line 13, by inserting after the word
 4 "elderly" the following: "only if the monthly cost
 5 per client for case management for the frail elderly
 6 services provided does not exceed an average of \$70".
 - 7 2. Page 1, line 23, by striking the figure
 8 "3,627,645" and inserting the following: "4,262,660".
 - 9 3. Page 1, line 34, by striking the figure
 10 "2,153,208" and inserting the following: "2,788,223".
 - 11 4. Page 2, line 1, by striking the figure
 12 "750,000" and inserting the following: "1,385,015".
 - 13 5. Page 2, line 10, by inserting after the word
 14 "exceed" the following: "an average of".
 - 15 6. Page 2, line 14, by inserting after the word
 16 "individuals." the following: "Notwithstanding any
 17 provision to the contrary, any savings realized in
 18 case management for the frail elderly that is not
 19 provided under the medical assistance elderly waiver
 20 shall be used for services for the frail elderly which
 21 may include substitute decision-making services
 22 pursuant to chapter 231E."
 - 23 7. Page 3, line 19, by striking the figure
 24 "2,341,264" and inserting the following: "2,361,264".
 - 25 8. Page 3, line 20, by striking the figure "7.60"
 26 and inserting the following: "8.60".
 - 27 9. Page 4, by inserting after line 6 the
 28 following:
 29 "Of the funds appropriated in this subsection,
 30 \$20,000 shall be used to implement a pilot
 31 demonstration project, in cooperation with the
 32 department of human services and the department of
 33 elder affairs, that utilizes a web-based system to
 34 allow a common intake, case management, and referral
 35 system and provides linkages with existing software
 36 programs at minimal cost to the agencies involved."
 - 37 10. Page 4, line 11, by striking the figure
 38 "1,792,840" and inserting the following: "1,742,840".
 - 39 11. Page 4, line 12, by striking the figure
 40 "2.35" and inserting the following: "3.75".
 - 41 12. Page 4, line 17, by striking the figure
 42 "170,000" and inserting the following: "120,000".
 - 43 13. Page 4, line 33, by striking the figure
 44 "300,000" and inserting the following: "159,700".
 - 45 14. Page 4, line 35, by inserting after the word
 46 "Iowa" the following: "and \$140,300 is allocated for
 47 an initiative at the state mental health institute at
 48 Cherokee".
 - 49 15. Page 5, line 1, by striking the word
 50 "initiative" and inserting the following:

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- 1 "initiatives".
- 2 16. Page 5, line 6, by striking the word
- 3 "initiative" and inserting the following:
- 4 "initiatives".
- 5 17. Page 5, line 8, by striking the word
- 6 "initiative" and inserting the following:
- 7 "initiatives".
- 8 18. Page 5, by striking lines 21 through 24 and
- 9 inserting the following: "for counties not receiving
- 10 federal funding for this purpose, \$80,000 is allocated
- 11 to implement blood lead testing pursuant to section
- 12 135.105A, as enacted in this Act, \$50,000 is allocated
- 13 to continue the".
- 14 19. Page 5, by striking lines 29 and 30 and
- 15 inserting the following: "department shall select at
- 16 least two local childhood lead poisoning programs to
- 17 receive the amount allocated for lead hazard".
- 18 20. Page 6, line 17, by striking the figure
- 19 "7,891,473" and inserting the following: "7,941,473".
- 20 21. Page 6, line 18, by striking the figure
- 21 "112.80" and inserting the following: "113.80".
- 22 22. Page 6, by striking lines 22 through 24 and
- 23 inserting the following:
- 24 "Of the funds appropriated in this subsection,
- 25 \$50,000 is allocated for increased costs of the office
- 26 of the state medical examiner laboratory."
- 27 23. Page 10, line 15, by striking the figure
- 28 "17,827,536" and inserting the following:
- 29 "17,128,861".
- 30 24. Page 10, by inserting after line 15 the
- 31 following:
- 32 "2A. To be used for the family development and
- 33 self-sufficiency grant program as provided under
- 34 section 217.12 and this division of this Act:
- 35 \$ 2,698,675"
- 36 25. Page 10, line 17, by striking the figure
- 37 "17,557,495" and inserting the following:
- 38 "17,707,495".
- 39 26. Page 10, by striking lines 18 through 20.
- 40 27. Page 12, by striking lines 20 through 22.
- 41 28. Page 14, by inserting after line 20 the
- 42 following:
- 43 "d. For the JOBS program:
- 44 \$ 23,968,620
- 45 Of the funds allocated in this lettered paragraph,
- 46 \$2,000,000 shall be used to maintain the mileage
- 47 reimbursement rate for the JOBS program at the same
- 48 rate used for the Medicaid program during the fiscal
- 49 year."
- 50 29. Page 14, line 32, by inserting after the word

1 "investment," the following: "JOBS, family
2 development and self-sufficiency grant,".
3 30. Page 15, line 8, by striking the figure
4 "42,874,885" and inserting the following:
5 "42,599,885".
6 31. Page 15, line 9, by striking the figure
7 "9,274,134" and inserting the following: "6,839,767".
8 32. Page 15, by inserting after line 10 the
9 following:
10 "1A. Of the funds appropriated in this section,
11 \$2,584,367 is allocated for the family development and
12 self-sufficiency grant program as provided under
13 section 217.12 and this division of this Act."
14 33. Page 15, by striking lines 21 through 25.
15 34. Page 15, by striking line 26 and inserting
16 the following:
17 "4. Notwithstanding section 8.39, for the".
18 35. Page 16, line 16, by inserting after the word
19 "purposes." the following: "The department shall
20 report any transfers made pursuant to this subsection
21 to the legislative services agency."
22 36. Page 17, line 18, by striking the figure
23 "708,121,610" and inserting the following:
24 "652,311,610".
25 37. By striking page 19, line 35, through page
26 20, line 7, and inserting the following:
27 " _____. The department shall apply to the centers
28 for Medicare and Medicaid services of the United
29 States department of health and human services to
30 participate in the Medicaid transformation grants
31 program as specified in section 6081 of the federal
32 Deficit Reduction Act of 2005, Pub. L. No. 109-171,
33 for adoption of innovative methods to improve the
34 effectiveness and efficiency in providing medical
35 assistance. The innovative methods may include but
36 are not limited to the use of electronic health
37 records and personal health records by health care
38 professionals and consumers to address the health
39 needs specific to populations including but not
40 limited to persons with brain injury, persons with
41 dual diagnoses of mental illness and mental
42 retardation or substance abuse and mental illness, and
43 children with chronic conditions; the use of
44 diagnostic techniques that promote the early diagnosis
45 and treatment of chronic disease in adults including
46 physical and mental health, hepatitis, behavioral
47 health, and cancer; and review of the physical and
48 mental health status of the medical assistance
49 population to more effectively integrate and determine
50 public health strategies and interventions to reduce

1 the incidence of preventable diseases and chronic
2 conditions in the medical assistance population
3 including but not limited to those related to obesity
4 and nutrition, smoking, and diabetes. The department
5 shall submit a draft of the application to the medical
6 assistance projections and assessment council for
7 approval as expeditiously as possible, prior to
8 submission to the centers for Medicare and Medicaid
9 services of the United States department of health and
10 human services. Any grant for which application is
11 made under this subsection shall not require state
12 matching funds. Any federal funding received shall be
13 used in coordination with the purposes of the account
14 for health care transformation pursuant to section
15 252J.23 and shall be integrated with the IowaCare
16 program pursuant to chapter 252J."

17 38. Page 20, by inserting after line 17 the
18 following:

19 "____. The department shall submit a medical
20 assistance state plan amendment to the centers for
21 Medicare and Medicaid services of the United States
22 department of health and human services that is in
23 substantially the form of the draft submitted by
24 letter dated March 1, 2006, and published on the
25 department website. The department shall adopt
26 emergency rules effective July 1, 2006, to implement
27 the state plan amendment.

28 _____. The department shall review the impact of the
29 federal Deficit Reduction Act of 2005, Pub. L. No.
30 109-171, on the state's medical assistance program
31 reimbursement policy for multiple source prescription
32 drug products and the Act's impact on participating
33 pharmacies. The department shall submit a report,
34 including recommendations relating to adjustments to
35 the medical assistance program pharmacy dispensing
36 fee, to the governor and the general assembly no later
37 than January 1, 2007."

38 39. Page 22, line 31, by inserting after the
39 figure "237A.26." the following: "A list of the
40 registered and licensed child care facilities
41 operating in the area served by a child care resource
42 and referral service shall be made available to the
43 families receiving state child care assistance in that
44 area."

45 40. Page 23, by striking lines 20 through 29 and
46 inserting the following: "is transferred to the Iowa
47 empowerment fund to be used for professional
48 development for the system of early care, health, and
49 education."

50 41. Page 24, by striking lines 18 through 20 and

1 inserting the following: "the study group shall be
2 provided by the department of human services. The
3 study group membership shall also include but is".

4 42. Page 24, line 26, by inserting after the word
5 "services," the following: "a representative of the
6 division of criminal and juvenile justice planning of
7 the department of human rights,".

8 43. Page 24, line 35, by striking the figure
9 "10,623,148" and inserting the following:

10 "10,608,148".

11 44. Page 25, line 3, by striking the figure
12 "40,000" and inserting the following: "25,000".

13 45. Page 25, line 18, by striking the figure
14 "80,715,373" and inserting the following:

15 "80,945,373".

16 46. Page 27, by striking lines 8 through 11 and
17 inserting the following:

18 "Notwithstanding section 234.35 or any other
19 provision of law to the contrary, for the fiscal year
20 beginning July 1, 2006, state funding for shelter care
21 shall be limited to the amount necessary to fund 273
22 beds that are guaranteed and seven beds that are not
23 guaranteed. The department shall submit an emergency
24 services plan by December 15, 2006, to the persons
25 designated by this division of this Act to receive
26 reports. The plan shall identify crisis intervention
27 and emergency services alternatives to shelter care
28 and shall specify the numbers of shelter beds that are
29 guaranteed and not guaranteed, as determined necessary
30 by the department."

31 47. Page 30, line 31, by inserting after the word
32 "'a'" the following: "and the juveniles' families".

33 48. Page 31, by inserting after line 22 the
34 following:

35 "_____. Of the funds appropriated in this section,
36 \$230,000 shall be used for a grant to a nonprofit
37 human services organization providing services to
38 individuals and families in multiple locations in
39 southwest Iowa and Nebraska for support of a project
40 providing immediate, sensitive support and forensic
41 interviews, medical exams, needs assessments and
42 referrals for victims of child abuse and their
43 nonoffending family members."

44 49. Page 32, line 32, by inserting after the
45 figure "196,000" the following: "in the latest
46 preceding certified federal census".

47 50. Page 34, line 34, by striking the figure
48 "5,979,344" and inserting the following: "6,179,344".

49 51. Page 35, line 16, by striking the figure
50 "1,071,074" and inserting the following: "1,046,074".

1 52. Page 37, line 6, by striking the figure
2 "10,586,619" and inserting the following:
3 "12,286,619".

4 53. Page 37, line 28, by striking the figure
5 "17,757,890" and inserting the following:
6 "18,017,890".

7 54. Page 39, by inserting after line 3 the
8 following:

9 "6. Of the funds appropriated in this section,
10 \$260,000 is allocated to the department for
11 development of an assessment process for use beginning
12 in a subsequent fiscal year as authorized specifically
13 by a statute to be enacted in a subsequent fiscal
14 year, determining on a consistent basis the needs and
15 capacities of persons seeking or receiving mental
16 health, mental retardation, developmental
17 disabilities, or brain injury services that are paid
18 for in whole or in part by the state or a county. The
19 assessment process shall be developed with the
20 involvement of counties and supervision of the mental
21 health, mental retardation, developmental
22 disabilities, and brain injury commission."

23 55. Page 40, line 15, by striking the figure
24 "14,028,679" and inserting the following:
25 "14,528,679".

26 56. Page 40, line 16, by striking the figure
27 "309.00" and inserting the following: "311.00".

28 57. Page 40, by inserting after line 25 the
29 following:

30 "3. Of the funds appropriated in this section,
31 \$500,000 is allocated for salary and technical
32 assistance expenses for the department to reestablish
33 a separate division to which the appropriate
34 departmental duties addressing mental health, mental
35 retardation, developmental disabilities, and brain
36 injury services shall be assigned."

37 58. Page 41, line 34, by inserting after the word
38 "The" the following: "skilled nursing facility market
39 basket".

40 59. Page 47, by inserting after line 22 the
41 following:

42 "Sec. ____ . LOW-INCOME HOME ENERGY ASSISTANCE
43 PROGRAM -- SUPPLEMENTAL APPROPRIATION.

44 1. There is appropriated from the general fund of
45 the state to the division of community action agencies
46 of the department of human rights for the fiscal year
47 beginning July 1, 2005, and ending June 30, 2006, the
48 following amount, or so much thereof as is necessary,
49 to be used for the purpose designated:

50 For supplementation of the appropriation made for

1 the low-income home energy assistance program made in
2 2005 Iowa Acts, chapter 164, section 10:

3 \$ 3,000,000

4 2. Notwithstanding section 8.33, moneys
5 appropriated in this section that remain unencumbered
6 or unobligated at the close of the fiscal year shall
7 not revert but shall remain available for expenditure
8 for the purposes designated until the close of the
9 succeeding fiscal year.

10 3. The legislative council is requested to
11 authorize a review of the low-income home energy
12 assistance program and weatherization program by the
13 fiscal committee of the legislative council or other
14 body during the 2006 legislative interim. The issues
15 reviewed shall include but are not limited to
16 financial assistance, the application and intake
17 processes, and the community action agencies
18 assessment and resolution proposal. The review shall
19 also include involving the department of human
20 services in the administration of the programs to
21 enable low-income persons to access additional
22 assistance programs through a single location."

23 60. Page 47, by inserting before line 23 the
24 following:

25 "Sec. ____ . Section 16.183, subsections 1 and 3,
26 Code 2005, are amended to read as follows:

27 1. A home and community-based services revolving
28 loan program fund is created within the authority to
29 further the goals specified in section 231.3, adult
30 day services, respite services, ~~and~~ congregate meals,
31 health and wellness, health screening, and nutritional
32 assessments. The moneys in the home and
33 community-based services revolving loan program fund
34 shall be used by the authority for the development and
35 operation of a revolving loan program to develop and
36 expand facilities and infrastructure that provide
37 adult day services, respite services, ~~and~~ congregate
38 meals, and programming space for health and wellness,
39 health screening, and nutritional assessments that
40 address the needs of persons with low incomes.

41 3. The authority, in cooperation with the
42 department of elder affairs, shall annually allocate
43 moneys available in the home and community-based
44 services revolving loan program fund to develop and
45 expand facilities and infrastructure that provide
46 adult day services, respite services, ~~and~~ congregate
47 meals, and programming space for health and wellness,
48 health screening, and nutritional assessments that
49 address the needs of persons with low incomes."

50 61. Page 48, by inserting after line 35 the

1 following:

2 "Sec. _____. 2005 Iowa Acts, chapter 175, section 9,
3 unnumbered paragraph 2, is amended to read as follows:

4 For medical assistance reimbursement and associated
5 costs as specifically provided in the reimbursement
6 methodologies in effect on June 30, 2005, except as
7 otherwise expressly authorized by law, including
8 reimbursement for abortion services, which shall be
9 available under the medical assistance program only
10 for those abortions which are medically necessary:

11 \$519,040,317
12 538,040,317"

13 62. Page 50, by striking lines 23 through 32 and
14 inserting the following:

15 "Sec. _____. 2005 Iowa Acts, chapter 175, section
16 22, is amended by adding the following new subsection:

17 NEW SUBSECTION. 2A. a. Notwithstanding sections
18 8.33 and 222.92, of the revenues available to the
19 state resource centers that remain unencumbered or
20 unobligated at the close of the fiscal year the
21 indicated amounts shall not revert but shall remain
22 available for expenditure for the purposes designated
23 until the close of the succeeding fiscal year:

24 (1) For the state resource center at Glenwood,
25 \$1,250,000.

26 (2) For the state resource center at Woodward,
27 \$750,000.

28 b. Of the amounts designated in paragraph "a",
29 \$250,000 at each resource center shall be used to
30 continue the procurement and installation of the
31 electronic medical records system initiated in the
32 fiscal year beginning July 1, 2005."

33 63. Page 50, line 35, by striking the figure
34 "200,000" and inserting the following: "400,000".

35 64. Page 51, line 19, by striking the figure
36 "167,042,326" and inserting the following:

37 "168,156,999".

38 65. Page 51, line 35, by inserting after the
39 words "adjust the" the following: "skilled nursing
40 facility market basket".

41 66. Page 52, by inserting after line 3 the
42 following:

43 "Sec. _____. 2005 Iowa Acts, chapter 175, section
44 29, subsection 1, paragraph a, is amended by adding
45 the following new subparagraph:

46 NEW SUBPARAGRAPH. (4) For the period of April 1,
47 2006, through June 30, 2006, the department shall
48 apply one-third of the skilled nursing facility market
49 basket index to the midpoint of the rate period
50 beginning July 1, 2005. The department may adopt

1 emergency rules to implement this subparagraph."

2 67. Page 52, by inserting before line 4 the
3 following:

4 "Sec. _____. NONREVERSION -- FY 2007-2008 BASE
5 BUDGET. For purposes of the budget process under
6 section 8.23 for the fiscal year beginning July 1,
7 2007, the base budget amounts for the appropriations
8 made to the department of human services for the
9 purposes designated in this division of this Act shall
10 be adjusted to include the amounts of the
11 appropriations made for the same purposes for the
12 fiscal year beginning July 1, 2005, that, pursuant to
13 this division of this Act, do not revert and remain
14 available for expenditure in the succeeding fiscal
15 year. However, this section does not apply to those
16 units that operate on the basis of a net general fund
17 appropriation."

18 68. Page 52, by inserting after line 6 the
19 following:

20 "_____. The provision under the appropriation for
21 medical assistance relating to the submission of a
22 medical assistance state plan amendment to the centers
23 for Medicare and Medicaid services of the United
24 States department of health and human services.

25 _____. The provision under the appropriation for
26 medical assistance relating to the directive to the
27 department of human services to apply for
28 participation in the Medicaid transformation grants
29 program as specified in the federal Deficit Reduction
30 Act of 2005."

31 69. Page 52, by inserting after line 11 the
32 following:

33 "1A. The provision enacting a supplemental
34 appropriation to the department of human rights for
35 purposes of the low-income home energy assistance
36 program."

37 70. Page 52, line 20, by striking the word
38 "provision" and inserting the following:
39 "provisions".

40 71. Page 53, by inserting after line 4 the
41 following:

42 "Sec. _____. EFFECTIVE DATE -- RETROACTIVE
43 APPLICABILITY. The provision of this division of this
44 Act amending 2005 Iowa Acts, chapter 175, section 29,
45 subsection 1, paragraph "a", by enacting new
46 subparagraph (4), being deemed of immediate
47 importance, takes effect upon enactment and is
48 retroactively applicable to April 1, 2006."

49 72. Page 53, by inserting after line 6 the
50 following:

1 "ENDOWMENT FOR IOWA'S HEALTH ACCOUNT,"
2 73. Page 53, line 17, by inserting after the word
3 "including" the following: "case management only if
4 the monthly cost per client for case management for
5 the frail elderly services provided does not exceed an
6 average of \$70, and including".

7 74. Page 53, line 31, by inserting after the word
8 "exceed" the following: "an average of".

9 75. Page 54, line 33, by striking the figure
10 "40,000,000" and inserting the following:
11 "65,000,000".

12 76. Page 55, by inserting after line 23 the
13 following:

14 "Sec. ____ . ENDOWMENT FOR IOWA'S HEALTH ACCOUNT --
15 SENIOR LIVING TRUST FUND. There is appropriated from
16 the endowment for Iowa's health account of the tobacco
17 settlement trust fund created in section 12E.12 to the
18 senior living trust fund created in section 249H.4 for
19 the fiscal year beginning July 1, 2006, and ending
20 June 30, 2007, the following amount:

21 \$ 25,000,000"

22 77. Page 57, line 25, by striking the figure
23 "37,000,000" and inserting the following:
24 "40,000,000".

25 78. Page 57, by inserting after line 25 the
26 following:

27 "Notwithstanding any provision of law to the
28 contrary, of the amount appropriated in this
29 subsection, \$37,000,000 shall be allocated in twelve
30 equal monthly payments as provided in section 249J.24.
31 Any amount appropriated in this subsection in excess
32 of \$37,000,000 shall be allocated only if federal
33 funds are available to match the amount allocated."

34 79. Page 59, by inserting after line 21 the
35 following:

36 "Notwithstanding section 8.39, subsection 1,
37 without the prior written consent and approval of the
38 governor and the director of the department of
39 management, the director of human services may
40 transfer funds among the appropriations made in this
41 section, as necessary to carry out the purposes of the
42 account for health care transformation. The
43 department shall report any transfers made pursuant to
44 this section to the legislative services agency."

45 80. Page 60, by inserting after line 23 the
46 following:

47 "Sec. ____ . 2006 Iowa Acts, House File 2347,
48 section 5, is amended to read as follows:

49 SEC. 5. ~~APPROPRIATION TRANSFER~~ -- HEALTH CARE
50 TRANSFORMATION ACCOUNT. There is appropriated

1 transferred from the account for health care
2 transformation created in section 249J.23, to the
3 department of human services IowaCare account created
4 in section 249J.24, \$2,000,000 for the fiscal year
5 beginning July 1, 2005, and ending June 30, 2006, the
6 following amount, or so much thereof as is necessary,
7 for the purposes designated:

8 ~~For payments to the university of Iowa hospitals~~
9 ~~and clinics for provision of services pursuant to and~~
10 ~~for costs associated with chapter 249J:~~

11 \$ 2,000,000

12 ~~Notwithstanding section 8.33, moneys appropriated~~
13 ~~in this section that remain unencumbered or~~
14 ~~unobligated at the close of the fiscal year shall not~~
15 ~~revert, but shall remain available for expenditure for~~
16 ~~the purposes designated until the close of the~~
17 ~~succeeding fiscal year.~~

18 Sec. ____ 2005 Iowa Acts, chapter 167, section 63,
19 subsection 1, is amended to read as follows:

20 1. There is appropriated from the ~~Iowacare~~
21 IowaCare account created in section 249J.23 to the
22 university of Iowa hospitals and clinics for the
23 fiscal year beginning July 1, 2005, and ending June
24 30, 2006, the following amount, or so much thereof as
25 is necessary, to be used for the purposes designated:

26 For salaries, support, maintenance, equipment, and
27 miscellaneous purposes, for the provision of medical
28 and surgical treatment of indigent patients, for
29 provision of services to members of the expansion
30 population pursuant to chapter 249J, as enacted in
31 this Act, and for medical education:

32 \$ 27,284,584
33 37,862,932

34 Notwithstanding any provision of this Act to the
35 contrary, of the amount appropriated in this
36 subsection, \$27,284,584 shall be allocated in twelve
37 equal monthly payments as provided in section 249J.23,
38 as enacted in this Act. Any amount appropriated in
39 this subsection in excess of \$27,284,584 shall be
40 allocated only if federal funds are available to match
41 the amount allocated. Notwithstanding section 8.33,
42 moneys appropriated in this subsection that remain
43 unencumbered or unobligated at the close of the fiscal
44 year shall not revert, but shall remain available for
45 expenditure for the purposes designated until the
46 close of the succeeding fiscal year."

47 81. Page 61, by inserting after line 9 the
48 following:

49 " ____ . The provision amending 2005 Iowa Acts,
50 chapter 167, section 63."

1 82. Page 61, by inserting after line 12 the
2 following:

3 "Sec. ____ . EFFECTIVE DATE -- RETROACTIVE
4 APPLICABILITY. The section of this division of this
5 Act amending 2006 Iowa Acts, House File 2347, section
6 5, being deemed of immediate importance, takes effect
7 upon enactment and is retroactively applicable to
8 March 9, 2006."

9 83. Page 61, by inserting after line 18 the
10 following:

11 "Sec. ____ . 2005 Iowa Acts, chapter 179, section 1,
12 subsection 1, is amended to read as follows:

13 1. There is appropriated from the general fund of
14 the state to the department of human services for the
15 fiscal year beginning July 1, 2006, and ending June
16 30, 2007, the following amount, or so much thereof as
17 is necessary, to be used for the purpose designated:

18 For distribution to counties of the county mental
19 health, mental retardation, and developmental
20 disabilities allowed growth factor adjustment, as
21 provided in this section in lieu of the provisions of
22 section 331.438, subsection 2, and section 331.439,
23 subsection 3, and chapter 426B:

24 \$ ~~35,788,041~~
25 38,888,041"

26 84. Page 61, by striking lines 25 through 33 and
27 inserting the following:

28 "Sec. ____ . 2005 Iowa Acts, chapter 179, section 1,
29 subsection 2, paragraphs b and c, are amended to read
30 as follows:

31 b. For deposit in the per capita expenditure
32 target pool created in the property tax relief fund
33 and for distribution in accordance with section
34 426B.5, subsection 1:

35 \$ ~~19,361,148~~
36 24,461,148

37 c. For deposit in the risk pool created in the
38 property tax relief fund and for distribution in
39 accordance with section 426B.5, subsection 2:

40 \$ ~~2,000,000~~
41 0"

42 85. Page 62, line 14, by striking the figure
43 "25,925,724" and inserting the following:
44 "32,125,724".

45 86. Page 62, line 34, by inserting after the word
46 "year." the following: "If a county borrowed moneys
47 for purposes of providing services from the county's
48 services fund on or before July 1, 2005, and the
49 county's services fund ending balance for that fiscal
50 year includes the loan proceeds or an amount

1 designated in the county budget to service the loan
2 for the borrowed moneys, those amounts shall not be
3 considered to be part of the county's ending balance
4 for purposes of calculating an ending balance
5 percentage under this subsection."

6 87. Page 63, line 22, by striking the figure
7 "4,564,576" and inserting the following: "7,664,576".

8 88. Page 64, by inserting after line 4 the
9 following:

10 "Sec. ____ . Section 135.2, Code 2005, is amended to
11 read as follows:

12 135.2 APPOINTMENT OF DIRECTOR AND ACTING DIRECTOR.

13 1. a. The governor shall appoint the director of
14 the department, subject to confirmation by the senate.
15 The director shall serve at the pleasure of the
16 governor. The director is exempt from the merit
17 system provisions of chapter 8A, subchapter IV. The
18 governor shall set the salary of the director within
19 the range established by the general assembly.

20 b. The director shall possess education and
21 experience in public health.

22 2. The director may appoint an employee of the
23 department to be acting director, who shall have all
24 the powers and duties possessed by the director. The
25 director may appoint more than one acting director but
26 only one acting director shall exercise the powers and
27 duties of the director at any time.

28 Sec. ____ . NEW SECTION. 135.12 OFFICE OF
29 MULTICULTURAL HEALTH -- ESTABLISHED -- DUTIES.

30 The office of multicultural health is established
31 within the department. The office shall be
32 responsible for all of the following:

33 1. Providing comprehensive management strategies
34 to address culturally and linguistically appropriate
35 services, including strategic goals, plans, policies,
36 and procedures, and designating staff responsible for
37 implementation.

38 2. Requiring and arranging for ongoing education
39 and training for administrative, clinical, and other
40 appropriate staff in culturally and linguistically
41 competent health care and service delivery.

42 3. Utilizing formal mechanisms for community and
43 consumer involvement and coordinating with other state
44 agencies to identify resources and programs that
45 affect the health service delivery systems.

46 Sec. ____ . Section 135.22A, subsection 3, Code
47 Supplement 2005, is amended to read as follows:

48 3. The council shall be composed of a minimum of
49 nine members appointed by the governor in addition to
50 the ex officio members, and the governor may appoint

1 additional members. Insofar as practicable, the
2 council shall include persons with brain injuries,
3 family members of persons with brain injuries,
4 representatives of industry, labor, business, and
5 agriculture, representatives of federal, state, and
6 local government, and representatives of religious,
7 charitable, fraternal, civic, educational, medical,
8 legal, veteran, welfare, and other professional groups
9 and organizations. Members shall be appointed
10 representing every geographic and employment area of
11 the state and shall include members of both sexes. A
12 simple majority of the members appointed by the
13 governor shall constitute a quorum.

14 Sec. ____ . Section 135.63, subsection 2, paragraph
15 o, Code 2005, is amended to read as follows:

16 o. The change in ownership, licensure,
17 organizational structure, or designation of the type
18 of institutional health facility if the health
19 services offered by the successor institutional health
20 facility are unchanged. This exclusion is applicable
21 only if the institutional health facility consents to
22 the change in ownership, licensure, organizational
23 structure, or designation of the type of institutional
24 health facility and ceases offering the health
25 services simultaneously with the initiation of the
26 offering of health services by the successor
27 institutional health facility.

28 Sec. ____ . NEW SECTION. 135.105D BLOOD LEAD
29 TESTING -- PROVIDER EDUCATION -- PAYOR OF LAST RESORT.

30 1. For purposes of this section:

31 a. "Blood lead testing" means taking a capillary
32 or venous sample of blood and sending it to a
33 laboratory to determine the level of lead in the
34 blood.

35 b. "Capillary" means a blood sample taken from the
36 finger or heel for lead analysis.

37 c. "Health care provider" means a physician who is
38 licensed under chapter 148, 150, or 150A, or a person
39 who is licensed as a physician assistant under chapter
40 148C, or as an advanced registered nurse practitioner.

41 d. "Venous" means a blood sample taken from a vein
42 in the arm for lead analysis.

43 2. The department shall work with health care
44 provider associations to educate health care providers
45 regarding requirements for testing children who are
46 enrolled in certain federally funded programs and
47 regarding department recommendations for testing other
48 children for lead poisoning.

49 3. The department shall implement blood lead
50 testing for children under six years of age who are

1 not eligible for the testing services to be paid by a
2 third-party source. The department shall contract
3 with one or more public health laboratories to provide
4 blood lead analysis for such children. The department
5 shall establish by rule the procedures for health care
6 providers to submit samples to the contracted public
7 health laboratories for analysis. The department
8 shall also establish by rule a method to reimburse
9 health care providers for drawing blood samples from
10 such children and the dollar amount that the
11 department will reimburse health care providers for
12 the service. Payment for blood lead analysis and
13 drawing blood samples shall be limited to the amount
14 appropriated for the program in a fiscal year.

15 Sec. _____. Section 135.109, subsection 3, paragraph
16 b, Code 2005, is amended to read as follows:

17 b. A licensed physician or nurse who is
18 knowledgeable concerning domestic abuse injuries and
19 deaths, including suicides.

20 Sec. _____. Section 135.109, subsection 4, Code
21 2005, is amended by adding the following new
22 paragraph:

23 NEW PARAGRAPH. j. The director of the state law
24 enforcement academy.

25 Sec. _____. Section 135.110, subsection 1, paragraph
26 a, unnumbered paragraph 1, Code 2005, is amended to
27 read as follows:

28 Prepare ~~an annual~~ a biennial report for the
29 governor, supreme court, attorney general, and the
30 general assembly concerning the following subjects:

31 Sec. _____. Section 135.140, subsection 6, paragraph
32 a, Code Supplement 2005, is amended by adding the
33 following new subparagraphs:

34 NEW SUBPARAGRAPH. (6) A natural occurrence or
35 incident, including but not limited to fire, flood,
36 storm, drought, earthquake, tornado, or windstorm.

37 NEW SUBPARAGRAPH. (7) A man-made occurrence or
38 incident, including but not limited to an attack,
39 spill, or explosion.

40 Sec. _____. Section 137.6, subsection 2, paragraph
41 a, Code 2005, is amended to read as follows:

42 a. Rules of a county board shall become effective
43 upon approval by the county board of supervisors by a
44 motion or resolution as defined in section 331.101,
45 subsection 13, and publication in a newspaper having
46 general circulation in the county.

47 Sec. _____. NEW SECTION. 139A.13A ISOLATION OR
48 QUARANTINE -- EMPLOYMENT PROTECTION.

49 1. An employer shall not discharge an employee, or
50 take or fail to take action regarding an employee's

1 promotion or proposed promotion, or take action to
2 reduce an employee's wages or benefits for actual time
3 worked, due to the compliance of an employee with a
4 quarantine or isolation order issued by the department
5 or a local board.

6 2. An employee whose employer violates this
7 section may petition the court for imposition of a
8 cease and desist order against the person's employer
9 and for reinstatement to the person's previous
10 position of employment. This section does not create
11 a private cause of action for relief of money damages.

12 Sec. _____. Section 147.82, subsection 3, Code
13 Supplement 2005, is amended to read as follows:

14 3. The department may annually retain and expend
15 not more than one hundred thousand dollars for
16 reduction of the number of days necessary to process
17 medical license requests and for reduction of the
18 number of days needed for consideration of malpractice
19 cases from fees collected pursuant to section 147.80
20 by the board of medical examiners ~~in the fiscal year~~
21 ~~beginning July 1, 2005, and ending June 30, 2006.~~

22 Fees retained by the department pursuant to this
23 subsection shall be considered repayment receipts as
24 defined in section 8.2 and shall be used for the
25 purposes described in this subsection.

26 Sec. _____. Section 147.153, subsection 3, Code
27 2005, is amended to read as follows:

28 3. Pass an examination administered as determined
29 by the board to assure the applicant's professional
30 competence in speech pathology or audiology by rule.

31 Sec. _____. Section 147.155, Code 2005, is amended
32 to read as follows:

33 147.155 TEMPORARY CLINICAL LICENSE.

34 Any person who has fulfilled all of the
35 requirements for licensure under this division, except
36 for having completed the nine months clinical
37 experience requirement as provided in section 147.153,
38 subsection 1 or 2, and the examination as provided in
39 section 147.153, subsection 3, may apply to the board
40 for a temporary clinical license. The license shall
41 be designated "temporary clinical license in speech
42 pathology" or "temporary clinical license in
43 audiology" and shall authorize the licensee to
44 practice speech pathology or audiology under the
45 supervision of a licensed speech pathologist or
46 licensed audiologist, as appropriate. The license
47 shall be valid for one year and may be renewed once at
48 the discretion of the board. The fee for a temporary
49 clinical license shall be set by the board to cover
50 the administrative costs of issuing the license, and

1 if renewed, a renewal fee as set by the board shall be
 2 required. A temporary clinical license shall be
 3 issued only upon evidence satisfactory to the board
 4 that the applicant will be supervised by a person
 5 licensed as a speech pathologist or audiologist, as
 6 appropriate. ~~The board shall revoke any temporary~~
 7 ~~clinical license at any time it determines either that~~
 8 ~~the work done by the temporary clinical licensee or~~
 9 ~~the supervision being given the temporary clinical~~
 10 ~~licensee does not conform to reasonable standards~~
 11 ~~established by the board.~~

12 Sec. ____ . NEW SECTION. 147A.15 AUTOMATED
 13 EXTERNAL DEFIBRILLATOR EQUIPMENT -- PENALTY.

14 Any person who damages, wrongfully takes or
 15 withholds, or removes any component of automated
 16 external defibrillator equipment located in a public
 17 or privately owned location, including batteries
 18 installed to operate the equipment, is guilty of a
 19 serious misdemeanor.

20 Sec. ____ . Section 148.2, subsection 5, Code 2005,
 21 is amended to read as follows:

22 5. Physicians and surgeons of the United States
 23 army, navy, ~~or~~ air force, marines, public health
 24 service, or other uniformed service when acting in the
 25 line of duty in this state, and holding a current,
 26 active permanent license in good standing in another
 27 state, district, or territory of the United States, or
 28 physicians and surgeons licensed in another state,
 29 when incidentally called into this state in
 30 consultation with a physician and surgeon licensed in
 31 this state.

32 Sec. ____ . Section 149.3, Code 2005, is amended to
 33 read as follows:

34 149.3 LICENSE.

35 Every applicant for a license to practice podiatry
 36 shall:

37 1. Be a graduate of an accredited ~~high~~ school of
 38 podiatry.

39 2. Present ~~a diploma~~ an official transcript issued
 40 by a school of podiatry approved by the board of
 41 podiatry examiners.

42 3. Pass an examination ~~in the subjects of anatomy,~~
 43 ~~chemistry, dermatology, diagnosis, pharmacy and~~
 44 ~~materia medica, pathology, physiology, histology,~~
 45 ~~bacteriology, neurology, practical and clinical~~
 46 ~~podiatry, foot orthopedies, and others, as prescribed~~
 47 ~~by the board of podiatry examiners~~ as determined by
 48 the board by rule.

49 4. Have successfully completed a ~~one-year~~
 50 residency ~~or preceptorship~~ approved by the board of

1 ~~podiatry examiners as determined by the board by rule.~~
2 This subsection applies to all applicants who graduate
3 from podiatric college on or after January 1, 1995.
4 Sec. _____. Section 149.7, unnumbered paragraph 2,
5 Code 2005, is amended to read as follows:

6 The temporary certificate shall be issued for one
7 year and may be renewed, but a person shall not be
8 entitled to practice podiatry in excess of three years
9 while holding a temporary certificate. The fee for
10 this certificate shall be set by the podiatry
11 examiners and if extended beyond one year a renewal
12 fee per year shall be set by the podiatry examiners.
13 The fees shall be based on the administrative costs of
14 issuing and renewing the certificates. ~~The podiatry~~
15 ~~examiners may cancel a temporary certificate at any~~
16 ~~time, without a hearing, for reasons deemed sufficient~~
17 ~~to the podiatry examiners.~~

18 Sec. _____. Section 149.7, unnumbered paragraphs 3
19 and 4, Code 2005, are amended by striking the
20 unnumbered paragraphs.

21 Sec. _____. Section 151.12, Code 2005, is amended to
22 read as follows:

23 151.12 TEMPORARY CERTIFICATE.

24 The chiropractic examiners may, in their
25 discretion, issue a temporary certificate authorizing
26 the licensee to practice chiropractic if, in the
27 opinion of the chiropractic examiners, a need exists
28 and the person possesses the qualifications prescribed
29 by the chiropractic examiners for the license, which
30 shall be substantially equivalent to those required
31 for licensure under this chapter. The chiropractic
32 examiners shall determine in each instance those
33 eligible for this license, whether or not examinations
34 shall be given, and the type of examinations, and the
35 duration of the license. No requirements of the law
36 pertaining to regular permanent licensure are
37 mandatory for this temporary license except as
38 specifically designated by the chiropractic examiners.
39 The granting of a temporary license does not in any
40 way indicate that the person so licensed is eligible
41 for regular licensure, nor are the chiropractic
42 examiners in any way obligated to so license the
43 person.

44 The temporary certificate shall be issued for one
45 year and at the discretion of the chiropractic
46 examiners may be renewed, but a person shall not
47 practice chiropractic in excess of three years while
48 holding a temporary certificate. The fee for this
49 license shall be set by the chiropractic examiners and
50 if extended beyond one year a renewal fee per year

1 shall be set by the chiropractic examiners. The fees
2 fee for the temporary license shall be based on the
3 administrative costs of issuing and ~~renewing~~ the
4 licenses. ~~The chiropractic examiners may cancel a~~
5 ~~temporary certificate at any time, without a hearing,~~
6 ~~for reasons deemed sufficient to the chiropractic~~
7 ~~examiners.~~

8 ~~When the chiropractic examiners cancel a temporary~~
9 ~~certificate they shall promptly notify the licensee by~~
10 ~~registered mail, at the licensee's last named address,~~
11 ~~as reflected by the files of the chiropractic~~
12 ~~examiners, and the temporary certificate is terminated~~
13 ~~and of no further force and effect three days after~~
14 ~~the mailing of the notice to the licensee.~~

15 Sec. ____ . Section 154.3, subsection 1, Code 2005,
16 is amended to read as follows:

17 1. Every applicant for a license to practice
18 optometry shall:

19 a. ~~Present satisfactory evidence of a preliminary~~
20 ~~education equivalent to at least four years study in~~
21 ~~an accredited high school or other secondary school.~~
22 Be a graduate of an accredited school of optometry.

23 b. ~~Present a diploma from an official transcript~~
24 issued by an accredited school of optometry.

25 c. ~~Pass an examination prescribed by the optometry~~
26 ~~examiners in the subjects of physiology of the eye,~~
27 ~~optical physics, anatomy of the eye, ophthalmology,~~
28 ~~and practical optometry as determined by the board by~~
29 rule.

30 Sec. ____ . Section 154B.6, subsection 3, Code 2005,
31 is amended to read as follows:

32 3. Have not failed the examination required in
33 subsection 2 within ~~the six months next~~ sixty days
34 preceding the date of the subsequent examination.

35 The examinations required in this section may, at
36 the discretion of the board, be waived for holders by
37 examination of licenses or certificates from states
38 whose requirements are substantially equivalent to
39 those of this chapter, and for holders by examination
40 of specialty diplomas from the American board of
41 professional psychology.

42 ~~Any person who within one year after July 1, 1975,~~
43 ~~meets the requirements specified in subsection 1 shall~~
44 ~~receive licensure without having passed the~~
45 ~~examination required in subsection 2 if application~~
46 ~~for licensure is filed with the board of psychology~~
47 ~~examiners before July 1, 1977. Any person holding a~~
48 ~~certificate as a psychologist from the board of~~
49 ~~examiners of the Iowa psychological association on~~
50 ~~July 1, 1977, who applies for certification before~~

1 ~~July 1, 1975, shall receive certification.~~

2 Sec. ____ . Section 154D.2, subsection 2, paragraph
3 b, Code Supplement 2005, is amended to read as
4 follows:

5 b. Has at least two years of supervised clinical
6 experience or its equivalent in assessing mental
7 health needs and problems and in providing appropriate
8 mental health services as approved by the board.

9 Standards for supervision, including the required
10 qualifications for supervisors, shall be determined by
11 the board by rule.

12 Sec. ____ . NEW SECTION. 154E.3A TEMPORARY
13 LICENSE.

14 Beginning July 1, 2007, an individual who does not
15 meet the requirements for licensure by examination
16 pursuant to section 154E.3 may apply for or renew a
17 temporary license. The temporary license shall
18 authorize the licensee to practice as a sign language
19 interpreter or transliterator under the direct
20 supervision of a sign language interpreter or
21 transliterator licensed pursuant to section 154E.3.
22 The temporary license shall be valid for two years and
23 may only be renewed one time in accordance with
24 standards established by rule. An individual shall
25 not practice for more than a total of four years under
26 a temporary license. The board may revoke a temporary
27 license if it determines that the temporary licensee
28 has violated standards established by rule. The board
29 may adopt requirements for temporary licensure to
30 implement this section.

31 Sec. ____ . Section 154E.4, subsection 2, Code
32 Supplement 2005, is amended by adding the following
33 new paragraph:

34 NEW PARAGRAPH. e. Students enrolled in a school
35 of interpreting may interpret only under the direct
36 supervision of a permanently licensed interpreter as
37 part of the student's course of study.

38 Sec. ____ . Section 157.2, subsection 1, paragraph
39 e, Code Supplement 2005, is amended to read as
40 follows:

41 e. Employees ~~and residents~~ of hospitals, health
42 care facilities, orphans' homes, juvenile homes, and
43 other similar facilities who ~~shampoo, arrange, dress,~~
44 ~~or curl the hair of~~ perform cosmetology services for
45 any resident without receiving direct compensation
46 from the person receiving the service.

47 Sec. ____ . Section 157.2, subsection 1, Code
48 Supplement 2005, is amended by adding the following
49 new paragraph:

50 NEW PARAGRAPH. ee. Volunteers for and residents

1 of health care facilities, orphans' homes, juvenile
 2 homes, and other similar facilities who shampoo,
 3 arrange, dress, or curl the hair, apply makeup, or
 4 polish the nails of any resident without receiving
 5 compensation from the person receiving the service.
 6 Sec. _____. Section 157.10, subsection 1, Code 2005,
 7 is amended to read as follows:

8 1. The course of study required for licensure for
 9 the practice of cosmetology shall be two thousand one
 10 hundred clock hours, or seventy semester credit hours
 11 or the equivalent thereof as determined pursuant to
 12 administrative rule and regulations promulgated by the
 13 United States department of education. The clock
 14 hours, and equivalent number of semester credit hours
 15 or the equivalent thereof as determined pursuant to
 16 administrative rule and regulations promulgated by the
 17 United States department of education, of a course of
 18 study required for licensure for the practices of
 19 electrology, esthetics, ~~and~~ nail technology,
 20 manicuring, and pedicuring shall be established by the
 21 board. The board shall adopt rules to define the
 22 course and content of study for each practice of
 23 cosmetology arts and sciences.

24 Sec. _____. Section 157.13, subsection 1, Code
 25 Supplement 2005, is amended by striking the subsection
 26 and inserting in lieu thereof the following:

27 1. It is unlawful for a person to employ an
 28 individual to practice cosmetology arts and sciences
 29 unless that individual is licensed or has obtained a
 30 temporary permit under this chapter. It is unlawful
 31 for a licensee to practice with or without
 32 compensation in any place other than a licensed salon,
 33 a licensed school of cosmetology arts and sciences, or
 34 a licensed barbershop as defined in section 158.1.
 35 The following exceptions to this subsection shall
 36 apply:

37 a. A licensee may practice at a location which is
 38 not a licensed salon, school of cosmetology arts and
 39 sciences, or licensed barbershop under extenuating
 40 circumstances arising from physical or mental
 41 disability or death of a customer.

42 b. Notwithstanding section 157.12, when the
 43 licensee is employed by a physician and provides
 44 cosmetology services at the place of practice of a
 45 physician and is under the supervision of a physician
 46 licensed to practice pursuant to chapter 148, 150, or
 47 150A.

48 c. When the practice occurs in a facility licensed
 49 pursuant to chapter 135B or 135C.

50 Sec. _____. Section 157.13, Code Supplement 2005, is

1 amended by adding the following new subsection:

2 NEW SUBSECTION. 1A. It is unlawful for a licensee
3 to claim to be a licensed barber, however a licensed
4 cosmetologist may work in a licensed barbershop. It
5 is unlawful for a person to employ a licensed
6 cosmetologist, esthetician, or electrologist to
7 perform the services described in section 157.3A if
8 the licensee has not received the additional training
9 and met the other requirements specified in section
10 157.3A."

11 89. Page 64, by inserting after line 34 the
12 following:

13 "Sec. _____. Section 237A.5, subsection 2, paragraph
14 a, subparagraph (1), Code 2005, is amended to read as
15 follows:

16 (1) "Person subject to ~~an evaluation~~ a record
17 check" means a person ~~who has committed a~~
18 ~~transgression and~~ who is described by any of the
19 following:

20 (a) The person is being considered for licensure
21 or registration or is registered or licensed under
22 this chapter.

23 (b) The person is being considered by a child care
24 facility for employment involving direct
25 responsibility for a child or with access to a child
26 when the child is alone or is employed with such
27 responsibilities.

28 (c) The person will reside or resides in a child
29 care facility.

30 (d) The person has applied for or receives public
31 funding for providing child care.

32 (e) The person will reside or resides in a child
33 care home that is not registered under this chapter
34 but that receives public funding for providing child
35 care.

36 Sec. _____. Section 237A.5, subsection 2, paragraph
37 a, Code 2005, is amended by adding the following new
38 subparagraph:

39 NEW SUBPARAGRAPH. (1A) "Person subject to an
40 evaluation" means a person subject to a record check
41 whose record indicates that the person has committed a
42 transgression.

43 Sec. _____. Section 237A.5, subsection 2, Code 2005,
44 is amended by adding the following new paragraph:

45 NEW PARAGRAPH. aa. If an individual person
46 subject to a record check is being considered for
47 employment by a child care facility or child care
48 home, in lieu of requesting a record check to be
49 conducted by the department under paragraph "b", the
50 child care facility or child care home may access the

1 single contact repository established pursuant to
2 section 135C.33 as necessary to conduct a criminal and
3 child abuse record check of the individual. A copy of
4 the results of the record check conducted through the
5 single contact repository shall also be provided to
6 the department. If the record check indicates the
7 individual is a person subject to an evaluation, the
8 child care facility or child care home may request
9 that the department perform an evaluation as provided
10 in this subsection. Otherwise, the individual shall
11 not be employed by the child care facility or child
12 care home.

13 Sec. _____. Section 237A.5, subsection 2, paragraph
14 b, Code 2005, is amended to read as follows:

15 b. The ~~Unless~~ a record check has already been
16 conducted in accordance with paragraph "aa", the
17 department shall conduct a criminal and child abuse
18 ~~record checks~~ check in this state for a person who is
19 subject to a record check and may ~~conduct these checks~~
20 such a check in other states. In addition, the
21 department may conduct a dependent adult abuse, sex
22 offender registry, ~~and~~ or other public or civil
23 offense record ~~checks~~ check in this state or in other
24 states for a person who is subject to a record check.
25 ~~If the department a record check performed pursuant to~~
26 this paragraph identifies an individual as a person
27 subject to an evaluation, an evaluation shall be
28 performed to determine whether prohibition of the
29 person's involvement with child care is warranted.
30 The evaluation shall be performed in accordance with
31 procedures adopted for this purpose by the department.

32 Prior to performing an evaluation, the department
33 shall notify the affected person, licensee,
34 registrant, or child care home applying for or
35 receiving public funding for providing child care,
36 that an evaluation will be conducted to determine
37 whether prohibition of the person's involvement with
38 child care is warranted."

39 90. Page 64, by inserting before line 35 the
40 following:

41 "Sec. _____. Section 249J.5, Code Supplement 2005,
42 is amended by adding the following new subsection:

43 NEW SUBSECTION. 9. Following initial enrollment,
44 an expansion population member shall reenroll annually
45 by the last day of the month preceding the month in
46 which the expansion population member initially
47 enrolled. The department may provide a process for
48 automatic reenrollment of expansion population
49 members."

50 91. Page 65, by striking lines 2 through 17 and

1 inserting the following:

2 "a. ~~Beginning no later than March 1, 2006, within~~
3 ~~ninety days of enrollment in the expansion population,~~
4 ~~each~~ Each expansion population member who enrolls or
5 reenrolls in the expansion population on or after
6 January 31, 2007, shall participate, in conjunction
7 with receiving a single comprehensive medical
8 examination and completing a personal health
9 improvement plan, in a health risk assessment
10 coordinated by a health consortium representing
11 providers, consumers, and medical education
12 institutions. ~~An expansion population member who~~
13 ~~enrolls in the expansion population prior to March 1,~~
14 ~~2006, shall participate in the health risk assessment,~~
15 ~~receive the single comprehensive medical examination,~~
16 ~~and complete the personal health improvement plan by~~
17 ~~June 1, 2006.~~ The criteria for the health risk
18 assessment, the comprehensive medical examination, and
19 the personal health improvement plan shall be
20 developed and applied in a manner that takes into
21 consideration cultural variations that may exist
22 within the expansion population."

23 92. Page 65, by inserting after line 24 the
24 following:

25 "Sec. ____: Section 249J.6, subsection 2, Code
26 Supplement 2005, is amended by adding the following
27 new paragraphs:

28 NEW PARAGRAPH. d. Following completion of an
29 initial health risk assessment, comprehensive medical
30 examination, and personal health improvement plan, an
31 expansion population member may complete subsequent
32 assessments, examinations, or plans with the
33 recommendation and approval of a provider specified in
34 paragraph "c".

35 NEW PARAGRAPH. e. Refusal of an expansion
36 population member to participate in a health risk
37 assessment, comprehensive medical examination, or
38 personal health improvement plan shall not be a basis
39 for ineligibility for or disenrollment from the
40 expansion population.

41 Sec. ____: Section 249J.8, subsections 1 and 2,
42 Code Supplement 2005, are amended to read as follows:

43 1. Beginning July 1, 2005, each expansion
44 population member whose family income equals or
45 exceeds one hundred percent of the federal poverty
46 level as defined by the most recently revised poverty
47 income guidelines published by the United States
48 department of health and human services shall pay a
49 monthly premium not to exceed one-twelfth of five
50 percent of the member's annual family income, and each

1 expansion population member whose family income is
2 less than one hundred percent of the federal poverty
3 level as defined by the most recently revised poverty
4 income guidelines published by the United States
5 department of health and human services shall pay a
6 monthly premium not to exceed one-twelfth of two
7 percent of the member's annual family income. All
8 premiums shall be paid on the last day of the month of
9 coverage. The department shall deduct the amount of
10 any monthly premiums paid by an expansion population
11 member for benefits under the healthy and well kids in
12 Iowa program when computing the amount of monthly
13 premiums owed under this subsection. An expansion
14 population member shall pay the monthly premium during
15 the entire period of the member's enrollment.
16 ~~However, regardless~~ Regardless of the length of
17 enrollment, the member is subject to payment of the
18 premium for a minimum of four consecutive months.
19 However, an expansion population member who complies
20 with the requirement of payment of the premium for a
21 minimum of four consecutive months during a
22 consecutive twelve-month period of enrollment shall be
23 deemed to have complied with this requirement for the
24 subsequent consecutive twelve-month period of
25 enrollment and shall only be subject to payment of the
26 monthly premium on a month-by-month basis. Timely
27 payment of premiums, including any arrearages accrued
28 from prior enrollment, is a condition of receiving any
29 expansion population services. Premiums collected
30 under this subsection shall be deposited in the
31 premiums subaccount of the account for health care
32 transformation created pursuant to section 249J.23.
33 An expansion population member shall also pay the same
34 copayments required of other adult recipients of
35 medical assistance.

36 2. The department may reduce the required out-of-
37 pocket expenditures for an individual expansion
38 population member based upon the member's increased
39 wellness activities such as smoking cessation or
40 compliance with the personal health improvement plan
41 completed by the member. The department shall also
42 waive the required out-of-pocket expenditures for an
43 individual expansion population member based upon a
44 hardship that would accrue from imposing such required
45 expenditures. Information regarding the premium
46 payment obligation and the hardship exemption,
47 including the process by which a prospective enrollee
48 may apply for the hardship exemption, shall be
49 provided to a prospective enrollee at the time of
50 application. The prospective enrollee shall

1 acknowledge, in writing, receipt and understanding of
2 the information provided."

3 93. Page 65, by inserting after line 35 the
4 following:

5 "Sec. ____ . Section 249J.24, subsections 1 and 6,
6 Code Supplement 2005, are amended to read as follows:

7 1. An IowaCare account is created in the state
8 treasury under the authority of the department of
9 human services. Moneys appropriated from the general
10 fund of the state to the account, moneys received as
11 federal financial participation funds under the
12 expansion population provisions of this chapter and
13 credited to the account, moneys received for
14 disproportionate share hospitals and credited to the
15 account, moneys received for graduate medical
16 education and credited to the account, proceeds
17 ~~transferred~~ distributed from the county treasurer as
18 specified in subsection 6, and moneys from any other
19 source credited to the account shall be deposited in
20 the account. Moneys deposited in or credited to the
21 account shall be used only as provided in
22 appropriations or distributions from the account for
23 the purposes specified in the appropriation or
24 distribution. Moneys in the account shall be
25 appropriated to the university of Iowa hospitals and
26 clinics, to a publicly owned acute care teaching
27 hospital located in a county with a population over
28 three hundred fifty thousand, and to the state
29 hospitals for persons with mental illness designated
30 pursuant to section 226.1 for the purposes provided in
31 the federal law making the funds available or as
32 specified in the state appropriation and shall be
33 distributed as determined by the department.

34 6. a. Notwithstanding any provision to the
35 contrary, ~~from each semiannual~~ for the collection of
36 taxes levied under section 347.7 for which the
37 collection is performed after July 1, 2005, the county
38 treasurer of a county with a population over three
39 hundred fifty thousand in which a publicly owned acute
40 care teaching hospital is located shall ~~transfer~~
41 distribute the proceeds collected pursuant to section
42 347.7 in a total amount of thirty-four million dollars
43 annually, which would otherwise be distributed to the
44 county hospital, to the treasurer of state for deposit
45 in the IowaCare account under this section as follows:

46 (1) The first seventeen million dollars in
47 collections pursuant to section 347.7 between July 1
48 and December 31 annually shall be distributed to the
49 treasurer of state for deposit in the IowaCare account
50 and collections during this time period in excess of

1 seventeen million dollars shall be distributed to the
2 acute care teaching hospital identified in this
3 subsection.

4 (2) The first seventeen million dollars in
5 collections pursuant to section 347.7 between January
6 1 and June 30 annually shall be distributed to the
7 treasurer of state for deposit in the IowaCare account
8 and collections during this time period in excess of
9 seventeen million dollars shall be distributed to the
10 acute care teaching hospital identified in this
11 subsection.

12 b. The board of trustees of the acute care
13 teaching hospital identified in this subsection and
14 the department shall execute an agreement under
15 chapter 28E by July 1, 2005, and annually by July 1,
16 thereafter, to specify the requirements relative to
17 ~~transfer~~ distribution of the proceeds and the
18 distribution of moneys to the hospital from the
19 IowaCare account. The agreement shall include
20 provisions relating to exceptions to the deadline for
21 submission of clean claims as required pursuant to
22 section 249J.7 and provisions relating to data
23 reporting requirements regarding the expansion
24 population. The agreement may also include a
25 provision allowing such hospital to limit access to
26 such hospital by expansion population members based on
27 residency of the member, if such provision reflects
28 the policy of such hospital regarding indigent
29 patients existing on April 1, 2005, as adopted by its
30 board of hospital trustees pursuant to section 347.14,
31 subsection 4.

32 c. Notwithstanding the specified amount of
33 proceeds to be ~~transferred~~ distributed under this
34 subsection, if the amount allocated that does not
35 require federal matching funds under an appropriation
36 in a subsequent fiscal year to such hospital for
37 medical and surgical treatment of indigent patients,
38 for provision of services to expansion population
39 members, and for medical education, is reduced from
40 the amount allocated that does not require federal
41 matching funds under the appropriation for the fiscal
42 year beginning July 1, 2005, the amount of proceeds
43 required to be ~~transferred~~ distributed under this
44 subsection in that subsequent fiscal year shall be
45 reduced in the same amount as the amount allocated
46 that does not require federal matching funds under
47 that appropriation."

48 94. Page 66, by inserting after line 10 the
49 following:

50 "Sec. ____ . Section 272C.1, subsection 6, Code

1 Supplement 2005, is amended by adding the following
2 new paragraph:
3 NEW PARAGRAPH. ad. The director of public health
4 in certifying emergency medical care providers and
5 emergency medical care services pursuant to chapter
6 147A.

7 Sec. _____. Section 691.6, Code Supplement 2005, is
8 amended by adding the following new subsection:

9 NEW SUBSECTION. 8. To retain tissues, organs, and
10 bodily fluids as necessary to determine the cause and
11 manner of death or as deemed advisable by the state
12 medical examiner for medical or public health
13 investigation, teaching, or research. Tissues,
14 organs, and bodily fluids shall be properly disposed
15 of by following procedures and precautions for
16 handling biologic material and blood-borne pathogens
17 as established by rule.

18 Sec. _____. 2004 Iowa Acts, chapter 1175, section
19 432, subsection 3, is amended to read as follows:

20 3. Applicants issued a temporary license pursuant
21 to this section shall pass a licensure examination
22 approved by the board on or before July 1, 2007, in
23 order to ~~remain licensed as an interpreter~~ qualify to
24 be licensed by examination."

25 95. Page 66, line 33, by inserting after the
26 figure "500,000," the following: "shall be credited
27 to the general fund of the state, and the remainder".

28 96. Page 67, by inserting after line 21 the
29 following:

30 "Sec. _____. Section 157.5A, Code 2005, is
31 repealed."

32 97. Page 67, by striking lines 22 through 24 and
33 inserting the following:

34 "Sec. _____. EFFECTIVE DATE. The provisions of this
35 division of this Act amending sections 249J.5, 249J.8,
36 249J.20, and 249J.24, being deemed of immediate
37 importance, take effect upon enactment.

38 Sec. _____. EFFECTIVE DATE -- RETROACTIVE
39 APPLICABILITY. The sections of this division of this
40 Act amending section 249J.6, being deemed of immediate
41 importance, take effect upon enactment and are
42 retroactively applicable to March 1, 2006."

43 98. Title page, line 4, by inserting after the
44 word "home," the following: "the department of human
45 rights,".

46 99. Title page, line 7, by striking the words
47 "providing effective dates" and inserting the
48 following: "including effective, applicability, and
49 retroactive applicability date provisions".

50 100. By renumbering as necessary.

By JACK HATCH
MAGGIE TINSMAN

HOUSE FILE 2734

S-5279

1 Amend the amendment, S-5269, to House File 2734, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, by inserting after line 40 the
5 following:

6 "____. Page 13, line 28, by striking the figure
7 "5,433,042" and inserting the following:
8 "5,283,042"."

9 2. Page 6, line 20, by striking the words
10 "supervision of".

11 3. Page 7, line 4, by inserting after the figure
12 "2." the following: "Of the moneys appropriated in
13 this section, \$150,000 shall not be expended in the
14 fiscal year for which appropriated, but shall be
15 transferred in the succeeding fiscal year to the
16 department of human services to be used for the family
17 development and self-sufficiency grant program."

18 4. Page 9, by striking lines 15 through 17 and
19 inserting the following: "year."

20 5. Page 28, by inserting after line 17 the
21 following:

22 "Sec. ____ . CHILD SUPPORT RECOVERY UNIT REPORT --
23 LIMITATION. If 2006 Iowa Acts, House File 2332, is
24 enacted, the section of the Act relating to the child
25 support recovery unit submitting a report on the
26 effects of the nonsupport provision under section
27 726.5, as amended in that Act, shall be limited in
28 scope to cases in which the child support recovery
29 unit is providing services pursuant to chapter 252B."

30 6. By renumbering as necessary.

By JACK HATCH
MAGGIE TINSMAN

S-5279 FILED MAY 3, 2006
ADOPTED

**SENATE AMENDMENT TO
HOUSE FILE 2734**

H-8650

1 Amend House File 2734, as amended, passed, and
2 reprinted by the House, as follows:

- 3 1. Page 1, line 13, by inserting after the word
4 "elderly" the following: "only if the monthly cost
5 per client for case management for the frail elderly
6 services provided does not exceed an average of \$70".
- 7 2. Page 1, line 23, by striking the figure
8 "3,627,645" and inserting the following: "4,262,660".
- 9 3. Page 1, line 34, by striking the figure
10 "2,153,208" and inserting the following: "2,788,223".
- 11 4. Page 2, line 1, by striking the figure
12 "750,000" and inserting the following: "1,385,015".
- 13 5. Page 2, line 10, by inserting after the word
14 "exceed" the following: "an average of".
- 15 6. Page 2, line 14, by inserting after the word
16 "individuals." the following: "Notwithstanding any
17 provision to the contrary, any savings realized in
18 case management for the frail elderly that is not
19 provided under the medical assistance elderly waiver
20 shall be used for services for the frail elderly which
21 may include substitute decision-making services
22 pursuant to chapter 231E."
- 23 7. Page 3, line 19, by striking the figure
24 "2,341,264" and inserting the following: "2,361,264".
- 25 8. Page 3, line 20, by striking the figure "7.60"
26 and inserting the following: "8.60".
- 27 9. Page 4, by inserting after line 6 the
28 following:
29 "Of the funds appropriated in this subsection,
30 \$20,000 shall be used to implement a pilot
31 demonstration project, in cooperation with the
32 department of human services and the department of
33 elder affairs, that utilizes a web-based system to
34 allow a common intake, case management, and referral
35 system and provides linkages with existing software
36 programs at minimal cost to the agencies involved."
- 37 10. Page 4, line 11, by striking the figure
38 "1,792,840" and inserting the following: "1,742,840".
- 39 11. Page 4, line 12, by striking the figure
40 "2.35" and inserting the following: "3.75".
- 41 12. Page 4, line 17, by striking the figure
42 "170,000" and inserting the following: "120,000".
- 43 13. Page 4, line 33, by striking the figure
44 "300,000" and inserting the following: "159,700".
- 45 14. Page 4, line 35, by inserting after the word
46 "Iowa" the following: "and \$140,300 is allocated for
47 an initiative at the state mental health institute at
48 Cherokee".
- 49 15. Page 5, line 1, by striking the word
50 "initiative" and inserting the following:

H-8650

1 "initiatives".
2 16. Page 5, line 6, by striking the word
3 "initiative" and inserting the following:
4 "initiatives".
5 17. Page 5, line 8, by striking the word
6 "initiative" and inserting the following:
7 "initiatives".
8 18. Page 5, by striking lines 21 through 24 and
9 inserting the following: "for counties not receiving
10 federal funding for this purpose, \$80,000 is allocated
11 to implement blood lead testing pursuant to section
12 135.105A, as enacted in this Act, \$50,000 is allocated
13 to continue the".
14 19. Page 5, by striking lines 29 and 30 and
15 inserting the following: "department shall select at
16 least two local childhood lead poisoning programs to
17 receive the amount allocated for lead hazard".
18 20. Page 6, line 17, by striking the figure
19 "7,891,473" and inserting the following: "7,941,473".
20 21. Page 6, line 18, by striking the figure
21 "112.80" and inserting the following: "113.80".
22 22. Page 6, by striking lines 22 through 24 and
23 inserting the following:
24 "Of the funds appropriated in this subsection,
25 \$50,000 is allocated for increased costs of the office
26 of the state medical examiner laboratory."
27 23. Page 10, line 15, by striking the figure
28 "17,827,536" and inserting the following:
29 "17,128,861".
30 24. Page 10, by inserting after line 15 the
31 following:
32 "2A. To be used for the family development and
33 self-sufficiency grant program as provided under
34 section 217.12 and this division of this Act:
35 \$ 2,698,675"
36 25. Page 10, line 17, by striking the figure
37 "17,557,495" and inserting the following:
38 "17,707,495".
39 26. Page 10, by striking lines 18 through 20.
40 27. Page 12, by striking lines 20 through 22.
41 28. Page 13, line 28, by striking the figure
42 "5,433,042" and inserting the following: "5,283,042".
43 29. Page 14, by inserting after line 20 the
44 following:
45 "d. For the JOBS program:
46: \$ 23,968,620
47 Of the funds allocated in this lettered paragraph,
48 \$2,000,000 shall be used to maintain the mileage
49 reimbursement rate for the JOBS program at the same
50 rate used for the Medicaid program during the fiscal

Page 3

1 year."

2 30. Page 14, line 32, by inserting after the word
3 "investment," the following: "JOBS, family
4 development and self-sufficiency grant,".

5 31. Page 15, line 8, by striking the figure
6 "42,874,885" and inserting the following:
7 "42,599,885".

8 32. Page 15, line 9, by striking the figure
9 "9,274,134" and inserting the following: "6,839,767".

10 33. Page 15, by inserting after line 10 the
11 following:

12 "1A. Of the funds appropriated in this section,
13 \$2,584,367 is allocated for the family development and
14 self-sufficiency grant program as provided under
15 section 217.12 and this division of this Act."

16 34. Page 15, by striking lines 21 through 25.

17 35. Page 15, by striking line 26 and inserting
18 the following:

19 "4. Notwithstanding section 8.39, for the".

20 36. Page 16, line 16, by inserting after the word
21 "purposes." the following: "The department shall
22 report any transfers made pursuant to this subsection
23 to the legislative services agency."

24 37. Page 17, line 18, by striking the figure
25 "708,121,610" and inserting the following:
26 "652,311,610".

27 38. By striking page 19, line 35, through page
28 20, line 7, and inserting the following:

29 "____. The department shall apply to the centers
30 for Medicare and Medicaid services of the United
31 States department of health and human services to
32 participate in the Medicaid transformation grants
33 program as specified in section 6081 of the federal
34 Deficit Reduction Act of 2005, Pub. L. No. 109-171,
35 for adoption of innovative methods to improve the
36 effectiveness and efficiency in providing medical
37 assistance. The innovative methods may include but
38 are not limited to the use of electronic health
39 records and personal health records by health care
40 professionals and consumers to address the health
41 needs specific to populations including but not
42 limited to persons with brain injury, persons with
43 dual diagnoses of mental illness and mental
44 retardation or substance abuse and mental illness, and
45 children with chronic conditions; the use of
46 diagnostic techniques that promote the early diagnosis
47 and treatment of chronic disease in adults including
48 physical and mental health, hepatitis, behavioral
49 health, and cancer; and review of the physical and
50 mental health status of the medical assistance

1 population to more effectively integrate and determine
2 public health strategies and interventions to reduce
3 the incidence of preventable diseases and chronic
4 conditions in the medical assistance population
5 including but not limited to those related to obesity
6 and nutrition, smoking, and diabetes. The department
7 shall submit a draft of the application to the medical
8 assistance projections and assessment council for
9 approval as expeditiously as possible, prior to
10 submission to the centers for Medicare and Medicaid
11 services of the United States department of health and
12 human services. Any grant for which application is
13 made under this subsection shall not require state
14 matching funds. Any federal funding received shall be
15 used in coordination with the purposes of the account
16 for health care transformation pursuant to section
17 252J.23 and shall be integrated with the IowaCare
18 program pursuant to chapter 252J."

19 39. Page 20, by inserting after line 17 the
20 following:

21 " _____. The department shall submit a medical
22 assistance state plan amendment to the centers for
23 Medicare and Medicaid services of the United States
24 department of health and human services that is in
25 substantially the form of the draft submitted by
26 letter dated March 1, 2006, and published on the
27 department website. The department shall adopt
28 emergency rules effective July 1, 2006, to implement
29 the state plan amendment.

30 _____. The department shall review the impact of the
31 federal Deficit Reduction Act of 2005, Pub. L. No.
32 109-171, on the state's medical assistance program
33 reimbursement policy for multiple source prescription
34 drug products and the Act's impact on participating
35 pharmacies. The department shall submit a report,
36 including recommendations relating to adjustments to
37 the medical assistance program pharmacy dispensing
38 fee, to the governor and the general assembly no later
39 than January 1, 2007."

40 40. Page 22, line 31, by inserting after the
41 figure "237A.26." the following: "A list of the
42 registered and licensed child care facilities
43 operating in the area served by a child care resource
44 and referral service shall be made available to the
45 families receiving state child care assistance in that
46 area."

47 41. Page 23, by striking lines 20 through 29 and
48 inserting the following: "is transferred to the Iowa
49 empowerment fund to be used for professional
50 development for the system of early care, health, and

1 education."

2 42. Page 24, by striking lines 18 through 20 and
3 inserting the following: "the study group shall be
4 provided by the department of human services. The
5 study group membership shall also include but is".

6 43. Page 24, line 26, by inserting after the word
7 "services," the following: "a representative of the
8 division of criminal and juvenile justice planning of
9 the department of human rights,".

10 44. Page 24, line 35, by striking the figure
11 "10,623,148" and inserting the following:

12 "10,608,148".

13 45. Page 25, line 3, by striking the figure
14 "40,000" and inserting the following: "25,000".

15 46. Page 25, line 18, by striking the figure
16 "80,715,373" and inserting the following:

17 "80,945,373".

18 47. Page 27, by striking lines 8 through 11 and
19 inserting the following:

20 "Notwithstanding section 234.35 or any other
21 provision of law to the contrary, for the fiscal year
22 beginning July 1, 2006, state funding for shelter care
23 shall be limited to the amount necessary to fund 273
24 beds that are guaranteed and seven beds that are not
25 guaranteed. The department shall submit an emergency
26 services plan by December 15, 2006, to the persons
27 designated by this division of this Act to receive
28 reports. The plan shall identify crisis intervention
29 and emergency services alternatives to shelter care
30 and shall specify the numbers of shelter beds that are
31 guaranteed and not guaranteed, as determined necessary
32 by the department."

33 48. Page 30, line 31, by inserting after the word
34 "'a'" the following: "and the juveniles' families".

35 49. Page 31, by inserting after line 22 the
36 following:

37 "_____. Of the funds appropriated in this section,
38 \$230,000 shall be used for a grant to a nonprofit
39 human services organization providing services to
40 individuals and families in multiple locations in
41 southwest Iowa and Nebraska for support of a project
42 providing immediate, sensitive support and forensic
43 interviews, medical exams, needs assessments and
44 referrals for victims of child abuse and their
45 nonoffending family members."

46 50. Page 32, line 32, by inserting after the
47 figure "196,000" the following: "in the latest
48 preceding certified federal census".

49 51. Page 34, line 34, by striking the figure
50 "5,979,344" and inserting the following: "6,179,344".

1 52. Page 35, line 16, by striking the figure
2 "1,071,074" and inserting the following: "1,046,074".

3 53. Page 37, line 6, by striking the figure
4 "10,586,619" and inserting the following:
5 "12,286,619".

6 54. Page 37, line 28, by striking the figure
7 "17,757,890" and inserting the following:
8 "18,017,890".

9 55. Page 39, by inserting after line 3 the
10 following:

11 "6. Of the funds appropriated in this section,
12 \$260,000 is allocated to the department for
13 development of an assessment process for use beginning
14 in a subsequent fiscal year as authorized specifically
15 by a statute to be enacted in a subsequent fiscal
16 year, determining on a consistent basis the needs and
17 capacities of persons seeking or receiving mental
18 health, mental retardation, developmental
19 disabilities, or brain injury services that are paid
20 for in whole or in part by the state or a county. The
21 assessment process shall be developed with the
22 involvement of counties and the mental health, mental
23 retardation, developmental disabilities, and brain
24 injury commission."

25 56. Page 40, line 15, by striking the figure
26 "14,028,679" and inserting the following:
27 "14,528,679".

28 57. Page 40, line 16, by striking the figure
29 "309.00" and inserting the following: "311.00".

30 58. Page 40, by inserting after line 25 the
31 following:

32 "3. Of the funds appropriated in this section,
33 \$500,000 is allocated for salary and technical
34 assistance expenses for the department to reestablish
35 a separate division to which the appropriate
36 departmental duties addressing mental health, mental
37 retardation, developmental disabilities, and brain
38 injury services shall be assigned."

39 59. Page 41, line 34, by inserting after the word
40 "The" the following: "skilled nursing facility market
41 basket".

42 60. Page 47, by inserting after line 22 the
43 following:

44 "Sec. ____ . LOW-INCOME HOME ENERGY ASSISTANCE
45 PROGRAM -- SUPPLEMENTAL APPROPRIATION.

46 1. There is appropriated from the general fund of
47 the state to the division of community action agencies
48 of the department of human rights for the fiscal year
49 beginning July 1, 2005, and ending June 30, 2006, the
50 following amount, or so much thereof as is necessary,

1 to be used for the purpose designated:

2 For supplementation of the appropriation made for
3 the low-income home energy assistance program made in
4 2005 Iowa Acts, chapter 164, section 10:

5 \$ 3,000,000

6 2. Of the moneys appropriated in this section,
7 \$150,000 shall not be expended in the fiscal year for
8 which appropriated, but shall be transferred in the
9 succeeding fiscal year to the department of human
10 services to be used for the family development and
11 self-sufficiency grant program. Notwithstanding
12 section 8.33, moneys appropriated in this section that
13 remain unencumbered or unobligated at the close of the
14 fiscal year shall not revert but shall remain
15 available for expenditure for the purposes designated
16 until the close of the succeeding fiscal year.

17 3. The legislative council is requested to
18 authorize a review of the low-income home energy
19 assistance program and weatherization program by the
20 fiscal committee of the legislative council or other
21 body during the 2006 legislative interim. The issues
22 reviewed shall include but are not limited to
23 financial assistance, the application and intake
24 processes, and the community action agencies
25 assessment and resolution proposal. The review shall
26 also include involving the department of human
27 services in the administration of the programs to
28 enable low-income persons to access additional
29 assistance programs through a single location."

30 61. Page 47, by inserting before line 23 the
31 following:

32 "Sec. ____ . Section 16.183, subsections 1 and 3,
33 Code 2005, are amended to read as follows:

34 1. A home and community-based services revolving
35 loan program fund is created within the authority to
36 further the goals specified in section 231.3, adult
37 day services, respite services, ~~and~~ congregate meals,
38 health and wellness, health screening, and nutritional
39 assessments. The moneys in the home and
40 community-based services revolving loan program fund
41 shall be used by the authority for the development and
42 operation of a revolving loan program to develop and
43 expand facilities and infrastructure that provide
44 adult day services, respite services, ~~and~~ congregate
45 meals, and programming space for health and wellness,
46 health screening, and nutritional assessments that
47 address the needs of persons with low incomes.

48 3. The authority, in cooperation with the
49 department of elder affairs, shall annually allocate
50 moneys available in the home and community-based

1 services revolving loan program fund to develop and
2 expand facilities and infrastructure that provide
3 adult day services, respite services, ~~and~~ congregate
4 meals, and programming space for health and wellness,
5 health screening, and nutritional assessments that
6 address the needs of persons with low incomes."

7 62. Page 48, by inserting after line 35 the
8 following:

9 "Sec. _____. 2005 Iowa Acts, chapter 175, section 9,
10 unnumbered paragraph 2, is amended to read as follows:

11 For medical assistance reimbursement and associated
12 costs as specifically provided in the reimbursement
13 methodologies in effect on June 30, 2005, except as
14 otherwise expressly authorized by law, including
15 reimbursement for abortion services, which shall be
16 available under the medical assistance program only
17 for those abortions which are medically necessary:

18 ~~\$519,040,317~~
19 538,040,317"

20 63. Page 50, by striking lines 23 through 32 and
21 inserting the following:

22 "Sec. _____. 2005 Iowa Acts, chapter 175, section
23 22, is amended by adding the following new subsection:

24 NEW SUBSECTION. 2A. a. Notwithstanding sections
25 8.33 and 222.92, of the revenues available to the
26 state resource centers that remain unencumbered or
27 unobligated at the close of the fiscal year the
28 indicated amounts shall not revert but shall remain
29 available for expenditure for the purposes designated
30 until the close of the succeeding fiscal year:

31 (1) For the state resource center at Glenwood,
32 \$1,250,000.

33 (2) For the state resource center at Woodward,
34 \$750,000.

35 b. Of the amounts designated in paragraph "a",
36 \$250,000 at each resource center shall be used to
37 continue the procurement and installation of the
38 electronic medical records system initiated in the
39 fiscal year beginning July 1, 2005."

40 64. Page 50, line 35, by striking the figure
41 "200,000" and inserting the following: "400,000".

42 65. Page 51, line 19, by striking the figure
43 "167,042,326" and inserting the following:
44 "168,156,999".

45 66. Page 51, line 35, by inserting after the
46 words "adjust the" the following: "skilled nursing
47 facility market basket".

48 67. Page 52, by inserting after line 3 the
49 following:

50 "Sec. _____. 2005 Iowa Acts, chapter 175, section

Page 9

1 29, subsection 1, paragraph a, is amended by adding
2 the following new subparagraph:

3 NEW SUBPARAGRAPH. (4) For the period of April 1,
4 2006, through June 30, 2006, the department shall
5 apply one-third of the skilled nursing facility market
6 basket index to the midpoint of the rate period
7 beginning July 1, 2005. The department may adopt
8 emergency rules to implement this subparagraph."

9 68. Page 52, by inserting before line 4 the
10 following:

11 "Sec. _____. NONREVERSION -- FY 2007-2008 BASE
12 BUDGET. For purposes of the budget process under
13 section 8.23 for the fiscal year beginning July 1,
14 2007, the base budget amounts for the appropriations
15 made to the department of human services for the
16 purposes designated in this division of this Act shall
17 be adjusted to include the amounts of the
18 appropriations made for the same purposes for the
19 fiscal year beginning July 1, 2005, that, pursuant to
20 this division of this Act, do not revert and remain
21 available for expenditure in the succeeding fiscal
22 year."

23 69. Page 52, by inserting after line 6 the
24 following:

25 "_____. The provision under the appropriation for
26 medical assistance relating to the submission of a
27 medical assistance state plan amendment to the centers
28 for Medicare and Medicaid services of the United
29 States department of health and human services.

30 _____: The provision under the appropriation for
31 medical assistance relating to the directive to the
32 department of human services to apply for
33 participation in the Medicaid transformation grants
34 program as specified in the federal Deficit Reduction
35 Act of 2005."

36 70. Page 52, by inserting after line 11 the
37 following:

38 "1A. The provision enacting a supplemental
39 appropriation to the department of human rights for
40 purposes of the low-income home energy assistance
41 program."

42 71. Page 52, line 20, by striking the word
43 "provision" and inserting the following:
44 "provisions".

45 72. Page 53, by inserting after line 4 the
46 following:

47 "Sec. _____. EFFECTIVE DATE -- RETROACTIVE
48 APPLICABILITY. The provision of this division of this
49 Act amending 2005 Iowa Acts, chapter 175, section 29,
50 subsection 1, paragraph "a", by enacting new

1 subparagraph (4), being deemed of immediate
2 importance, takes effect upon enactment and is
3 retroactively applicable to April 1, 2006."

4 73. Page 53, by inserting after line 6 the
5 following:

6 "ENDOWMENT FOR IOWA'S HEALTH ACCOUNT,"

7 74. Page 53, line 17, by inserting after the word
8 "including" the following: "case management only if
9 the monthly cost per client for case management for
10 the frail elderly services provided does not exceed an
11 average of \$70, and including".

12 75. Page 53, line 31, by inserting after the word
13 "exceed" the following: "an average of".

14 76. Page 54, line 33, by striking the figure
15 "40,000,000" and inserting the following:
16 "65,000,000".

17 77. Page 55, by inserting after line 23 the
18 following:

19 "Sec. ____ . ENDOWMENT FOR IOWA'S HEALTH ACCOUNT --
20 SENIOR LIVING TRUST FUND. There is appropriated from
21 the endowment for Iowa's health account of the tobacco
22 settlement trust fund created in section 12E.12 to the
23 senior living trust fund created in section 249H.4 for
24 the fiscal year beginning July 1, 2006, and ending
25 June 30, 2007, the following amount:

26 \$ 25,000,000"

27 78. Page 57, line 25, by striking the figure
28 "37,000,000" and inserting the following:
29 "40,000,000".

30 79. Page 57, by inserting after line 25 the
31 following:

32 "Notwithstanding any provision of law to the
33 contrary, of the amount appropriated in this
34 subsection, \$37,000,000 shall be allocated in twelve
35 equal monthly payments as provided in section 249J.24.
36 Any amount appropriated in this subsection in excess
37 of \$37,000,000 shall be allocated only if federal
38 funds are available to match the amount allocated."

39 80. Page 59, by inserting after line 21 the
40 following:

41 "Notwithstanding section 8.39, subsection 1,
42 without the prior written consent and approval of the
43 governor and the director of the department of
44 management, the director of human services may
45 transfer funds among the appropriations made in this
46 section, as necessary to carry out the purposes of the
47 account for health care transformation. The
48 department shall report any transfers made pursuant to
49 this section to the legislative services agency."

50 81. Page 60, by inserting after line 23 the

1 following:

2 "Sec. ____ 2006 Iowa Acts, House File 2347,
3 section 5, is amended to read as follows:

4 SEC. 5. APPROPRIATION TRANSFER -- HEALTH CARE
5 TRANSFORMATION ACCOUNT. There is ~~appropriated~~
6 ~~transferred~~ from the account for health care
7 transformation created in section 249J.23, to the
8 ~~department of human services~~ IowaCare account created
9 in section 249J.24, \$2,000,000 for the fiscal year
10 beginning July 1, 2005, and ending June 30, 2006, ~~the~~
11 ~~following amount, or so much thereof as is necessary,~~
12 ~~for the purposes designated:~~

13 ~~For payments to the university of Iowa hospitals~~
14 ~~and clinics for provision of services pursuant to and~~
15 ~~for costs associated with chapter 249J:~~

16 \$ 2,000,000

17 ~~Notwithstanding section 8.33, moneys appropriated~~
18 ~~in this section that remain unencumbered or~~
19 ~~unobligated at the close of the fiscal year shall not~~
20 ~~revert, but shall remain available for expenditure for~~
21 ~~the purposes designated until the close of the~~
22 ~~succeeding fiscal year.~~

23 Sec. ____ 2005 Iowa Acts, chapter 167, section 63,
24 subsection 1, is amended to read as follows:

25 1. There is appropriated from the ~~Iowacare~~
26 IowaCare account created in section 249J.23 to the
27 university of Iowa hospitals and clinics for the
28 fiscal year beginning July 1, 2005, and ending June
29 30, 2006, the following amount, or so much thereof as
30 is necessary, to be used for the purposes designated:

31 For salaries, support, maintenance, equipment, and
32 miscellaneous purposes, for the provision of medical
33 and surgical treatment of indigent patients, for
34 provision of services to members of the expansion
35 population pursuant to chapter 249J, as enacted in
36 this Act, and for medical education:

37 \$ 27,284,584

38 37,862,932

39 Notwithstanding any provision of this Act to the
40 contrary, of the amount appropriated in this
41 subsection, \$27,284,584 shall be allocated in twelve
42 equal monthly payments as provided in section 249J.23,
43 as enacted in this Act. Any amount appropriated in
44 this subsection in excess of \$27,284,584 shall be
45 allocated only if federal funds are available to match
46 the amount allocated. Notwithstanding section 8.33,
47 moneys appropriated in this subsection that remain
48 unencumbered or unobligated at the close of the fiscal
49 year shall not revert, but shall remain available for
50 expenditure for the purposes designated until the

1 close of the succeeding fiscal year."

2 82. Page 61, by inserting after line 9 the
3 following:

4 "____. The provision amending 2005 Iowa Acts,
5 chapter 167, section 63."

6 83. Page 61, by inserting after line 12 the
7 following:

8 "Sec. _____. EFFECTIVE DATE -- RETROACTIVE
9 APPLICABILITY. The section of this division of this
10 Act amending 2006 Iowa Acts, House File 2347, section
11 5, being deemed of immediate importance, takes effect
12 upon enactment and is retroactively applicable to
13 March 9, 2006."

14 84. Page 61, by inserting after line 18 the
15 following:

16 "Sec. _____. 2005 Iowa Acts, chapter 179, section 1,
17 subsection 1, is amended to read as follows:

18 1. There is appropriated from the general fund of
19 the state to the department of human services for the
20 fiscal year beginning July 1, 2006, and ending June
21 30, 2007, the following amount, or so much thereof as
22 is necessary, to be used for the purpose designated:

23 For distribution to counties of the county mental
24 health, mental retardation, and developmental
25 disabilities allowed growth factor adjustment, as
26 provided in this section in lieu of the provisions of
27 section 331.438, subsection 2, and section 331.439,
28 subsection 3, and chapter 426B:

29 \$ ~~35,788,041~~
30 38,888,041"

31 85. Page 61, by striking lines 25 through 33 and
32 inserting the following:

33 "Sec. _____. 2005 Iowa Acts, chapter 179, section 1,
34 subsection 2, paragraphs b and c, are amended to read
35 as follows:

36 b. For deposit in the per capita expenditure
37 target pool created in the property tax relief fund
38 and for distribution in accordance with section
39 426B.5, subsection 1:

40 \$ ~~19,361,148~~
41 24,461,148

42 c. For deposit in the risk pool created in the
43 property tax relief fund and for distribution in
44 accordance with section 426B.5, subsection 2:

45 \$ ~~2,000,000~~
46 0"

47 86. Page 62, line 14, by striking the figure
48 "25,925,724" and inserting the following:
49 "32,125,724".

50 87. Page 62, line 34, by inserting after the word

1 "year." the following: "If a county borrowed moneys
2 for purposes of providing services from the county's
3 services fund on or before July 1, 2005, and the
4 county's services fund ending balance for that fiscal
5 year includes the loan proceeds or an amount
6 designated in the county budget to service the loan
7 for the borrowed moneys, those amounts shall not be
8 considered to be part of the county's ending balance
9 for purposes of calculating an ending balance
10 percentage under this subsection."

11 88. Page 63, line 22, by striking the figure
12 "4,564,576" and inserting the following: "7,664,576".

13 89. Page 64, by inserting after line 4 the
14 following:

15 "Sec. _____. Section 135.2, Code 2005, is amended to
16 read as follows:

17 135.2 APPOINTMENT OF DIRECTOR AND ACTING DIRECTOR.

18 1. a. The governor shall appoint the director of
19 the department, subject to confirmation by the senate.
20 The director shall serve at the pleasure of the
21 governor. The director is exempt from the merit
22 system provisions of chapter 8A, subchapter IV. The
23 governor shall set the salary of the director within
24 the range established by the general assembly.

25 b. The director shall possess education and
26 experience in public health.

27 2. The director may appoint an employee of the
28 department to be acting director, who shall have all
29 the powers and duties possessed by the director. The
30 director may appoint more than one acting director but
31 only one acting director shall exercise the powers and
32 duties of the director at any time.

33 Sec. _____. NEW SECTION. 135.12 OFFICE OF
34 MULTICULTURAL HEALTH -- ESTABLISHED -- DUTIES.

35 The office of multicultural health is established
36 within the department. The office shall be
37 responsible for all of the following:

38 1. Providing comprehensive management strategies
39 to address culturally and linguistically appropriate
40 services, including strategic goals, plans, policies,
41 and procedures, and designating staff responsible for
42 implementation.

43 2. Requiring and arranging for ongoing education
44 and training for administrative, clinical, and other
45 appropriate staff in culturally and linguistically
46 competent health care and service delivery.

47 3. Utilizing formal mechanisms for community and
48 consumer involvement and coordinating with other state
49 agencies to identify resources and programs that
50 affect the health service delivery systems.

1 Sec. ____ . Section 135.22A, subsection 3, Code
2 Supplement 2005, is amended to read as follows:
3 3. The council shall be composed of a minimum of
4 nine members appointed by the governor in addition to
5 the ex officio members, and the governor may appoint
6 additional members. Insofar as practicable, the
7 council shall include persons with brain injuries,
8 family members of persons with brain injuries,
9 representatives of industry, labor, business, and
10 agriculture, representatives of federal, state, and
11 local government, and representatives of religious,
12 charitable, fraternal, civic, educational, medical,
13 legal, veteran, welfare, and other professional groups
14 and organizations. Members shall be appointed
15 representing every geographic and employment area of
16 the state and shall include members of both sexes. A
17 simple majority of the members appointed by the
18 governor shall constitute a quorum.

19 Sec. ____ . Section 135.63, subsection 2, paragraph
20 o, Code 2005, is amended to read as follows:
21 o. The change in ownership, licensure,
22 organizational structure, or designation of the type
23 of institutional health facility if the health
24 services offered by the successor institutional health
25 facility are unchanged. This exclusion is applicable
26 only if the institutional health facility consents to
27 the change in ownership, licensure, organizational
28 structure, or designation of the type of institutional
29 health facility and ceases offering the health
30 services simultaneously with the initiation of the
31 offering of health services by the successor
32 institutional health facility.

33 Sec. ____ . NEW SECTION. 135.105D BLOOD LEAD
34 TESTING -- PROVIDER EDUCATION -- PAYOR OF LAST RESORT.

- 35 1. For purposes of this section:
36 a. "Blood lead testing" means taking a capillary
37 or venous sample of blood and sending it to a
38 laboratory to determine the level of lead in the
39 blood.
40 b. "Capillary" means a blood sample taken from the
41 finger or heel for lead analysis.
42 c. "Health care provider" means a physician who is
43 licensed under chapter 148, 150, or 150A, or a person
44 who is licensed as a physician assistant under chapter
45 148C, or as an advanced registered nurse practitioner.
46 d. "Venous" means a blood sample taken from a vein
47 in the arm for lead analysis.
48 2. The department shall work with health care
49 provider associations to educate health care providers
50 regarding requirements for testing children who are

1 enrolled in certain federally funded programs and
2 regarding department recommendations for testing other
3 children for lead poisoning.

4 3. The department shall implement blood lead
5 testing for children under six years of age who are
6 not eligible for the testing services to be paid by a
7 third-party source. The department shall contract
8 with one or more public health laboratories to provide
9 blood lead analysis for such children. The department
10 shall establish by rule the procedures for health care
11 providers to submit samples to the contracted public
12 health laboratories for analysis. The department
13 shall also establish by rule a method to reimburse
14 health care providers for drawing blood samples from
15 such children and the dollar amount that the
16 department will reimburse health care providers for
17 the service. Payment for blood lead analysis and
18 drawing blood samples shall be limited to the amount
19 appropriated for the program in a fiscal year.

20 Sec. _____. Section 135.109, subsection 3, paragraph
21 b, Code 2005, is amended to read as follows:

22 b. A licensed physician or nurse who is
23 knowledgeable concerning domestic abuse injuries and
24 deaths, including suicides.

25 Sec. _____. Section 135.109, subsection 4, Code
26 2005, is amended by adding the following new
27 paragraph:

28 NEW PARAGRAPH. j. The director of the state law
29 enforcement academy.

30 Sec. _____. Section 135.110, subsection 1, paragraph
31 a, unnumbered paragraph 1, Code 2005, is amended to
32 read as follows:

33 Prepare ~~an annual~~ a biennial report for the
34 governor, supreme court, attorney general, and the
35 general assembly concerning the following subjects:

36 Sec. _____. Section 135.140, subsection 6, paragraph
37 a, Code Supplement 2005, is amended by adding the
38 following new subparagraphs:

39 NEW SUBPARAGRAPH. (6) A natural occurrence or
40 incident, including but not limited to fire, flood,
41 storm, drought, earthquake, tornado, or windstorm.

42 NEW SUBPARAGRAPH. (7) A man-made occurrence or
43 incident, including but not limited to an attack,
44 spill, or explosion.

45 Sec. _____. Section 137.6, subsection 2, paragraph
46 a, Code 2005, is amended to read as follows:

47 a. Rules of a county board shall become effective
48 upon approval by the county board of supervisors by a
49 motion or resolution as defined in section 331.101,
50 subsection 13, and publication in a newspaper having

1 general circulation in the county.

2 Sec. ____ . NEW SECTION. 139A.13A ISOLATION OR
3 QUARANTINE -- EMPLOYMENT PROTECTION.

4 1. An employer shall not discharge an employee, or
5 take or fail to take action regarding an employee's
6 promotion or proposed promotion, or take action to
7 reduce an employee's wages or benefits for actual time
8 worked, due to the compliance of an employee with a
9 quarantine or isolation order issued by the department
10 or a local board.

11 2. An employee whose employer violates this
12 section may petition the court for imposition of a
13 cease and desist order against the person's employer
14 and for reinstatement to the person's previous
15 position of employment. This section does not create
16 a private cause of action for relief of money damages.

17 Sec. ____ . Section 147.82, subsection 3, Code
18 Supplement 2005, is amended to read as follows:

19 3. The department may annually retain and expend
20 not more than one hundred thousand dollars for
21 reduction of the number of days necessary to process
22 medical license requests and for reduction of the
23 number of days needed for consideration of malpractice
24 cases from fees collected pursuant to section 147.80
25 by the board of medical examiners ~~in the fiscal year~~
26 ~~beginning July 1, 2005, and ending June 30, 2006.~~
27 Fees retained by the department pursuant to this
28 subsection shall be considered repayment receipts as
29 defined in section 8.2 and shall be used for the
30 purposes described in this subsection.

31 Sec. ____ . Section 147.153, subsection 3, Code
32 2005, is amended to read as follows:

33 3. Pass an examination administered as determined
34 by the board to assure the applicant's professional
35 competence in speech pathology or audiology by rule.

36 Sec. ____ . Section 147.155, Code 2005, is amended
37 to read as follows:

38 147.155 TEMPORARY CLINICAL LICENSE.

39 Any person who has fulfilled all of the
40 requirements for licensure under this division, except
41 for having completed the nine months clinical
42 experience requirement as provided in section 147.153,
43 subsection.1 or 2, and the examination as provided in
44 section 147.153, subsection 3, may apply to the board
45 for a temporary clinical license. The license shall
46 be designated "temporary clinical license in speech
47 pathology" or "temporary clinical license in
48 audiology" and shall authorize the licensee to
49 practice speech pathology or audiology under the
50 supervision of a licensed speech pathologist or

1 licensed audiologist, as appropriate. The license
2 shall be valid for one year and may be renewed once at
3 the discretion of the board. The fee for a temporary
4 clinical license shall be set by the board to cover
5 the administrative costs of issuing the license, and
6 if renewed, a renewal fee as set by the board shall be
7 required. A temporary clinical license shall be
8 issued only upon evidence satisfactory to the board
9 that the applicant will be supervised by a person
10 licensed as a speech pathologist or audiologist, as
11 appropriate. ~~The board shall revoke any temporary
12 clinical license at any time it determines either that
13 the work done by the temporary clinical licensee or
14 the supervision being given the temporary clinical
15 licensee does not conform to reasonable standards
16 established by the board.~~

17 Sec. ____ . NEW SECTION. 147A.15 AUTOMATED
18 EXTERNAL DEFIBRILLATOR EQUIPMENT -- PENALTY.

19 Any person who damages, wrongfully takes or
20 withholds, or removes any component of automated
21 external defibrillator equipment located in a public
22 or privately owned location, including batteries
23 installed to operate the equipment, is guilty of a
24 serious misdemeanor.

25 Sec. ____ . Section 148.2, subsection 5, Code 2005,
26 is amended to read as follows:

27 5. Physicians and surgeons of the United States
28 army, navy, ~~or~~ air force, marines, public health
29 service, or other uniformed service when acting in the
30 line of duty in this state, and holding a current,
31 active permanent license in good standing in another
32 state, district, or territory of the United States, or
33 physicians and surgeons licensed in another state,
34 when incidentally called into this state in
35 consultation with a physician and surgeon licensed in
36 this state.

37 Sec. ____ . Section 149.3, Code 2005, is amended to
38 read as follows:

39 149.3 LICENSE.

40 Every applicant for a license to practice podiatry
41 shall:

42 1. Be a graduate of an accredited high school of
43 podiatry.

44 2. Present ~~a diploma~~ an official transcript issued
45 by a school of podiatry approved by the board of
46 podiatry examiners.

47 3. Pass an examination ~~in the subjects of anatomy,~~
48 ~~chemistry, dermatology, diagnosis, pharmacy and~~
49 ~~materia medica, pathology, physiology, histology,~~
50 ~~bacteriology, neurology, practical and clinical~~

1 ~~podiatry, foot orthopedics, and others, as prescribed~~
2 ~~by the board of podiatry examiners as determined by~~
3 ~~the board by rule.~~

4 4. Have successfully completed a ~~one-year~~
5 ~~residency or preceptorship approved by the board of~~
6 ~~podiatry examiners as determined by the board by rule.~~
7 This subsection applies to all applicants who graduate
8 from podiatric college on or after January 1, 1995.

9 Sec. ____ . Section 149.7, unnumbered paragraph 2,
10 Code 2005, is amended to read as follows:

11 The temporary certificate shall be issued for one
12 year and may be renewed, but a person shall not be
13 entitled to practice podiatry in excess of three years
14 while holding a temporary certificate. The fee for
15 this certificate shall be set by the podiatry
16 examiners and if extended beyond one year a renewal
17 fee per year shall be set by the podiatry examiners.
18 The fees shall be based on the administrative costs of
19 issuing and renewing the certificates. ~~The podiatry~~
20 ~~examiners may cancel a temporary certificate at any~~
21 ~~time, without a hearing, for reasons deemed sufficient~~
22 ~~to the podiatry examiners.~~

23 Sec. ____ . Section 149.7, unnumbered paragraphs 3
24 and 4, Code 2005, are amended by striking the
25 unnumbered paragraphs.

26 Sec. ____ . Section 151.12, Code 2005, is amended to
27 read as follows:

28 151.12 TEMPORARY CERTIFICATE.

29 The chiropractic examiners may, in their
30 discretion, issue a temporary certificate authorizing
31 the licensee to practice chiropractic if, in the
32 opinion of the chiropractic examiners, a need exists
33 and the person possesses the qualifications prescribed
34 by the chiropractic examiners for the license, which
35 shall be substantially equivalent to those required
36 for licensure under this chapter. The chiropractic
37 examiners shall determine in each instance those
38 eligible for this license, whether or not examinations
39 shall be given, ~~and~~ the type of examinations, and the
40 duration of the license. No requirements of the law
41 pertaining to regular permanent licensure are
42 mandatory for this temporary license except as
43 specifically designated by the chiropractic examiners.
44 The granting of a temporary license does not in any
45 way indicate that the person so licensed is eligible
46 for regular licensure, nor are the chiropractic
47 examiners in any way obligated to so license the
48 person.

49 The temporary certificate shall be issued for one
50 year and at the discretion of the chiropractic

1 examiners may be renewed, but a person shall not
2 practice chiropractic in excess of three years while
3 holding a temporary certificate. The fee for this
4 license shall be set by the chiropractic examiners and
5 if extended beyond one year a renewal fee per year
6 shall be set by the chiropractic examiners. The ~~fees~~
7 fee for the temporary license shall be based on the
8 administrative costs of issuing and renewing the
9 licenses. The chiropractic examiners may cancel a
10 temporary certificate at any time, without a hearing,
11 for reasons deemed sufficient to the chiropractic
12 examiners.

13 ~~When the chiropractic examiners cancel a temporary~~
14 ~~certificate they shall promptly notify the licensee by~~
15 ~~registered mail, at the licensee's last named address,~~
16 ~~as reflected by the files of the chiropractic~~
17 ~~examiners, and the temporary certificate is terminated~~
18 ~~and of no further force and effect three days after~~
19 ~~the mailing of the notice to the licensee.~~

20 Sec. ____ . Section 154.3, subsection 1, Code 2005,
21 is amended to read as follows:

22 1. Every applicant for a license to practice
23 optometry shall:

24 a. ~~Present satisfactory evidence of a preliminary~~
25 ~~education equivalent to at least four years study in~~
26 ~~an accredited high school or other secondary school.~~
27 Be a graduate of an accredited school of optometry.

28 b. ~~Present a diploma from an official transcript~~
29 issued by an accredited school of optometry.

30 c. ~~Pass an examination prescribed by the optometry~~
31 ~~examiners in the subjects of physiology of the eye,~~
32 ~~optical physics, anatomy of the eye, ophthalmology,~~
33 ~~and practical optometry as determined by the board by~~
34 rule.

35 Sec. ____ . Section 154B.6, subsection 3, Code 2005,
36 is amended to read as follows:

37 3. Have not failed the examination required in
38 subsection 2 within ~~the six months next~~ sixty days
39 preceding the date of the subsequent examination.

40 The examinations required in this section may, at
41 the discretion of the board, be waived for holders by
42 examination of licenses or certificates from states
43 whose requirements are substantially equivalent to
44 those of this chapter, and for holders by examination
45 of specialty diplomas from the American board of
46 professional psychology.

47 ~~Any person who within one year after July 1, 1975,~~
48 ~~meets the requirements specified in subsection 1 shall~~
49 ~~receive licensure without having passed the~~
50 ~~examination required in subsection 2 if application~~

1 ~~for licensure is filed with the board of psychology~~
2 ~~examiners before July 1, 1977. Any person holding a~~
3 ~~certificate as a psychologist from the board of~~
4 ~~examiners of the Iowa psychological association on~~
5 ~~July 1, 1977, who applies for certification before~~
6 ~~July 1, 1975, shall receive certification.~~

7 Sec. ____ . Section 154D.2, subsection 2, paragraph
8 b, Code Supplement 2005, is amended to read as
9 follows:

10 b. Has at least two years of supervised clinical
11 experience or its equivalent in assessing mental
12 health needs and problems and in providing appropriate
13 mental health services as approved by the board.
14 Standards for supervision, including the required
15 qualifications for supervisors, shall be determined by
16 the board by rule.

17 Sec. ____ . NEW SECTION. 154E.3A TEMPORARY
18 LICENSE.

19 Beginning July 1, 2007, an individual who does not
20 meet the requirements for licensure by examination
21 pursuant to section 154E.3 may apply for or renew a
22 temporary license. The temporary license shall
23 authorize the licensee to practice as a sign language
24 interpreter or transliterator under the direct
25 supervision of a sign language interpreter or
26 transliterator licensed pursuant to section 154E.3.
27 The temporary license shall be valid for two years and
28 may only be renewed one time in accordance with
29 standards established by rule. An individual shall
30 not practice for more than a total of four years under
31 a temporary license. The board may revoke a temporary
32 license if it determines that the temporary licensee
33 has violated standards established by rule. The board
34 may adopt requirements for temporary licensure to
35 implement this section.

36 Sec. ____ . Section 154E.4, subsection 2, Code
37 Supplement 2005, is amended by adding the following
38 new paragraph:

39 NEW PARAGRAPH. e. Students enrolled in a school
40 of interpreting may interpret only under the direct
41 supervision of a permanently licensed interpreter as
42 part of the student's course of study.

43 Sec. ____ . Section 157.2, subsection 1, paragraph
44 e, Code Supplement 2005, is amended to read as
45 follows:

46 e. Employees ~~and residents~~ of hospitals, health
47 care facilities, orphans' homes, juvenile homes, and
48 other similar facilities who ~~shampoo, arrange, dress,~~
49 ~~or curl the hair of~~ perform cosmetology services for
50 any resident without receiving direct compensation

1 from the person receiving the service.

2 Sec. ____ . Section 157.2, subsection 1, Code
3 Supplement 2005, is amended by adding the following
4 new paragraph:

5 NEW PARAGRAPH. ee. Volunteers for and residents
6 of health care facilities, orphans' homes, juvenile
7 homes, and other similar facilities who shampoo,
8 arrange, dress, or curl the hair, apply makeup, or
9 polish the nails of any resident without receiving
10 compensation from the person receiving the service.

11 Sec. ____ . Section 157.10, subsection 1, Code 2005,
12 is amended to read as follows:

13 1. The course of study required for licensure for
14 the practice of cosmetology shall be two thousand one
15 hundred clock hours, or seventy semester credit hours
16 or the equivalent thereof as determined pursuant to
17 administrative rule and regulations promulgated by the
18 United States department of education. The clock
19 hours, and equivalent number of semester credit hours
20 or the equivalent thereof as determined pursuant to
21 administrative rule and regulations promulgated by the
22 United States department of education, of a course of
23 study required for licensure for the practices of
24 electrology, esthetics, and nail technology,
25 manicuring, and pedicuring shall be established by the
26 board. The board shall adopt rules to define the
27 course and content of study for each practice of
28 cosmetology arts and sciences.

29 Sec. ____ . Section 157.13, subsection 1, Code
30 Supplement 2005, is amended by striking the subsection
31 and inserting in lieu thereof the following:

32 1. It is unlawful for a person to employ an
33 individual to practice cosmetology arts and sciences
34 unless that individual is licensed or has obtained a
35 temporary permit under this chapter. It is unlawful
36 for a licensee to practice with or without
37 compensation in any place other than a licensed salon,
38 a licensed school of cosmetology arts and sciences, or
39 a licensed barbershop as defined in section 158.1.

40 The following exceptions to this subsection shall
41 apply:

42 a. A licensee may practice at a location which is
43 not a licensed salon, school of cosmetology arts and
44 sciences, or licensed barbershop under extenuating
45 circumstances arising from physical or mental
46 disability or death of a customer.

47 b. Notwithstanding section 157.12, when the
48 licensee is employed by a physician and provides
49 cosmetology services at the place of practice of a
50 physician and is under the supervision of a physician

1 licensed to practice pursuant to chapter 148, 150, or
2 150A.

3 c. When the practice occurs in a facility licensed
4 pursuant to chapter 135B or 135C.

5 Sec. _____. Section 157.13, Code Supplement 2005, is
6 amended by adding the following new subsection:

7 NEW SUBSECTION. 1A. It is unlawful for a licensee
8 to claim to be a licensed barber, however a licensed
9 cosmetologist may work in a licensed barbershop. It
10 is unlawful for a person to employ a licensed
11 cosmetologist, esthetician, or electrologist to
12 perform the services described in section 157.3A if
13 the licensee has not received the additional training
14 and met the other requirements specified in section
15 157.3A."

16 90. Page 64, by inserting after line 34 the
17 following:

18 "Sec. _____. Section 237A.5, subsection 2, paragraph
19 a, subparagraph (1), Code 2005, is amended to read as
20 follows:

21 (1) "Person subject to ~~an evaluation~~ a record
22 check" means a person ~~who has committed a~~
23 ~~transgression and~~ who is described by any of the
24 following:

25 (a) The person is being considered for licensure
26 or registration or is registered or licensed under
27 this chapter.

28 (b) The person is being considered by a child care
29 facility for employment involving direct
30 responsibility for a child or with access to a child
31 when the child is alone or is employed with such
32 responsibilities.

33 (c) The person will reside or resides in a child
34 care facility.

35 (d) The person has applied for or receives public
36 funding for providing child care.

37 (e) The person will reside or resides in a child
38 care home that is not registered under this chapter
39 but that receives public funding for providing child
40 care.

41 Sec. _____. Section 237A.5, subsection 2, paragraph
42 a, Code 2005, is amended by adding the following new
43 subparagraph:

44 NEW SUBPARAGRAPH. (1A) "Person subject to an
45 evaluation" means a person subject to a record check
46 whose record indicates that the person has committed a
47 transgression.

48 Sec. _____. Section 237A.5, subsection 2, Code 2005,
49 is amended by adding the following new paragraph:

50 NEW PARAGRAPH. aa. If an individual person

1 subject to a record check is being considered for
2 employment by a child care facility or child care
3 home, in lieu of requesting a record check to be
4 conducted by the department under paragraph "b", the
5 child care facility or child care home may access the
6 single contact repository established pursuant to
7 section 135C.33 as necessary to conduct a criminal and
8 child abuse record check of the individual. A copy of
9 the results of the record check conducted through the
10 single contact repository shall also be provided to
11 the department. If the record check indicates the
12 individual is a person subject to an evaluation, the
13 child care facility or child care home may request
14 that the department perform an evaluation as provided
15 in this subsection. Otherwise, the individual shall
16 not be employed by the child care facility or child
17 care home.

18 Sec. ____ . Section 237A.5, subsection 2, paragraph
19 b, Code 2005, is amended to read as follows:

20 b. The Unless a record check has already been
21 conducted in accordance with paragraph "aa", the
22 department shall conduct a criminal and child abuse
23 record ~~checks~~ check in this state for a person who is
24 subject to a record check and may conduct ~~these checks~~
25 such a check in other states. In addition, the
26 department may conduct a dependent adult abuse, sex
27 offender registry, ~~and~~ or other public or civil
28 offense record ~~checks~~ check in this state or in other
29 states for a person who is subject to a record check.

30 If the department a record check performed pursuant to
31 this paragraph identifies an individual as a person
32 subject to an evaluation, an evaluation shall be
33 performed to determine whether prohibition of the
34 person's involvement with child care is warranted.
35 The evaluation shall be performed in accordance with
36 procedures adopted for this purpose by the department.

37 Prior to performing an evaluation, the department
38 shall notify the affected person, licensee,
39 registrant, or child care home applying for or
40 receiving public funding for providing child care,
41 that an evaluation will be conducted to determine
42 whether prohibition of the person's involvement with
43 child care is warranted."

44 91. Page 64, by inserting before line 35 the
45 following:

46 "Sec. ____ . Section 249J.5, Code Supplement 2005,
47 is amended by adding the following new subsection:
48 NEW SUBSECTION. 9. Following initial enrollment,
49 an expansion population member shall reenroll annually
50 by the last day of the month preceding the month in

1 which the expansion population member initially
2 enrolled. The department may provide a process for
3 automatic reenrollment of expansion population
4 members."

5 92. Page 65, by striking lines 2 through 17 and
6 inserting the following:

7 ~~"a. Beginning no later than March 1, 2006, within~~
8 ~~ninety days of enrollment in the expansion population,~~
9 ~~each~~ Each expansion population member who enrolls or
10 reenrolls in the expansion population on or after
11 January 31, 2007, shall participate, in conjunction
12 with receiving a single comprehensive medical
13 examination and completing a personal health
14 improvement plan, in a health risk assessment
15 coordinated by a health consortium representing
16 providers, consumers, and medical education
17 institutions. ~~An expansion population member who~~
18 ~~enrolls in the expansion population prior to March 1,~~
19 ~~2006, shall participate in the health risk assessment,~~
20 ~~receive the single comprehensive medical examination,~~
21 ~~and complete the personal health improvement plan by~~
22 ~~June 1, 2006.~~ The criteria for the health risk
23 assessment, the comprehensive medical examination, and
24 the personal health improvement plan shall be
25 developed and applied in a manner that takes into
26 consideration cultural variations that may exist
27 within the expansion population."

28 93. Page 65, by inserting after line 24 the
29 following:

30 "Sec. _____. Section 249J.6, subsection 2, Code
31 Supplement 2005, is amended by adding the following
32 new paragraphs:

33 NEW PARAGRAPH. d. Following completion of an
34 initial health risk assessment, comprehensive medical
35 examination, and personal health improvement plan, an
36 expansion population member may complete subsequent
37 assessments, examinations, or plans with the
38 recommendation and approval of a provider specified in
39 paragraph "c".

40 NEW PARAGRAPH. e. Refusal of an expansion
41 population member to participate in a health risk
42 assessment, comprehensive medical examination, or
43 personal health improvement plan shall not be a basis
44 for ineligibility for or disenrollment from the
45 expansion population.

46 Sec. _____. Section 249J.8, subsections 1 and 2,
47 Code Supplement 2005, are amended to read as follows:

48 1. Beginning July 1, 2005, each expansion
49 population member whose family income equals or
50 exceeds one hundred percent of the federal poverty

1 level as defined by the most recently revised poverty
2 income guidelines published by the United States
3 department of health and human services shall pay a
4 monthly premium not to exceed one-twelfth of five
5 percent of the member's annual family income, and each
6 expansion population member whose family income is
7 less than one hundred percent of the federal poverty
8 level as defined by the most recently revised poverty
9 income guidelines published by the United States
10 department of health and human services shall pay a
11 monthly premium not to exceed one-twelfth of two
12 percent of the member's annual family income. All
13 premiums shall be paid on the last day of the month of
14 coverage. The department shall deduct the amount of
15 any monthly premiums paid by an expansion population
16 member for benefits under the healthy and well kids in
17 Iowa program when computing the amount of monthly
18 premiums owed under this subsection. An expansion
19 population member shall pay the monthly premium during
20 the entire period of the member's enrollment.
21 ~~However, regardless~~ Regardless of the length of
22 enrollment, the member is subject to payment of the
23 premium for a minimum of four consecutive months.
24 However, an expansion population member who complies
25 with the requirement of payment of the premium for a
26 minimum of four consecutive months during a
27 consecutive twelve-month period of enrollment shall be
28 deemed to have complied with this requirement for the
29 subsequent consecutive twelve-month period of
30 enrollment and shall only be subject to payment of the
31 monthly premium on a month-by-month basis. Timely
32 payment of premiums, including any arrearages accrued
33 from prior enrollment, is a condition of receiving any
34 expansion population services. Premiums collected
35 under this subsection shall be deposited in the
36 premiums subaccount of the account for health care
37 transformation created pursuant to section 249J.23.
38 An expansion population member shall also pay the same
39 copayments required of other adult recipients of
40 medical assistance.

41 2. The department may reduce the required out-of-
42 pocket expenditures for an individual expansion
43 population member based upon the member's increased
44 wellness activities such as smoking cessation or
45 compliance with the personal health improvement plan
46 completed by the member. The department shall also
47 waive the required out-of-pocket expenditures for an
48 individual expansion population member based upon a
49 hardship that would accrue from imposing such required
50 expenditures. Information regarding the premium

1 payment obligation and the hardship exemption,
2 including the process by which a prospective enrollee
3 may apply for the hardship exemption, shall be
4 provided to a prospective enrollee at the time of
5 application. The prospective enrollee shall
6 acknowledge, in writing, receipt and understanding of
7 the information provided."

8 94. Page 65, by inserting after line 35 the
9 following:

10 "Sec. ____ . Section 249J.24, subsections 1 and 6,
11 Code Supplement 2005, are amended to read as follows:

12 1. An IowaCare account is created in the state
13 treasury under the authority of the department of
14 human services. Moneys appropriated from the general
15 fund of the state to the account, moneys received as
16 federal financial participation funds under the
17 expansion population provisions of this chapter and
18 credited to the account, moneys received for
19 disproportionate share hospitals and credited to the
20 account, moneys received for graduate medical
21 education and credited to the account, proceeds
22 ~~transferred~~ distributed from the county treasurer as
23 specified in subsection 6, and moneys from any other
24 source credited to the account shall be deposited in
25 the account. Moneys deposited in or credited to the
26 account shall be used only as provided in
27 appropriations or distributions from the account for
28 the purposes specified in the appropriation or
29 distribution. Moneys in the account shall be
30 appropriated to the university of Iowa hospitals and
31 clinics, to a publicly owned acute care teaching
32 hospital located in a county with a population over
33 three hundred fifty thousand, and to the state
34 hospitals for persons with mental illness designated
35 pursuant to section 226.1 for the purposes provided in
36 the federal law making the funds available or as
37 specified in the state appropriation and shall be
38 distributed as determined by the department.

39 6. a. Notwithstanding any provision to the
40 contrary, ~~from each semiannual~~ for the collection of
41 taxes levied under section 347.7 for which the
42 collection is performed after July 1, 2005, the county
43 treasurer of a county with a population over three
44 hundred fifty thousand in which a publicly owned acute
45 care teaching hospital is located shall transfer
46 distribute the proceeds collected pursuant to section
47 347.7 in a total amount of thirty-four million dollars
48 annually, which would otherwise be distributed to the
49 county hospital, to the treasurer of state for deposit
50 in the IowaCare account under this section as follows:

1 (1) The first seventeen million dollars in
2 collections pursuant to section 347.7 between July 1
3 and December 31 annually shall be distributed to the
4 treasurer of state for deposit in the IowaCare account
5 and collections during this time period in excess of
6 seventeen million dollars shall be distributed to the
7 acute care teaching hospital identified in this
8 subsection.

9 (2) The first seventeen million dollars in
10 collections pursuant to section 347.7 between January
11 1 and June 30 annually shall be distributed to the
12 treasurer of state for deposit in the IowaCare account
13 and collections during this time period in excess of
14 seventeen million dollars shall be distributed to the
15 acute care teaching hospital identified in this
16 subsection.

17 b. The board of trustees of the acute care
18 teaching hospital identified in this subsection and
19 the department shall execute an agreement under
20 chapter 28E by July 1, 2005, and annually by July 1,
21 thereafter, to specify the requirements relative to
22 ~~transfer~~ distribution of the proceeds and the
23 distribution of moneys to the hospital from the
24 IowaCare account. The agreement shall include
25 provisions relating to exceptions to the deadline for
26 submission of clean claims as required pursuant to
27 section 249J.7 and provisions relating to data
28 reporting requirements regarding the expansion
29 population. The agreement may also include a
30 provision allowing such hospital to limit access to
31 such hospital by expansion population members based on
32 residency of the member, if such provision reflects
33 the policy of such hospital regarding indigent
34 patients existing on April 1, 2005, as adopted by its
35 board of hospital trustees pursuant to section 347.14,
36 subsection 4.

37 c. Notwithstanding the specified amount of
38 proceeds to be ~~transferred~~ distributed under this
39 subsection, if the amount allocated that does not
40 require federal matching funds under an appropriation
41 in a subsequent fiscal year to such hospital for
42 medical and surgical treatment of indigent patients,
43 for provision of services to expansion population
44 members, and for medical education, is reduced from
45 the amount allocated that does not require federal
46 matching funds under the appropriation for the fiscal
47 year beginning July 1, 2005, the amount of proceeds
48 required to be ~~transferred~~ distributed under this
49 subsection in that subsequent fiscal year shall be
50 reduced in the same amount as the amount allocated

1 that does not require federal matching funds under
2 that appropriation."

3 95. Page 66, by inserting after line 10 the
4 following:

5 "Sec. _____. Section 272C.1, subsection 6, Code
6 Supplement 2005, is amended by adding the following
7 new paragraph:

8 NEW PARAGRAPH. ad. The director of public health
9 in certifying emergency medical care providers and
10 emergency medical care services pursuant to chapter
11 147A.

12 Sec. _____. Section 691.6, Code Supplement 2005, is
13 amended by adding the following new subsection:

14 NEW SUBSECTION. 8. To retain tissues, organs, and
15 bodily fluids as necessary to determine the cause and
16 manner of death or as deemed advisable by the state
17 medical examiner for medical or public health
18 investigation, teaching, or research. Tissues,
19 organs, and bodily fluids shall be properly disposed
20 of by following procedures and precautions for
21 handling biologic material and blood-borne pathogens
22 as established by rule.

23 Sec. _____. CHILD SUPPORT RECOVERY UNIT REPORT --
24 LIMITATION. If 2006 Iowa Acts, House File 2332, is
25 enacted, the section of the Act relating to the child
26 support recovery unit submitting a report on the
27 effects of the nonsupport provision under section
28 726.5, as amended in that Act, shall be limited in
29 scope to cases in which the child support recovery
30 unit is providing services pursuant to chapter 252B.

31 Sec. _____. 2004 Iowa Acts, chapter 1175, section
32 432, subsection 3, is amended to read as follows:

33 3. Applicants issued a temporary license pursuant
34 to this section shall pass a licensure examination
35 approved by the board on or before July 1, 2007, in
36 order to ~~remain licensed as an interpreter~~ qualify to
37 be licensed by examination."

38 96. Page 66, line 33, by inserting after the
39 figure "500,000," the following: "shall be credited
40 to the general fund of the state, and the remainder".

41 97. Page 67, by inserting after line 21 the
42 following:

43 "Sec. _____. Section 157.5A, Code 2005, is
44 repealed."

45 98. Page 67, by striking lines 22 through 24 and
46 inserting the following:

47 "Sec. _____. EFFECTIVE DATE. The provisions of this
48 division of this Act amending sections 249J.5, 249J.8,
49 249J.20, and 249J.24, being deemed of immediate
50 importance, take effect upon enactment.

H-8650

Page 29

1 Sec. ____ . EFFECTIVE DATE -- RETROACTIVE

2 APPLICABILITY. The sections of this division of this
3 Act amending section 249J.6, being deemed of immediate
4 importance, take effect upon enactment and are
5 retroactively applicable to March 1, 2006."

6 99. Title page, line 4, by inserting after the
7 word "home," the following: "the department of human
8 rights,".

9 100. Title page, line 7, by striking the words
10 "providing effective dates" and inserting the
11 following: "including effective, applicability, and
12 retroactive applicability date provisions".

13 101. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-8650 FILED MAY 3, 2006

CONCURRED

HSB 764
APPROPRIATIONS

HOUSE FILE _____

SF

02734

BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY HOUSE
APPROPRIATIONS SUBCOMMITTEE
ON HEALTH AND HUMAN SERVICES)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the department of
2 human services, the department of elder affairs, the Iowa
3 department of public health, the department of veterans
4 affairs and the Iowa veterans home, and the department of
5 inspections and appeals, providing for fee increases, and
6 including other related provisions and appropriations, and
7 providing effective dates.

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

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DIVISION I

GENERAL FUND AND BLOCK GRANT APPROPRIATIONS

ELDER AFFAIRS

Section 1. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department of elder affairs and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly, resident advocate committee coordination, employment, and other services which may include, but are not limited to, adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions with the department of elder affairs:

.....	\$	3,627,645
.....	FTEs	30.50

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. Of the funds appropriated in this section, \$2,153,208 shall be used for case management for the frail elderly. Of

1 the funds allocated in this subsection, \$750,000 shall be
2 transferred to the department of human services in equal
3 amounts on a quarterly basis for reimbursement of case
4 management services provided under the medical assistance
5 elderly waiver. The monthly cost per client for case
6 management for the frail elderly services provided shall not
7 exceed \$70. It is the intent of the general assembly that the
8 additional funding provided for case management for the frail
9 elderly for the fiscal year beginning July 1, 2006, and ending
10 June 30, 2007, shall be used to provide case management
11 services for an additional 1,650 individuals.

12 3. Of the funds appropriated in this section, \$25,000
13 shall be used to provide training to members of area agency on
14 aging advisory councils pursuant to section 231.23.

15 4. Of the funds appropriated in this section, \$200,198
16 shall be transferred to the department of economic development
17 for the Iowa commission on volunteer services to be used for
18 the retired and senior volunteer program.

19 HEALTH

20 Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is
21 appropriated from the general fund of the state to the Iowa
22 department of public health for the fiscal year beginning July
23 1, 2006, and ending June 30, 2007, the following amounts, or
24 so much thereof as is necessary, to be used for the purposes
25 designated:

26 1. ADDICTIVE DISORDERS

27 For reducing the prevalence of use of tobacco, alcohol, and
28 other drugs, and treating individuals affected by addictive
29 behaviors, including gambling, and for not more than the
30 following full-time equivalent positions:

31	\$	1,761,036
32	FTEs	4.35

33 The department and any grantee or subgrantee of the
34 department shall not discriminate against a nongovernmental
35 organization that provides substance abuse treatment and

1 prevention services or applies for funding to provide those
2 services on the basis that the organization has a religious
3 character.

4 Of the moneys appropriated in this subsection, \$30,310
5 shall be used to continue to provide funding to local
6 communities that have previously received funding from the
7 centers for disease control and prevention of the United
8 States department of health and human services for secondhand
9 smoke education initiatives.

10 2. HEALTHY CHILDREN AND FAMILIES

11 For promoting the optimum health status for children,
12 adolescents from birth through 21 years of age, and families
13 and for not more than the following full-time equivalent
14 positions:

15	\$ 1,866,264
16	FTEs 7.60

17 Of the funds appropriated in this subsection, not more than
18 \$645,917 shall be used for the healthy opportunities to
19 experience success (HOPES)-healthy families Iowa (HFI) program
20 established pursuant to section 135.106. The department shall
21 transfer the funding allocated for the HOPES-HFI program to
22 the Iowa empowerment board for distribution and shall assist
23 the board in managing the contracting for the funding. The
24 funding shall be distributed to renew the grants that were
25 provided to the grantees that operated the program during the
26 fiscal year ending June 30, 2006.

27 3. CHRONIC CONDITIONS

28 For serving individuals identified as having chronic
29 conditions or special health care needs, and for not more than
30 the following full-time equivalent positions:

31	\$ 1,442,840
32	FTEs 2.35

33 Of the funds appropriated in this subsection, not more than
34 \$100,000 shall be used to leverage federal funding through the
35 federal Ryan White Care Act, Title II, AIDS drug assistance

1 program supplemental drug treatment grants.

2 4. COMMUNITY CAPACITY

3 For strengthening the health care delivery system at the
4 local level, and for not more than the following full-time
5 equivalent positions:

6	\$	1,418,662
7	FTEs	10.75

8 Of the funds appropriated in this subsection, \$100,000 is
9 allocated for a child vision screening program implemented
10 through the university of Iowa hospitals and clinics in
11 collaboration with community empowerment areas.

12 5. ELDERLY WELLNESS

13 For optimizing the health of persons 60 years of age and
14 older:

15	\$	9,233,985
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16 6. ENVIRONMENTAL HAZARDS

17 For reducing the public's exposure to hazards in the
18 environment, primarily chemical hazards, and for not more than
19 the following full-time equivalent positions:

20	\$	623,821
21	FTEs	1.75

22 The amount appropriated in this subsection includes
23 \$350,000 in continued funding for childhood lead poisoning
24 prevention activities for counties not receiving federal
25 funding for this purpose prior to July 1, 2005, and of this
26 amount, \$50,000 is allocated for a pilot project to address
27 lead poisoning prevention and remediation activities in a
28 three-county program in north central Iowa with a combined
29 population of at least 50,000.

30 7. INFECTIOUS DISEASES

31 For reducing the incidence and prevalence of communicable
32 diseases, and for not more than the following full-time
33 equivalent positions:

34	\$	1,258,230
35	FTEs	4.75

1 If House File 2493 or other legislation providing for a
2 viral hepatitis program and study is enacted into law, of the
3 funds appropriated in this subsection, \$158,000 is allocated
4 for a viral hepatitis program and study.

5 8. PUBLIC PROTECTION

6 For protecting the health and safety of the public through
7 establishing standards and enforcing regulations, and for not
8 more than the following full-time equivalent positions:

9 \$ 7,891,473
10 FTEs 109.80

11 Of the funds appropriated in this subsection, \$643,500
12 shall be credited to the emergency medical services fund
13 created in section 135.25.

14 9. RESOURCE MANAGEMENT

15 For establishing and sustaining the overall ability of the
16 department to deliver services to the public, and for not more
17 than the following full-time equivalent positions:

18 \$ 1,016,420
19 FTEs 3.00

20 10. IOWA COLLABORATIVE SAFETY NET PROVIDER NETWORK

21 For continuation of the formal network of safety net
22 providers as provided in 2005 Iowa Acts, chapter 175, section
23 2, subsection 12. Of the amount appropriated in this division
24 of this Act for the medical assistance program, \$1,100,000 is
25 transferred to the appropriations made in this subsection.
26 The amount transferred is allocated as follows:

27 a. To continue the contract for the program to develop an
28 Iowa collaborative safety net provider network:

29 \$ 450,000

30 b. For continuation of the incubation grant program to
31 community health centers that receive a total score of 85
32 based on the evaluation criteria of the health resources and
33 services administration of the United States department of
34 health and human services:

35 \$ 650,000

1 The university of Iowa hospitals and clinics under the
2 control of the state board of regents shall not receive
3 indirect costs from the funds appropriated in this section.

4 Sec. 3. DEPARTMENT OF PUBLIC HEALTH -- ADDITIONAL
5 PROVISIONS.

6 For the fiscal year beginning July 1, 2006, and ending June
7 30, 2007:

8 1. A local health care provider or nonprofit health care
9 organization seeking grant moneys administered by the Iowa
10 department of public health shall provide documentation that
11 the provider or organization has coordinated its services with
12 other local entities providing similar services.

13 2. a. The department shall apply for available federal
14 funds for sexual abstinence education programs.

15 b. It is the intent of the general assembly to comply with
16 the United States Congress' intent to provide education that
17 promotes abstinence from sexual activity outside of marriage
18 and reduces pregnancies, by focusing efforts on those persons
19 most likely to father and bear children out of wedlock.

20 c. Any sexual abstinence education program awarded moneys
21 under the grant program shall meet the definition of
22 abstinence education in the federal law. Grantees shall be
23 evaluated based upon the extent to which the abstinence
24 program successfully communicates the goals set forth in the
25 federal law.

26 Sec. 4. GAMBLING TREATMENT FUND -- APPROPRIATION. In lieu
27 of the appropriation made in section 135.150, subsection 1,
28 there is appropriated from funds available in the gambling
29 treatment fund created in section 135.150 to the Iowa
30 department of public health for the fiscal year beginning July
31 1, 2006, and ending June 30, 2007, the following amount, or so
32 much thereof as is necessary, to be used for the purposes
33 designated:

34 1. ADDICTIVE DISORDERS

35 To be utilized for the benefit of persons with addictions:

1 \$ 1,690,000

2 It is the intent of the general assembly that from the
3 moneys appropriated in this subsection, persons with a dual
4 diagnosis of substance abuse and gambling addictions shall be
5 given priority in treatment services.

6 2. GAMBLING TREATMENT PROGRAM

7 The amount remaining in the gambling treatment fund after
8 the appropriation made in subsection 1 is appropriated to the
9 department to be used for funding of administrative costs and
10 to provide programs which may include, but are not limited to,
11 outpatient and follow-up treatment for persons affected by
12 problem gambling, rehabilitation and residential treatment
13 programs, information and referral services, education and
14 preventive services, and financial management services. Of
15 the amount appropriated in subsection 1, up to \$100,000 may be
16 used for the licensing of gambling treatment programs as
17 provided in section 135.150.

18 DEPARTMENT OF VETERANS AFFAIRS

19 Sec. 5. DEPARTMENT OF VETERANS AFFAIRS. There is
20 appropriated from the general fund of the state to the
21 department of veterans affairs for the fiscal year beginning
22 July 1, 2006, and ending June 30, 2007, the following amounts,
23 or so much thereof as is necessary, to be used for the
24 purposes designated:

25 1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

26 For salaries, support, maintenance, miscellaneous purposes,
27 including the war orphans educational aid fund established
28 pursuant to chapter 35 and for not more than the following
29 full-time equivalent positions:

30	\$	522,114
31	FTEs	6.50

32 Of the funds appropriated in this subsection, \$50,000 is
33 allocated for county commissions of veterans affairs to
34 utilize retired and senior volunteers through programs
35 established pursuant to chapter 15H to identify and increase

1 the use of benefits available through the United States
2 department of veterans affairs. County commissions that
3 currently lack the capacity to conduct adequate outreach or
4 have a disproportionate number of eligible persons not
5 receiving benefits shall have priority in funding allocations.

6 2. IOWA VETERANS HOME

7 For salaries, support, maintenance, and miscellaneous
8 purposes and for not more than the following full-time
9 equivalent positions:

10	\$ 13,569,501
11	FTEs 874.55

12 HUMAN SERVICES

13 Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK
14 GRANT. There is appropriated from the fund created in section
15 8.41 to the department of human services for the fiscal year
16 beginning July 1, 2006, and ending June 30, 2007, from moneys
17 received under the federal temporary assistance for needy
18 families (TANF) block grant pursuant to the federal Personal
19 Responsibility and Work Opportunity Reconciliation Act of
20 1996, Pub. L. No. 104-193, and successor legislation, which
21 are federally appropriated for the federal fiscal years
22 beginning October 1, 2005, and ending September 30, 2006, and
23 beginning October 1, 2006, and ending September 30, 2007, the
24 following amounts, or so much thereof as is necessary, to be
25 used for the purposes designated:

26 1. To be credited to the family investment program account
27 and used for assistance under the family investment program
28 under chapter 239B:

29	\$ 43,096,689
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30 2. To be credited to the family investment program account
31 and used for the job opportunities and basic skills (JOBS)
32 program, and implementing family investment agreements, in
33 accordance with chapter 239B:

34	\$ 13,545,163
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35 3. To be credited to the family investment program account

1 and used for the JOBS program and the family development and
2 self-sufficiency grant program for one-time expenditures to
3 improve Iowa's ability to meet federal employment targets:
4 \$ 1,244,000

5 Notwithstanding section 8.33, moneys appropriated in this
6 subsection that remain unexpended at the close of the fiscal
7 year shall not revert but shall remain available for
8 expenditure for the purposes designated until the close of the
9 succeeding fiscal year.

10 4. For implementation of grants to provide financial
11 education for needy families and others:
12 \$ 200,000

13 The department shall utilize a request for proposals
14 process to award the grants.

15 5. For field operations:
16 \$ 16,782,495

17 6. For general administration:
18 \$ 3,744,000

19 7. For local administrative costs:
20 \$ 2,189,830

21 8. For state child care assistance:
22 \$ 14,556,560

23 a. Of the funds appropriated in this subsection, \$200,000
24 shall be used for provision of educational opportunities to
25 registered child care home providers in order to improve
26 services and programs offered by this category of providers
27 and to increase the number of providers. The department may
28 contract with institutions of higher education or child care
29 resource and referral centers to provide the educational
30 opportunities. Allowable administrative costs under the
31 contracts shall not exceed 5 percent. The application for a
32 grant shall not exceed two pages in length.

33 b. The funds appropriated in this subsection shall be
34 transferred to the child care and development block grant
35 appropriation.

1 9. For mental health and developmental disabilities
2 community services:

3 \$ 4,894,052

4 10. For child and family services:

5 \$ 32,084,430

6 11. For child abuse prevention grants:

7 \$ 250,000

8 12. For pregnancy prevention grants on the condition that
9 family planning services are funded:

10 \$ 1,987,530

11 Pregnancy prevention grants shall be awarded to programs in
12 existence on or before July 1, 2006, if the programs are
13 comprehensive in scope and have demonstrated positive
14 outcomes. Grants shall be awarded to pregnancy prevention
15 programs which are developed after July 1, 2006, if the
16 programs are comprehensive in scope and are based on existing
17 models that have demonstrated positive outcomes. Grants shall
18 comply with the requirements provided in 1997 Iowa Acts,
19 chapter 208, section 14, subsections 1 and 2, including the
20 requirement that grant programs must emphasize sexual
21 abstinence. Priority in the awarding of grants shall be given
22 to programs that serve areas of the state which demonstrate
23 the highest percentage of unplanned pregnancies of females of
24 childbearing age within the geographic area to be served by
25 the grant.

26 13. For technology needs and other resources necessary to
27 meet federal welfare reform reporting, tracking, and case
28 management requirements:

29 \$ 1,037,186

30 14. For the healthy opportunities for parents to
31 experience success (HOPES) program administered by the Iowa
32 department of public health to target child abuse prevention:

33 \$ 200,000

34 15. To be credited to the state child care assistance
35 appropriation made in this section to be used for funding of

1 community-based early childhood programs targeted to children
2 from birth through five years of age, developed by community
3 empowerment areas as provided in section 28.9:

4 \$ 7,350,000

5 The department shall transfer TANF block grant funding
6 appropriated and allocated in this subsection to the child
7 care and development block grant appropriation in accordance
8 with federal law as necessary to comply with the provisions of
9 this subsection.

10 16. For a pilot program to be established in one or more
11 judicial districts, selected by the department and the
12 judicial council, to provide employment and support services
13 to delinquent child support obligors as an alternative to
14 commitment to jail as punishment for contempt of court:

15 \$ 200,000

16 Of the amounts appropriated in this section, \$13,019,471
17 for the fiscal year beginning July 1, 2006, shall be
18 transferred to the appropriation of the federal social
19 services block grant for that fiscal year. If the federal
20 government revises requirements to reduce the amount that may
21 be transferred to the federal social services block grant, it
22 is the intent of the general assembly to act expeditiously
23 during the 2007 legislative session to adjust appropriations
24 or the transfer amount or take other actions to address the
25 reduced amount.

26 The department may transfer funds allocated in this section
27 to the appropriations in this Act for general administration
28 and field operations for resources necessary to implement and
29 operate the services referred to in this section and those
30 funded in the appropriation made in this division of this Act
31 for the family investment program from the general fund.

32 Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

33 1. Moneys credited to the family investment program (FIP)
34 account for the fiscal year beginning July 1, 2006, and ending
35 June 30, 2007, shall be used to provide assistance in

1 accordance with chapter 239B.

2 2. The department may use a portion of the moneys credited
3 to the FIP account under this section as necessary for
4 salaries, support, maintenance, and miscellaneous purposes and
5 for not more than the following full-time equivalent positions
6 which are in addition to any other full-time equivalent
7 positions authorized in this division of this Act:

8 FTEs 14.00

9 3. The department may transfer funds allocated in this
10 section to the appropriations in this Act for general
11 administration and field operations for resources necessary to
12 implement and operate the services referred to in this section
13 and those funded in the appropriation made in this division of
14 this Act for the family investment program from the general
15 fund of the state.

16 4. Moneys appropriated in this division of this Act and
17 credited to the FIP account for the fiscal year beginning July
18 1, 2006, and ending June 30, 2007, are allocated as follows:

19 a. For the family development and self-sufficiency grant
20 program as provided under section 217.12:

21 \$ 5,433,042

22 (1) Of the funds allocated for the family development and
23 self-sufficiency grant program in this lettered paragraph, not
24 more than 5 percent of the funds shall be used for the
25 administration of the grant program.

26 (2) The department may continue to implement the family
27 development and self-sufficiency grant program statewide
28 during FY 2006-2007.

29 b. For the diversion subaccount of the FIP account:

30 \$ 2,814,000

31 (1) A portion of the moneys allocated for the subaccount
32 may be used for field operations salaries, data management
33 system development, and implementation costs and support
34 deemed necessary by the director of human services in order to
35 administer the FIP diversion program.

1 (2) Of the funds allocated in this lettered paragraph, not
2 more than \$250,000 shall be used to develop or continue
3 community-level parental obligation pilot projects. The
4 requirements established under 2001 Iowa Acts, chapter 191,
5 section 3, subsection 5, paragraph "c", subparagraph (3),
6 shall remain applicable to the parental obligation pilot
7 projects for fiscal year 2006-2007.

8 c. For the food stamp employment and training program:
9 \$ 64,278

10 5. Of the child support collections assigned under FIP, an
11 amount equal to the federal share of support collections shall
12 be credited to the child support recovery appropriation. Of
13 the remainder of the assigned child support collections
14 received by the child support recovery unit, a portion shall
15 be credited to the FIP account and a portion may be used to
16 increase recoveries. If child support collections assigned
17 under FIP are greater than estimated, the state share of that
18 greater portion may be transferred to the child support
19 recovery appropriation.

20 6. The department may adopt emergency rules for the family
21 investment, food stamp, and medical assistance programs if
22 necessary to comply with federal requirements.

23 Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is
24 appropriated from the general fund of the state to the
25 department of human services for the fiscal year beginning
26 July 1, 2006, and ending June 30, 2007, the following amount,
27 or so much thereof as is necessary, to be used for the purpose
28 designated:

29 To be credited to the family investment program (FIP)
30 account and used for family investment program assistance
31 under chapter 239B:
32 \$ 42,749,885

33 1. Of the funds appropriated in this section, \$9,274,134
34 is allocated for the JOBS program.

35 2. Of the funds appropriated in this section, \$200,000

1 shall be used to provide a grant to an Iowa-based nonprofit
2 organization with a history of providing tax preparation
3 assistance to low-income Iowans in order to expand the usage
4 of the earned income tax credit. The purpose of the grant is
5 to supply this assistance to underserved areas of the state.
6 The grant shall be provided to an organization that has
7 existing national foundation support for supplying such
8 assistance that can also secure local charitable match
9 funding.

10 Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated
11 from the general fund of the state to the department of human
12 services for the fiscal year beginning July 1, 2006, and
13 ending June 30, 2007, the following amount, or so much thereof
14 as is necessary, to be used for the purposes designated:

15 For child support recovery, including salaries, support,
16 maintenance, and miscellaneous purposes and for not more than
17 the following full-time equivalent positions:

18	\$	8,214,690
19	FTEs	450.00

20 1. The department shall expend up to \$31,000, including
21 federal financial participation, for the fiscal year beginning
22 July 1, 2006, for a child support public awareness campaign.
23 The department and the office of the attorney general shall
24 cooperate in continuation of the campaign. The public
25 awareness campaign shall emphasize, through a variety of media
26 activities, the importance of maximum involvement of both
27 parents in the lives of their children as well as the
28 importance of payment of child support obligations.

29 2. Federal access and visitation grant moneys shall be
30 issued directly to private not-for-profit agencies that
31 provide services designed to increase compliance with the
32 child access provisions of court orders, including but not
33 limited to neutral visitation site and mediation services.

34 Sec. 10. MEDICAL ASSISTANCE. There is appropriated from
35 the general fund of the state to the department of human

1 services for the fiscal year beginning July 1, 2006, and
2 ending June 30, 2007, the following amount, or so much thereof
3 as is necessary, to be used for the purpose designated:

4 For medical assistance reimbursement and associated costs
5 as specifically provided in the reimbursement methodologies in
6 effect on June 30, 2006, except as otherwise expressly
7 authorized by law, including reimbursement for abortion
8 services, which shall be available under the medical
9 assistance program only for those abortions which are
10 medically necessary:

11 \$708,671,610

12 1. Medically necessary abortions are those performed under
13 any of the following conditions:

14 a. The attending physician certifies that continuing the
15 pregnancy would endanger the life of the pregnant woman.

16 b. The attending physician certifies that the fetus is
17 physically deformed, mentally deficient, or afflicted with a
18 congenital illness.

19 c. The pregnancy is the result of a rape which is reported
20 within 45 days of the incident to a law enforcement agency or
21 public or private health agency which may include a family
22 physician.

23 d. The pregnancy is the result of incest which is reported
24 within 150 days of the incident to a law enforcement agency or
25 public or private health agency which may include a family
26 physician.

27 e. Any spontaneous abortion, commonly known as a
28 miscarriage, if not all of the products of conception are
29 expelled.

30 2. The department shall utilize not more than \$60,000 of
31 the funds appropriated in this section to continue the
32 AIDS/HIV health insurance premium payment program as
33 established in 1992 Iowa Acts, Second Extraordinary Session,
34 chapter 1001, section 409, subsection 6. Of the funds
35 allocated in this subsection, not more than \$5,000 may be

1 expended for administrative purposes.

2 3. Of the funds appropriated to the Iowa department of
3 public health for addictive disorders, \$950,000 for the fiscal
4 year beginning July 1, 2006, shall be transferred to the
5 department of human services for an integrated substance abuse
6 managed care system.

7 4. Based upon a waiver from the federal centers for
8 Medicare and Medicaid services, the department shall provide a
9 period of 12 months of guaranteed eligibility for medical
10 assistance family planning services only, regardless of the
11 change in circumstances of a woman who was a medical
12 assistance recipient when a pregnancy ended. The department
13 shall also provide this eligibility to women of childbearing
14 age with countable income at or below 200 percent of the
15 federal poverty level. The department may adopt emergency
16 rules to implement this subsection.

17 5. a. The department shall aggressively pursue options
18 for providing medical assistance or other assistance to
19 individuals with special needs who become ineligible to
20 continue receiving services under the early and periodic
21 screening, diagnosis, and treatment program under the medical
22 assistance program due to becoming 21 years of age, who have
23 been approved for additional assistance through the
24 department's exception to policy provisions, but who have
25 health care needs in excess of the funding available through
26 the exception to policy process.

27 b. Of the funds appropriated in this section, \$100,000
28 shall be used for participation in one or more pilot projects
29 operated by a private provider to allow the individual or
30 individuals to receive service in the community in accordance
31 with principles established in *Olmstead v. L.C.*, 527 U.S. 581
32 (1999), for the purpose of providing medical assistance or
33 other assistance to individuals with special needs who become
34 ineligible to continue receiving services under the early and
35 periodic screening, diagnosis, and treatment program under the

1 medical assistance program due to becoming 21 years of age,
2 who have been approved for additional assistance through the
3 department's exception to policy provisions, but who have
4 health care needs in excess of the funding available through
5 the exception to the policy provisions.

6 6. Of the funds available in this section, up to
7 \$3,050,082 may be transferred to the field operations or
8 general administration appropriations in this Act for
9 implementation and operational costs associated with Part D of
10 the federal Medicare Prescription Drug, Improvement, and
11 Modernization Act of 2003, Pub. L. No. 108-173.

12 7. The department shall initiate planning to address
13 options available under the federal Family Opportunity Act
14 enacted as part of the federal Deficit Reduction Act of 2005,
15 Pub. L. No. 109-171. The options addressed shall include but
16 are not limited to the option to allow families of children
17 with disabilities to purchase Medicaid coverage, other health
18 coverage options, and the option to apply to the centers for
19 Medicare and Medicaid services of the United States department
20 of health and human services for Iowa to participate in a
21 demonstration project to develop home and community-based
22 services as an alternative to psychiatric residential
23 treatment for children with psychiatric disabilities who are
24 enrolled in the Medicaid program. The department shall report
25 by December 15, 2006, to the persons designated by this Act to
26 receive reports regarding the planning activities and
27 recommendations regarding the options.

28 8. The department shall apply to the centers for Medicare
29 and Medicaid services of the United States department of
30 health and human services to participate in the Medicaid
31 transformation grants program as specified in section 6081 of
32 the federal Deficit Reduction Act of 2005, Pub. L. No. 109-
33 171, to implement initiatives including but not limited to
34 electronic medical records and medication risk management
35 under the Medicaid and IowaCare programs.

1 Sec. 11. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There
2 is appropriated from the general fund of the state to the
3 department of human services for the fiscal year beginning
4 July 1, 2006, and ending June 30, 2007, the following amount,
5 or so much thereof as is necessary, to be used for the purpose
6 designated:

7 For administration of the health insurance premium payment
8 program, including salaries, support, maintenance, and
9 miscellaneous purposes, and for not more than the following
10 full-time equivalent positions:

11	\$	634,162
12	FTEs	21.00

13 Sec. 12. MEDICAL CONTRACTS. There is appropriated from
14 the general fund of the state to the department of human
15 services for the fiscal year beginning July 1, 2006, and
16 ending June 30, 2007, the following amount, or so much thereof
17 as is necessary, to be used for the purpose designated:

18 For medical contracts, including salaries, support,
19 maintenance, and miscellaneous purposes:
20

.....	\$	14,417,985
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21 Sec. 13. STATE SUPPLEMENTARY ASSISTANCE.

22 1. There is appropriated from the general fund of the
23 state to the department of human services for the fiscal year
24 beginning July 1, 2006, and ending June 30, 2007, the
25 following amount, or so much thereof as is necessary, to be
26 used for the purpose designated:

27 For the state supplementary assistance program:
28

.....	\$	18,710,335
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29 2. The department shall increase the personal needs
30 allowance for residents of residential care facilities by the
31 same percentage and at the same time as federal supplemental
32 security income and federal social security benefits are
33 increased due to a recognized increase in the cost of living.
34 The department may adopt emergency rules to implement this
35 subsection.

1 3. If during the fiscal year beginning July 1, 2006, the
2 department projects that state supplementary assistance
3 expenditures for a calendar year will not meet the federal
4 pass-along requirement specified in Title XVI of the federal
5 Social Security Act, section 1618, as codified in 42 U.S.C. §
6 1382g, the department may take actions including but not
7 limited to increasing the personal needs allowance for
8 residential care facility residents and making programmatic
9 adjustments or upward adjustments of the residential care
10 facility or in-home health-related care reimbursement rates
11 prescribed in this division of this Act to ensure that federal
12 requirements are met. In addition, the department may make
13 other programmatic and rate adjustments necessary to remain
14 within the amount appropriated in this section while ensuring
15 compliance with federal requirements. The department may
16 adopt emergency rules to implement the provisions of this
17 subsection.

18 Sec. 14. CHILDREN'S HEALTH INSURANCE PROGRAM. There is
19 appropriated from the general fund of the state to the
20 department of human services for the fiscal year beginning
21 July 1, 2006, and ending June 30, 2007, the following amount,
22 or so much thereof as is necessary, to be used for the purpose
23 designated:

24 For maintenance of the healthy and well kids in Iowa (hawk-
25 i) program pursuant to chapter 514I for receipt of federal
26 financial participation under Title XXI of the federal Social
27 Security Act, which creates the state children's health
28 insurance program:

29 \$ 19,703,715

30 Sec. 15. CHILD CARE ASSISTANCE. There is appropriated
31 from the general fund of the state to the department of human
32 services for the fiscal year beginning July 1, 2006, and
33 ending June 30, 2007, the following amount, or so much thereof
34 as is necessary, to be used for the purpose designated:

35 For child care programs:

1 \$ 21,801,198

2 1. Of the funds appropriated in this section, \$18,725,674
3 shall be used for state child care assistance in accordance
4 with section 237A.13.

5 2. Nothing in this section shall be construed or is
6 intended as, or shall imply, a grant of entitlement for
7 services to persons who are eligible for assistance due to an
8 income level consistent with the waiting list requirements of
9 section 237A.13. Any state obligation to provide services
10 pursuant to this section is limited to the extent of the funds
11 appropriated in this section.

12 3. Of the funds appropriated in this section, \$525,524 is
13 allocated for the statewide program for child care resource
14 and referral services under section 237A.26.

15 4. Of the funds appropriated in this section, \$1,350,000
16 is allocated for child care quality improvement initiatives
17 including but not limited to development and continuation of a
18 quality rating system.

19 5. The department may use any of the funds appropriated in
20 this section as a match to obtain federal funds for use in
21 expanding child care assistance and related programs. For the
22 purpose of expenditures of state and federal child care
23 funding, funds shall be considered obligated at the time
24 expenditures are projected or are allocated to the
25 department's service areas. Projections shall be based on
26 current and projected caseload growth, current and projected
27 provider rates, staffing requirements for eligibility
28 determination and management of program requirements including
29 data systems management, staffing requirements for
30 administration of the program, contractual and grant
31 obligations and any transfers to other state agencies, and
32 obligations for decategorization or innovation projects.

33 6. A portion of the state match for the federal child care
34 and development block grant shall be provided through the
35 state general fund appropriation for child development grants

1 and other programs for at-risk children in section 279.51.

2 7. Of the funds appropriated in this section, \$1,200,000
3 is transferred to the Iowa empowerment fund. The amount
4 transferred shall be used by the Iowa empowerment board in
5 collaboration with the Iowa state university of science and
6 technology cooperative extension service in agriculture and
7 home economics for support of professional development and
8 training activities for persons working in early care, health,
9 and education. Expenditures shall be limited to professional
10 development and training activities agreed upon by one or more
11 community empowerment boards and the extension service staff
12 assigned to the community empowerment areas under the boards.

13 Sec. 16. JUVENILE INSTITUTIONS. There is appropriated
14 from the general fund of the state to the department of human
15 services for the fiscal year beginning July 1, 2006, and
16 ending June 30, 2007, the following amounts, or so much
17 thereof as is necessary, to be used for the purposes
18 designated:

19 1. For operation of the Iowa juvenile home at Toledo and
20 for salaries, support, maintenance, and for not more than the
21 following full-time equivalent positions:

22	\$ 6,667,400
23	FTEs 118.50

24 a. Of the funds appropriated in this subsection, at least
25 \$25,000 is allocated for provision of books associated with
26 the education of children placed at the Iowa juvenile home.

27 b. It is the intent of the general assembly that effective
28 July 1, 2009, placements at the Iowa juvenile home will be
29 limited to females and that placements of boys at the home
30 will be diverted to other options. The department shall
31 utilize a study group to make recommendations on the options
32 for diversion of placements of boys and the study group shall
33 report on or before July 1, 2007, to the persons designated by
34 this division of this Act for submission of reports. The
35 membership of the study group shall include the parties

1 represented on the work group established for a similar
2 purpose by the child welfare services work group authorized by
3 the legislative council to meet in 1997-1999.

4 2. For operation of the state training school at Eldora
5 and for salaries, support, maintenance, and for not more than
6 the following full-time equivalent positions:

7 \$ 10,623,148
8 FTEs 196.55

9 Of the funds appropriated in this subsection, at least
10 \$40,000 is allocated for provision of books associated with
11 the education of children placed at the state training school.

12 3. A portion of the moneys appropriated in this section
13 shall be used by the state training school and by the Iowa
14 juvenile home for grants for adolescent pregnancy prevention
15 activities at the institutions in the fiscal year beginning
16 July 1, 2006.

17 Sec. 17. CHILD AND FAMILY SERVICES.

18 1. There is appropriated from the general fund of the
19 state to the department of human services for the fiscal year
20 beginning July 1, 2006, and ending June 30, 2007, the
21 following amount, or so much thereof as is necessary, to be
22 used for the purpose designated:

23 For child and family services:
24 \$ 80,715,373

25 In order to address a reduction of \$5,200,000 from the
26 amount allocated under this appropriation in prior years for
27 purposes of juvenile delinquent graduated sanction services,
28 up to \$5,200,000 of the amount of federal temporary assistance
29 for needy families block grant funding appropriated in this
30 division of this Act for child and family services, shall be
31 made available for purposes of juvenile delinquent graduated
32 sanction services.

33 2. The department may transfer funds appropriated in this
34 section as necessary to pay the nonfederal costs of services
35 reimbursed under the medical assistance program or the family

1 investment program which are provided to children who would
2 otherwise receive services paid under the appropriation in
3 this section. The department may transfer funds appropriated
4 in this section to the appropriations in this division of this
5 Act for general administration and for field operations for
6 resources necessary to implement and operate the services
7 funded in this section.

8 3. a. Of the funds appropriated in this section, up to
9 \$37,041,428 is allocated as the statewide expenditure target
10 under section 232.143 for group foster care maintenance and
11 services.

12 b. If at any time after September 30, 2006, annualization
13 of a service area's current expenditures indicates a service
14 area is at risk of exceeding its group foster care expenditure
15 target under section 232.143 by more than 5 percent, the
16 department and juvenile court services shall examine all group
17 foster care placements in that service area in order to
18 identify those which might be appropriate for termination. In
19 addition, any aftercare services believed to be needed for the
20 children whose placements may be terminated shall be
21 identified. The department and juvenile court services shall
22 initiate action to set dispositional review hearings for the
23 placements identified. In such a dispositional review
24 hearing, the juvenile court shall determine whether needed
25 aftercare services are available and whether termination of
26 the placement is in the best interest of the child and the
27 community.

28 c. Of the funds allocated in this subsection, \$1,510,661
29 is allocated as the state match funding for 50 highly
30 structured juvenile program beds. If the number of beds
31 provided for in this lettered paragraph is not utilized, the
32 remaining funds allocated may be used for group foster care.

33 4. In accordance with the provisions of section 232.188,
34 the department shall continue the child welfare and juvenile
35 justice funding initiative. Of the funds appropriated in this

1 section, \$2,500,000 is allocated specifically for expenditure
2 through the decategorization service funding pools and
3 governance boards established pursuant to section 232.188. In
4 addition, up to \$1,000,000 of the amount of federal temporary
5 assistance for needy families block grant funding appropriated
6 in this division of this Act for child and family services
7 shall be made available for purposes of the decategorization
8 initiative as provided in this subsection.

9 5. A portion of the funds appropriated in this section may
10 be used for emergency family assistance to provide other
11 resources required for a family participating in a family
12 preservation or reunification project to stay together or to
13 be reunified.

14 6. Notwithstanding section 234.35, subsection 1, for the
15 fiscal year beginning July 1, 2006, state funding for shelter
16 care paid pursuant to section 234.35, subsection 1, paragraph
17 "h", shall be limited to \$7,578,872.

18 7. Federal funds received by the state during the fiscal
19 year beginning July 1, 2006, as the result of the expenditure
20 of state funds appropriated during a previous state fiscal
21 year for a service or activity funded under this section, are
22 appropriated to the department to be used as additional
23 funding for services and purposes provided for under this
24 section. Notwithstanding section 8.33, moneys received in
25 accordance with this subsection that remain unencumbered or
26 unobligated at the close of the fiscal year shall not revert
27 to any fund but shall remain available for the purposes
28 designated until the close of the succeeding fiscal year.

29 8. Of the funds appropriated in this section, not more
30 than \$442,100 is allocated to provide clinical assessment
31 services as necessary to continue funding of children's
32 rehabilitation services under medical assistance in accordance
33 with federal law and requirements. The funding allocated is
34 the amount projected to be necessary for providing the
35 clinical assessment services.

1 9. Of the funds appropriated in this section, \$3,696,285
2 shall be used for protective child care assistance.

3 10. Of the funds appropriated in this section, up to
4 \$3,002,844 is allocated for the payment of the expenses of
5 court-ordered services provided to juveniles which are a
6 charge upon the state pursuant to section 232.141, subsection
7 4. Of the amount allocated in this subsection, up to
8 \$1,505,161 shall be made available to provide school-based
9 supervision of children adjudicated under chapter 232, of
10 which not more than \$15,000 may be used for the purpose of
11 training. A portion of the cost of each school-based liaison
12 officer shall be paid by the school district or other funding
13 source as approved by the chief juvenile court officer.

14 a. Notwithstanding section 232.141 or any other provision
15 of law to the contrary, the amount allocated in this
16 subsection shall be distributed to the judicial districts as
17 determined by the state court administrator. The state court
18 administrator shall make the determination of the distribution
19 amounts on or before June 15, 2006.

20 b. Notwithstanding chapter 232 or any other provision of
21 law to the contrary, a district or juvenile court shall not
22 order any service which is a charge upon the state pursuant to
23 section 232.141 if there are insufficient court-ordered
24 services funds available in the district court distribution
25 amount to pay for the service. The chief juvenile court
26 officer shall encourage use of the funds allocated in this
27 subsection such that there are sufficient funds to pay for all
28 court-related services during the entire year. The chief
29 juvenile court officers shall attempt to anticipate potential
30 surpluses and shortfalls in the distribution amounts and shall
31 cooperatively request the state court administrator to
32 transfer funds between the districts' distribution amounts as
33 prudent.

34 c. Notwithstanding any provision of law to the contrary, a
35 district or juvenile court shall not order a county to pay for

1 any service provided to a juvenile pursuant to an order
2 entered under chapter 232 which is a charge upon the state
3 under section 232.141, subsection 4.

4 d. Of the funds allocated in this subsection, not more
5 than \$100,000 may be used by the judicial branch for
6 administration of the requirements under this subsection and
7 for travel associated with court-ordered placements which are
8 a charge upon the state pursuant to section 232.141,
9 subsection 4.

10 11. Notwithstanding 2000 Iowa Acts, chapter 1228, section
11 43, the department may operate a subsidized guardianship
12 program if the United States department of health and human
13 services approves a waiver under Title IV-E of the federal
14 Social Security Act or the federal Social Security Act is
15 amended to allow Title IV-E funding to be used for subsidized
16 guardianship, and the subsidized guardianship program can be
17 operated without loss of Title IV-E funds.

18 12. Of the funds appropriated in this section, \$1,000,000
19 shall be transferred to the Iowa department of public health
20 to be used for the child protection center grant program in
21 accordance with section 135.118.

22 13. Of the funds appropriated in this section, \$148,000
23 shall be used for funding of one or more child welfare
24 diversion and mediation pilot projects as provided in 2004
25 Iowa Acts, chapter 1130, section 1.

26 14. If the department receives federal approval to
27 implement a waiver under Title IV-E of the federal Social
28 Security Act to enable providers to serve children who remain
29 in the children's families and communities, for purposes of
30 eligibility under the medical assistance program children who
31 participate in the waiver shall be considered to be placed in
32 foster care.

33 15. Funds appropriated in this section may be used to
34 provide continued support for youth who are age eighteen and
35 graduate from high school or complete a graduation equivalency

1 diploma after May 1, 2005, have a self-sufficiency plan, and
2 are continuing their education, working, or are in work
3 training. The department may amend existing contracts to
4 provide the additional services to this population. The
5 department may adopt emergency rules to implement the
6 provisions of this subsection.

7 16. Of the funds appropriated in this section, \$854,012 is
8 allocated for a program to assist young adults who leave
9 foster care service at age 18 in making the transition to
10 self-sufficiency, provided legislation is enacted by the
11 Eighty-first General Assembly, 2006 Session, providing for
12 implementation of the program.

13 17. Of the funds appropriated in this section, \$50,000 is
14 allocated for a grant to expand an existing program operated
15 by a nonprofit organization providing family treatment and
16 community education services in a nine county area.

17 Sec. 18. ADOPTION SUBSIDY.

18 1. There is appropriated from the general fund of the
19 state to the department of human services for the fiscal year
20 beginning July 1, 2006, and ending June 30, 2007, the
21 following amount, or so much thereof as is necessary, to be
22 used for the purpose designated:

23 For adoption subsidy payments and services:
24 \$ 31,746,063

25 2. The department may transfer funds appropriated in this
26 section to the appropriations in this Act for child and family
27 services to be used for adoptive family recruitment and other
28 services to achieve adoption.

29 3. Federal funds received by the state during the fiscal
30 year beginning July 1, 2006, as the result of the expenditure
31 of state funds during a previous state fiscal year for a
32 service or activity funded under this section, are
33 appropriated to the department to be used as additional
34 funding for the services and activities funded under this
35 section. Notwithstanding section 8.33, moneys received in

1 accordance with this subsection that remain unencumbered or
2 unobligated at the close of the fiscal year shall not revert
3 to any fund but shall remain available for expenditure for the
4 purposes designated until the close of the succeeding fiscal
5 year.

6 Sec. 19. JUVENILE DETENTION HOME FUND. Moneys deposited
7 in the juvenile detention home fund created in section 232.142
8 during the fiscal year beginning July 1, 2006, and ending June
9 30, 2007, are appropriated to the department of human services
10 for the fiscal year beginning July 1, 2006, and ending June
11 30, 2007, for distribution as follows:

12 1. An amount equal to 10 percent of the costs of the
13 establishment, improvement, operation, and maintenance of
14 county or multicounty juvenile detention homes in the fiscal
15 year beginning July 1, 2005. Moneys appropriated for
16 distribution in accordance with this subsection shall be
17 allocated among eligible detention homes, prorated on the
18 basis of an eligible detention home's proportion of the costs
19 of all eligible detention homes in the fiscal year beginning
20 July 1, 2005. Notwithstanding section 232.142, subsection 3,
21 the financial aid payable by the state under that provision
22 for the fiscal year beginning July 1, 2006, shall be limited
23 to the amount appropriated for the purposes of this
24 subsection.

25 2. For renewal of a grant to a county with a population
26 between 189,000 and 196,000 for implementation of the county's
27 runaway treatment plan under section 232.195:

28 \$ 80,000

29 3. For continuation and expansion of the community
30 partnership for child protection sites:

31 \$ 318,000

32 4. For continuation of the department's minority youth and
33 family projects under the redesign of the child welfare
34 system:

35 \$ 375,000

1 5. For grants to counties implementing a runaway treatment
2 plan under section 232.195.

3 6. The remainder for additional allocations to county or
4 multicounty juvenile detention homes, in accordance with the
5 distribution requirements of subsection 1.

6 Sec. 20. FAMILY SUPPORT SUBSIDY PROGRAM. There is
7 appropriated from the general fund of the state to the
8 department of human services for the fiscal year beginning
9 July 1, 2006, and ending June 30, 2007, the following amount,
10 or so much thereof as is necessary, to be used for the purpose
11 designated:

12 For the family support subsidy program:

13 \$ 1,936,434

14 1. The department shall use at least \$333,312 of the
15 moneys appropriated in this section to continue the children-
16 at-home program in current counties, and if funds are
17 available after exhausting the family support subsidy waiting
18 list, to expand the program to additional counties. Not more
19 than \$20,000 of the amount allocated in this subsection shall
20 be used for administrative costs.

21 2. Notwithstanding contrary provisions of section 225C.38,
22 subsection 1, the monthly family support subsidy payment
23 amount for the fiscal year beginning July 1, 2006, shall be
24 determined by the department in consultation with the council
25 created in section 225C.48, not to exceed the amount in effect
26 on June 30, 2006.

27 Sec. 21. CONNER DECREE. There is appropriated from the
28 general fund of the state to the department of human services
29 for the fiscal year beginning July 1, 2006, and ending June
30 30, 2007, the following amount, or so much thereof as is
31 necessary, to be used for the purpose designated:

32 For building community capacity through the coordination
33 and provision of training opportunities in accordance with the
34 consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D.
35 Iowa, July 14, 1994):

1 \$ 42,623

2 Sec. 22. MENTAL HEALTH INSTITUTES. There is appropriated
3 from the general fund of the state to the department of human
4 services for the fiscal year beginning July 1, 2006, and
5 ending June 30, 2007, the following amounts, or so much
6 thereof as is necessary, to be used for the purposes
7 designated:

8 1. For the state mental health institute at Cherokee for
9 salaries, support, maintenance, and miscellaneous purposes and
10 for not more than the following full-time equivalent
11 positions:

12 \$ 4,893,698
13 FTEs 215.00

14 Of the funds appropriated in this subsection, at least
15 \$5,000 is allocated for provision of books associated with the
16 education of children placed in facilities operated at the
17 state mental health institute at Cherokee.

18 2. For the state mental health institute at Clarinda for
19 salaries, support, maintenance, and miscellaneous purposes and
20 for not more than the following full-time equivalent
21 positions:

22 \$ 5,979,344
23 FTEs 101.15

24 3. For the state mental health institute at Independence
25 for salaries, support, maintenance, and miscellaneous purposes
26 and for not more than the following full-time equivalent
27 positions:

28 \$ 9,006,899
29 FTEs 286.40

30 Of the funds appropriated in this subsection, at least
31 \$5,000 is allocated for provision of books associated with the
32 education of children placed in facilities located at the
33 state mental health institute at Independence.

34 4. For the state mental health institute at Mount Pleasant
35 for salaries, support, maintenance, and miscellaneous purposes

1 and for not more than the following full-time equivalent
2 positions:

3 \$ 746,333
4 FTEs 96.84

5 Sec. 23. STATE RESOURCE CENTERS. There is appropriated
6 from the general fund of the state to the department of human
7 services for the fiscal year beginning July 1, 2006, and
8 ending June 30, 2007, the following amounts, or so much
9 thereof as is necessary, to be used for the purposes
10 designated:

11 1. For the state resource center at Glenwood for salaries,
12 support, maintenance, and miscellaneous purposes:
13 \$ 14,506,583

14 2. For the state resource center at Woodward for salaries,
15 support, maintenance, and miscellaneous purposes:
16 \$ 8,590,761

17 3. The department may continue to bill for state resource
18 center services utilizing a scope of services approach used
19 for private providers of ICFMR services, in a manner which
20 does not shift costs between the medical assistance program,
21 counties, or other sources of funding for the state resource
22 centers.

23 4. The state resource centers may expand the time limited
24 assessment and respite services during the fiscal year.

25 5. If the department's administration and the department
26 of management concur with a finding by a state resource
27 center's superintendent that projected revenues can reasonably
28 be expected to pay the salary and support costs for a new
29 employee position, or that such costs for adding a particular
30 number of new positions for the fiscal year would be less than
31 the overtime costs if new positions would not be added, the
32 superintendent may add the new position or positions. If the
33 vacant positions available to a resource center do not include
34 the position classification desired to be filled, the state
35 resource center's superintendent may reclassify any vacant

1 position as necessary to fill the desired position. The
2 superintendents of the state resource centers may, by mutual
3 agreement, pool vacant positions and position classifications
4 during the course of the fiscal year in order to assist one
5 another in filling necessary positions.

6 6. If existing capacity limitations are reached in
7 operating units, a waiting list is in effect for a service or
8 a special need for which a payment source or other funding is
9 available for the service or to address the special need, and
10 facilities for the service or to address the special need can
11 be provided within the available payment source or other
12 funding, the superintendent of a state resource center may
13 authorize opening not more than two units or other facilities
14 and to begin implementing the service or addressing the
15 special need during fiscal year 2006-2007.

16 Sec. 24. MI/MR/DD STATE CASES.

17 1. There is appropriated from the general fund of the
18 state to the department of human services for the fiscal year
19 beginning July 1, 2006, and ending June 30, 2007, the
20 following amount, or so much thereof as is necessary, to be
21 used for the purpose designated:

22 For purchase of local services for persons with mental
23 illness, mental retardation, and developmental disabilities
24 where the client has no established county of legal
25 settlement:

26 \$ 10,786,619

27 2. For the fiscal year beginning July 1, 2006, and ending
28 June 30, 2007, \$200,000 is allocated for state cases from the
29 amounts appropriated from the fund created in section 8.41 to
30 the department of human services from the funds received from
31 the federal government under 42 U.S.C., chapter 6A, subchapter
32 XVII, relating to the community mental health center block
33 grant, for the federal fiscal years beginning October 1, 2004,
34 and ending September 30, 2005, beginning October 1, 2005, and
35 ending September 30, 2006, and beginning October 1, 2006, and

1 ending September 30, 2007. The allocation made in this
2 subsection shall be made prior to any other distribution
3 allocation of the appropriated federal funds.

4 Sec. 25. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES --
5 COMMUNITY SERVICES FUND. There is appropriated from the
6 general fund of the state to the mental health and
7 developmental disabilities community services fund created in
8 section 225C.7 for the fiscal year beginning July 1, 2006, and
9 ending June 30, 2007, the following amount, or so much thereof
10 as is necessary, to be used for the purpose designated:

11 For mental health and developmental disabilities community
12 services in accordance with this division of this Act:

13 \$ 17,757,890

14 1. Of the funds appropriated in this section, \$17,727,890
15 shall be allocated to counties for funding of community-based
16 mental health and developmental disabilities services. The
17 moneys shall be allocated to a county as follows:

18 a. Fifty percent based upon the county's proportion of the
19 state's population of persons with an annual income which is
20 equal to or less than the poverty guideline established by the
21 federal office of management and budget.

22 b. Fifty percent based upon the county's proportion of the
23 state's general population.

24 2. a. A county shall utilize the funding the county
25 receives pursuant to subsection 1 for services provided to
26 persons with a disability, as defined in section 225C.2.
27 However, no more than 50 percent of the funding shall be used
28 for services provided to any one of the service populations.

29 b. A county shall use at least 50 percent of the funding
30 the county receives under subsection 1 for contemporary
31 services provided to persons with a disability, as described
32 in rules adopted by the department.

33 3. Of the funds appropriated in this section, \$30,000
34 shall be used to support the Iowa compass program providing
35 computerized information and referral services for Iowans with

1 disabilities and their families.

2 4. a. Funding appropriated for purposes of the federal
3 social services block grant is allocated for distribution to
4 counties for local purchase of services for persons with
5 mental illness or mental retardation or other developmental
6 disability.

7 b. The funds allocated in this subsection shall be
8 expended by counties in accordance with the county's approved
9 county management plan. A county without an approved county
10 management plan shall not receive allocated funds until the
11 county's management plan is approved.

12 c. The funds provided by this subsection shall be
13 allocated to each county as follows:

14 (1) Fifty percent based upon the county's proportion of
15 the state's population of persons with an annual income which
16 is equal to or less than the poverty guideline established by
17 the federal office of management and budget.

18 (2) Fifty percent based upon the amount provided to the
19 county for local purchase of services in the preceding fiscal
20 year.

21 5. A county is eligible for funds under this section if
22 the county qualifies for a state payment as described in
23 section 331.439.

24 Sec. 26. SEXUALLY VIOLENT PREDATORS.

25 1. There is appropriated from the general fund of the
26 state to the department of human services for the fiscal year
27 beginning July 1, 2006, and ending June 30, 2007, the
28 following amount, or so much thereof as is necessary, to be
29 used for the purpose designated:

30 For costs associated with the commitment and treatment of
31 sexually violent predators in the unit located at the state
32 mental health institute at Cherokee, including costs of legal
33 services and other associated costs, including salaries,
34 support, maintenance, miscellaneous purposes, and for not more
35 than the following full-time equivalent positions:

1 \$ 4,750,704

2 FTEs 73.66

3 2. Unless specifically prohibited by law, if the amount
4 charged provides for recoupment of at least the entire amount
5 of direct and indirect costs, the department of human services
6 may contract with other states to provide care and treatment
7 of persons placed by the other states at the unit for sexually
8 violent predators at Cherokee. The moneys received under such
9 a contract shall be considered to be repayment receipts and
10 used for the purposes of the appropriation made in this
11 section.

12 Sec. 27. FIELD OPERATIONS. There is appropriated from the
13 general fund of the state to the department of human services
14 for the fiscal year beginning July 1, 2006, and ending June
15 30, 2007, the following amount, or so much thereof as is
16 necessary, to be used for the purposes designated:

17 For field operations, including salaries, support,
18 maintenance, and miscellaneous purposes and for not more than
19 the following full-time equivalent positions:

20 \$ 57,044,250

21 FTEs 1,885.87

22 Priority in filling full-time equivalent positions shall be
23 given to those positions related to child protection services.

24 Sec. 28. GENERAL ADMINISTRATION. There is appropriated
25 from the general fund of the state to the department of human
26 services for the fiscal year beginning July 1, 2006, and
27 ending June 30, 2007, the following amount, or so much thereof
28 as is necessary, to be used for the purpose designated:

29 For general administration, including salaries, support,
30 maintenance, and miscellaneous purposes and for not more than
31 the following full-time equivalent positions:

32 \$ 14,028,679

33 FTEs 309.00

34 1. Of the funds appropriated in this section, \$57,000 is
35 allocated for the prevention of disabilities policy council

1 established in section 225B.3.

2 2. Of the funds appropriated in this section, \$30,000 is
3 allocated to the department of human services for a statewide
4 coordinator for the program of all-inclusive care for the
5 elderly as defined in section 249H.3. The coordinator shall
6 work in collaboration with the department of elder affairs in
7 carrying out the coordinator's duties.

8 Sec. 29. VOLUNTEERS. There is appropriated from the
9 general fund of the state to the department of human services
10 for the fiscal year beginning July 1, 2006, and ending June
11 30, 2007, the following amount, or so much thereof as is
12 necessary, to be used for the purpose designated:

13 For development and coordination of volunteer services:
14 \$ 109,568

15 Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY
16 ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE
17 DEPARTMENT OF HUMAN SERVICES.

18 1. a. (1) For the fiscal year beginning July 1, 2006,
19 nursing facilities shall be reimbursed at 100 percent of the
20 modified price-based case-mix reimbursement rate. Nursing
21 facilities reimbursed under the medical assistance program
22 shall submit annual cost reports and additional documentation
23 as required by rules adopted by the department.

24 (2) For the fiscal year beginning July 1, 2006, the total
25 state funding amount for the nursing facility budget shall not
26 exceed \$172,834,000. The department, in cooperation with
27 nursing facility representatives, shall review projections for
28 state funding expenditures for reimbursement of nursing
29 facilities on a quarterly basis and the department shall
30 determine if an adjustment to the medical assistance
31 reimbursement rate is necessary in order to provide
32 reimbursement within the state funding amount. Any temporary
33 enhanced federal financial participation that may become
34 available to the Iowa medical assistance program during the
35 fiscal year shall not be used in projecting the nursing

1 facility budget. Notwithstanding 2001 Iowa Acts, chapter 192,
2 section 4, subsection 2, paragraph "c", and subsection 3,
3 paragraph "a", subparagraph (2), if the state funding
4 expenditures for the nursing facility budget for the fiscal
5 year beginning July 1, 2006, are projected to exceed the
6 amount specified in this subparagraph, the department shall
7 adjust the inflation factor of the reimbursement rate
8 calculation for only the nursing facilities reimbursed under
9 the case-mix reimbursement system to maintain expenditures of
10 the nursing facility budget within the specified amount.

11 (3) For the fiscal year beginning July 1, 2006, the
12 patient-day-weighted medians used in rate setting for nursing
13 facilities shall be recalculated and the rates adjusted to
14 provide an increase in nursing facility rates not to exceed
15 \$157,352,067.

16 b. For the fiscal year beginning July 1, 2006, the
17 department shall reimburse pharmacy dispensing fees using a
18 single rate of \$4.52 per prescription, or the pharmacy's usual
19 and customary fee, whichever is lower.

20 c. For the fiscal year beginning July 1, 2006,
21 reimbursement rates for inpatient and outpatient hospital
22 services shall be increased by 3 percent over the rates in
23 effect on June 30, 2006. The department shall continue the
24 outpatient hospital reimbursement system based upon ambulatory
25 patient groups implemented pursuant to 1994 Iowa Acts, chapter
26 1186, section 25, subsection 1, paragraph "f". In addition,
27 the department shall continue the revised medical assistance
28 payment policy implemented pursuant to that paragraph to
29 provide reimbursement for costs of screening and treatment
30 provided in the hospital emergency room if made pursuant to
31 the prospective payment methodology developed by the
32 department for the payment of outpatient services provided
33 under the medical assistance program. Any rebasing of
34 hospital inpatient or outpatient rates shall not increase
35 total payments for inpatient and outpatient services beyond

1 the percentage increase provided in this paragraph.

2 d. For the fiscal year beginning July 1, 2006,
3 reimbursement rates for rural health clinics, hospices,
4 independent laboratories, and acute mental hospitals shall be
5 increased in accordance with increases under the federal
6 Medicare program or as supported by their Medicare audited
7 costs.

8 e. (1) For the fiscal year beginning July 1, 2006,
9 reimbursement rates for home health agencies shall be
10 increased by 3 percent over the rates in effect on June 30,
11 2006, not to exceed a home health agency's actual allowable
12 cost.

13 (2) The department shall establish a fixed-fee
14 reimbursement schedule for home health agencies under the
15 medical assistance program beginning July 1, 2006.

16 f. For the fiscal year beginning July 1, 2006, federally
17 qualified health centers shall receive cost-based
18 reimbursement for 100 percent of the reasonable costs for the
19 provision of services to recipients of medical assistance.

20 g. Beginning July 1, 2006, the reimbursement rates for
21 dental services shall be increased by 3 percent over the rates
22 in effect on June 30, 2006.

23 h. Beginning July 1, 2006, the reimbursement rates for
24 community mental health centers shall be increased by 3
25 percent over the rates in effect on June 30, 2006.

26 i. For the fiscal year beginning July 1, 2006, the maximum
27 reimbursement rate for psychiatric medical institutions for
28 children shall be \$160.71 per day.

29 j. For the fiscal year beginning July 1, 2006, unless
30 otherwise specified in this Act, all noninstitutional medical
31 assistance provider reimbursement rates shall be increased by
32 3 percent over the rates in effect on June 30, 2006, except
33 for area education agencies, local education agencies, infant
34 and toddler services providers, and those providers whose
35 rates are required to be determined pursuant to section

1 249A.20.

2 k. Notwithstanding section 249A.20, for the fiscal year
3 beginning July 1, 2006, the average reimbursement rate for
4 health care providers eligible for use of the federal Medicare
5 resource-based relative value scale reimbursement methodology
6 under that section shall be increased by 3 percent over the
7 rate in effect on June 30, 2006; however, this rate shall not
8 exceed the maximum level authorized by the federal government.

9 1. Beginning July 1, 2006, the department shall increase
10 the personal needs allowance under the medical assistance
11 program which may be retained by a resident of a nursing
12 facility to fifty dollars.

13 2. For the fiscal year beginning July 1, 2006, the
14 reimbursement rate for residential care facilities shall not
15 be less than the minimum payment level as established by the
16 federal government to meet the federally mandated maintenance
17 of effort requirement. The flat reimbursement rate for
18 facilities electing not to file semiannual cost reports shall
19 not be less than the minimum payment level as established by
20 the federal government to meet the federally mandated
21 maintenance of effort requirement.

22 3. For the fiscal year beginning July 1, 2006, the
23 reimbursement rate for providers reimbursed under the in-
24 home-related care program shall not be less than the minimum
25 payment level as established by the federal government to meet
26 the federally mandated maintenance of effort requirement.

27 4. Unless otherwise directed in this section, when the
28 department's reimbursement methodology for any provider
29 reimbursed in accordance with this section includes an
30 inflation factor, this factor shall not exceed the amount by
31 which the consumer price index for all urban consumers
32 increased during the calendar year ending December 31, 2002.

33 5. For the fiscal year beginning July 1, 2006, the foster
34 family basic daily maintenance rate paid in accordance with
35 section 234.38 and the maximum adoption subsidy rate for

1 children ages 0 through 5 years shall be \$15.31, the rate for
2 children ages 6 through 11 years shall be \$15.99, the rate for
3 children ages 12 through 15 years shall be \$17.57, and the
4 rate for children ages 16 and older shall be \$17.73.

5 6. For the fiscal year beginning July 1, 2006, the maximum
6 reimbursement rates for social service providers shall be
7 increased by 3 percent over the rates in effect on June 30,
8 2006, or to the provider's actual and allowable cost plus
9 inflation for each service, whichever is less. The rates may
10 also be adjusted under any of the following circumstances:

11 a. If a new service was added after June 30, 2006, the
12 initial reimbursement rate for the service shall be based upon
13 actual and allowable costs.

14 b. If a social service provider loses a source of income
15 used to determine the reimbursement rate for the provider, the
16 provider's reimbursement rate may be adjusted to reflect the
17 loss of income, provided that the lost income was used to
18 support actual and allowable costs of a service purchased
19 under a purchase of service contract.

20 7. The group foster care reimbursement rates paid for
21 placement of children out of state shall be calculated
22 according to the same rate-setting principles as those used
23 for in-state providers unless the director of human services
24 or the director's designee determines that appropriate care
25 cannot be provided within the state. The payment of the daily
26 rate shall be based on the number of days in the calendar
27 month in which service is provided.

28 8. For the fiscal year beginning July 1, 2006, the
29 reimbursement rates for rehabilitative treatment and support
30 services providers shall be increased by 3 percent over the
31 rates in effect on June 30, 2006.

32 9. a. For the fiscal year beginning July 1, 2006, the
33 combined service and maintenance components of the
34 reimbursement rate paid for shelter care services purchased
35 under a contract shall be based on the financial and

1 statistical report submitted to the department. The maximum
2 reimbursement rate shall be \$88.79 per day. The department
3 shall reimburse a shelter care provider at the provider's
4 actual and allowable unit cost, plus inflation, not to exceed
5 the maximum reimbursement rate.

6 b. Notwithstanding section 232.141, subsection 8, for the
7 fiscal year beginning July 1, 2006, the amount of the
8 statewide average of the actual and allowable rates for
9 reimbursement of juvenile shelter care homes that is utilized
10 for the limitation on recovery of unpaid costs shall be
11 increased by \$2.59 over the amount in effect for this purpose
12 in the preceding fiscal year.

13 10. For the fiscal year beginning July 1, 2006, the
14 department shall calculate reimbursement rates for
15 intermediate care facilities for persons with mental
16 retardation at the 80th percentile.

17 11. For the fiscal year beginning July 1, 2006, for child
18 care providers reimbursed under the state child care
19 assistance program, the department shall set provider
20 reimbursement rates based on the rate reimbursement survey
21 completed in December 2004. The department shall set rates in
22 a manner so as to provide incentives for a nonregistered
23 provider to become registered. If the federal government
24 provides additional funding for child care during the fiscal
25 year beginning July 1, 2006, the additional funding shall be
26 used to develop and implement an electronic billing and
27 payment system for child care providers.

28 12. For the fiscal year beginning July 1, 2006,
29 reimbursements for providers reimbursed by the department of
30 human services may be modified if appropriated funding is
31 allocated for that purpose from the senior living trust fund
32 created in section 249H.4, or as specified in appropriations
33 from the healthy Iowans tobacco trust created in section
34 12.65.

35 13. The department shall apply the three percent

1 reimbursement rate increase prescribed for specified providers
2 for the fiscal year beginning July 1, 2005, pursuant to 2005
3 Iowa Acts, chapter 175, separately from the three percent
4 reimbursement rate increase prescribed for specified providers
5 for the fiscal year beginning July 1, 2006, under this Act.

6 14. The department may adopt emergency rules to implement
7 this section.

8 Sec. 31. EMERGENCY RULES. If specifically authorized by a
9 provision of this division of this Act, the department of
10 human services or the mental health, mental retardation,
11 developmental disabilities, and brain injury commission may
12 adopt administrative rules under section 17A.4, subsection 2,
13 and section 17A.5, subsection 2, paragraph "b", to implement
14 the provisions and the rules shall become effective
15 immediately upon filing or on a later effective date specified
16 in the rules, unless the effective date is delayed by the
17 administrative rules review committee. Any rules adopted in
18 accordance with this section shall not take effect before the
19 rules are reviewed by the administrative rules review
20 committee. The delay authority provided to the administrative
21 rules review committee under section 17A.4, subsection 5, and
22 section 17A.8, subsection 9, shall be applicable to a delay
23 imposed under this section, notwithstanding a provision in
24 those sections making them inapplicable to section 17A.5,
25 subsection 2, paragraph "b". Any rules adopted in accordance
26 with the provisions of this section shall also be published as
27 notice of intended action as provided in section 17A.4.

28 Sec. 32. REPORTS. Any reports or information required to
29 be compiled and submitted under this division of this Act
30 shall be submitted to the chairpersons and ranking members of
31 the joint appropriations subcommittee on health and human
32 services, the legislative services agency, and the legislative
33 caucus staffs on or before the dates specified for submission
34 of the reports or information.

35 Sec. 33. 2005 Iowa Acts, chapter 175, section 2,

1 subsection 4, unnumbered paragraph 2, is amended to read as
2 follows:

3 Of the funds appropriated in this subsection, not more than
4 \$100,000 shall be used to leverage federal funding through the
5 federal Ryan White Care Act, Title II, AIDS drug assistance
6 program supplemental drug treatment grants. Notwithstanding
7 section 8.33, moneys allocated in this subparagraph that
8 remain unencumbered or unobligated at the close of the fiscal
9 year shall not revert but shall remain available for
10 expenditure for the purposes designated until the close of the
11 succeeding fiscal year.

12 Sec. 34. 2005 Iowa Acts, chapter 175, section 2,
13 subsection 12, is amended by adding the following new
14 unnumbered paragraph:

15 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
16 moneys appropriated in this subsection that remain
17 unencumbered or unobligated at the close of the fiscal year
18 shall not revert but shall remain available for expenditure
19 for the purposes designated until the close of the succeeding
20 fiscal year.

21 Sec. 35. 2005 Iowa Acts, chapter 175, section 3, is
22 amended by adding the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
24 moneys appropriated in this section that remain unencumbered
25 or unobligated at the close of the fiscal year shall not
26 revert but shall remain available for expenditure for the
27 purposes designated until the close of the succeeding fiscal
28 year.

29 Sec. 36. 2005 Iowa Acts, chapter 175, section 4,
30 subsection 2, is amended by adding the following new
31 unnumbered paragraph:

32 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33 and
33 section 35D.18, subsection 5, moneys appropriated in this
34 subsection that remain unencumbered or unobligated at the
35 close of the fiscal year shall not revert but shall remain

1 available for expenditure in succeeding fiscal years. Of the
2 amount remaining available for expenditure under this
3 paragraph, the first \$1,000,000 shall be used for Iowa
4 veterans home operations in the immediately succeeding fiscal
5 year and the remainder for renovations and capital
6 improvements at the Iowa veterans home in succeeding fiscal
7 years.

8 Sec. 37. 2005 Iowa Acts, chapter 175, section 12, is
9 amended by adding the following new subsection:

10 NEW SUBSECTION. 4. Notwithstanding section 8.33,
11 \$1,100,000 of the moneys appropriated in this section that
12 remain unencumbered or unobligated at the close of the fiscal
13 year shall not revert but shall remain available for
14 expenditure for the purposes designated until the close of the
15 succeeding fiscal year.

16 Sec. 38. 2005 Iowa Acts, chapter 175, section 14,
17 subsection 2, is amended to read as follows:

18 2. Of the funds appropriated in this section, \$900,000
19 shall be used for implementation of a quality rating system
20 for child care providers, in accordance with legislation
21 enacted to authorize implementation of the rating system.
22 Notwithstanding section 8.33, \$125,000 of the moneys allocated
23 in this subsection that remain unencumbered or unobligated at
24 the close of the fiscal year shall not revert but shall remain
25 available for expenditure for the purposes designated until
26 the close of the succeeding fiscal year.

27 Sec. 39. 2005 Iowa Acts, chapter 175, section 16, is
28 amended by adding the following new subsection:

29 NEW SUBSECTION. 18. Notwithstanding section 8.33,
30 \$1,000,000 of the moneys appropriated in this section that
31 remain unencumbered or unobligated at the close of the fiscal
32 year shall not revert but shall remain available for
33 expenditure for the purposes designated until the close of the
34 succeeding fiscal year.

35 Sec. 40. 2005 Iowa Acts, chapter 175, section 17, is

1 amended by adding the following new subsection:

2 NEW SUBSECTION. 4. Notwithstanding section 8.33,
3 \$1,700,000 of the moneys appropriated in this section that
4 remain unencumbered or unobligated at the close of the fiscal
5 year shall not revert but shall remain available for
6 expenditure for the purposes designated until the close of the
7 succeeding fiscal year.

8 Sec. 41. 2005 Iowa Acts, chapter 175, section 21,
9 subsection 3, is amended by adding the following new
10 unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33,
12 revenues that are directly attributable to the psychiatric
13 medical institution for children beds operated by the state at
14 the state mental health institute at Independence in
15 accordance with section 226.9B, that are received as repayment
16 receipts and are attributed to the fiscal year beginning July
17 1, 2005, shall not revert but shall remain available for
18 expenditure for the purposes designated until the close of the
19 succeeding fiscal year.

20 Sec. 42. 2005 Iowa Acts, chapter 175, section 29,
21 subsection 1, paragraph a, subparagraph (2), is amended to
22 read as follows:

23 (2) For the fiscal year beginning July 1, 2005, the total
24 state funding amount for the nursing facility budget shall not
25 exceed ~~\$161,600,000~~ \$167,800,000. The department, in
26 cooperation with nursing facility representatives, shall
27 review projections for state funding expenditures for
28 reimbursement of nursing facilities on a quarterly basis and
29 the department shall determine if an adjustment to the medical
30 assistance reimbursement rate is necessary in order to provide
31 reimbursement within the state funding amount. Any temporary
32 enhanced federal financial participation that may become
33 available to the Iowa medical assistance program during the
34 fiscal year shall not be used in projecting the nursing
35 facility budget. Notwithstanding 2001 Iowa Acts, chapter 192,

1 section 4, subsection 2, paragraph "c", and subsection 3,
2 paragraph "a", subparagraph (2), if the state funding
3 expenditures for the nursing facility budget for the fiscal
4 year beginning July 1, 2005, are projected to exceed the
5 amount specified in this subparagraph, the department shall
6 adjust the inflation factor of the reimbursement rate
7 calculation for only the nursing facilities reimbursed under
8 the case-mix reimbursement system to maintain expenditures of
9 the nursing facility budget within the specified amount.

10 Sec. 43. EFFECTIVE DATES. The following provisions of
11 this division of this Act, being deemed of immediate
12 importance, take effect upon enactment:

13 1. The provision under the appropriation for child and
14 family services, relating to requirements of sections 232.143
15 for representatives of the department of human services and
16 juvenile court services to establish a plan for continuing
17 group foster care expenditures for the 2006-2007 fiscal year.

18 2. The provision amending 2005 Iowa Acts, chapter 175,
19 section 2, subsection 4.

20 3. The provision amending 2005 Iowa Acts, chapter 175,
21 section 2, subsection 12.

22 4. The provision amending 2005 Iowa Acts, chapter 175,
23 section 3.

24 5. The provision amending 2005 Iowa Acts, chapter 175,
25 section 4.

26 6. The provision amending 2005 Iowa Acts, chapter 175,
27 section 12.

28 7. The provision amending 2005 Iowa Acts, chapter 175,
29 section 14, subsection 2.

30 8. The provision amending 2005 Iowa Acts, chapter 175,
31 section 16.

32 9. The provision amending 2005 Iowa Acts, chapter 175,
33 section 17.

34 10. The provision amending 2005 Iowa Acts, chapter 175,
35 section 21, subsection 3.

1 11. The provision amending 2005 Iowa Acts, chapter 175,
2 section 29, subsection 1, paragraph "a", subparagraph (2).

3 DIVISION II

4 SENIOR LIVING TRUST FUND,
5 PHARMACEUTICAL SETTLEMENT ACCOUNT,
6 IOWACARE ACCOUNT, AND HEALTH CARE
7 TRANSFORMATION ACCOUNT

8 Sec. 44. DEPARTMENT OF ELDER AFFAIRS. There is
9 appropriated from the senior living trust fund created in
10 section 249H.4 to the department of elder affairs for the
11 fiscal year beginning July 1, 2006, and ending June 30, 2007,
12 the following amount, or so much thereof as is necessary, to
13 be used for the purpose designated:

14 For the development and implementation of a comprehensive
15 senior living program, including program administration and
16 costs associated with implementation, salaries, support,
17 maintenance, and miscellaneous purposes and for not more than
18 the following full-time equivalent positions:

19	\$ 8,296,730
20	FTEs 3.00

21 1. Of the funds appropriated in this section, \$2,196,967
22 shall be used for case management for the frail elderly. Of
23 the funds allocated in this subsection, \$1,010,000 shall be
24 transferred to the department of human services in equal
25 amounts on a quarterly basis for reimbursement of case
26 management services provided under the medical assistance
27 elderly waiver. The monthly cost per client for case
28 management for the frail elderly services provided shall not
29 exceed \$70. It is the intent of the general assembly that the
30 additional funding provided for case management for the frail
31 elderly for the fiscal year beginning July 1, 2006, and ending
32 June 30, 2007, shall be used to provide case management
33 services for an additional 1,650 individuals.

34 2. Notwithstanding section 249H.7, the department of elder
35 affairs shall distribute up to \$400,000 of the funds

1 appropriated in this section in a manner that will supplement
2 and maximize federal funds under the federal Older Americans
3 Act and shall not use the amount distributed for any
4 administrative purposes of either the department of elder
5 affairs or the area agencies on aging.

6 Sec. 45. DEPARTMENT OF INSPECTIONS AND APPEALS. There is
7 appropriated from the senior living trust fund created in
8 section 249H.4 to the department of inspections and appeals
9 for the fiscal year beginning July 1, 2006, and ending June
10 30, 2007, the following amount, or so much thereof as is
11 necessary, to be used for the purpose designated:

12 For the inspection and certification of assisted living
13 facilities and adult day care services, including program
14 administration and costs associated with implementation,
15 salaries, support, maintenance, and miscellaneous purposes and
16 for not more than the following full-time equivalent
17 positions:

18	\$	758,474
19	FTEs	5.00

20 Sec. 46. DEPARTMENT OF HUMAN SERVICES. There is
21 appropriated from the senior living trust fund created in
22 section 249H.4 to the department of human services for the
23 fiscal year beginning July 1, 2006, and ending June 30, 2007,
24 the following amounts, or so much thereof as is necessary, to
25 be used for the purpose designated:

26 1. To supplement the medical assistance appropriation,
27 including program administration and costs associated with
28 implementation, salaries, support, maintenance, and
29 miscellaneous purposes and for not more than the following
30 fulltime equivalent positions:

31	\$	40,000,000
32	FTEs	5.00

33 2. Notwithstanding sections 249H.4 and 249H.5, the
34 department of human services may use moneys from the senior
35 living trust fund for cash flow purposes to make payments

1 under the nursing facility or hospital upper payment limit
2 methodology. The amount of any moneys so used shall be
3 refunded to the senior living trust fund within the same
4 fiscal year and in a prompt manner.

5 In order to carry out the purposes of this section, the
6 department may transfer funds appropriated in this section to
7 supplement other appropriations made to the department of
8 human services.

9 Sec. 47. IOWA FINANCE AUTHORITY. There is appropriated
10 from the senior living trust fund created in section 249H.4 to
11 the Iowa finance authority for the fiscal year beginning July
12 1, 2006, and ending June 30, 2007, the following amount, or so
13 much thereof as is necessary, to be used for the purposes
14 designated:

15 To provide reimbursement for rent expenses to eligible
16 persons:

17 \$ 700,000

18 Participation in the rent subsidy program shall be limited
19 to only those persons who meet the nursing facility level of
20 care for home and community-based services waiver services as
21 established on or after July 1, 2006.

22 Sec. 48. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is
23 appropriated from the pharmaceutical settlement account
24 created in section 249A.33 to the department of human services
25 for the fiscal year beginning July 1, 2006, and ending June
26 30, 2007, the following amount, or so much thereof as is
27 necessary, to be used for the purpose designated:

28 To supplement the appropriations made for medical contracts
29 under the medical assistance program:

30 \$ 379,000

31 Sec. 49. APPROPRIATIONS FROM IOWACARE ACCOUNT.

32 1. There is appropriated from the IowaCare account created
33 in section 249J.24 to the state board of regents for
34 distribution to the university of Iowa hospitals and clinics
35 for the fiscal year beginning July 1, 2006, and ending June

1 30, 2007, the following amount, or so much thereof as is
2 necessary, to be used for the purposes designated:

3 For salaries, support, maintenance, equipment, and
4 miscellaneous purposes, for the provision of medical and
5 surgical treatment of indigent patients, for provision of
6 services to members of the expansion population pursuant to
7 chapter 249J, and for medical education:

8 \$ 27,284,584

9 a. The university of Iowa hospitals and clinics shall,
10 when medically appropriate, make reasonable efforts to extend
11 the university of Iowa hospitals and clinics' use of home
12 telemedicine and other technologies to reduce the frequency of
13 visits to the hospital required by indigent patients.

14 b. The university of Iowa hospitals and clinics shall
15 submit quarterly a report regarding the portion of the
16 appropriation in this subsection expended on medical
17 education. The report shall be submitted in a format jointly
18 developed by the university of Iowa hospitals and clinics, the
19 legislative services agency, and the department of management,
20 and shall delineate the expenditures and purposes of the
21 funds.

22 c. Funds appropriated in this subsection shall not be used
23 to perform abortions except medically necessary abortions, and
24 shall not be used to operate the early termination of
25 pregnancy clinic except for the performance of medically
26 necessary abortions. For the purpose of this subsection, an
27 abortion is the purposeful interruption of pregnancy with the
28 intention other than to produce a live-born infant or to
29 remove a dead fetus, and a medically necessary abortion is one
30 performed under one of the following conditions:

31 (1) The attending physician certifies that continuing the
32 pregnancy would endanger the life of the pregnant woman.

33 (2) The attending physician certifies that the fetus is
34 physically deformed, mentally deficient, or afflicted with a
35 congenital illness.

1 (3) The pregnancy is the result of a rape which is
2 reported within 45 days of the incident to a law enforcement
3 agency or public or private health agency which may include a
4 family physician.

5 (4) The pregnancy is the result of incest which is
6 reported within 150 days of the incident to a law enforcement
7 agency or public or private health agency which may include a
8 family physician.

9 (5) The abortion is a spontaneous abortion, commonly known
10 as a miscarriage, wherein not all of the products of
11 conception are expelled.

12 2. There is appropriated from the IowaCare account created
13 in section 249J.24 to the department of human services for
14 distribution to a publicly owned acute care teaching hospital
15 located in a county with a population over three hundred fifty
16 thousand for the fiscal year beginning July 1, 2006, and
17 ending June 30, 2007, the following amount, or so much thereof
18 as is necessary, to be used for the purposes designated:

19 For the provision of medical and surgical treatment of
20 indigent patients, for provision of services to members of the
21 expansion population pursuant to chapter 249J, and for medical
22 education:

23 \$ 37,000,000

24 3. There is appropriated from the IowaCare account created
25 in section 249J.24 to the department of human services for the
26 state hospitals for persons with mental illness designated in
27 section 226.1 for the fiscal year beginning July 1, 2006, and
28 ending June 30, 2007, the following amounts, or so much
29 thereof as is necessary, to be used for the purposes
30 designated:

31 a. For the state mental health institute at Cherokee, for
32 salaries, support, maintenance, and miscellaneous purposes,
33 including services to members of the expansion population
34 pursuant to chapter 249J:

35 \$ 9,098,425

1 b. For the state mental health institute at Clarinda, for
2 salaries, support, maintenance, and miscellaneous purposes,
3 including services to members of the expansion population
4 pursuant to chapter 249J:

5 \$ 1,977,305

6 c. For the state mental health institute at Independence,
7 for salaries, support, maintenance, and miscellaneous
8 purposes, including services to members of the expansion
9 population pursuant to chapter 249J:

10 \$ 9,045,894

11 d. For the state mental health institute at Mount
12 Pleasant, for salaries, support, maintenance, and
13 miscellaneous purposes, including services to members of the
14 expansion population designation pursuant to chapter 249J:

15 \$ 5,752,587

16 Sec. 50. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE
17 TRANSFORMATION. There is appropriated from the account for
18 health care transformation created in section 249J.23, to the
19 department of human services, for the fiscal year beginning
20 July 1, 2006, and ending June 30, 2007, the following amounts,
21 or so much thereof as is necessary, to be used for the
22 purposes designated:

23 1. For the costs of medical examinations and development
24 of personal health improvement plans for the expansion
25 population pursuant to section 249J.6:
26 \$ 556,800

27 2. For the provision of a medical information hotline for
28 the expansion population as provided in section 249J.6:
29 \$ 150,000

30 3. For the insurance cost subsidy program pursuant to
31 section 249J.8:
32 \$ 1,500,000

33 4. For the health care account program option pursuant to
34 section 249J.8:
35 \$ 400,000

- 1 5. For the use of electronic medical records by medical
2 assistance program and expansion population provider network
3 providers pursuant to section 249J.14:
4 \$ 2,000,000
- 5 6. For other health partnership activities pursuant to
6 section 249J.14:
7 \$ 550,000
- 8 7. For the costs related to audits, performance
9 evaluations, and studies required pursuant to chapter 249J:
10 \$ 100,000
- 11 8. For administrative costs associated with chapter 249J:
12 \$ 344,852
- 13 9. For development of a case-mix acuity-based
14 reimbursement system for intermediate care facilities for
15 persons with mental retardation:
16 \$ 150,000
- 17 10. For development of a provider incentive payment
18 program to reward performance and quality of service:
19 \$ 50,000

20 Sec. 51. TRANSFER FROM ACCOUNT FOR HEALTH CARE
21 TRANSFORMATION. There is transferred from the account for
22 health care transformation created pursuant to section
23 249J.23, to the IowaCare account created in section 249J.24, a
24 total of \$3,000,000 for the fiscal year beginning July 1,
25 2006, and ending June 30, 2007.

26 Sec. 52. MEDICAL ASSISTANCE PROGRAM -- REVERSION TO SENIOR
27 LIVING TRUST FUND FOR FY 2006-2007. Notwithstanding section
28 8.33, if moneys appropriated for purposes of the medical
29 assistance program for the fiscal year beginning July 1, 2006,
30 and ending June 30, 2007, from the general fund of the state,
31 the senior living trust fund, and the healthy Iowans tobacco
32 trust fund are in excess of actual expenditures for the
33 medical assistance program and remain unencumbered or
34 unobligated at the close of the fiscal year, the excess moneys
35 shall not revert but shall be transferred to the senior living

1 trust fund created in section 249H.4. Unless otherwise
2 provided in this Act, moneys appropriated for purposes of the
3 medical assistance program for the fiscal year beginning July
4 1, 2006, and ending June 30, 2007, are not subject to transfer
5 under section 8.39 or other provision of law except as
6 authorized in this section.

7 Sec. 53. Section 249H.11, Code 2005, is amended to read as
8 follows:

9 249H.11 FUTURE-REPEAL GRANTS -- NONREVERSION.

10 1. Section-249H.6-is-repealed-on-June-30,--2005;--However,
11 Nursing facility conversion and long-term care services
12 development grants awarded and moneys appropriated for grants
13 on or before June 30, 2005, shall be disbursed to eligible
14 applicants after that date if necessary.

15 2. Notwithstanding section 8.33, moneys committed from the
16 senior living trust fund to grantees under contract to provide
17 for conversion to assisted living programs or for development
18 of long-term care alternatives that remain unexpended at the
19 close of any fiscal year shall not revert to any fund but
20 shall remain available for expenditure for the purposes of the
21 contract.

22 Sec. 54. 2005 Iowa Acts, chapter 175, section 48, is
23 amended to read as follows:

24 SEC. 48. MEDICAL ASSISTANCE PROGRAM -- REVERSION TO SENIOR
25 LIVING TRUST FUND FOR FY 2005-2006. Notwithstanding section
26 8.33, if moneys appropriated ~~in this Act~~ for purposes of the
27 medical assistance program for the fiscal year beginning July
28 1, 2005, and ending June 30, 2006, from the general fund of
29 the state, the senior living trust fund, the hospital trust
30 fund, or the healthy Iowans tobacco trust fund are in excess
31 of actual expenditures for the medical assistance program and
32 remain unencumbered or unobligated at the close of the fiscal
33 year, the excess moneys shall not revert but shall be
34 transferred to the senior living trust fund created in section
35 249H.4. Unless otherwise provided in this Act, moneys

1 appropriated for purposes of the medical assistance program
2 for the fiscal year beginning July 1, 2005, and ending June
3 30, 2006, are not subject to transfer under section 8.39 or
4 other provision of law except as authorized in this section.

5 Sec. 55. EFFECTIVE DATE. The following provisions of this
6 division of this Act, being deemed of immediate importance,
7 take effect upon enactment:

8 1. The provision amending 2005 Iowa Acts, chapter 175,
9 section 48.

10 2. The provision amending section 249H.11.

11 DIVISION III

12 MENTAL HEALTH, MENTAL RETARDATION,

13 DEVELOPMENTAL DISABILITIES,

14 AND BRAIN INJURY SERVICES

15 ALLOWED GROWTH FUNDING --

16 FISCAL YEAR 2006-2007

17 Sec. 56. 2005 Iowa Acts, chapter 179, section 1,
18 subsection 2, paragraph a, is amended to read as follows:

19 a. For distribution to counties for fiscal year ~~2005-2006~~
20 2006-2007 in accordance with the formula in section 331.438,
21 subsection 2, paragraph "b":

22 \$ 12,000,000

23 Sec. 57. 2005 Iowa Acts, chapter 179, section 1,
24 subsection 2, paragraph c, is amended to read as follows:

25 ~~c. For-deposit-in-the-risk-pool-created-in-the-property~~
26 ~~tax-relief-fund-and-for-distribution-in-accordance-with~~
27 ~~section-426B-57-subsection-2~~ To the department of human
28 services for supplementation of the appropriations made for
29 the medical assistance program for the fiscal year beginning
30 July 1, 2006, and ending June 30, 2007:

31 \$ 2,000,000

32 Sec. 58. 2005 Iowa Acts, chapter 179, section 1, is
33 amended by adding the following new subsections:

34 NEW SUBSECTION. 3. The following formula amounts shall be
35 utilized only to calculate preliminary distribution amounts

1 for fiscal year 2006-2007 under this section by applying the
2 indicated formula provisions to the formula amounts and
3 producing a preliminary distribution total for each county:

4 a. For calculation of an allowed growth factor adjustment
5 amount for each county in accordance with the formula in
6 section 331.438, subsection 2, paragraph "b":

7 \$ 12,000,000

8 b. For calculation of a distribution amount for eligible
9 counties from the per capita expenditure target pool created
10 in the property tax relief fund in accordance with the
11 requirements in section 426B.5, subsection 1:

12 \$ 23,925,724

13 c. For calculation of a distribution amount for counties
14 from the mental health and developmental disabilities (MH/DD)
15 community services fund in accordance with the formula
16 provided in the appropriation made for the MH/DD community
17 services fund for the fiscal year beginning July 1, 2006:

18 \$ 17,727,890

19 d. For distribution to counties as cost share for county
20 coverage of services to adult persons with brain injury in
21 accordance with law enacted for purposes of the coverage and
22 distribution:

23 \$ 2,426,893

24 NEW SUBSECTION. 4. After applying the applicable
25 statutory distribution formulas to the amounts indicated in
26 subsection 3 for purposes of producing preliminary
27 distribution totals, the department of human services shall
28 apply a withholding factor to adjust an eligible individual
29 county's preliminary distribution total. An ending balance
30 percentage for each county shall be determined by expressing
31 the county's ending balance on a modified accrual basis under
32 generally accepted accounting principles for the fiscal year
33 beginning July 1, 2005, in the county's mental health, mental
34 retardation, and developmental disabilities services fund
35 created under section 331.424A, as a percentage of the

1 county's gross expenditures from that fund for that fiscal
2 year. The withholding factor for a county shall be the
3 following applicable percent:

4 a. For an ending balance percentage of less than 5
5 percent, a withholding factor of 0 percent. In addition, a
6 county that is subject to this lettered paragraph shall
7 receive an inflation adjustment equal to 3 percent of the
8 gross expenditures reported for the county's services fund for
9 the fiscal year.

10 b. For an ending balance percentage of 5 or more but less
11 than 10 percent, a withholding factor of 0 percent. In
12 addition, a county that is subject to this lettered paragraph
13 shall receive an inflation adjustment equal to 2 percent of
14 the gross expenditures reported for the county's services fund
15 for the fiscal year.

16 c. For an ending balance percentage of 10 or more but less
17 than 25 percent, a withholding factor of 25 percent.

18 d. For an ending balance percentage of 25 percent or more,
19 a withholding percentage of 100 percent.

20 NEW SUBSECTION. 5. The total withholding amounts applied
21 pursuant to subsection 4 shall be equal to a withholding
22 target amount of \$4,564,576. If the department of human
23 services determines that the amount to be withheld in
24 accordance with subsection 4 is not equal to the target
25 withholding amount, the department shall adjust the
26 withholding factors listed in subsection 4 as necessary to
27 achieve the withholding target amount. However, in making
28 such adjustments to the withholding factors, the department
29 shall strive to minimize changes to the withholding factors
30 for those ending balance percentage ranges that are lower than
31 others and shall not adjust the zero withholding factor or the
32 inflation adjustment percentage specified in subsection 4,
33 paragraph "a".

34 Sec. 59. EFFECTIVE DATE. The section of this division of
35 this Act amending 2005 Iowa Acts, chapter 179, section 1,

1 subsection 2, paragraph "a", being deemed of immediate
2 importance, takes effect upon enactment.

3 DIVISION IV

4 MISCELLANEOUS PROVISIONS

5 Sec. 60. Section 225B.8, Code 2005, is amended to read as
6 follows:

7 225B.8 REPEAL.

8 This chapter is repealed July 1, ~~2006~~ 2011.

9 Sec. 61. Section 231.23, Code Supplement 2005, is amended
10 by adding the following new subsections:

11 NEW SUBSECTION. 13. Provide annual training for area
12 agency on aging advisory council members.

13 NEW SUBSECTION. 14. Establish a procedure for an area
14 agency on aging to use in selection of members of the agency's
15 advisory council required to be established pursuant to 42
16 U.S.C. § 3026(a)(6)(D). The selection procedure shall be
17 incorporated into the bylaws of the advisory council and shall
18 include a nomination process by which nominations are
19 submitted to the department, objections to a nominee may be
20 submitted to the department by a date certain, and if at least
21 twenty-five objections to a nominee are received by the
22 department, the nominee shall be eliminated from nomination
23 for that term of membership.

24 NEW SUBSECTION. 15. Provide oversight to ensure that the
25 composition of area agency on aging advisory councils complies
26 with the requirements of 42 U.S.C. § 3026(a)(6)(D) and the
27 rules of the department.

28 Sec. 62. Section 231.33, Code Supplement 2005, is amended
29 by adding the following new subsections:

30 NEW SUBSECTION. 19. Require the completion by advisory
31 council members, annually, of four hours of training, provided
32 by the department of elder affairs.

33 NEW SUBSECTION. 20. Incorporate into the bylaws of the
34 area agency's advisory council and comply with the procedure
35 established by the department for selection of members to the

1 advisory council as provided in section 231.23.

2 Sec. 63. NEW SECTION. 263.23 OBLIGATIONS TO INDIGENT
3 PATIENTS.

4 The university of Iowa hospitals and clinics shall continue
5 the obligation existing on April 1, 2005, to provide care or
6 treatment at the university of Iowa hospitals and clinics to
7 indigent patients and to any inmate, student, patient, or
8 former inmate of a state institution as specified in sections
9 263.21 and 263.22, with the exception of the specific
10 obligation to committed indigent patients pursuant to section
11 255.16, Code 2005.

12 Sec. 64. Section 249J.20, subsection 5, Code Supplement
13 2005, is amended to read as follows:

14 5. The department of human services, the department of
15 management, and the legislative services agency shall utilize
16 a joint process to arrive at an annual consensus projection
17 for medical assistance program and expansion population
18 expenditures for submission to the council. By December 15 of
19 each fiscal year, the council shall agree-to-a review the
20 consensus projection of expenditures for the fiscal year
21 beginning the following July 1, ~~based-upon-the-consensus~~
22 ~~projection-submitted.~~

23 Sec. 65. TRAVEL POLICY.

24 1. For the fiscal year beginning July 1, 2006, each
25 department or independent agency receiving an appropriation in
26 this Act shall review the employee policy for daily or short-
27 term travel including but not limited to the usage of motor
28 pool vehicles under the department of administrative services,
29 employee mileage reimbursement for the use of a personal
30 vehicle, and the usage of private automobile rental companies.
31 Following the review, the department or agency shall implement
32 revisions in the employee policy for daily or short-term
33 travel as necessary to maximize cost savings.

34 2. Each department or independent agency subject to
35 subsection 1 shall report to the general assembly's standing

1 committees on government oversight regarding the policy
2 revisions implemented and the savings realized from the
3 changes. An initial report shall be submitted on or before
4 December 1, 2006, and a follow-up report shall be submitted on
5 or before December 1, 2007.

6 EXPLANATION

7 This bill relates to and makes appropriations for health
8 and human services for fiscal year 2006-2007 to the state
9 commission of veterans affairs, the Iowa veterans home, the
10 department of elder affairs, the Iowa department of public
11 health, and the department of human services.

12 GENERAL FUND AND BLOCK GRANT APPROPRIATIONS. This division
13 appropriates funding from the general fund of the state for
14 the department of elder affairs, the Iowa department of public
15 health, and the commission of veterans affairs.

16 The division appropriates funds from the gambling treatment
17 fund in lieu of the standing appropriation in Code section
18 135.150 for addictive disorders and provides for use of the
19 funds remaining in the fund.

20 The division appropriates funding from the general fund of
21 the state and the federal temporary assistance for needy
22 families block grant to the department of human services.

23 The bill amends 2005 Iowa Acts, chapter 175, relating to
24 appropriations made for health and human services for FY 2005-
25 2006, to allow unobligated appropriations made from the
26 gambling treatment fund, and from the general fund of the
27 state for chronic conditions and the Iowa collaborative safety
28 net provider network under the Iowa department of public
29 health, gambling treatment, the Iowa veterans home, state
30 supplementary assistance, a quality rating system for child
31 care providers, child and family services, adoption subsidy,
32 and the psychiatric medical institution for children at
33 Independence, to carry forward to the succeeding fiscal year.

34 In addition, 2005 Iowa Acts, chapter 175, section 29,
35 relating to reimbursement of nursing facilities using a case-

1 mix methodology, is amended to revise the excess amount
2 applied for those facilities with direct-care and indirect-
3 care costs at certain percentages below the median. The
4 amendments to 2005 Iowa Acts, chapter 175, take effect upon
5 enactment.

6 SENIOR TRUST FUND, PHARMACEUTICAL SETTLEMENT ACCOUNT,
7 IOWACARE ACCOUNT, AND HEALTH CARE TRANSFORMATION ACCOUNT.

8 This division makes appropriations for the 2006-2007 fiscal
9 year from the senior living trust fund to the department of
10 elder affairs, the department of human services, the
11 department of inspections and appeals, and the Iowa finance
12 authority.

13 The division makes an appropriation from the pharmaceutical
14 settlement account to the department of human services to
15 supplement the medical assistance appropriation and the
16 medical contracts appropriation.

17 The division makes appropriations to the university of Iowa
18 hospitals and clinics, a publicly owned acute care teaching
19 hospital in a county with a population over 350,000, and the
20 state hospitals for persons with mental illness for purposes
21 related to the Iowacare program and indigent care. The
22 division also makes an appropriation to the department of
23 human services from the health care transformation account for
24 various health care reform initiatives.

25 The division provides for nonreversion of assisted living
26 conversion grant funding that remains unexpended at the close
27 of FY 2004-2005 or FY 2005-2006. This section takes effect
28 upon enactment.

29 MENTAL HEALTH, MENTAL RETARDATION, DEVELOPMENTAL
30 DISABILITIES, AND BRAIN INJURY SERVICES ALLOWED GROWTH FUNDING
31 -- FISCAL YEAR 2006-2007. This division relates to mental
32 health, mental retardation and other developmental
33 disabilities, and brain injury (MH/MR/DD/BI) services funding
34 for fiscal year 2006-2007.

35 The division provides for distribution of the services

1 funding previously appropriated for fiscal year 2006-2007 and
2 shifts an allocation made from that funding to the risk pool
3 fund to instead be used for the Medicaid program. In
4 addition, reallocation contingent language is included in the
5 allocation for brain injury services for adults in the event
6 law is not enacted providing for coverage of the services and
7 for distribution of funding commencing in fiscal year 2006-
8 2007.

9 MISCELLANEOUS PROVISIONS. This division provides
10 miscellaneous provisions, including the extension of the
11 existence of the prevention of disabilities policy council
12 until July 1, 2011.

13 The bill provides for the training and selection of members
14 of the area agency on aging advisory councils under Code
15 section 231.23 and 231.33. The bill changes the requirement
16 under Code section 249J.20 that the medical assistance
17 projections and assessment council (MAPAC) agree to a
18 projection of expenditures for a subsequent fiscal year and
19 instead requires that MAPAC review the consensus projection of
20 expenditures of the department of human services, the
21 department of management, and the legislative services agency
22 for the subsequent fiscal year. In new Code section 263.23,
23 the bill codifies language regarding the care of indigent
24 patients at the university of Iowa hospitals and clinics that
25 was formerly included in session law.

26 The bill includes a directive for the departments and
27 independent agencies receiving an appropriation in the bill to
28 review employee policy for daily or short-term travel and to
29 implement policy revisions to maximize cost savings. The
30 directive includes requirements for reporting to the
31 committees on government oversight.

32
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35

HOUSE FILE 2734

AN ACT

RELATING TO AND MAKING APPROPRIATIONS TO THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF ELDER AFFAIRS, THE IOWA DEPARTMENT OF PUBLIC HEALTH, THE DEPARTMENT OF VETERANS AFFAIRS AND THE IOWA VETERANS HOME, THE DEPARTMENT OF HUMAN RIGHTS, AND THE DEPARTMENT OF INSPECTIONS AND APPEALS, PROVIDING FOR FEE INCREASES, AND INCLUDING OTHER RELATED PROVISIONS AND APPROPRIATIONS, AND INCLUDING EFFECTIVE, APPLICABILITY, AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

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

DIVISION I

GENERAL FUND AND BLOCK GRANT APPROPRIATIONS
ELDER AFFAIRS

Section 1. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the general fund of the state to the department of elder affairs for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For aging programs for the department of elder affairs and area agencies on aging to provide citizens of Iowa who are 60 years of age and older with case management for the frail elderly only if the monthly cost per client for case management for the frail elderly services provided does not exceed an average of \$70, resident advocate committee coordination, employment, and other services which may include, but are not limited to, adult day services, respite care, chore services, telephone reassurance, information and assistance, and home repair services, and for the construction

of entrance ramps which make residences accessible to the physically handicapped, and for salaries, support, administration, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions with the department of elder affairs:

..... \$ 4,262,660
..... FTEs 30.50

1. Funds appropriated in this section may be used to supplement federal funds under federal regulations. To receive funds appropriated in this section, a local area agency on aging shall match the funds with moneys from other sources according to rules adopted by the department. Funds appropriated in this section may be used for elderly services not specifically enumerated in this section only if approved by an area agency on aging for provision of the service within the area.

2. Of the funds appropriated in this section, \$2,788,223 shall be used for case management for the frail elderly. Of the funds allocated in this subsection, \$1,385,015 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The department of human services shall adopt rules for case management services provided under the medical assistance elderly waiver in consultation with the department of elder affairs. The monthly cost per client for case management for the frail elderly services provided shall not exceed an average of \$70. It is the intent of the general assembly that the additional funding provided for case management for the frail elderly for the fiscal year beginning July 1, 2006, and ending June 30, 2007, shall be used to provide case management services for up to an additional 1,650 individuals. Notwithstanding any provision to the contrary, any savings realized in case management for the frail elderly that is not provided under the medical assistance elderly

waiver shall be used for services for the frail elderly which may include substitute decision-making services pursuant to chapter 231E.

3. Of the funds appropriated in this section, the department shall use \$25,000 to provide training to the members of boards of directors of area agencies on aging pursuant to section 231.23, as amended by this Act.

4. Of the funds appropriated in this section, \$200,198 shall be transferred to the department of economic development for the Iowa commission on volunteer services to be used for the retired and senior volunteer program.

HEALTH

Sec. 2. DEPARTMENT OF PUBLIC HEALTH. There is appropriated from the general fund of the state to the Iowa department of public health for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

For reducing the prevalence of use of tobacco, alcohol, and other drugs, and treating individuals affected by addictive behaviors, including gambling, and for not more than the following full-time equivalent positions:

..... \$ 1,761,036
..... FTEs 4.35

The department and any grantee or subgrantee of the department shall not discriminate against a nongovernmental organization that provides substance abuse treatment and prevention services or applies for funding to provide those services on the basis that the organization has a religious character.

Of the moneys appropriated in this subsection, \$30,310 shall be used to continue to provide funding to local communities that have previously received funding from the centers for disease control and prevention of the United

States department of health and human services for secondhand smoke education initiatives.

2. HEALTHY CHILDREN AND FAMILIES

For promoting the optimum health status for children, adolescents from birth through 21 years of age, and families and for not more than the following full-time equivalent positions:

..... \$ 2,361,264
..... FTEs 8.60

Of the funds appropriated in this subsection, not more than \$645,917 shall be used for the healthy opportunities to experience success (HOPES)-healthy families Iowa (HFI) program established pursuant to section 135.106. The department shall transfer the funding allocated for the HOPES-HFI program to the Iowa empowerment board for distribution and shall assist the board in managing the contracting for the funding. The funding shall be distributed to renew the grants that were provided to the grantees that operated the program during the fiscal year ending June 30, 2006.

Of the funds appropriated in this subsection, \$150,000 shall be used for the access to baby and child dentistry (ABCD) program to improve child dental care by reaching all Iowa counties with a demonstrated oral health program for children from birth through five years of age.

Of the funds appropriated in this subsection, \$325,000 shall be used to address the healthy mental development of children from birth through five years of age through local evidence-based strategies that engage both the public and private sectors in promoting healthy development, prevention, and treatment for children.

Of the funds appropriated in this subsection, \$20,000 shall be used to implement a pilot demonstration project, in cooperation with the department of human services and the department of elder affairs, that utilizes a web-based system to allow a common intake, case management, and referral system

and provides linkages with existing software programs at minimal cost to the agencies involved.

3. CHRONIC CONDITIONS

For serving individuals identified as having chronic conditions or special health care needs, and for not more than the following full-time equivalent positions:

..... \$ 1,742,840
..... FTEs 3.75

Of the funds appropriated in this subsection, not more than \$280,000 shall be used to leverage federal funding through the federal Ryan White Care Act, Title II, AIDS drug assistance program supplemental drug treatment grants.

Of the funds appropriated in this subsection, \$120,000 shall be used to implement and administer the prescription drug donation repository program authorized pursuant to chapter 135M. The department shall issue a request for proposals to select a contractor to implement and administer the program.

4. COMMUNITY CAPACITY

For strengthening the health care delivery system at the local level, and for not more than the following full-time equivalent positions:

..... \$ 1,718,662
..... FTEs 10.75

Of the funds appropriated in this subsection, \$100,000 is allocated for a child vision screening program implemented through the university of Iowa hospitals and clinics in collaboration with community empowerment areas.

Of the funds appropriated in this subsection, \$159,700 is allocated for an initiative implemented at the university of Iowa and \$140,300 is allocated for an initiative at the state mental health institute at Cherokee to expand and improve the workforce engaged in mental health treatment and services. The initiatives shall receive input from the university of Iowa, the department of human services, the Iowa department of

public health and the mental health, mental retardation, developmental disabilities, and brain injury commission to address the focus of the initiatives. The department of human services, the Iowa department of public health, and the commission shall receive regular updates concerning the status of the initiatives.

5. ELDERLY WELLNESS

For optimizing the health of persons 60 years of age and older:

..... \$ 9,233,985

6. ENVIRONMENTAL HAZARDS

For reducing the public's exposure to hazards in the environment, primarily chemical hazards, and for not more than the following full-time equivalent positions:

..... \$ 623,821
..... FTEs 1.75

Of the amount appropriated in this subsection, \$100,000 is allocated for childhood lead poisoning prevention activities for counties not receiving federal funding for this purpose, \$80,000 is allocated to implement blood lead testing pursuant to section 135.105D, as enacted in this Act, \$50,000 is allocated to continue the pilot project to address lead poisoning prevention and remediation activities in a three-county program in north central Iowa with a combined population of at least 50,000, and \$120,000 is allocated for lead hazard remediation. The department shall select at least two local childhood lead poisoning programs to receive the amount allocated for lead hazard remediation. The selection shall be based on the number of lead-poisoned children living in the service area of the local childhood lead poisoning prevention program, the capacity of the program to work with housing agencies to administer the lead hazard remediation program, and the lack of other resources available for lead hazard remediation in the service area of the program.

7. INFECTIOUS DISEASES

For reducing the incidence and prevalence of communicable diseases, and for not more than the following full-time equivalent positions:

..... \$ 1,258,230
..... FTEs 4.75

If House File 2493 or other legislation providing for a viral hepatitis program and study is enacted into law, of the funds appropriated in this subsection, \$158,000 is allocated for a viral hepatitis program and study.

8. PUBLIC PROTECTION

For protecting the health and safety of the public through establishing standards and enforcing regulations, and for not more than the following full-time equivalent positions:

..... \$ 7,941,473
..... FTEs 113.80

Of the funds appropriated in this subsection, \$643,500 shall be credited to the emergency medical services fund created in section 135.25.

Of the funds appropriated in this subsection, \$50,000 is allocated for increased costs of the office of the state medical examiner laboratory.

9. RESOURCE MANAGEMENT

For establishing and sustaining the overall ability of the department to deliver services to the public, and for not more than the following full-time equivalent positions:

..... \$ 1,016,420
..... FTEs 3.00

10. IOWA COLLABORATIVE SAFETY NET PROVIDER NETWORK

For continuation of the formal network of safety net providers as provided in 2005 Iowa Acts, chapter 175, section 2, subsection 12. Of the amount appropriated in this division of this Act for the medical assistance program, \$1,100,000 is transferred to the appropriations made in this subsection. The amount transferred is allocated as follows:

a. To continue the contract for the program to develop an Iowa collaborative safety net provider network:
..... \$ 450,000

b. For continuation of the incubation grant program to community health centers that receive a total score of 85 based on the evaluation criteria of the health resources and services administration of the United States department of health and human services:
..... \$ 650,000

The university of Iowa hospitals and clinics under the control of the state board of regents shall not receive indirect costs from the funds appropriated in this section.

Sec. 3. DEPARTMENT OF PUBLIC HEALTH -- ADDITIONAL PROVISIONS.

For the fiscal year beginning July 1, 2006, and ending June 30, 2007:

1. A local health care provider or nonprofit health care organization seeking grant moneys administered by the Iowa department of public health shall provide documentation that the provider or organization has coordinated its services with other local entities providing similar services.

2. a. The department shall apply for available federal funds for sexual abstinence education programs.

b. It is the intent of the general assembly to comply with the United States Congress' intent to provide education that promotes abstinence from sexual activity outside of marriage and reduces pregnancies, by focusing efforts on those persons most likely to father and bear children out of wedlock.

c. Any sexual abstinence education program awarded moneys under the grant program shall meet the definition of abstinence education in the federal law. Grantees shall be evaluated based upon the extent to which the abstinence program successfully communicates the goals set forth in the federal law.

Sec. 4. GAMBLING TREATMENT FUND -- APPROPRIATION. In lieu of the appropriation made in section 135.150, subsection 1, there is appropriated from funds available in the gambling treatment fund created in section 135.150 to the Iowa department of public health for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

1. ADDICTIVE DISORDERS

To be utilized for the benefit of persons with addictions: \$ 1,690,000

It is the intent of the general assembly that from the moneys appropriated in this subsection, persons with a dual diagnosis of substance abuse and gambling addictions shall be given priority in treatment services.

2. GAMBLING TREATMENT PROGRAM

The amount remaining in the gambling treatment fund after the appropriation made in subsection 1 is appropriated to the department to be used for funding of administrative costs and to provide programs which may include, but are not limited to, outpatient and follow-up treatment for persons affected by problem gambling, rehabilitation and residential treatment programs, information and referral services, education and preventive services, and financial management services. Of the amount appropriated in this subsection, up to \$100,000 may be used for the licensing of gambling treatment programs as provided in section 135.150.

DEPARTMENT OF VETERANS AFFAIRS

Sec. 5. DEPARTMENT OF VETERANS AFFAIRS. There is appropriated from the general fund of the state to the department of veterans affairs for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. DEPARTMENT OF VETERANS AFFAIRS ADMINISTRATION

For salaries, support, maintenance, miscellaneous purposes, including the war orphans educational aid fund established pursuant to chapter 35 and for not more than the following full-time equivalent positions:

..... \$ 522,114
..... FTEs 6.50

Of the funds appropriated in this subsection, \$50,000 is allocated for outreach efforts utilizing retired and senior volunteers in programs established pursuant to chapter 15H. If possible, for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the department shall contract with individuals currently coordinating volunteers with existing programs. The department shall be responsible for ensuring individuals responsible for claims processing receive adequate training.

The department of veterans affairs shall report to the senate state government committee and to the veterans committee of the house of representatives by October 15, 2006, regarding employment of the additional field service officers authorized under this subsection.

2. IOWA VETERANS HOME

For salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 13,569,501
..... FTEs 874.55

HUMAN SERVICES

Sec. 6. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT. There is appropriated from the fund created in section 8.41 to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, from moneys received under the federal temporary assistance for needy families (TANF) block grant pursuant to the federal Personal Responsibility and Work Opportunity Reconciliation Act of

1996, Pub. L. No. 104-193, and successor legislation, which are federally appropriated for the federal fiscal years beginning October 1, 2005, and ending September 30, 2006, and beginning October 1, 2006, and ending September 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. To be credited to the family investment program account and used for assistance under the family investment program under chapter 239B:

..... \$ 40,858,316

2. To be credited to the family investment program account and used for the job opportunities and basic skills (JOBS) program, and implementing family investment agreements, in accordance with chapter 239B:

..... \$ 17,128,861

3. To be used for the family development and self-sufficiency grant program as provided under section 217.12 and this division of this Act:

..... \$ 2,698,675

4. For field operations:
..... \$ 17,707,495

5. For general administration:
..... \$ 3,744,000

6. For local administrative costs:
..... \$ 2,189,830

7. For state child care assistance:
..... \$ 15,756,560

a. Of the funds appropriated in this subsection, \$200,000 shall be used for provision of educational opportunities to registered child care home providers in order to improve services and programs offered by this category of providers and to increase the number of providers. The department may contract with institutions of higher education or child care resource and referral centers to provide the educational opportunities. Allowable administrative costs under the

contracts shall not exceed 5 percent. The application for a grant shall not exceed two pages in length.

b. The funds appropriated in this subsection shall be transferred to the child care and development block grant appropriation.

8. For mental health and developmental disabilities community services:
..... \$ 4,894,052

9. For child and family services:
..... \$ 32,084,430

10. For child abuse prevention grants:
..... \$ 250,000

11. For pregnancy prevention grants on the condition that family planning services are funded:
..... \$ 1,987,530

Pregnancy prevention grants shall be awarded to programs in existence on or before July 1, 2006, if the programs are comprehensive in scope and have demonstrated positive outcomes. Grants shall be awarded to pregnancy prevention programs which are developed after July 1, 2006, if the programs are comprehensive in scope and are based on existing models that have demonstrated positive outcomes. Grants shall comply with the requirements provided in 1997 Iowa Acts, chapter 208, section 14, subsections 1 and 2, including the requirement that grant programs must emphasize sexual abstinence. Priority in the awarding of grants shall be given to programs that serve areas of the state which demonstrate the highest percentage of unplanned pregnancies of females of childbearing age within the geographic area to be served by the grant.

12. For technology needs and other resources necessary to meet federal welfare reform reporting, tracking, and case management requirements:
..... \$ 1,037,186

13. For the healthy opportunities for parents to experience success (HOPES) program administered by the Iowa department of public health to target child abuse prevention:
 \$ 200,000

14. To be credited to the state child care assistance appropriation made in this section to be used for funding of community-based early childhood programs targeted to children from birth through five years of age, developed by community empowerment areas as provided in section 28.9:
 \$ 7,350,000

The department shall transfer TANF block grant funding appropriated and allocated in this subsection to the child care and development block grant appropriation in accordance with federal law as necessary to comply with the provisions of this subsection.

15. For a pilot program to be established in one or more judicial districts, selected by the department and the judicial council, to provide employment and support services to delinquent child support obligors as an alternative to commitment to jail as punishment for contempt of court:
 \$ 200,000

Of the amounts appropriated in this section, \$13,019,471 for the fiscal year beginning July 1, 2006, shall be transferred to the appropriation of the federal social services block grant for that fiscal year. If the federal government revises requirements to reduce the amount that may be transferred to the federal social services block grant, it is the intent of the general assembly to act expeditiously during the 2007 legislative session to adjust appropriations or the transfer amount or take other actions to address the reduced amount.

The department may transfer funds allocated in this section to the appropriations in this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those

funded in the appropriation made in this division of this Act for the family investment program from the general fund.

Sec. 7. FAMILY INVESTMENT PROGRAM ACCOUNT.

1. Moneys credited to the family investment program (FIP) account for the fiscal year beginning July 1, 2006, and ending June 30, 2007, shall be used to provide assistance in accordance with chapter 239B.

2. The department may use a portion of the moneys credited to the FIP account under this section as necessary for salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions which are in addition to any other full-time equivalent positions authorized in this division of this Act:

..... FTES 14.00

3. The department may transfer funds allocated in this section to the appropriations in this Act for general administration and field operations for resources necessary to implement and operate the services referred to in this section and those funded in the appropriation made in this division of this Act for the family investment program from the general fund of the state.

4. Moneys appropriated in this division of this Act and credited to the FIP account for the fiscal year beginning July 1, 2006, and ending June 30, 2007, are allocated as follows:

a. For the family development and self-sufficiency grant program as provided under section 217.12:
 \$ 5,283,042

(1) Of the funds allocated for the family development and self-sufficiency grant program in this lettered paragraph, not more than 5 percent of the funds shall be used for the administration of the grant program.

(2) The department may continue to implement the family development and self-sufficiency grant program statewide during FY 2006-2007.

b. For the diversion subaccount of the FIP account:

..... \$ 2,814,000

(1) A portion of the moneys allocated for the subaccount may be used for field operations salaries, data management system development, and implementation costs and support deemed necessary by the director of human services in order to administer the FIP diversion program.

(2) Of the funds allocated in this lettered paragraph, not more than \$250,000 shall be used to develop or continue community-level parental obligation pilot projects. The requirements established under 2001 Iowa Acts, chapter 191, section 3, subsection 5, paragraph "c", subparagraph (3), shall remain applicable to the parental obligation pilot projects for fiscal year 2006-2007. Notwithstanding 441 IAC 100.8, providing for termination of rules relating to the pilot projects the earlier of October 1, 2006, or when legislative authority is discontinued, the rules relating to the pilot projects shall remain in effect until June 30, 2007.

c. For the food stamp employment and training program:

..... \$ 64,278

d. For the JOBS program:

..... \$ 23,968,620

Of the funds allocated in this lettered paragraph, \$2,000,000 shall be used to maintain the mileage reimbursement rate for the JOBS program at the same rate used for the Medicaid program during the fiscal year.

5. Of the child support collections assigned under FIP, an amount equal to the federal share of support collections shall be credited to the child support recovery appropriation. Of the remainder of the assigned child support collections received by the child support recovery unit, a portion shall be credited to the FIP account and a portion may be used to increase recoveries. If child support collections assigned under FIP are greater than estimated, the state share of that greater portion may be transferred to the child support payments account.

6. The department may adopt emergency rules for the family investment, JOBS, family development and self-sufficiency grant, food stamp, and medical assistance programs if necessary to comply with federal requirements.

Sec. 8. FAMILY INVESTMENT PROGRAM GENERAL FUND. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To be credited to the family investment program (FIP) account and used for family investment program assistance under chapter 239B:

..... \$ 42,599,885

1. Of the funds appropriated in this section, \$6,839,767 is allocated for the JOBS program.

2. Of the funds appropriated in this section, \$2,584,367 is allocated for the family development and self-sufficiency grant program as provided under section 217.12 and this division of this Act.

3. Of the funds appropriated in this section, \$200,000 shall be used to provide a grant to an Iowa-based nonprofit organization with a history of providing tax preparation assistance to low-income Iowans in order to expand the usage of the earned income tax credit. The purpose of the grant is to supply this assistance to underserved areas of the state. The grant shall be provided to an organization that has existing national foundation support for supplying such assistance that can also secure local charitable match funding.

4. Notwithstanding section 8.39, for the fiscal year beginning July 1, 2006, if necessary to meet federal maintenance of effort requirements or to transfer federal temporary assistance for needy families block grant funding to be used for purposes of the federal social services block

grant or to meet cash flow needs resulting from delays in receiving federal funding or to implement, in accordance with this division of this Act, activities currently funded with juvenile court services, county, or community moneys and state moneys used in combination with such moneys, the department of human services may transfer funds within or between any of the appropriations made in this division of this Act and appropriations in law for the federal social services block grant to the department for the following purposes, provided that the combined amount of state and federal temporary assistance for needy families block grant funding for each appropriation remains the same before and after the transfer:

- a. For the family investment program.
- b. For child care assistance.
- c. For child and family services.
- d. For field operations.
- e. For general administration.
- f. MH/MR/DD/BI community services (local purchase).

This subsection shall not be construed to prohibit existing state transfer authority for other purposes. The department shall report any transfers made pursuant to this subsection to the legislative services agency.

Sec. 9. CHILD SUPPORT RECOVERY. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For child support recovery, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

.....	\$	8,214,690
.....	FTEs	450.00

1. The department shall expend up to \$31,000, including federal financial participation, for the fiscal year beginning July 1, 2006, for a child support public awareness campaign.

The department and the office of the attorney general shall cooperate in continuation of the campaign. The public awareness campaign shall emphasize, through a variety of media activities, the importance of maximum involvement of both parents in the lives of their children as well as the importance of payment of child support obligations.

2. Federal access and visitation grant moneys shall be issued directly to private not-for-profit agencies that provide services designed to increase compliance with the child access provisions of court orders, including but not limited to neutral visitation site and mediation services.

Sec. 10. MEDICAL ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2006, except as otherwise expressly authorized by law, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary:

..... \$652,311,610

1. Medically necessary abortions are those performed under any of the following conditions:

- a. The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.
- b. The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.
- c. The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

d. The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

e. Any spontaneous abortion, commonly known as a miscarriage, if not all of the products of conception are expelled.

2. The department shall utilize not more than \$60,000 of the funds appropriated in this section to continue the AIDS/HIV health insurance premium payment program as established in 1992 Iowa Acts, Second Extraordinary Session, chapter 1001, section 409, subsection 6. Of the funds allocated in this subsection, not more than \$5,000 may be expended for administrative purposes.

3. Of the funds appropriated to the Iowa department of public health for addictive disorders, \$950,000 for the fiscal year beginning July 1, 2006, shall be transferred to the department of human services for an integrated substance abuse managed care system.

4. Based upon a waiver from the federal centers for Medicare and Medicaid services, the department shall provide a period of 12 months of guaranteed eligibility for medical assistance family planning services only, regardless of the change in circumstances of a woman who was a medical assistance recipient when a pregnancy ended. The department shall also provide this eligibility to women of childbearing age with countable income at or below 200 percent of the federal poverty level. The department may adopt emergency rules to implement this subsection.

5. a. The department shall aggressively pursue options for providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnosis, and treatment program under the medical assistance program due to becoming 21 years of age, who have

been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to policy process.

b. Of the funds appropriated in this section, \$100,000 shall be used for participation in one or more pilot projects operated by a private provider to allow the individual or individuals to receive service in the community in accordance with principles established in *Olmstead v. L.C.*, 527 U.S. 581 (1999), for the purpose of providing medical assistance or other assistance to individuals with special needs who become ineligible to continue receiving services under the early and periodic screening, diagnosis, and treatment program under the medical assistance program due to becoming 21 years of age, who have been approved for additional assistance through the department's exception to policy provisions, but who have health care needs in excess of the funding available through the exception to the policy provisions.

6. Of the funds appropriated in this section, up to \$3,050,082 may be transferred to the field operations or general administration appropriations in this Act for implementation and operational costs associated with Part D of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. No. 108-173.

7. The department shall initiate planning to address options available under the federal Family Opportunity Act enacted as part of the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171. The options addressed shall include but are not limited to the option to allow families of children with disabilities to purchase Medicaid coverage, other health coverage options, and the option to apply to the centers for Medicare and Medicaid services of the United States department of health and human services for Iowa to participate in a demonstration project to develop home and community-based services as an alternative to psychiatric residential

treatment for children with psychiatric disabilities who are enrolled in the Medicaid program. The department shall report by December 15, 2006, to the persons designated by this Act to receive reports regarding the planning activities and recommendations regarding the options.

8. The department shall apply to the centers for Medicare and Medicaid services of the United States department of health and human services to participate in the Medicaid transformation grants program as specified in section 6081 of the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171, for adoption of innovative methods to improve the effectiveness and efficiency in providing medical assistance. The innovative methods may include but are not limited to the use of electronic health records and personal health records by health care professionals and consumers to address the health needs specific to populations including but not limited to persons with brain injury, persons with dual diagnoses of mental illness and mental retardation or substance abuse and mental illness, and children with chronic conditions; the use of diagnostic techniques that promote the early diagnosis and treatment of chronic disease in adults including physical and mental health, hepatitis, behavioral health, and cancer; and review of the physical and mental health status of the medical assistance population to more effectively integrate and determine public health strategies and interventions to reduce the incidence of preventable diseases and chronic conditions in the medical assistance population including but not limited to those related to obesity and nutrition, smoking, and diabetes. The department shall submit a draft of the application to the medical assistance projections and assessment council for approval as expeditiously as possible, prior to submission to the centers for Medicare and Medicaid services of the United States department of health and human services. Any grant for which application is made under this subsection shall not require state matching funds. Any

federal funding received shall be used in coordination with the purposes of the account for health care transformation pursuant to section 252J.23 and shall be integrated with the IowaCare program pursuant to chapter 252J.

9. Of the amount appropriated in this section, \$250,000 shall be used for a dollar-for-dollar matching grant to a nonprofit organization of medical providers established to provide direction in promoting a health care culture of continuous improvement in quality, patient safety, and value through collaborative efforts by hospitals and physicians.

10. The department may amend the Medicaid state plan to provide medical assistance reciprocity for children who receive an adoption subsidy who are not eligible for funding under Title IV-E of the federal Social Security Act.

11. The department shall submit a medical assistance state plan amendment to the centers for Medicare and Medicaid services of the United States department of health and human services that is in substantially the form of the draft submitted by letter dated March 1, 2006, and published on the department website. The department shall adopt emergency rules effective July 1, 2006, to implement the state plan amendment.

12. The department shall review the impact of the federal Deficit Reduction Act of 2005, Pub. L. No. 109-171, on the state's medical assistance program reimbursement policy for multiple source prescription drug products and the Act's impact on participating pharmacies. The department shall submit a report, including recommendations relating to adjustments to the medical assistance program pharmacy dispensing fee, to the governor and the general assembly no later than January 1, 2007.

Sec. 11. HEALTH INSURANCE PREMIUM PAYMENT PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount,

or so much thereof as is necessary, to be used for the purpose designated:

For administration of the health insurance premium payment program, including salaries, support, maintenance, and miscellaneous purposes, and for not more than the following full-time equivalent positions:

..... \$ 634,162
..... FTEs 21.00

Sec. 12. MEDICAL CONTRACTS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For medical contracts, including salaries, support, maintenance, and miscellaneous purposes:
..... \$ 14,417,985

Sec. 13. STATE SUPPLEMENTARY ASSISTANCE.
1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the state supplementary assistance program:
..... \$ 18,710,335

2. The department shall increase the personal needs allowance for residents of residential care facilities by the same percentage and at the same time as federal supplemental security income and federal social security benefits are increased due to a recognized increase in the cost of living. The department may adopt emergency rules to implement this subsection.

3. If during the fiscal year beginning July 1, 2006, the department projects that state supplementary assistance expenditures for a calendar year will not meet the federal pass-along requirement specified in Title XVI of the federal

Social Security Act, section 1618, as codified in 42 U.S.C. § 1382g, the department may take actions including but not limited to increasing the personal needs allowance for residential care facility residents and making programmatic adjustments or upward adjustments of the residential care facility or in-home health-related care reimbursement rates prescribed in this division of this Act to ensure that federal requirements are met. In addition, the department may make other programmatic and rate adjustments necessary to remain within the amount appropriated in this section while ensuring compliance with federal requirements. The department may adopt emergency rules to implement the provisions of this subsection.

Sec. 14. CHILDREN'S HEALTH INSURANCE PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For maintenance of the healthy and well kids in Iowa (hawk-i) program pursuant to chapter 514I for receipt of federal financial participation under Title XXI of the federal Social Security Act, which creates the state children's health insurance program:
..... \$ 19,703,715

Sec. 15. CHILD CARE ASSISTANCE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child care programs:
..... \$ 21,801,198

1. Of the funds appropriated in this section, \$18,850,674 shall be used for state child care assistance in accordance with section 237A.13.

2. Nothing in this section shall be construed or is intended as, or shall imply, a grant of entitlement for services to persons who are eligible for assistance due to an income level consistent with the waiting list requirements of section 237A.13. Any state obligation to provide services pursuant to this section is limited to the extent of the funds appropriated in this section.

3. Of the funds appropriated in this section, \$525,524 is allocated for the statewide program for child care resource and referral services under section 237A.26. A list of the registered and licensed child care facilities operating in the area served by a child care resource and referral service shall be made available to the families receiving state child care assistance in that area.

4. Of the funds appropriated in this section, \$1,225,000 is allocated for child care quality improvement initiatives including but not limited to development and continuation of a quality rating system.

5. The department may use any of the funds appropriated in this section as a match to obtain federal funds for use in expanding child care assistance and related programs. For the purpose of expenditures of state and federal child care funding, funds shall be considered obligated at the time expenditures are projected or are allocated to the department's service areas. Projections shall be based on current and projected caseload growth, current and projected provider rates, staffing requirements for eligibility determination and management of program requirements including data systems management, staffing requirements for administration of the program, contractual and grant obligations and any transfers to other state agencies, and obligations for decategorization or innovation projects.

6. A portion of the state match for the federal child care and development block grant shall be provided through the state general fund appropriation for child development grants and other programs for at-risk children in section 279.51.

7. Of the funds appropriated in this section, \$1,200,000 is transferred to the Iowa empowerment fund to be used for professional development for the system of early care, health, and education.

Sec. 16. JUVENILE INSTITUTIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For operation of the Iowa juvenile home at Toledo and for salaries, support, maintenance, and for not more than the following full-time equivalent positions:

..... \$ 6,667,400
..... FTEs 118.50

a. Of the funds appropriated in this subsection, at least \$25,000 is allocated for provision of books or other learning materials and activities associated with the education of children placed at the Iowa juvenile home.

b. It is the intent of the general assembly that effective July 1, 2009, placements at the Iowa juvenile home will be limited to females and that placements of boys at the home will be diverted to other options. The department shall utilize a study group to make recommendations on the options for diversion of placements of boys and the study group shall report on or before July 1, 2007, to the persons designated by this division of this Act to receive reports. Leadership for the study group shall be provided by the department of human services. The study group membership shall also include but is not limited to two departmental service area administrators or their designees, a representative of the division of the commission on the status of women of the department of human rights, a member of the council on human services, a departmental division administrator, two representatives of juvenile court services, a representative of the division of

criminal and juvenile justice planning of the department of human rights, and two representatives of child welfare service provider agencies. In addition, the study group membership shall include four members of the general assembly so that the majority and minority parties of both chambers are represented. Legislative members are eligible for reimbursement of actual expenses paid under section 2.10.

2. For operation of the state training school at Eldora and for salaries, support, maintenance, and for not more than the following full-time equivalent positions:

..... \$ 10,608,148
..... FTEs 196.55

Of the funds appropriated in this subsection, at least \$25,000 is allocated for provision of books or other learning materials and activities associated with the education of children placed at the state training school.

3. A portion of the moneys appropriated in this section shall be used by the state training school and by the Iowa juvenile home for grants for adolescent pregnancy prevention activities at the institutions in the fiscal year beginning July 1, 2006.

Sec. 17. CHILD AND FAMILY SERVICES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For child and family services:

..... \$ 80,945,373

In order to address a reduction of \$5,200,000 from the amount allocated under this appropriation in prior years for purposes of juvenile delinquent graduated sanction services, up to \$5,200,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services, shall be

made available for purposes of juvenile delinquent graduated sanction services.

2. The department may transfer funds appropriated in this section as necessary to pay the nonfederal costs of services reimbursed under the medical assistance program or the family investment program which are provided to children who would otherwise receive services paid under the appropriation in this section. The department may transfer funds appropriated in this section to the appropriations in this division of this Act for general administration and for field operations for resources necessary to implement and operate the services funded in this section.

3. a. Of the funds appropriated in this section, up to \$37,084,884 is allocated as the statewide expenditure target under section 232.143 for group foster care maintenance and services.

b. If at any time after September 30, 2006, annualization of a service area's current expenditures indicates a service area is at risk of exceeding its group foster care expenditure target under section 232.143 by more than 5 percent, the department and juvenile court services shall examine all group foster care placements in that service area in order to identify those which might be appropriate for termination. In addition, any aftercare services believed to be needed for the children whose placements may be terminated shall be identified. The department and juvenile court services shall initiate action to set dispositional review hearings for the placements identified. In such a dispositional review hearing, the juvenile court shall determine whether needed aftercare services are available and whether termination of the placement is in the best interest of the child and the community.

c. Of the funds allocated in this subsection, \$1,510,661 is allocated as the state match funding for 50 highly structured juvenile program beds. If the number of beds

provided for in this lettered paragraph is not utilized, the remaining funds allocated may be used for group foster care.

4. In accordance with the provisions of section 232.188, the department shall continue the child welfare and juvenile justice funding initiative. Of the funds appropriated in this section, \$2,500,000 is allocated specifically for expenditure through the decategorization service funding pools and governance boards established pursuant to section 232.188. In addition, up to \$1,000,000 of the amount of federal temporary assistance for needy families block grant funding appropriated in this division of this Act for child and family services shall be made available for purposes of the decategorization initiative as provided in this subsection.

5. A portion of the funds appropriated in this section may be used for emergency family assistance to provide other resources required for a family participating in a family preservation or reunification project to stay together or to be reunified.

Notwithstanding section 234.35 or any other provision of law to the contrary, for the fiscal year beginning July 1, 2006, state funding for shelter care shall be limited to the amount necessary to fund 273 beds that are guaranteed and seven beds that are not guaranteed. The department shall submit an emergency services plan by December 15, 2006, to the persons designated by this division of this Act to receive reports. The plan shall identify crisis intervention and emergency services alternatives to shelter care and shall specify the numbers of shelter beds that are guaranteed and not guaranteed, as determined necessary by the department.

6. Federal funds received by the state during the fiscal year beginning July 1, 2006, as the result of the expenditure of state funds appropriated during a previous state fiscal year for a service or activity funded under this section, are appropriated to the department to be used as additional funding for services and purposes provided for under this

section. Notwithstanding section 8.33, moneys received in accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for the purposes designated until the close of the succeeding fiscal year.

7. Of the funds appropriated in this section, not more than \$442,100 is allocated to provide clinical assessment services as necessary to continue funding of children's rehabilitation services under medical assistance in accordance with federal law and requirements. The funding allocated is the amount projected to be necessary for providing the clinical assessment services.

8. Of the funds appropriated in this section, \$3,696,285 shall be used for protective child care assistance.

9. Of the funds appropriated in this section, up to \$3,002,844 is allocated for the payment of the expenses of court-ordered services provided to juveniles which are a charge upon the state pursuant to section 232.141, subsection 4.

Of the amount allocated in this subsection, up to \$1,505,161 shall be made available to provide school-based supervision of children adjudicated under chapter 232, of which not more than \$15,000 may be used for the purpose of training. A portion of the cost of each school-based liaison officer shall be paid by the school district or other funding source as approved by the chief juvenile court officer.

a. Notwithstanding section 232.141 or any other provision of law to the contrary, the amount allocated in this subsection shall be distributed to the judicial districts as determined by the state court administrator. The state court administrator shall make the determination of the distribution amounts on or before June 15, 2006.

b. Notwithstanding chapter 232 or any other provision of law to the contrary, a district or juvenile court shall not order any service which is a charge upon the state pursuant to section 232.141 if there are insufficient court-ordered

services funds available in the district court distribution amount to pay for the service. The chief juvenile court officer shall encourage use of the funds allocated in this subsection such that there are sufficient funds to pay for all court-related services during the entire year. The chief juvenile court officers shall attempt to anticipate potential surpluses and shortfalls in the distribution amounts and shall cooperatively request the state court administrator to transfer funds between the districts' distribution amounts as prudent.

c. Notwithstanding any provision of law to the contrary, a district or juvenile court shall not order a county to pay for any service provided to a juvenile pursuant to an order entered under chapter 232 which is a charge upon the state under section 232.141, subsection 4.

d. Of the funds allocated in this subsection, not more than \$100,000 may be used by the judicial branch for administration of the requirements under this subsection and for travel associated with court-ordered placements which are a charge upon the state pursuant to section 232.141, subsection 4.

10. Notwithstanding 2000 Iowa Acts, chapter 1228, section 43, the department may operate a subsidized guardianship program if the United States department of health and human services approves a waiver under Title IV-E of the federal Social Security Act or the federal Social Security Act is amended to allow Title IV-E funding to be used for subsidized guardianship, and the subsidized guardianship program can be operated without loss of Title IV-E funds.

11. Of the funds appropriated in this section, \$1,000,000 shall be transferred to the Iowa department of public health to be used for the child protection center grant program in accordance with section 135.118.

12. Of the funds appropriated in this section, \$148,000 shall be used for funding of one or more child welfare

diversion and mediation pilot projects as provided in 2004 Iowa Acts, chapter 1130, section 1.

13. If the department receives federal approval to implement a waiver under Title IV-E of the federal Social Security Act to enable providers to serve children who remain in the children's families and communities, for purposes of eligibility under the medical assistance program children who participate in the waiver shall be considered to be placed in foster care.

14. a. Funds appropriated in this section may be used to provide continued support for young adults who are age eighteen and graduate from high school or complete a graduation equivalency diploma after May 1, 2006, have a self-sufficiency plan, and are continuing their education, working, or are in work training. The department may amend existing contracts to provide the additional services to this population. The department may adopt emergency rules to implement the provisions of this subsection.

b. Of the funds appropriated in this section, \$854,012 is allocated for the program described in this subsection for young adults who leave foster care services at age 18 provided legislation is enacted by the Eighty-first General Assembly, 2006 Session, to codify requirements for the program. If enacted, the program shall commence as early as possible in the fiscal year. The department may adopt emergency rules to implement the program.

15. Of the funds appropriated in this section, \$50,000 is allocated for a grant to expand an existing program operated by a nonprofit organization providing family treatment and community education services in a nine-county area.

16. Of the funds appropriated in this section, \$1,000,000 shall be used for juvenile drug courts to replace lost federal grants and to expand juvenile drug courts. The amount allocated in this subsection shall be distributed as follows:

a. To the judicial branch for salaries to assist with the operation of juvenile drug court programs operated in the following jurisdictions:

- (1) Marshall county: \$ 60,000
- (2) Woodbury county: \$ 120,254
- (3) Polk county: \$ 187,434
- (4) For establishing a program in the eighth judicial district and in another judicial district: \$ 130,000

b. For court-ordered services to support substance abuse and related services provided to the juveniles participating in the juvenile drug court programs listed in paragraph "a" and the juveniles' families: \$ 502,312

The state court administrator shall allocate the funding designated in this paragraph among the programs.

17. Of the funds appropriated in this section, \$100,000 is allocated to establish a multidimensional treatment level foster care program provided House File 2567 or other legislation requiring the department to establish the program is enacted by the Eighty-first General Assembly, 2006 Session.

18. During the fiscal year beginning July 1, 2006, the department shall continue funding one or more child welfare diversion and mediation pilot projects implemented pursuant to 2004 Iowa Acts, chapter 1130, section 1. The department shall do all of the following in continuing the pilot projects:

a. If an agency providing mediation services under the pilot project has not demonstrated the ability to deliver services throughout the entire fiscal year within the funding allocated, the department shall not renew the contract with the agency.

b. If a contract is not renewed as provided in paragraph "a", the department shall select a replacement provider agency with the experience and capacity to provide mediation services in the county or counties served by the provider agency whose contract was not renewed. Whenever possible in selecting a replacement provider agency, the department shall select a provider agency whose primary operations office is located within the largest county served by the pilot project.

19. Of the funds appropriated in this section, \$230,000 shall be used for a grant to a nonprofit human services organization providing services to individuals and families in multiple locations in southwest Iowa and Nebraska for support of a project providing immediate, sensitive support and forensic interviews, medical exams, needs assessments and referrals for victims of child abuse and their nonoffending family members.

Sec. 18. ADOPTION SUBSIDY.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For adoption subsidy payments and services:

..... \$ 31,446,063

2. The department may transfer funds appropriated in this section to the appropriations in this Act for child and family services to be used for adoptive family recruitment and other services to achieve adoption.

3. Federal funds received by the state during the fiscal year beginning July 1, 2006, as the result of the expenditure of state funds during a previous state fiscal year for a service or activity funded under this section, are appropriated to the department to be used as additional funding for the services and activities funded under this section. Notwithstanding section 8.33, moneys received in

accordance with this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 19. JUVENILE DETENTION HOME FUND. Moneys deposited in the juvenile detention home fund created in section 232.142 during the fiscal year beginning July 1, 2006, and ending June 30, 2007, are appropriated to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, for distribution as follows:

1. An amount equal to 10 percent of the costs of the establishment, improvement, operation, and maintenance of county or multicounty juvenile detention homes in the fiscal year beginning July 1, 2005. Moneys appropriated for distribution in accordance with this subsection shall be allocated among eligible detention homes, prorated on the basis of an eligible detention home's proportion of the costs of all eligible detention homes in the fiscal year beginning July 1, 2005. Notwithstanding section 232.142, subsection 3, the financial aid payable by the state under that provision for the fiscal year beginning July 1, 2006, shall be limited to the amount appropriated for the purposes of this subsection.

2. For renewal of a grant to a county with a population between 189,000 and 196,000 in the latest preceding certified federal census for implementation of the county's runaway treatment plan under section 232.195:

..... \$ 80,000

3. For continuation and expansion of the community partnership for child protection sites:

..... \$ 318,000

4. For continuation of the department's minority youth and family projects under the redesign of the child welfare system:

..... \$ 375,000

5. For funding of the state match for the federal substance abuse and mental health services administration (SAMSHA) system of care grant:

..... \$ 67,600

If the federal grant is not approved on or before January 1, 2007, the amount designated in this subsection shall be allocated as provided in subsection 6.

6. The remainder for additional allocations to county or multicounty juvenile detention homes, in accordance with the distribution requirements of subsection 1.

Sec. 20. FAMILY SUPPORT SUBSIDY PROGRAM. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the family support subsidy program:

..... \$ 1,936,434

1. The department shall use at least \$333,312 of the moneys appropriated in this section to continue the children-at-home program in current counties, and if funds are available after exhausting the family support subsidy waiting list, to expand the program to additional counties. Not more than \$20,000 of the amount allocated in this subsection shall be used for administrative costs.

2. Notwithstanding contrary provisions of section 225C.38, subsection 1, the monthly family support subsidy payment amount for the fiscal year beginning July 1, 2006, shall be determined by the department in consultation with the council created in section 225C.48, not to exceed the amount in effect on June 30, 2006.

Sec. 21. CONNER DECREE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For building community capacity through the coordination and provision of training opportunities in accordance with the consent decree of Conner v. Branstad, No. 4-86-CV-30871(S.D. Iowa, July 14, 1994):

..... \$ 42,623

Sec. 22. MENTAL HEALTH INSTITUTES. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the state mental health institute at Cherokee for salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 4,893,698
..... FTEs 215.00

Of the funds appropriated in this subsection, at least \$5,000 is allocated for provision of books or other learning materials and activities associated with the education of children placed in facilities operated at the state mental health institute at Cherokee.

2. For the state mental health institute at Clarinda for salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 6,179,344
..... FTEs 101.15

3. For the state mental health institute at Independence for salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 9,006,899
..... FTEs 286.40

Of the funds appropriated in this subsection, at least \$5,000 is allocated for provision of books or other learning materials and activities associated with the education of children placed in facilities located at the state mental health institute at Independence.

4. For the state mental health institute at Mount Pleasant for salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 1,046,074
..... FTEs 102.84

The department shall implement a new 20-bed substance abuse treatment unit beginning October 1, 2006.

Sec. 23. STATE RESOURCE CENTERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the state resource center at Glenwood for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 14,006,583

2. For the state resource center at Woodward for salaries, support, maintenance, and miscellaneous purposes:

..... \$ 8,590,761

3. The department may continue to bill for state resource center services utilizing a scope of services approach used for private providers of ICFMR services, in a manner which does not shift costs between the medical assistance program, counties, or other sources of funding for the state resource centers.

4. The state resource centers may expand the time limited assessment and respite services during the fiscal year.

5. If the department's administration and the department of management concur with a finding by a state resource

center's superintendent that projected revenues can reasonably be expected to pay the salary and support costs for a new employee position, or that such costs for adding a particular number of new positions for the fiscal year would be less than the overtime costs if new positions would not be added, the superintendent may add the new position or positions. If the vacant positions available to a resource center do not include the position classification desired to be filled, the state resource center's superintendent may reclassify any vacant position as necessary to fill the desired position. The superintendents of the state resource centers may, by mutual agreement, pool vacant positions and position classifications during the course of the fiscal year in order to assist one another in filling necessary positions.

6. If existing capacity limitations are reached in operating units, a waiting list is in effect for a service or a special need for which a payment source or other funding is available for the service or to address the special need, and facilities for the service or to address the special need can be provided within the available payment source or other funding, the superintendent of a state resource center may authorize opening not more than two units or other facilities and to begin implementing the service or addressing the special need during fiscal year 2006-2007.

Sec. 24. MI/MR/DD STATE CASES.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For purchase of local services for persons with mental illness, mental retardation, and developmental disabilities where the client has no established county of legal settlement:
..... \$ 12,286,619

2. For the fiscal year beginning July 1, 2006, and ending June 30, 2007, \$200,000 is allocated for state cases from the amounts appropriated from the fund created in section 8.41 to the department of human services from the funds received from the federal government under 42 U.S.C., chapter 6A, subchapter XVII, relating to the community mental health center block grant, for the federal fiscal years beginning October 1, 2004, and ending September 30, 2005, beginning October 1, 2005, and ending September 30, 2006, and beginning October 1, 2006, and ending September 30, 2007. The allocation made in this subsection shall be made prior to any other distribution allocation of the appropriated federal funds.

Sec. 25. MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES -- COMMUNITY SERVICES FUND. There is appropriated from the general fund of the state to the mental health and developmental disabilities community services fund created in section 225C.7 for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For mental health and developmental disabilities community services in accordance with this division of this Act:

..... \$ 18,017,890

1. Of the funds appropriated in this section, \$17,727,890 shall be allocated to counties for funding of community-based mental health and developmental disabilities services. The moneys shall be allocated to a county as follows:

a. Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

b. Fifty percent based upon the county's proportion of the state's general population.

2. a. A county shall utilize the funding the county receives pursuant to subsection 1 for services provided to persons with a disability, as defined in section 225C.2.

However, no more than 50 percent of the funding shall be used for services provided to any one of the service populations.

b. A county shall use at least 50 percent of the funding the county receives under subsection 1 for contemporary services provided to persons with a disability, as described in rules adopted by the department.

3. Of the funds appropriated in this section, \$30,000 shall be used to support the Iowa compass program providing computerized information and referral services for Iowans with disabilities and their families.

4. a. Funding appropriated for purposes of the federal social services block grant is allocated for distribution to counties for local purchase of services for persons with mental illness or mental retardation or other developmental disability.

b. The funds allocated in this subsection shall be expended by counties in accordance with the county's approved county management plan. A county without an approved county management plan shall not receive allocated funds until the county's management plan is approved.

c. The funds provided by this subsection shall be allocated to each county as follows:

(1) Fifty percent based upon the county's proportion of the state's population of persons with an annual income which is equal to or less than the poverty guideline established by the federal office of management and budget.

(2) Fifty percent based upon the amount provided to the county for local purchase of services in the preceding fiscal year.

5. A county is eligible for funds under this section if the county qualifies for a state payment as described in section 331.439.

6. Of the funds appropriated in this section, \$260,000 is allocated to the department for development of an assessment process for use beginning in a subsequent fiscal year as

authorized specifically by a statute to be enacted in a subsequent fiscal year, determining on a consistent basis the needs and capacities of persons seeking or receiving mental health, mental retardation, developmental disabilities, or brain injury services that are paid for in whole or in part by the state or a county. The assessment process shall be developed with the involvement of counties and the mental health, mental retardation, developmental disabilities, and brain injury commission.

Sec. 26. SEXUALLY VIOLENT PREDATORS.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For costs associated with the commitment and treatment of sexually violent predators in the unit located at the state mental health institute at Cherokee, including costs of legal services and other associated costs, including salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:	
.....	\$ 4,750,704
.....	FTEs 73.66

2. Unless specifically prohibited by law, if the amount charged provides for recoupment of at least the entire amount of direct and indirect costs, the department of human services may contract with other states to provide care and treatment of persons placed by the other states at the unit for sexually violent predators at Cherokee. The moneys received under such a contract shall be considered to be repayment receipts and used for the purposes of the appropriation made in this section.

Sec. 27. FIELD OPERATIONS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June

30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For field operations, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:
..... \$ 57,044,250
..... FTEs 1,897.87

Priority in filling full-time equivalent positions shall be given to those positions related to child protection services. The full-time equivalent positions authorized in this section include clinical consultation positions relating to child protection services.

Sec. 28. GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration, including salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:
..... \$ 14,528,679
..... FTEs 311.00

- 1. Of the funds appropriated in this section, \$57,000 is allocated for the prevention of disabilities policy council established in section 225B.3.
- 2. Of the funds appropriated in this section, \$30,000 is allocated to the department of human services for a statewide coordinator for the program of all-inclusive care for the elderly as defined in section 249H.3. The coordinator shall work in collaboration with the department of elder affairs in carrying out the coordinator's duties.
- 3. Of the funds appropriated in this section, \$500,000 is allocated for salary and technical assistance expenses for the department to reestablish a separate division to which the appropriate departmental duties addressing mental health,

mental retardation, developmental disabilities, and brain injury services shall be assigned.

Sec. 29. VOLUNTEERS. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For development and coordination of volunteer services:
..... \$ 109,568

Sec. 30. MEDICAL ASSISTANCE, STATE SUPPLEMENTARY ASSISTANCE, AND SOCIAL SERVICE PROVIDERS REIMBURSED UNDER THE DEPARTMENT OF HUMAN SERVICES.

1. a. (1) For the fiscal year beginning July 1, 2006, nursing facilities shall be reimbursed at 100 percent of the modified price-based case-mix reimbursement rate. Nursing facilities reimbursed under the medical assistance program shall submit annual cost reports and additional documentation as required by rules adopted by the department.

(2) For the fiscal year beginning July 1, 2006, the total state funding amount for the nursing facility budget shall not exceed \$177,701,264. The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount. Any temporary enhanced federal financial participation that may become available to the Iowa medical assistance program during the fiscal year shall not be used in projecting the nursing facility budget. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph "c", and subsection 3, paragraph "a", subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year beginning July 1, 2006, are projected to exceed the

amount specified in this subparagraph, the department shall adjust the skilled nursing facility market basket inflation factor of the reimbursement rate calculation for only the nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount.

(3) For the fiscal year beginning July 1, 2006, the patient-day-weighted medians used in rate setting for nursing facilities shall be recalculated and the rates adjusted to provide an increase in nursing facility rates not to exceed \$162,315,695. The skilled nursing facility market basket inflation factor applied from the mid-point of the cost report to the first day of the state fiscal year rate period shall not be less than zero percent.

b. For the fiscal year beginning July 1, 2006, the department shall reimburse pharmacy dispensing fees using a single rate of \$4.52 per prescription, or the pharmacy's usual and customary fee, whichever is lower.

c. For the fiscal year beginning July 1, 2006, reimbursement rates for inpatient and outpatient hospital services shall be increased by 3 percent over the rates in effect on June 30, 2006. The department shall continue the outpatient hospital reimbursement system based upon ambulatory patient groups implemented pursuant to 1994 Iowa Acts, chapter 1186, section 25, subsection 1, paragraph "f". In addition, the department shall continue the revised medical assistance payment policy implemented pursuant to that paragraph to provide reimbursement for costs of screening and treatment provided in the hospital emergency room if made pursuant to the prospective payment methodology developed by the department for the payment of outpatient services provided under the medical assistance program. Any rebasing of hospital inpatient or outpatient rates shall not increase total payments for inpatient and outpatient services beyond the percentage increase provided in this paragraph.

d. For the fiscal year beginning July 1, 2006, reimbursement rates for rural health clinics, hospices, independent laboratories, and acute mental hospitals shall be increased in accordance with increases under the federal Medicare program or as supported by their Medicare audited costs.

e. (1) For the fiscal year beginning July 1, 2006, reimbursement rates for home health agencies shall be increased by 3 percent over the rates in effect on June 30, 2006, not to exceed a home health agency's actual allowable cost.

(2) The department shall establish a fixed-fee reimbursement schedule for home health agencies under the medical assistance program beginning July 1, 2007.

f. For the fiscal year beginning July 1, 2006, federally qualified health centers shall receive cost-based reimbursement for 100 percent of the reasonable costs for the provision of services to recipients of medical assistance.

g. Beginning July 1, 2006, the reimbursement rates for dental services shall be increased by 3 percent over the rates in effect on June 30, 2006.

h. Beginning July 1, 2006, the reimbursement rates for community mental health centers shall be increased by 3 percent over the rates in effect on June 30, 2006.

i. For the fiscal year beginning July 1, 2006, the maximum reimbursement rate for psychiatric medical institutions for children shall be \$160.71 per day.

j. For the fiscal year beginning July 1, 2006, unless otherwise specified in this Act, all noninstitutional medical assistance provider reimbursement rates shall be increased by 3 percent over the rates in effect on June 30, 2006, except for area education agencies, local education agencies, infant and toddler services providers, and those providers whose rates are required to be determined pursuant to section 249A.20.

k. Notwithstanding section 249A.20, for the fiscal year beginning July 1, 2006, the average reimbursement rate for health care providers eligible for use of the federal Medicare resource-based relative value scale reimbursement methodology under that section shall be increased by 3 percent over the rate in effect on June 30, 2006; however, this rate shall not exceed the maximum level authorized by the federal government.

1. Beginning July 1, 2006, the department shall increase the personal needs allowance under the medical assistance program which may be retained by a resident of a nursing facility to fifty dollars.

2. For the fiscal year beginning July 1, 2006, the reimbursement rate for residential care facilities shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement. The flat reimbursement rate for facilities electing not to file semiannual cost reports shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

3. For the fiscal year beginning July 1, 2006, the reimbursement rate for providers reimbursed under the in-home-related care program shall not be less than the minimum payment level as established by the federal government to meet the federally mandated maintenance of effort requirement.

4. Unless otherwise directed in this section, when the department's reimbursement methodology for any provider reimbursed in accordance with this section includes an inflation factor, this factor shall not exceed the amount by which the consumer price index for all urban consumers increased during the calendar year ending December 31, 2002.

5. For the fiscal year beginning July 1, 2006, the foster family basic daily maintenance rate paid in accordance with section 234.38 and the maximum adoption subsidy rate for children ages 0 through 5 years shall be \$15.31, the rate for

children ages 6 through 11 years shall be \$15.99, the rate for children ages 12 through 15 years shall be \$17.57, and the rate for children ages 16 and older shall be \$17.73.

6. For the fiscal year beginning July 1, 2006, the maximum reimbursement rates for social service providers shall be increased by 3 percent over the rates in effect on June 30, 2006, or to the provider's actual and allowable cost plus inflation for each service, whichever is less. The rates may also be adjusted under any of the following circumstances:

a. If a new service was added after June 30, 2006, the initial reimbursement rate for the service shall be based upon actual and allowable costs.

b. If a social service provider loses a source of income used to determine the reimbursement rate for the provider, the provider's reimbursement rate may be adjusted to reflect the loss of income, provided that the lost income was used to support actual and allowable costs of a service purchased under a purchase of service contract.

7. The group foster care reimbursement rates paid for placement of children out of state shall be calculated according to the same rate-setting principles as those used for in-state providers unless the director of human services or the director's designee determines that appropriate care cannot be provided within the state. The payment of the daily rate shall be based on the number of days in the calendar month in which service is provided.

8. For the fiscal year beginning July 1, 2006, the reimbursement rates for rehabilitative treatment and support services providers shall be increased by 3 percent over the rates in effect on June 30, 2006.

9. a. For the fiscal year beginning July 1, 2006, the combined service and maintenance components of the reimbursement rate paid for shelter care services purchased under a contract shall be based on the financial and statistical report submitted to the department. The maximum

reimbursement rate shall be \$88.79 per day. The department shall reimburse a shelter care provider at the provider's actual and allowable unit cost, plus inflation, not to exceed the maximum reimbursement rate.

b. Notwithstanding section 232.141, subsection 8, for the fiscal year beginning July 1, 2006, the amount of the statewide average of the actual and allowable rates for reimbursement of juvenile shelter care homes that is utilized for the limitation on recovery of unpaid costs shall be increased by \$2.59 over the amount in effect for this purpose in the preceding fiscal year.

10. For the fiscal year beginning July 1, 2006, the department shall calculate reimbursement rates for intermediate care facilities for persons with mental retardation at the 80th percentile.

11. For the fiscal year beginning July 1, 2006, effective January 1, 2007, for child care providers reimbursed under the state child care assistance program, the department shall set provider reimbursement rates based on the rate reimbursement survey completed in December 2004. The department shall set rates in a manner so as to provide incentives for a nonregistered provider to become registered.

12. For the fiscal year beginning July 1, 2006, reimbursements for providers reimbursed by the department of human services may be modified if appropriated funding is allocated for that purpose from the senior living trust fund created in section 249H.4, or as specified in appropriations from the healthy Iowans tobacco trust created in section 12.65.

13. The department shall apply the three percent reimbursement rate increase prescribed for specified providers for the fiscal year beginning July 1, 2005, pursuant to 2005 Iowa Acts, chapter 175, separately from the three percent reimbursement rate increase prescribed for specified providers for the fiscal year beginning July 1, 2006, under this Act.

14. The department shall adopt rules pursuant to chapter 17A to provide reimbursement for covered services provided by psychology interns and psychology residents to recipients of medical assistance, subject to limitations and exclusions the department finds necessary on the basis of federal laws and regulations.

15. The department may adopt emergency rules to implement this section.

Sec. 31. EMERGENCY RULES. If specifically authorized by a provision of this division of this Act, the department of human services or the mental health, mental retardation, developmental disabilities, and brain injury commission may adopt administrative rules under section 17A.4, subsection 2, and section 17A.5, subsection 2, paragraph "b", to implement the provisions and the rules shall become effective immediately upon filing or on a later effective date specified in the rules, unless the effective date is delayed by the administrative rules review committee. Any rules adopted in accordance with this section shall not take effect before the rules are reviewed by the administrative rules review committee. The delay authority provided to the administrative rules review committee under section 17A.4, subsection 5, and section 17A.8, subsection 9, shall be applicable to a delay imposed under this section, notwithstanding a provision in those sections making them inapplicable to section 17A.5, subsection 2, paragraph "b". Any rules adopted in accordance with the provisions of this section shall also be published as notice of intended action as provided in section 17A.4.

Sec. 32. REPORTS. Any reports or information required to be compiled and submitted under this division of this Act shall be submitted to the chairpersons and ranking members of the joint appropriations subcommittee on health and human services, the legislative services agency, and the legislative caucus staffs on or before the dates specified for submission of the reports or information.

Sec. 33. LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM -- SUPPLEMENTAL APPROPRIATION.

1. There is appropriated from the general fund of the state to the division of community action agencies of the department of human rights for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For supplementation of the appropriation made for the low-income home energy assistance program made in 2005 Iowa Acts, chapter 164, section 10:
..... \$ 3,000,000

2. Of the moneys appropriated in this section, \$150,000 shall not be expended in the fiscal year for which appropriated, but shall be transferred in the succeeding fiscal year to the department of human services to be used for the family development and self-sufficiency grant program. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

3. The legislative council is requested to authorize a review of the low-income home energy assistance program and weatherization program by the fiscal committee of the legislative council or other body during the 2006 legislative interim. The issues reviewed shall include but are not limited to financial assistance, the application and intake processes, and the community action agencies assessment and resolution proposal. The review shall also include involving the department of human services in the administration of the programs to enable low-income persons to access additional assistance programs through a single location.

Sec. 34. Section 16.183, subsections 1 and 3, Code 2005, are amended to read as follows:

1. A home and community-based services revolving loan program fund is created within the authority to further the goals specified in section 231.3, adult day services, respite services, and congregate meals, health and wellness, health screening, and nutritional assessments. The moneys in the home and community-based services revolving loan program fund shall be used by the authority for the development and operation of a revolving loan program to develop and expand facilities and infrastructure that provide adult day services, respite services, and congregate meals, and programming space for health and wellness, health screening, and nutritional assessments that address the needs of persons with low incomes.

3. The authority, in cooperation with the department of elder affairs, shall annually allocate moneys available in the home and community-based services revolving loan program fund to develop and expand facilities and infrastructure that provide adult day services, respite services, and congregate meals, and programming space for health and wellness, health screening, and nutritional assessments that address the needs of persons with low incomes.

Sec. 35. 2005 Iowa Acts, chapter 175, section 2, subsection 4, unnumbered paragraph 2, is amended to read as follows:

Of the funds appropriated in this subsection, not more than \$100,000 shall be used to leverage federal funding through the federal Ryan White Care Act, Title II, AIDS drug assistance program supplemental drug treatment grants. Notwithstanding section 8.33, moneys allocated in this subparagraph that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 36. 2005 Iowa Acts, chapter 175, section 2, subsection 12, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 37. 2005 Iowa Acts, chapter 175, section 3, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 38. 2005 Iowa Acts, chapter 175, section 4, subsection 2, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33 and section 35D.18, subsection 5, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure in succeeding fiscal years. Of the amount remaining available for expenditure under this paragraph, the first \$1,000,000 shall be used for Iowa veterans home operations in the immediately succeeding fiscal year and the balance shall be transferred to any appropriation made for the fiscal year beginning July 1, 2006, for purposes of capital improvements, renovations, or new construction at the Iowa veterans home. However, if an appropriation is not made for such purposes for that fiscal year by the Eighty-first General Assembly, 2006 Session, the balance shall remain available to be used to supplement an appropriation made for such purposes for a subsequent fiscal year.

Sec. 39. 2005 Iowa Acts, chapter 175, section 9, unnumbered paragraph 2, is amended to read as follows:

For medical assistance reimbursement and associated costs as specifically provided in the reimbursement methodologies in effect on June 30, 2005, except as otherwise expressly authorized by law, including reimbursement for abortion services, which shall be available under the medical assistance program only for those abortions which are medically necessary:

..... \$519,040,317
538,040,317

Sec. 40. 2005 Iowa Acts, chapter 175, section 9, is amended by adding the following new subsection:

NEW SUBSECTION. 15. Notwithstanding section 8.33, \$500,000 of the moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the operational costs associated with Part D of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Pub. L. No. 108-173, until the close of the succeeding fiscal year.

Sec. 41. 2005 Iowa Acts, chapter 175, section 12, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, \$1,100,000 of the moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 42. 2005 Iowa Acts, chapter 175, section 14, subsection 2, is amended to read as follows:

2. Of the funds appropriated in this section, \$900,000 shall be used for implementation of a quality rating system for child care providers, in accordance with legislation enacted to authorize implementation of the rating system. Notwithstanding section 8.33, \$125,000 of the moneys allocated in this subsection that remain unencumbered or unobligated at

the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 43. 2005 Iowa Acts, chapter 175, section 16, is amended by adding the following new subsection:

NEW SUBSECTION. 18. Notwithstanding section 8.33, \$1,000,000 of the moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 44. 2005 Iowa Acts, chapter 175, section 17, is amended by adding the following new subsection:

NEW SUBSECTION. 4. Notwithstanding section 8.33, \$2,000,000 of the moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 45. 2005 Iowa Acts, chapter 175, section 21, subsection 3, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, revenues that are directly attributable to the psychiatric medical institution for children beds operated by the state at the state mental health institute at Independence in accordance with section 226.9B, that are received as repayment receipts and are attributed to the fiscal year beginning July 1, 2005, shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 46. 2005 Iowa Acts, chapter 175, section 22, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. a. Notwithstanding sections 8.33 and 222.92, of the revenues available to the state resource

centers that remain unencumbered or unobligated at the close of the fiscal year the indicated amounts shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year:

- (1) For the state resource center at Glenwood, \$1,250,000.
- (2) For the state resource center at Woodward, \$750,000.

b. Of the amounts designated in paragraph "a", \$250,000 at each resource center shall be used to continue the procurement and installation of the electronic medical records system initiated in the fiscal year beginning July 1, 2005.

Sec. 47. 2005 Iowa Acts, chapter 175, section 23, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding section 8.33, \$400,000 of the moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 48. 2005 Iowa Acts, chapter 175, section 26, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding section 8.33, the moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 49. 2005 Iowa Acts, chapter 175, section 29, subsection 1, paragraph a, subparagraph (2), is amended to read as follows:

(2) For the fiscal year beginning July 1, 2005, the total state funding amount for the nursing facility budget shall not exceed ~~\$161,760,000~~ \$168,156,999. The department, in cooperation with nursing facility representatives, shall review projections for state funding expenditures for reimbursement of nursing facilities on a quarterly basis and

the department shall determine if an adjustment to the medical assistance reimbursement rate is necessary in order to provide reimbursement within the state funding amount. Any temporary enhanced federal financial participation that may become available to the Iowa medical assistance program during the fiscal year shall not be used in projecting the nursing facility budget. Notwithstanding 2001 Iowa Acts, chapter 192, section 4, subsection 2, paragraph "c", and subsection 3, paragraph "a", subparagraph (2), if the state funding expenditures for the nursing facility budget for the fiscal year beginning July 1, 2005, are projected to exceed the amount specified in this subparagraph, the department shall adjust the skilled nursing facility market basket inflation factor of the reimbursement rate calculation for only the nursing facilities reimbursed under the case-mix reimbursement system to maintain expenditures of the nursing facility budget within the specified amount.

Sec. 50. 2005 Iowa Acts, chapter 175, section 29, subsection 1, paragraph a, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (4) For the period of April 1, 2006, through June 30, 2006, the department shall apply one-third of the skilled nursing facility market basket index to the midpoint of the rate period beginning July 1, 2005. The department may adopt emergency rules to implement this subparagraph.

Sec. 51. NONREVERSION -- FY 2007-2008 BASE BUDGET. For purposes of the budget process under section 8.23 for the fiscal year beginning July 1, 2007, the base budget amounts for the appropriations made to the department of human services for the purposes designated in this division of this Act shall be adjusted to include the amounts of the appropriations made for the same purposes for the fiscal year beginning July 1, 2005, that, pursuant to this division of this Act, do not revert and remain available for expenditure in the succeeding fiscal year.

Sec. 52. EFFECTIVE DATES. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The provision under the appropriation for medical assistance relating to the submission of a medical assistance state plan amendment to the centers for Medicare and Medicaid services of the United States department of health and human services.

2. The provision under the appropriation for medical assistance relating to the directive to the department of human services to apply for participation in the Medicaid transformation grants program as specified in the federal Deficit Reduction Act of 2005.

3. The provision under the appropriation for child and family services, relating to requirements of section 232.143 for representatives of the department of human services and juvenile court services to establish a plan for continuing group foster care expenditures for the 2006-2007 fiscal year.

4. The provision enacting a supplemental appropriation to the department of human rights for purposes of the low-income home energy assistance program.

5. The provision amending 2005 Iowa Acts, chapter 175, section 2, subsection 4.

6. The provision amending 2005 Iowa Acts, chapter 175, section 2, subsection 12.

7. The provision amending 2005 Iowa Acts, chapter 175, section 3.

8. The provision amending 2005 Iowa Acts, chapter 175, section 4.

9. The provisions amending 2005 Iowa Acts, chapter 175, section 9.

10. The provision amending 2005 Iowa Acts, chapter 175, section 12.

11. The provision amending 2005 Iowa Acts, chapter 175, section 14, subsection 2.

12. The provision amending 2005 Iowa Acts, chapter 175, section 16.

13. The provision amending 2005 Iowa Acts, chapter 175, section 17.

14. The provision amending 2005 Iowa Acts, chapter 175, section 21, subsection 3.

15. The provision amending 2005 Iowa Acts, chapter 175, section 22.

16. The provision amending 2005 Iowa Acts, chapter 175, section 23.

17. The provision amending 2005 Iowa Acts, chapter 175, section 26.

18. The provision amending 2005 Iowa Acts, chapter 175, section 29, subsection 1, paragraph "a", subparagraph (2).

Sec. 53. EFFECTIVE DATE -- RETROACTIVE APPLICABILITY. The provision of this division of this Act amending 2005 Iowa Acts, chapter 175, section 29, subsection 1, paragraph "a", by enacting new subparagraph (4), being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to April 1, 2006.

DIVISION II

SENIOR LIVING TRUST FUND,
ENDOWMENT FOR IOWA'S HEALTH ACCOUNT,
PHARMACEUTICAL SETTLEMENT ACCOUNT,
IOWACARE ACCOUNT, AND HEALTH CARE
TRANSFORMATION ACCOUNT

Sec. 54. DEPARTMENT OF ELDER AFFAIRS. There is appropriated from the senior living trust fund created in section 249H.4 to the department of elder affairs for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the development and implementation of a comprehensive senior living program, including case management only if the monthly cost per client for case management for the frail

elderly services provided does not exceed an average of \$70, and including program administration and costs associated with implementation, salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 8,296,730
..... FTEs 3.00

1. Of the funds appropriated in this section, \$2,196,967 shall be used for case management for the frail elderly. Of the funds allocated in this subsection, \$1,010,000 shall be transferred to the department of human services in equal amounts on a quarterly basis for reimbursement of case management services provided under the medical assistance elderly waiver. The monthly cost per client for case management for the frail elderly services provided shall not exceed an average of \$70. It is the intent of the general assembly that the additional funding provided for case management for the frail elderly for the fiscal year beginning July 1, 2006, and ending June 30, 2007, shall be used to provide case management services for up to an additional 1,650 individuals.

2. Notwithstanding section 249H.7, the department of elder affairs shall distribute up to \$400,000 of the funds appropriated in this section in a manner that will supplement and maximize federal funds under the federal Older Americans Act and shall not use the amount distributed for any administrative purposes of either the department of elder affairs or the area agencies on aging.

Sec. 55. DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the senior living trust fund created in section 249H.4 to the department of inspections and appeals for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For the inspection and certification of assisted living facilities and adult day care services, including program administration and costs associated with implementation, salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 758,474
..... FTEs 5.00

Sec. 56. DEPARTMENT OF HUMAN SERVICES. There is appropriated from the senior living trust fund created in section 249H.4 to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purpose designated:

1. To supplement the medical assistance appropriation, including program administration and costs associated with implementation, salaries, support, maintenance, and miscellaneous purposes and for not more than the following full-time equivalent positions:

..... \$ 65,000,000
..... FTEs 5.00

2. Notwithstanding sections 249H.4 and 249H.5, the department of human services may use moneys from the senior living trust fund for cash flow purposes to make payments under the nursing facility or hospital upper payment limit methodology. The amount of any moneys so used shall be refunded to the senior living trust fund within the same fiscal year and in a prompt manner.

In order to carry out the purposes of this section, the department may transfer funds appropriated in this section to supplement other appropriations made to the department of human services.

Sec. 57. IOWA FINANCE AUTHORITY. There is appropriated from the senior living trust fund created in section 249H.4 to the Iowa finance authority for the fiscal year beginning July

1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

To provide reimbursement for rent expenses to eligible persons:

..... \$ 700,000

Participation in the rent subsidy program shall be limited to only those persons who meet the nursing facility level of care for home and community-based services waiver services as established on or after July 1, 2006.

Sec. 58. ENDOWMENT FOR IOWA'S HEALTH ACCOUNT -- SENIOR LIVING TRUST FUND. There is appropriated from the endowment for Iowa's health account of the tobacco settlement trust fund created in section 12E.12 to the senior living trust fund created in section 249H.4 for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount:

..... \$ 25,000,000

Sec. 59. PHARMACEUTICAL SETTLEMENT ACCOUNT. There is appropriated from the pharmaceutical settlement account created in section 249A.33 to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

To supplement the appropriations made for medical contracts under the medical assistance program:

..... \$ 379,000

Sec. 60. APPROPRIATIONS FROM IOWACARE ACCOUNT.

1. There is appropriated from the IowaCare account created in section 249J.24 to the state board of regents for distribution to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and

surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 27,284,584

a. The university of Iowa hospitals and clinics shall, when medically appropriate, make reasonable efforts to extend the university of Iowa hospitals and clinics' use of home telemedicine and other technologies to reduce the frequency of visits to the hospital required by indigent patients.

b. The university of Iowa hospitals and clinics shall submit quarterly a report regarding the portion of the appropriation in this subsection expended on medical education. The report shall be submitted in a format jointly developed by the university of Iowa hospitals and clinics, the legislative services agency, and the department of management, and shall delineate the expenditures and purposes of the funds.

c. Funds appropriated in this subsection shall not be used to perform abortions except medically necessary abortions, and shall not be used to operate the early termination of pregnancy clinic except for the performance of medically necessary abortions. For the purpose of this subsection, an abortion is the purposeful interruption of pregnancy with the intention other than to produce a live-born infant or to remove a dead fetus, and a medically necessary abortion is one performed under one of the following conditions:

(1) The attending physician certifies that continuing the pregnancy would endanger the life of the pregnant woman.

(2) The attending physician certifies that the fetus is physically deformed, mentally deficient, or afflicted with a congenital illness.

(3) The pregnancy is the result of a rape which is reported within 45 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(4) The pregnancy is the result of incest which is reported within 150 days of the incident to a law enforcement agency or public or private health agency which may include a family physician.

(5) The abortion is a spontaneous abortion, commonly known as a miscarriage, wherein not all of the products of conception are expelled.

2. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for distribution to a publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, and for medical education:

..... \$ 40,000,000

Notwithstanding any provision of law to the contrary, of the amount appropriated in this subsection, \$37,000,000 shall be allocated in twelve equal monthly payments as provided in section 249J.24. Any amount appropriated in this subsection in excess of \$37,000,000 shall be allocated only if federal funds are available to match the amount allocated.

3. There is appropriated from the IowaCare account created in section 249J.24 to the department of human services for the state hospitals for persons with mental illness designated in section 226.1 for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the state mental health institute at Cherokee, for salaries, support, maintenance, and miscellaneous purposes, including services to members of the expansion population

pursuant to chapter 249J:

..... \$ 9,098,425

b. For the state mental health institute at Clarinda, for salaries, support, maintenance, and miscellaneous purposes, including services to members of the expansion population pursuant to chapter 249J:

..... \$ 1,977,305

c. For the state mental health institute at Independence, for salaries, support, maintenance, and miscellaneous purposes, including services to members of the expansion population pursuant to chapter 249J:

..... \$ 9,045,894

d. For the state mental health institute at Mount Pleasant, for salaries, support, maintenance, and miscellaneous purposes, including services to members of the expansion population designation pursuant to chapter 249J:

..... \$ 5,752,587

Sec. 61. APPROPRIATIONS FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION. There is appropriated from the account for health care transformation created in section 249J.23, to the department of human services, for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the costs of medical examinations and development of personal health improvement plans for the expansion population pursuant to section 249J.6: \$ 556,800

2. For the provision of a medical information hotline for the expansion population as provided in section 249J.6: \$ 150,000

3. For the insurance cost subsidy program pursuant to section 249J.8: \$ 1,500,000

4. For the health care account program option pursuant to section 249J.8: \$ 400,000

5. For the use of electronic medical records by medical assistance program and expansion population provider network providers pursuant to section 249J.14: \$ 2,000,000

6. For other health partnership activities pursuant to section 249J.14: \$ 550,000

7. For the costs related to audits, performance evaluations, and studies required pursuant to chapter 249J: \$ 100,000

8. For administrative costs associated with chapter 249J: \$ 930,352

9. For development of a case-mix acuity-based reimbursement system for intermediate care facilities for persons with mental retardation: \$ 150,000

10. For development of a provider incentive payment program to reward performance and quality of service: \$ 50,000

Notwithstanding section 8.39, subsection 1, without the prior written consent and approval of the governor and the director of the department of management, the director of human services may transfer funds among the appropriations made in this section, as necessary to carry out the purposes of the account for health care transformation. The department shall report any transfers made pursuant to this section to the legislative services agency.

Sec. 62. TRANSFER FROM ACCOUNT FOR HEALTH CARE TRANSFORMATION. There is transferred from the account for health care transformation created pursuant to section 249J.23, to the IowaCare account created in section 249J.24, a total of \$3,000,000 for the fiscal year beginning July 1, 2006, and ending June 30, 2007.

Sec. 63. MEDICAL ASSISTANCE PROGRAM -- REVERSION TO SENIOR LIVING TRUST FUND FOR FY 2006-2007. Notwithstanding section 8.33, if moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2006, and ending June 30, 2007, from the general fund of the state, the senior living trust fund, and the healthy Iowans tobacco trust fund are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall be transferred to the senior living trust fund created in section 249H.4. Unless otherwise provided in this Act, moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2006, and ending June 30, 2007, are not subject to transfer under section 8.39 or other provision of law except as authorized in this section.

Sec. 64. Section 249H.11, Code 2005, is amended to read as follows:

249H.11 ~~FUTURE-REPEAL~~ GRANTS -- NONREVERSION.

1. ~~Section 249H.6 is repealed on June 30, 2005.~~ However, Nursing facility conversion and long-term care services development grants awarded and moneys appropriated for grants on or before June 30, 2005, shall be disbursed to eligible applicants after that date if necessary.

2. Notwithstanding section 8.33, moneys committed from the senior living trust fund to grantees under contract to provide for conversion to assisted living programs or for development of long-term care alternatives that remain unexpended at the close of any fiscal year shall not revert to any fund but shall remain available for expenditure for the purposes of the contract.

Sec. 65. 2006 Iowa Acts, House File 2347, section 5, is amended to read as follows:

SEC. 5. APPROPRIATION TRANSFER -- HEALTH CARE TRANSFORMATION ACCOUNT. There is appropriated transferred

from the account for health care transformation created in section 249J.23, to the ~~department of human services~~ IowaCare account created in section 249J.24, \$2,000,000 for the fiscal year beginning July 1, 2005, and ending June 30, 2006, ~~the following amount, or so much thereof as is necessary, for the purposes designated:~~

~~For payments to the university of Iowa hospitals and clinics for provision of services pursuant to and for costs associated with chapter 249J:~~

.....\$--2,000,000

~~Notwithstanding section 8.33, moneys appropriated in this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert, but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.~~

Sec. 66. 2005 Iowa Acts, chapter 167, section 63, subsection 1, is amended to read as follows:

1. There is appropriated from the ~~Iowacare~~ IowaCare account created in section 249J.23 to the university of Iowa hospitals and clinics for the fiscal year beginning July 1, 2005, and ending June 30, 2006, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, equipment, and miscellaneous purposes, for the provision of medical and surgical treatment of indigent patients, for provision of services to members of the expansion population pursuant to chapter 249J, as enacted in this Act, and for medical education:

..... \$ 27,284,584
37,862,932

Notwithstanding any provision of this Act to the contrary, of the amount appropriated in this subsection, \$27,284,584 shall be allocated in twelve equal monthly payments as provided in section 249J.23, as enacted in this Act. Any

amount appropriated in this subsection in excess of \$27,284,584 shall be allocated only if federal funds are available to match the amount allocated. Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert, but shall remain available for expenditure for the purposes designated until the close of the succeeding fiscal year.

Sec. 67. 2005 Iowa Acts, chapter 175, section 48, is amended to read as follows:

SEC. 48. MEDICAL ASSISTANCE PROGRAM -- REVERSION TO SENIOR LIVING TRUST FUND FOR FY 2005-2006. Notwithstanding section 8.33, if moneys appropriated in this Act for purposes of the medical assistance program for the fiscal year beginning July 1, 2005, and ending June 30, 2006, from the general fund of the state, the senior living trust fund, the hospital trust fund, or the healthy Iowans tobacco trust fund are in excess of actual expenditures for the medical assistance program and remain unencumbered or unobligated at the close of the fiscal year, the excess moneys shall not revert but shall be transferred to the senior living trust fund created in section 249H.4. Unless otherwise provided in this Act, moneys appropriated for purposes of the medical assistance program for the fiscal year beginning July 1, 2005, and ending June 30, 2006, are not subject to transfer under section 8.39 or other provision of law except as authorized in this section.

Sec. 68. EFFECTIVE DATE. The following provisions of this division of this Act, being deemed of immediate importance, take effect upon enactment:

1. The provision amending 2005 Iowa Acts, chapter 167, section 63.
2. The provision amending 2005 Iowa Acts, chapter 175, section 48.
3. The provision amending section 249H.11.

Sec. 69. EFFECTIVE DATE -- RETROACTIVE APPLICABILITY. The section of this division of this Act amending 2006 Iowa Acts, House File 2347, section 5, being deemed of immediate importance, takes effect upon enactment and is retroactively applicable to March 9, 2006.

DIVISION III
MENTAL HEALTH, MENTAL RETARDATION,
DEVELOPMENTAL DISABILITIES,
AND BRAIN INJURY SERVICES
ALLOWED GROWTH FUNDING --
FISCAL YEAR 2006-2007

Sec. 70. 2005 Iowa Acts, chapter 179, section 1, subsection 1, is amended to read as follows:

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2006, and ending June 30, 2007, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment, as provided in this section in lieu of the provisions of section 331.438, subsection 2, and section 331.439, subsection 3, and chapter 426B:
..... \$ 35,788,041
38,888,041

Sec. 71. 2005 Iowa Acts, chapter 179, section 1, subsection 2, paragraph a, is amended to read as follows:

a. For distribution to counties for fiscal year ~~2005-2006~~ 2006-2007 in accordance with the formula in section 331.438, subsection 2, paragraph "b":
..... \$ 12,000,000

Sec. 72. 2005 Iowa Acts, chapter 179, section 1, subsection 2, paragraphs b and c, are amended to read as follows:

b. For deposit in the per capita expenditure target pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 1:

..... \$ ~~19,361,148~~
24,461,148

c. For deposit in the risk pool created in the property tax relief fund and for distribution in accordance with section 426B.5, subsection 2:

..... \$ 2,000,000
0

Sec. 73. 2005 Iowa Acts, chapter 179, section 1, is amended by adding the following new subsections:

NEW SUBSECTION. 3. The following formula amounts shall be utilized only to calculate preliminary distribution amounts for fiscal year 2006-2007 under this section by applying the indicated formula provisions to the formula amounts and producing a preliminary distribution total for each county:

a. For calculation of an allowed growth factor adjustment amount for each county in accordance with the formula in section 331.438, subsection 2, paragraph "b":

..... \$ 12,000,000

b. For calculation of a distribution amount for eligible counties from the per capita expenditure target pool created in the property tax relief fund in accordance with the requirements in section 426B.5, subsection 1:

..... \$ 32,125,724

c. For calculation of a distribution amount for counties from the mental health and developmental disabilities (MH/DD) community services fund in accordance with the formula provided in the appropriation made for the MH/DD community services fund for the fiscal year beginning July 1, 2006:

..... \$ 17,727,890

NEW SUBSECTION. 4. After applying the applicable statutory distribution formulas to the amounts indicated in subsection 3 for purposes of producing preliminary

distribution totals, the department of human services shall apply a withholding factor to adjust an eligible individual county's preliminary distribution total. An ending balance percentage for each county shall be determined by expressing the county's ending balance on a modified accrual basis under generally accepted accounting principles for the fiscal year beginning July 1, 2005, in the county's mental health, mental retardation, and developmental disabilities services fund created under section 331.424A, as a percentage of the county's gross expenditures from that fund for that fiscal year. If a county borrowed moneys for purposes of providing services from the county's services fund on or before July 1, 2005, and the county's services fund ending balance for that fiscal year includes the loan proceeds or an amount designated in the county budget to service the loan for the borrowed moneys, those amounts shall not be considered to be part of the county's ending balance for purposes of calculating an ending balance percentage under this subsection. The withholding factor for a county shall be the following applicable percent:

a. For an ending balance percentage of less than 5 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 3 percent of the gross expenditures reported for the county's services fund for the fiscal year.

b. For an ending balance percentage of 5 or more but less than 10 percent, a withholding factor of 0 percent. In addition, a county that is subject to this lettered paragraph shall receive an inflation adjustment equal to 2 percent of the gross expenditures reported for the county's services fund for the fiscal year.

c. For an ending balance percentage of 10 or more but less than 25 percent, a withholding factor of 25 percent. However, the amount withheld shall be limited to the amount by which

the county's ending balance was in excess of the ending balance percentage of 10 percent.

d. For an ending balance percentage of 25 percent or more, a withholding percentage of 100 percent.

NEW SUBSECTION. 5. The total withholding amounts applied pursuant to subsection 4 shall be equal to a withholding target amount of \$7,664,576. If the department of human services determines that the amount to be withheld in accordance with subsection 4 is not equal to the target withholding amount, the department shall adjust the withholding factors listed in subsection 4 as necessary to achieve the withholding target amount. However, in making such adjustments to the withholding factors, the department shall strive to minimize changes to the withholding factors for those ending balance percentage ranges that are lower than others and shall not adjust the zero withholding factor or the inflation adjustment percentage specified in subsection 4, paragraph "a".

Sec. 74. EFFECTIVE DATE. The section of this division of this Act amending 2005 Iowa Acts, chapter 179, section 1, subsection 2, paragraph "a", being deemed of immediate importance, takes effect upon enactment.

DIVISION IV

MISCELLANEOUS PROVISIONS

Sec. 75. Section 135.2, Code 2005, is amended to read as follows:

135.2 APPOINTMENT OF DIRECTOR AND ACTING DIRECTOR.

1. a. The governor shall appoint the director of the department, subject to confirmation by the senate. The director shall serve at the pleasure of the governor. The director is exempt from the merit system provisions of chapter 8A, subchapter IV. The governor shall set the salary of the director within the range established by the general assembly.

b. The director shall possess education and experience in public health.

2. The director may appoint an employee of the department to be acting director, who shall have all the powers and duties possessed by the director. The director may appoint more than one acting director but only one acting director shall exercise the powers and duties of the director at any time.

Sec. 76. NEW SECTION. 135.12 OFFICE OF MULTICULTURAL HEALTH -- ESTABLISHED -- DUTIES.

The office of multicultural health is established within the department. The office shall be responsible for all of the following:

1. Providing comprehensive management strategies to address culturally and linguistically appropriate services, including strategic goals, plans, policies, and procedures, and designating staff responsible for implementation.
2. Requiring and arranging for ongoing education and training for administrative, clinical, and other appropriate staff in culturally and linguistically competent health care and service delivery.
3. Utilizing formal mechanisms for community and consumer involvement and coordinating with other state agencies to identify resources and programs that affect the health service delivery systems.

Sec. 77. Section 135.22A, subsection 3, Code Supplement 2005, is amended to read as follows:

3. The council shall be composed of a minimum of nine members appointed by the governor in addition to the ex officio members, and the governor may appoint additional members. Insofar as practicable, the council shall include persons with brain injuries, family members of persons with brain injuries, representatives of industry, labor, business, and agriculture, representatives of federal, state, and local government, and representatives of religious, charitable, fraternal, civic, educational, medical, legal, veteran, welfare, and other professional groups and organizations.

Members shall be appointed representing every geographic and employment area of the state and shall include members of both sexes. A simple majority of the members appointed by the governor shall constitute a quorum.

Sec. 78. Section 135.63, subsection 2, paragraph o, Code 2005, is amended to read as follows:

o. The change in ownership, licensure, organizational structure, or designation of the type of institutional health facility if the health services offered by the successor institutional health facility are unchanged. This exclusion is applicable only if the institutional health facility consents to the change in ownership, licensure, organizational structure, or designation of the type of institutional health facility and ceases offering the health services simultaneously with the initiation of the offering of health services by the successor institutional health facility.

Sec. 79. NEW SECTION. 135.105D BLOOD LEAD TESTING -- PROVIDER EDUCATION -- PAYOR OF LAST RESORT.

1. For purposes of this section:

a. "Blood lead testing" means taking a capillary or venous sample of blood and sending it to a laboratory to determine the level of lead in the blood.

b. "Capillary" means a blood sample taken from the finger or heel for lead analysis.

c. "Health care provider" means a physician who is licensed under chapter 148, 150, or 150A, or a person who is licensed as a physician assistant under chapter 148C, or as an advanced registered nurse practitioner.

d. "Venous" means a blood sample taken from a vein in the arm for lead analysis.

2. The department shall work with health care provider associations to educate health care providers regarding requirements for testing children who are enrolled in certain federally funded programs and regarding department recommendations for testing other children for lead poisoning.

3. The department shall implement blood lead testing for children under six years of age who are not eligible for the testing services to be paid by a third-party source. The department shall contract with one or more public health laboratories to provide blood lead analysis for such children. The department shall establish by rule the procedures for health care providers to submit samples to the contracted public health laboratories for analysis. The department shall also establish by rule a method to reimburse health care providers for drawing blood samples from such children and the dollar amount that the department will reimburse health care providers for the service. Payment for blood lead analysis and drawing blood samples shall be limited to the amount appropriated for the program in a fiscal year.

Sec. 80. Section 135.109, subsection 3, paragraph b, Code 2005, is amended to read as follows:

b. A licensed physician or nurse who is knowledgeable concerning domestic abuse injuries and deaths, including suicides.

Sec. 81. Section 135.109, subsection 4, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. The director of the state law enforcement academy.

Sec. 82. Section 135.110, subsection 1, paragraph a, unnumbered paragraph 1, Code 2005, is amended to read as follows:

Prepare ~~an annual~~ a biennial report for the governor, supreme court, attorney general, and the general assembly concerning the following subjects:

Sec. 83. Section 135.140, subsection 6, paragraph a, Code Supplement 2005, is amended by adding the following new subparagraphs:

NEW SUBPARAGRAPH. (6) A natural occurrence or incident, including but not limited to fire, flood, storm, drought, earthquake, tornado, or windstorm.

NEW SUBPARAGRAPH. (7) A man-made occurrence or incident, including but not limited to an attack, spill, or explosion.

Sec. 84. Section 137.6, subsection 2, paragraph a, Code 2005, is amended to read as follows:

a. Rules of a county board shall become effective upon approval by the county board of supervisors by a motion or resolution as defined in section 331.101, subsection 13, and publication in a newspaper having general circulation in the county.

Sec. 85. NEW SECTION. 139A.13A ISOLATION OR QUARANTINE -- EMPLOYMENT PROTECTION.

1. An employer shall not discharge an employee, or take or fail to take action regarding an employee's promotion or proposed promotion, or take action to reduce an employee's wages or benefits for actual time worked, due to the compliance of an employee with a quarantine or isolation order issued by the department or a local board.

2. An employee whose employer violates this section may petition the court for imposition of a cease and desist order against the person's employer and for reinstatement to the person's previous position of employment. This section does not create a private cause of action for relief of money damages.

Sec. 86. Section 147.82, subsection 3, Code Supplement 2005, is amended to read as follows:

3. The department may annually retain and expend not more than one hundred thousand dollars for reduction of the number of days necessary to process medical license requests and for reduction of the number of days needed for consideration of malpractice cases from fees collected pursuant to section 147.80 by the board of medical examiners ~~in the fiscal year beginning July 1, 2005, and ending June 30, 2006.~~ Fees retained by the department pursuant to this subsection shall be considered repayment receipts as defined in section 8.2 and shall be used for the purposes described in this subsection.

Sec. 87. Section 147.153, subsection 3, Code 2005, is amended to read as follows:

3. Pass an examination administered as determined by the board ~~to assure the applicant's professional competence in speech pathology or audiology~~ by rule.

Sec. 88. Section 147.155, Code 2005, is amended to read as follows:

147.155 TEMPORARY CLINICAL LICENSE.

Any person who has fulfilled all of the requirements for licensure under this division, except for having completed the nine months clinical experience requirement as provided in section 147.153, subsection 1 or 2, and the examination as provided in section 147.153, subsection 3, may apply to the board for a temporary clinical license. The license shall be designated "temporary clinical license in speech pathology" or "temporary clinical license in audiology" and shall authorize the licensee to practice speech pathology or audiology under the supervision of a licensed speech pathologist or licensed audiologist, as appropriate. The license shall be valid for one year and may be renewed once at the discretion of the board. The fee for a temporary clinical license shall be set by the board to cover the administrative costs of issuing the license, and if renewed, a renewal fee as set by the board shall be required. A temporary clinical license shall be issued only upon evidence satisfactory to the board that the applicant will be supervised by a person licensed as a speech pathologist or audiologist, as appropriate. ~~The board shall revoke any temporary clinical license at any time it determines either that the work done by the temporary clinical licensee or the supervision being given the temporary clinical licensee does not conform to reasonable standards established by the board.~~

Sec. 89. NEW SECTION. 147A.15 AUTOMATED EXTERNAL DEFIBRILLATOR EQUIPMENT -- PENALTY.

Any person who damages, wrongfully takes or withholds, or removes any component of automated external defibrillator equipment located in a public or privately owned location, including batteries installed to operate the equipment, is guilty of a serious misdemeanor.

Sec. 90. Section 148.2, subsection 5, Code 2005, is amended to read as follows:

5. Physicians and surgeons of the United States army, navy, or air force, marines, public health service, or other uniformed service when acting in the line of duty in this state, and holding a current, active permanent license in good standing in another state, district, or territory of the United States, or physicians and surgeons licensed in another state, when incidentally called into this state in consultation with a physician and surgeon licensed in this state.

Sec. 91. Section 149.3, Code 2005, is amended to read as follows:

149.3 LICENSE.

Every applicant for a license to practice podiatry shall:

1. Be a graduate of an accredited high school of podiatry.
 2. Present a diploma an official transcript issued by a school of podiatry approved by the board of podiatry examiners.

3. Pass an examination in-the-subjects-of-anatomy, chemistry, dermatology, diagnosis, pharmacy and materia medica, pathology, physiology, histology, bacteriology, neurology, practical and clinical podiatry, foot orthopedics, and others, as prescribed by the board of podiatry examiners as determined by the board by rule.

4. Have successfully completed a one-year residency or preceptorship approved by the board of podiatry examiners as determined by the board by rule. This subsection applies to all applicants who graduate from podiatric college on or after January 1, 1995.

Sec. 92. Section 149.7, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The temporary certificate shall be issued for one year and may be renewed, but a person shall not be entitled to practice podiatry in excess of three years while holding a temporary certificate. The fee for this certificate shall be set by the podiatry examiners and if extended beyond one year a renewal fee per year shall be set by the podiatry examiners. The fees shall be based on the administrative costs of issuing and renewing the certificates. ~~The podiatry examiners may cancel a temporary certificate at any time, without a hearing, for reasons deemed sufficient to the podiatry examiners.~~

Sec. 93. Section 149.7, unnumbered paragraphs 3 and 4, Code 2005, are amended by striking the unnumbered paragraphs.

Sec. 94. Section 151.12, Code 2005, is amended to read as follows:

151.12 TEMPORARY CERTIFICATE.

The chiropractic examiners may, in their discretion, issue a temporary certificate authorizing the licensee to practice chiropractic if, in the opinion of the chiropractic examiners, a need exists and the person possesses the qualifications prescribed by the chiropractic examiners for the license, which shall be substantially equivalent to those required for licensure under this chapter. The chiropractic examiners shall determine in each instance those eligible for this license, whether or not examinations shall be given, and the type of examinations, and the duration of the license. No requirements of the law pertaining to regular permanent licensure are mandatory for this temporary license except as specifically designated by the chiropractic examiners. The granting of a temporary license does not in any way indicate that the person so licensed is eligible for regular licensure, nor are the chiropractic examiners in any way obligated to so license the person.

The temporary certificate shall be issued for one year and at the discretion of the chiropractic examiners may be renewed, but a person shall not practice chiropractic in excess of three years while holding a temporary certificate. The fee for this license shall be set by the chiropractic examiners and if extended beyond one year a renewal fee per year shall be set by the chiropractic examiners. The fees fee for the temporary license shall be based on the administrative costs of issuing and renewing the licenses. ~~The chiropractic examiners may cancel a temporary certificate at any time, without a hearing, for reasons deemed sufficient to the chiropractic examiners.~~

~~When the chiropractic examiners cancel a temporary certificate they shall promptly notify the licensee by registered mail at the licensee's last named address, as reflected by the files of the chiropractic examiners, and the temporary certificate is terminated and of no further force and effect three days after the mailing of the notice to the licensee.~~

Sec. 95. Section 154.3, subsection 1, Code 2005, is amended to read as follows:

1. Every applicant for a license to practice optometry shall:

a. ~~Present satisfactory evidence of a preliminary education equivalent to at least four years study in an accredited high school or other secondary school. Be a graduate of an accredited school of optometry.~~

b. Present a diploma from an official transcript issued by an accredited school of optometry.

c. Pass an examination ~~prescribed by the optometry examiners in the subjects of physiology of the eye, optical physics, anatomy of the eye, ophthalmology, and practical optometry~~ as determined by the board by rule.

Sec. 96. Section 154B.6, subsection 3, Code 2005, is amended to read as follows:

3. Have not failed the examination required in subsection 2 within ~~the six months next~~ sixty days preceding the date of the subsequent examination.

The examinations required in this section may, at the discretion of the board, be waived for holders by examination of licenses or certificates from states whose requirements are substantially equivalent to those of this chapter, and for holders by examination of specialty diplomas from the American board of professional psychology.

~~Any person who within one year after July 17, 1975, meets the requirements specified in subsection 1 shall receive licensure without having passed the examination required in subsection 2 if application for licensure is filed with the board of psychology examiners before July 17, 1977. Any person holding a certificate as a psychologist from the board of examiners of the Iowa psychological association on July 17, 1977, who applies for certification before July 17, 1975, shall receive certification.~~

Sec. 97. Section 154D.2, subsection 2, paragraph b, Code Supplement 2005, is amended to read as follows:

b. Has at least two years of supervised clinical experience or its equivalent in assessing mental health needs and problems and in providing appropriate mental health services as approved by the board. Standards for supervision, including the required qualifications for supervisors, shall be determined by the board by rule.

Sec. 98. NEW SECTION. 154E.3A TEMPORARY LICENSE.

Beginning July 1, 2007, an individual who does not meet the requirements for licensure by examination pursuant to section 154E.3 may apply for or renew a temporary license. The temporary license shall authorize the licensee to practice as a sign language interpreter or transliterator under the direct supervision of a sign language interpreter or transliterator licensed pursuant to section 154E.3. The temporary license shall be valid for two years and may only be renewed one time

in accordance with standards established by rule. An individual shall not practice for more than a total of four years under a temporary license. The board may revoke a temporary license if it determines that the temporary licensee has violated standards established by rule. The board may adopt requirements for temporary licensure to implement this section.

Sec. 99. Section 154E.4, subsection 2, Code Supplement 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. e. Students enrolled in a school of interpreting may interpret only under the direct supervision of a permanently licensed interpreter as part of the student's course of study.

Sec. 100. Section 157.2, subsection 1, paragraph e, Code Supplement 2005, is amended to read as follows:

e. Employees ~~and residents~~ of hospitals, health care facilities, orphans' homes, juvenile homes, and other similar facilities who ~~shampoo, arrange, dress, or curl the hair of~~ perform cosmetology services for any resident without receiving direct compensation from the person receiving the service.

Sec. 101. Section 157.2, subsection 1, Code Supplement 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. ee. Volunteers for and residents of health care facilities, orphans' homes, juvenile homes, and other similar facilities who shampoo, arrange, dress, or curl the hair, apply makeup, or polish the nails of any resident without receiving compensation from the person receiving the service.

Sec. 102. Section 157.10, subsection 1, Code 2005, is amended to read as follows:

1. The course of study required for licensure for the practice of cosmetology shall be two thousand one hundred clock hours, or seventy semester credit hours or the equivalent thereof as determined pursuant to administrative

rule and regulations promulgated by the United States department of education. The clock hours, and equivalent number of semester credit hours or the equivalent thereof as determined pursuant to administrative rule and regulations promulgated by the United States department of education, of a course of study required for licensure for the practices of electrology, esthetics, and nail technology, manicuring, and pedicuring shall be established by the board. The board shall adopt rules to define the course and content of study for each practice of cosmetology arts and sciences.

Sec. 103. Section 157.13, subsection 1, Code Supplement 2005, is amended by striking the subsection and inserting in lieu thereof the following:

1. It is unlawful for a person to employ an individual to practice cosmetology arts and sciences unless that individual is licensed or has obtained a temporary permit under this chapter. It is unlawful for a licensee to practice with or without compensation in any place other than a licensed salon, a licensed school of cosmetology arts and sciences, or a licensed barbershop as defined in section 158.1. The following exceptions to this subsection shall apply:

a. A licensee may practice at a location which is not a licensed salon, school of cosmetology arts and sciences, or licensed barbershop under extenuating circumstances arising from physical or mental disability or death of a customer.

b. Notwithstanding section 157.12, when the licensee is employed by a physician and provides cosmetology services at the place of practice of a physician and is under the supervision of a physician licensed to practice pursuant to chapter 148, 150, or 150A.

c. When the practice occurs in a facility licensed pursuant to chapter 135B or 135C.

Sec. 104. Section 157.13, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. It is unlawful for a licensee to claim to be a licensed barber, however a licensed cosmetologist may work in a licensed barbershop. It is unlawful for a person to employ a licensed cosmetologist, esthetician, or electrologist to perform the services described in section 157.3A if the licensee has not received the additional training and met the other requirements specified in section 157.3A.

Sec. 105. Section 225B.8, Code 2005, is amended to read as follows:

225B.8 REPEAL.

This chapter is repealed July 1, 2006 2011.

Sec. 106. Section 231.23, Code Supplement 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 13. Provide annual training for area agency on aging board of directors members.

NEW SUBSECTION. 14. Establish a procedure for an area agency on aging to use in selection of members of the agency's board of directors. The selection procedure shall be incorporated into the bylaws of the board of directors and shall include a nomination process by which nominations are submitted to the department, objections to a nominee may be submitted to the department by a date certain, and if at least twenty-five objections to a nominee are received by the department, the nominee shall be eliminated from nomination for that term of membership.

NEW SUBSECTION. 15. Provide oversight to ensure that the composition of the area agency on aging board of directors complies with the rules of the department.

Sec. 107. Section 231.33, Code Supplement 2005, is amended by adding the following new subsections:

NEW SUBSECTION. 19. Require the completion by board of directors members, annually, of four hours of training, provided by the department of elder affairs.

NEW SUBSECTION. 20. Incorporate into the bylaws of the area agency's board of directors and comply with the procedure established by the department for selection of members to the board of directors as provided in section 231.23.

Sec. 108. Section 237A.5, subsection 2, paragraph a, subparagraph (1), Code 2005, is amended to read as follows:

(1) "Person subject to ~~an evaluation~~ a record check" means a person ~~who has committed a transgression and~~ who is described by any of the following:

(a) The person is being considered for licensure or registration or is registered or licensed under this chapter.

(b) The person is being considered by a child care facility for employment involving direct responsibility for a child or with access to a child when the child is alone or is employed with such responsibilities.

(c) The person will reside or resides in a child care facility.

(d) The person has applied for or receives public funding for providing child care.

(e) The person will reside or resides in a child care home that is not registered under this chapter but that receives public funding for providing child care.

Sec. 109. Section 237A.5, subsection 2, paragraph a, Code 2005, is amended by adding the following new subparagraph:

NEW SUBPARAGRAPH. (1A) "Person subject to an evaluation" means a person subject to a record check whose record indicates that the person has committed a transgression.

Sec. 110. Section 237A.5, subsection 2, Code 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. aa. If an individual person subject to a record check is being considered for employment by a child care facility or child care home, in lieu of requesting a record check to be conducted by the department under paragraph "b", the child care facility or child care home may access the single contact repository established pursuant to section

135C.33 as necessary to conduct a criminal and child abuse record check of the individual. A copy of the results of the record check conducted through the single contact repository shall also be provided to the department. If the record check indicates the individual is a person subject to an evaluation, the child care facility or child care home may request that the department perform an evaluation as provided in this subsection. Otherwise, the individual shall not be employed by the child care facility or child care home.

Sec. 111. Section 237A.5, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. The Unless a record check has already been conducted in accordance with paragraph "aa", the department shall conduct a criminal and child abuse record ~~checks~~ check in this state for a person who is subject to a record check and may conduct ~~these checks~~ such a check in other states. In addition, the department may conduct a dependent adult abuse, sex offender registry, and or other public or civil offense record ~~checks~~ check in this state or in other states for a person who is subject to a record check. If the department a record check performed pursuant to this paragraph identifies an individual as a person subject to an evaluation, an evaluation shall be performed to determine whether prohibition of the person's involvement with child care is warranted. The evaluation shall be performed in accordance with procedures adopted for this purpose by the department.

Prior to performing an evaluation, the department shall notify the affected person, licensee, registrant, or child care home applying for or receiving public funding for providing child care, that an evaluation will be conducted to determine whether prohibition of the person's involvement with child care is warranted.

Sec. 112. Section 249J.5, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 9. Following initial enrollment, an expansion population member shall reenroll annually by the last day of the month preceding the month in which the expansion population member initially enrolled. The department may provide a process for automatic reenrollment of expansion population members.

Sec. 113. Section 249J.6, subsection 2, paragraph a, Code Supplement 2005, is amended to read as follows:

a. ~~Beginning no later than March 17, 2006, within ninety days of enrollment in the expansion population, each~~ Each expansion population member who enrolls or reenrolls in the expansion population on or after January 31, 2007, shall participate, in conjunction with receiving a single comprehensive medical examination and completing a personal health improvement plan, in a health risk assessment coordinated by a health consortium representing providers, consumers, and medical education institutions. ~~An expansion population member who enrolls in the expansion population prior to March 17, 2006, shall participate in the health risk assessment, receive the single comprehensive medical examination, and complete the personal health improvement plan by June 17, 2006.~~ The criteria for the health risk assessment, the comprehensive medical examination, and the personal health improvement plan shall be developed and applied in a manner that takes into consideration cultural variations that may exist within the expansion population. The health risk assessment shall utilize a gender-specific approach. In developing the queries unique to women, a clinical advisory team shall be utilized that includes women's health professionals including but not limited to those with specialties in obstetrics and gynecology, endocrinology, mental health, behavioral health, oncology, cardiology, and rheumatology.

Sec. 114. Section 249J.6, subsection 2, Code Supplement 2005, is amended by adding the following new paragraphs:

NEW PARAGRAPH. d. Following completion of an initial health risk assessment, comprehensive medical examination, and personal health improvement plan, an expansion population member may complete subsequent assessments, examinations, or plans with the recommendation and approval of a provider specified in paragraph "c".

NEW PARAGRAPH. e. Refusal of an expansion population member to participate in a health risk assessment, comprehensive medical examination, or personal health improvement plan shall not be a basis for ineligibility for or disenrollment from the expansion population.

Sec. 115. Section 249J.8, subsections 1 and 2, Code Supplement 2005, are amended to read as follows:

1. Beginning July 1, 2005, each expansion population member whose family income equals or exceeds one hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services shall pay a monthly premium not to exceed one-twelfth of five percent of the member's annual family income, and each expansion population member whose family income is less than one hundred percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States department of health and human services shall pay a monthly premium not to exceed one-twelfth of two percent of the member's annual family income. All premiums shall be paid on the last day of the month of coverage. The department shall deduct the amount of any monthly premiums paid by an expansion population member for benefits under the healthy and well kids in Iowa program when computing the amount of monthly premiums owed under this subsection. An expansion population member shall pay the monthly premium during the entire period of the member's enrollment. ~~However,~~ regardless ~~Regardless~~ of the length of enrollment, the member is subject to payment of the premium for a minimum of four

consecutive months. However, an expansion population member who complies with the requirement of payment of the premium for a minimum of four consecutive months during a consecutive twelve-month period of enrollment shall be deemed to have complied with this requirement for the subsequent consecutive twelve-month period of enrollment and shall only be subject to payment of the monthly premium on a month-by-month basis. Timely payment of premiums, including any arrearages accrued from prior enrollment, is a condition of receiving any expansion population services. Premiums collected under this subsection shall be deposited in the premiums subaccount of the account for health care transformation created pursuant to section 249J.23. An expansion population member shall also pay the same copayments required of other adult recipients of medical assistance.

2. The department may reduce the required out-of-pocket expenditures for an individual expansion population member based upon the member's increased wellness activities such as smoking cessation or compliance with the personal health improvement plan completed by the member. The department shall also waive the required out-of-pocket expenditures for an individual expansion population member based upon a hardship that would accrue from imposing such required expenditures. Information regarding the premium payment obligation and the hardship exemption, including the process by which a prospective enrollee may apply for the hardship exemption, shall be provided to a prospective enrollee at the time of application. The prospective enrollee shall acknowledge, in writing, receipt and understanding of the information provided.

Sec. 116. Section 249J.20, subsection 5, Code Supplement 2005, is amended to read as follows:

5. The department of human services, the department of management, and the legislative services agency shall utilize a joint process to arrive at an annual consensus projection

for medical assistance program and expansion population expenditures for submission to the council. By December 15 of each fiscal year, the council shall ~~agree-to-a~~ review the consensus projection of expenditures for the fiscal year beginning the following July 1, ~~based-upon-the-consensus projection-submitted.~~

Sec. 117. Section 249J.24, subsections 1 and 6, Code Supplement 2005, are amended to read as follows:

1. An IowaCare account is created in the state treasury under the authority of the department of human services. Moneys appropriated from the general fund of the state to the account, moneys received as federal financial participation funds under the expansion population provisions of this chapter and credited to the account, moneys received for disproportionate share hospitals and credited to the account, moneys received for graduate medical education and credited to the account, proceeds ~~transferred distributed~~ from the county treasurer as specified in subsection 6, and moneys from any other source credited to the account shall be deposited in the account. Moneys deposited in or credited to the account shall be used only as provided in appropriations or distributions from the account for the purposes specified in the appropriation or distribution. Moneys in the account shall be appropriated to the university of Iowa hospitals and clinics, to a publicly owned acute care teaching hospital located in a county with a population over three hundred fifty thousand, and to the state hospitals for persons with mental illness designated pursuant to section 226.1 for the purposes provided in the federal law making the funds available or as specified in the state appropriation and shall be distributed as determined by the department.

6. a. Notwithstanding any provision to the contrary, ~~from each-semiannual~~ for the collection of taxes levied under section 347.7 for which the collection is performed after July 1, 2005, the county treasurer of a county with a population

over three hundred fifty thousand in which a publicly owned acute care teaching hospital is located shall ~~transfer distribute~~ the proceeds collected pursuant to section 347.7 in a total amount of thirty-four million dollars annually, which would otherwise be distributed to the county hospital, to the treasurer of state for deposit in the IowaCare account under this section as follows:

(1) The first seventeen million dollars in collections pursuant to section 347.7 between July 1 and December 31 annually shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of seventeen million dollars shall be distributed to the acute care teaching hospital identified in this subsection.

(2) The first seventeen million dollars in collections pursuant to section 347.7 between January 1 and June 30 annually shall be distributed to the treasurer of state for deposit in the IowaCare account and collections during this time period in excess of seventeen million dollars shall be distributed to the acute care teaching hospital identified in this subsection.

b. The board of trustees of the acute care teaching hospital identified in this subsection and the department shall execute an agreement under chapter 28E by July 1, 2005, and annually by July 1, thereafter, to specify the requirements relative to transfer distribution of the proceeds and the distribution of moneys to the hospital from the IowaCare account. The agreement shall include provisions relating to exceptions to the deadline for submission of clean claims as required pursuant to section 249J.7 and provisions relating to data reporting requirements regarding the expansion population. The agreement may also include a provision allowing such hospital to limit access to such hospital by expansion population members based on residency of the member, if such provision reflects the policy of such

hospital regarding indigent patients existing on April 1, 2005, as adopted by its board of hospital trustees pursuant to section 347.14, subsection 4.

c. Notwithstanding the specified amount of proceeds to be transferred distributed under this subsection, if the amount allocated that does not require federal matching funds under an appropriation in a subsequent fiscal year to such hospital for medical and surgical treatment of indigent patients, for provision of services to expansion population members, and for medical education, is reduced from the amount allocated that does not require federal matching funds under the appropriation for the fiscal year beginning July 1, 2005, the amount of proceeds required to be transferred distributed under this subsection in that subsequent fiscal year shall be reduced in the same amount as the amount allocated that does not require federal matching funds under that appropriation.

Sec. 118. NEW SECTION. 263.23 OBLIGATIONS TO INDIGENT PATIENTS.

The university of Iowa hospitals and clinics shall continue the obligation existing on April 1, 2005, to provide care or treatment at the university of Iowa hospitals and clinics to indigent patients and to any inmate, student, patient, or former inmate of a state institution as specified in sections 263.21 and 263.22, with the exception of the specific obligation to committed indigent patients pursuant to section 255.16, Code 2005.

Sec. 119. Section 272C.1, subsection 6, Code Supplement 2005, is amended by adding the following new paragraph:

NEW PARAGRAPH. ad. The director of public health in certifying emergency medical care providers and emergency medical care services pursuant to chapter 147A.

Sec. 120. Section 691.6, Code Supplement 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 8. To retain tissues, organs, and bodily fluids as necessary to determine the cause and manner of death

or as deemed advisable by the state medical examiner for medical or public health investigation, teaching, or research. Tissues, organs, and bodily fluids shall be properly disposed of by following procedures and precautions for handling biologic material and blood-borne pathogens as established by rule.

Sec. 121. CHILD SUPPORT RECOVERY UNIT REPORT -- LIMITATION. If 2006 Iowa Acts, House File 2332, is enacted, the section of the Act relating to the child support recovery unit submitting a report on the effects of the nonsupport provision under section 726.5, as amended in that Act, shall be limited in scope to cases in which the child support recovery unit is providing services pursuant to chapter 252B.

Sec. 122. 2004 Iowa Acts, chapter 1175, section 432, subsection 3, is amended to read as follows:

3. Applicants issued a temporary license pursuant to this section shall pass a licensure examination approved by the board on or before July 1, 2007, in order to remain-licensed as-an-interpreter qualify to be licensed by examination.

Sec. 123. TRAVEL POLICY.

1. For the fiscal year beginning July 1, 2006, each department or independent agency receiving an appropriation in this Act shall review the employee policy for daily or short-term travel including but not limited to the usage of motor pool vehicles under the department of administrative services, employee mileage reimbursement for the use of a personal vehicle, and the usage of private automobile rental companies. Following the review, the department or agency shall implement revisions in the employee policy for daily or short-term travel as necessary to maximize cost savings.

2. Each department or independent agency subject to subsection 1 shall report to the general assembly's standing committees on government oversight regarding the policy revisions implemented and the savings realized from the changes. An initial report shall be submitted on or before

December 1, 2006, and a follow-up report shall be submitted on or before December 1, 2007.

Sec. 124. VETERANS TRUST FUND -- FEDERAL REPLACEMENT FUNDS. If funds are received from the United States department of veterans affairs for the establishment and operation of a veterans cemetery in this state, a portion of those funds, not to exceed \$500,000, shall be credited to the general fund of the state, and the remainder is appropriated to and shall be deposited in the veterans trust fund established in section 35A.13, subject to the requirements of this section and consistent with any federal requirements associated with such funds. The portion deposited in the veterans trust fund shall be equal to moneys expended for the establishment and operation of a veterans cemetery from moneys appropriated for that purpose pursuant to 2004 Iowa Acts, chapter 1175, section 288, subsection 16.

Sec. 125. SINGLE POINT OF ENTRY LONG-TERM LIVING SYSTEM INTERIM STUDY COMMITTEE. The legislative council is requested to establish an interim study committee to make recommendations for establishing a single point of entry to the long-term living system. The membership of the interim study committee shall include four members of the senate, three members of the house of representatives, and not more than four members of the public. The study committee shall report its findings and recommendations, including recommendations for coordinating state efforts to provide access to informational and educational resources to assist individuals in making informed choices to address their long-term living needs and recommendations for funding the single point of entry, to the general assembly for consideration during the 2007 Legislative Session.

Sec. 126. Section 157.5A, Code 2005, is repealed.

Sec. 127. EFFECTIVE DATE. The provisions of this division of this Act amending sections 249J.5, 249J.8, 249J.20, and 249J.24, being deemed of immediate importance, take effect upon enactment.

Sec. 128. EFFECTIVE DATE -- RETROACTIVE APPLICABILITY. The sections of this division of this Act amending section 249J.6, being deemed of immediate importance, take effect upon enactment and are retroactively applicable to March 1, 2006.

CHRISTOPHER C. RANTS
Speaker of the House

JEFFREY M. LAMBERTI
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2734, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved _____, 2006

THOMAS J. VILSACK
Governor