

2012 End of Session Wrap Up

Senate File 2071 — PRISON SUPPLEMENTAL BILL

Senate File 2071 appropriates \$7.5 million to the Department of Corrections (DOC) for FY 2012. This funding is needed to ensure the necessary staffing levels are maintained. The bill also creates a third round of funding available from the Mental Health Risk Pool (\$5.0 million). The bill also reduced funding for utility costs since the 2011-2012 winter was unusually warm.

SF 2071 was approved by the Senate on a 26-23 vote on February 1 and approved by the House on a 96-0 vote on February 15. The Senate approved the bill on February 20 on a 48-1 vote. The House approved the bill for a second time on a 97-0 vote on February 21. The Governor signed the bill on March 2 with one item veto. The Governor struck the reduction in utility costs saying that it wasn't necessary due to the restoration of predictability and stability in state budgeting.

STATUS: SIGNED BY THE GOVERNOR WITH ITEM VETO

Senate File 2313 — ADMINISTRATION AND REGULATION BUDGET BILL

Senate File 2313 is the Administration and Regulation budget bill for FY 2013. The bill funds the Department of Revenue, Department of Administrative Services, Department of Inspections and Appeals and the statewide elected officers. The Governor recommended \$57.1 million, the Senate approved \$56.9 million and the House approved \$49.6 million.

The Senate approved the bill on a 26-24 vote on March 6. The House approved the bill on a 59-37 vote on March 20. The bill was sent to conference committee on April 11.

The Conference Committee report came to an agreement with total General Fund expenditures of \$54,116,294, with an additional \$3 million of Medicaid Fraud money for a total of \$57,116,294.

The additional Medicaid Fraud money was used to fully fund the Department of Inspections and Appeals to ensure that the health facilities division and investigations are fully funded. Two other areas where the House and Senate differed were the Office of Drug Control Policy and Iowa Campaign and Ethics. The Senate proposed spending \$80,000 on OCDP, while the final conference report ended at \$240,000, down \$50,000 from last year. The department will remain independent, the director appointed by the Governor and housed in the Department of Public Safety. Iowa Campaign and Ethics was increased \$15,000 to \$490,000 and an additional \$76,000 was provided to the Criminal and Juvenile Justice.

The Senate approved the bill on a 27-20 vote on May 7 and the House followed suit on the same day and approved the bill on a 58-39 vote.

STATUS: PASSED BY BOTH CHAMBERS

Senate File 2336 — HEALTH AND HUMAN SERVICES BUDGET BILL

Senate File 2336 funds the Department on Aging (IDA), Departments of Public Health (DPH), Human Services (DHS), and Veterans Affairs (IVA), and the Iowa Veterans Home (IVH).

The Governor recommended \$1.604 billion, Senate approved \$1.515 billion and the House approved \$1.563 billion. (The Senate is lower because they move \$113 million of cigarette tax into the Health Care Trust Fund, which allows them to spend more but say they are less than the Governor.)

The Senate approved the bill on a 26-21 vote on April 12.

The House increased the original target by \$52.6 million. Most of the increase goes to fund Medicaid and Mental Health reform. The House version also restricts Medicaid funding of abortions to life of the mother and miscarriages, defunds Planned Parenthood and reduced the state family planning waiver.

The House approved the bill on a 58-38 vote on April 18.

STATUS: PASSED BY BOTH CHAMBERS

House File 2407 — UNIFORM APPLICATION FOR INDIVIDUAL HEALTH INSURANCE COVERAGE

The bill instructs the Insurance Division to come up with a uniform application for individual health

insurance coverage purchased in Iowa. The proposal is modeled after language passed previously by the Legislature setting up a uniform application for small group health coverage. The bill would only be in effect if the application requirements in the federal health care reform law are overturned or repealed.

STATUS: DIED IN THE SENATE COMMERCE COMMITTEE

House File 2408/Senate File 2171 – INSURANCE CO PAYS FOR CHIROPRACTIC CARE

The bill requires prohibits insurers from charging a higher co—pay for chiropractor—provided care than what is charged for care provided by non—specialist medical doctor.

STATUS: ON THE HOUSE FLOOR

Senate File 2128 — MANDATE INSURANCE COVERAGE OF AUTISM

The bill would have mandated state—regulated health insurance plans provide coverage for certain services for the treatment of autism—related conditions beyond what is already required under law.

STATUS: DIED ON COMMITTEE

House File 2033 — PERFORMANCE OF ULTRASOUND PRIOR TO AB

The bill requires that prior to the performance of an abortion, the health care provider must certify that an ultrasound has been performed, the woman has been given the opportunity to view the ultrasound or hear a description.

STATUS: DIED IN COMMITTEE

House File 2036, 2045, 2046—REQUIRING DRUG TESTING FOR FAMILY INVESTMENT PROGRAM

These bills would require people applying for the Family Investment Program or other state—funded benefits to undergo a drug screening in order to be eligible to receive the benefits.

STATUS: DIED IN THE HOUSE HUMAN RESOURCES COMMITTEE

House File 2135 — SAFE HAVEN AGE

The bill would increase the permissible age for a child to be dropped off at a Safe Haven from 0—14 days to 0—1 year old.

STATUS: DIED IN COMMITTEE

House File 2155 — Using Clarinda MHI to House Geriatric Prisoners

The bill would direct the Department of Human Services to develop a wing of the Clarinda MHI to house geriatric prisoners in the Department of Corrections' care.

STATUS: DIED IN COMMITTEE

House File 2165 — PHYSICIAN ORDERS FOR SCOPE OF TREATMENT

The bill provides for the creation of a standard form for Iowans to provide their wishes in regard to life—sustaining treatment. The use of the Iowa Physician Orders for Scope of Treatment (iPOST) form would allow for easy transmission and recognition of the patient’s wishes.

STATUS: SIGNED BY THE GOVERNOR

House File 2306 — MEMBERSHIP OF THE MEDICAL ASSISTANCE ADVISORY COUNCIL

The bill adds the Iowa Dietetic Association, Iowa Behavioral Health Association, and the Midwest Association for Medical Equipment Services or an affiliated Iowa organization to the MAAC Council.

STATUS: SIGNED BY THE GOVERNOR

House File 2387 — STUDY OF ELDER ABUSE LAWS

The bill directs the Department on Aging to lead a review of Iowa’s elder abuse laws and report back to the Legislature with proposals for changes at the end of 2012.

STATUS – SIGNED BY THE GOVERNOR

House File 2388 — MAXIMIZING DSH PAYMENTS FOR QUALIFYING RURAL HOSPITALS

The bill sets up a Disproportionate Share Hospital funding pool to allow qualifying rural hospitals to put up local tax revenue as the non—federal match for federal DSH funding they can receive, but are not currently receiving.

STATUS: SIGNED BY THE GOVERNOR

House File 2422 — NOTIFICATION REQUIREMENTS FOR REGISTERED SEX OFFENDERS IN CERTAIN HEALTH CARE FACILITIES

The bill require nursing homes, residential care facilities, and assisted living programs to notify residents, employees, and local sheriffs when a new resident is required to register with the state’s sex offender registry. The bill requires notification to a number of parties and the creation of a safety plan by the facility to protect residents, visitors, and people outside who may come into contact with the resident.

The bill calls for a study to determine the long—term need for care services to those Iowans on the sex offender registry and the best way to provide these. In the interim, the Department of Human Services is given authorization to ensure individuals on the sex offender registry currently in long term care facilities are able to receive the proper care.

STATUS: PASSED IN HOUSE

House File 2432 — DIABETES CARE EDUCATION FOR SCHOOLS

The bill calls for the Department of Education to develop a program for schools to provide voluntary training to school employees in dealing with students who have Type I Diabetes.

STATUS: DIED ON HOUSE FLOOR

House File 2458 — RURAL PRIMARY CARE PHYSICIAN PROVIDER LOAN REPAYMENT PROGRAM

The bill creates a loan repayment program for Iowa—trained physicians who practice in rural Iowa for 5 years. The bill would require a qualifying physician to stay in the community for 5 years prior to receiving the funds.

STATUS: SIGNED BY THE GOVERNOR

House File 2464 — DEPARTMENT OF PUBLIC HEALTH POLICY

The bill implements a number of policy and technical changes in the Code chapters of DPH, including licensure of nursing home administrators, hearing aid dispensers, local boards of health, and the reporting of federal grant applications.

STATUS: SIGNED BY THE GOVERNOR

House Joint Resolution 2008 — NULLIFY PHYSICIAN BILL RULE

HJR 2008 is a rule nullification resolution, which nullifies a Department of Human Services rule implementing a Medicaid cost—containment provision passed last year. The Legislature authorized DHS to change how physicians bill for their services performed at hospitals. This was to save \$1 million.

When the rule came out in September, it changed the reimbursement on 1800 procedure codes and saved around \$2 million.

STATUS: PASSED BOTH HOUSES

Senate File 2086 — REPEAL MORATORIUM ON RCF INSPECTIONS

The bill repeals the moratorium on the Department of Inspections and Appeals from inspecting residential care facilities in FY 2012 and FY 2013. The moratorium was put in place after the 2009 across the board cut imposed by former Governor Culver. DIA determined in October that they had sufficient funding to resume the inspections last October.

STATUS: SIGNED BY THE GOVERNOR

Senate File 2158 — MEDICAID REIMBURSEMENT OF SPEECH PATHOLOGY SERVICES

The bill would revise Medicaid policy to allow licensed speech pathologists to bill Medicaid independently for services provided.

STATUS: SIGNED BY THE GOVERNOR

Senate File 2160 – SUPPLEMENTATION OF MEDICAID PAYMENT TO NURSING HOMES

The bill implements a process by which a person on Medicaid can be placed in a private nursing home room, if the resident or the resident’s family provides an additional payment for the room. The bill provides how this process would work.

STATUS – SIGNED BY THE GOVERNOR

Senate File 2163 – ADULT DAY SERVICES CERTIFICATION

The bill changes the certification requirements for an adult day services program. The bill allows a program to forgo seeking state certification if it has already received federal certification as a federal program of all-inclusive care for the elderly. In exchange for being able to forgo state certification, the program cannot hold itself out as an adult day services program.

STATUS: SIGNED BY THE GOVERNOR

Senate File 2164 — DHS RECORD CHECK EVALUATIONS FOR CHILD CARE & HEALTH FACILITY EMPLOYEES

The bill deals with situations where a person is applying for a new job requiring a criminal history or background check. Currently for each job a person applies for, they have to undergo a separate record check. The bill would allow this check to be waived if they had previously undergone a record check, been cleared to work in a facility, and have no criminal conviction or found abuse report against them

since the previous check. To use this, the person must be applying for the same or similar job.

STATUS: SIGNED BY THE GOVERNOR

Senate File 2185 — PHYSICIAN SUPERVISION OF PHYSICIAN ASSISTANTS

The bill raises the number of physician assistants that a physician can supervise from 2 to 5.

STATUS: SIGNED BY THE GOVERNOR

Senate File 2186 –MEDICAID ELIGIBILITY FOR PEOPLE LEAVING JAIL

In 2011, the Legislature passed a bill allowing certain groups of individuals, eligible for Medicaid, to have this suspended instead of terminated when they went to jail for a certain time. When this change was submitted to CMS, they said the state could not limit the applicability of the provision. So, the bill suspends the eligibility of anyone on Medicaid who is placed in jail, instead of terminating it.

STATUS: SIGNED BY THE GOVERNOR

Senate File 2247 – INTELLECTUAL DISABILITY TERMINOLOGY CHANGE

The bill changes the term “mental retardation” to “intellectual disability” throughout the Iowa Code. The bill also installs a definition for “intellectual disability”.

STATUS – SIGNED BY THE GOVERNOR

Senate File 2270 – ALZHEIMER’S DISEASE RESPONSE STRATEGY

The bill would create a state commission on the state’s response to Alzheimer’s disease. The function would be placed in the Department of Human Services and would require additional staff.

STATUS: DIED IN COMMITTEE

Senate File 2312 – MENTAL HEALTH REDESIGN—DHS/JUDICIAL ISSUES

The bill implements a number of recommendations from the Judicial Branch/DHS Workgroup regarding improvements to mental health proceedings within the judicial system. The bill includes:

- Establishing standards for law enforcement continuing education in the field of mental health
- Expanding access to pre—assessment screenings
- Setting consistent definitions for “Mental Health Professionals”
- Establishing standards for mental health advocates
- Studying the consolidation of commitment provisions and studying implementation of a state—wide jail diversion program

STATUS: SIGNED BY THE GOVERNOR

Senate File 2315 – MENTAL HEALTH REDESIGN

The bill implements a redesign of Iowa’s mental health and disability services system, beginning in FY 2014. Senate File 2315 includes the creation of mental health service regions to provide local management of the system, establishment of a core set of services that would be offered in all parts of the state, changing financial responsibility determination from county of legal settlement to residency, and improving data collection. The bill provides counties with a way to continue operating on their own, if they can meet the criteria required for regions.

The mental health property tax levy would be revised in FY 2014, with the calculation of this being based on a per capita amount. The bill sets a per capita target of \$47.28 per person. Counties currently levying about the target would have to reduce their levy to that amount. This change would reduce the statewide total of property taxes collected for mental health by \$10 million. Counties with a levy below the per capita target would receive an equalization payment. No one will see an increase in their mental health property taxes.

Additionally, disputed mental health bills would be removed from a county’s balance sheet and a new dispute resolution process implemented to address billing disputes when they arise. In the service area, standardized assessments would be implemented to ensure fair access to services across the state. Standards for the provision of case management services would also be implemented. The bill establishes a sub—acute level of care for mental illness, which should help reduced the demand for MHI and hospital—level mental health care.

STATUS – IN SENATE

Senate File 2318 – IOWA HEALTH INFORMATION NETWORK

The bill creates the Iowa Health Information Network, which will allow for the secure transmission of electronic health records between health care providers. The bill establishes the rules the Network and authorizes the State Board of Health to develop the fee structure for using the Network. The bill also provides for patients and providers to opt out of using the Network.

STATUS: SIGNED BY THE GOVERNOR

Senate File 2260 — IOWA'S NONPROFIT CORPORATIONS ACT

This bill is based on the Model Nonprofit Corporation Act, Third Edition. It updates the nonprofit code regarding, the termination of members, electronic meetings, conduct of meetings, elections, duties of directors and officers and mergers of nonprofits.

STATUS: SIGNED BY GOVERNOR

House File 2368 — CERTIFICATE OF BIRTH RESULTING IN STILL BIRTH

This bill gives families who have had a still birth the option of requesting a Certificate of Birth Resulting in Still Birth.

STATUS: SIGNED BY THE GOVERNOR

House File 2231 — MEMORIAL HOSPITAL BOARDS

Allows for a member of a Memorial Hospital Board to live within the service area of the hospital and not just in the county where the hospital is located.

STATUS: SIGNED BY THE GOVERNOR ON APRIL 12, 2012

House File 2398 — SYNTHETIC DRUGS

This bill adds a substantial number of synthetic drugs to the list of schedule I controlled substances. These substances are often referred to as K2 and Bath Salts. The bill adds new chemical formulas to the list of controlled substances.

STATUS: PASSED HOUSE

Senate File 2123 — CONTROLLED SUBSTANCES

This bill changes the controlled substance schedule of several controlled substances. Many of these changes are done to conform to federal law and some are made to clarify particular substances. In addition there were amendments attached to this bill. The first amendment was originally HF 2350, which would make it a class "D" felony to possess ammonium sulfate, ammonium nitrate or sodium hydroxide with the intent to manufacture a controlled substance. The second amendment was originally HF 2398 and added a substantial number of synthetic drugs to the list of controlled substances. The third amendment added Kratom, to the list of controlled substances. Kratom is a stimulant plant which can have deadly effects on the user.

STATUS: PASSED HOUSE

House File 2261 — OCCUPATIONAL THERAPY

House File 2261 amends Iowa Code Chapter 148 (regulates occupational therapy services) by changing definitions, licensing requirements, and striking several provisions. House Study Bill 523 updates several provisions that have been in place since the chapter's initial draft in 1981.

STATUS: DIED ON HOUSE CALENDAR (ATTACHED AS AN AMENDMENT TO SENATE FILE 364)

House File 2273 — AMBULATORY SURGERY CENTERS

House File 2273 creates a new Iowa Code Chapter 135P for the licensure and inspection of ambulatory surgery centers operating in the state of Iowa.

STATUS: PASSED HOUSE STATE GOVERNMENT COMMITTEE, DIED IN HOUSE WAYS AND MEANS COMMITTEE

House File 2318 — DEATH CERTIFICATES

House File 2318 requires that when a person dies outside of their county of residence that the state registrar sends a copy of the person's death certificate to that county of residence. In lieu of this, the state registrar could provide county registrars to electronics access to vital records. This bill also requires that a county registrar record that death certificate. Currently, death certificates are recorded in the county of death, whether or not it is the county of residence. This would require they be recorded in both the county of death and the county of residence.

STATUS: PASSED HOUSE, DIED IN SENATE STATE GOVERNMENT, ATTACHED TO HOUSE FILE 2369 (SIGNED BY GOVERNOR)

Senate File 364 — ORTHOTISTS, PROSTHETISTS, PEDORTHISTS, AND OCCUPATIONAL THERAPY

Senate File 364 provides for the licensure of professional Orthotists, Prosthetists, and Pedorthists. It also incorporates into the bill House File 2261 which amends Iowa Code Chapter 148 (regulates occupational therapy services) by changing definitions, licensing requirements, and striking several provisions. It updates several provisions that have been in place since the chapter's initial draft in 1981.

STATUS: SIGNED BY GOVERNOR

Senate File 2120 — OPTOMETRISTS

Currently, only an optometrist who is therapeutically certified can employ all diagnostic and therapeutic pharmaceutical agents to diagnose and treat conditions of the eye and adnexa. Senate File 2120 eliminates that requirement and clarifies optometrists can perform minor surgeries under certain parameters.

STATUS: SIGNED BY GOVERNOR

Senate File 2248 — RESPIRATORY CARE PROFESSIONALS

House File 2248 allows licensed physician assistants and licensed advanced nurse practitioners, when operating under prescribing authority, to prescribe respiratory care.

STATUS: SIGNED BY GOVERNOR

House File 2181 — VETERANS NATIONAL RECOVERY CENTER IN NEWTON

Requires the commission to take action to establish a veterans national recovery center in Newton.

STATUS: DIED IN FUNNEL

Senate File 2333/House File 2448 — SALES TAX EXEMPTION FOR SUBSTANCE ABUSE PROVIDERS

A sales tax exemption for the sale of tangible personal property or services to substance abuse treatment or prevention programs that receive block grant funding from the Iowa department of public health.

Passed Ways and Means 25—0

Passed the House 94—0

STATUS: SIGNED BY THE GOVERNOR