

IDPH Legislative Update
Iowa Department of Public Health
April 16, 2012

The Fourteenth Week

The following are some highlights from the fourteenth week of the 2012 Session. Almost there?!

Session is in fact nearing its end (yes I knocked on wood). Legislators are hopeful that two more weeks is all it will take to wrap up their final policy priorities and the many budget bills that are still out there to negotiate. I recall describing the feeling of the funnel deadlines in a couple of my legislative updates but I'm struggling for the proper words to describe these last weeks of session. Desperation still rings true as lobbyists try to find any avenue possible to tack their dead legislation onto; even the IDPH technical bill. "Burn-out" could be another word, since everyone is so tired from the grind of session. Most people work six days a week for all of these months. After the length of the last session and the many workgroups and studies that took place over the interim, it feels as though the 84th General Assembly was a nonstop sixteen-month rollercoaster ride. Not the fun ones either, but rather like the ones that are old, jerk you around so you get whiplash, and then have some kind of end loop-the-loop that you weren't expecting and didn't particularly enjoy. You leave the ride asking yourself, "What was that all about?" and yet you're a glutton for punishment so you know that you'll still ride it again and again.

IDPH Legislative Package Update

- **The Iowa Health Information Network (IHIN) Bills.** [SF 2318](#) was signed by Governor Branstad on Thursday, April 12! This legislation is a result of the hard work of many people including IDPH staff, especially Kim Norby, executive director of the Office of e-Health and Susan Hemminger, our assigned assistant attorney general for this project. We must also thank the e-Health Council that represents our valued stakeholders, many folks in the lobby at the Capitol, and of course our legislative champions [Representative Linda Miller](#) and Senator [Jack Hatch](#). We would not have had the success we did without all of your help, so thank you!
- **The Technical/Omnibus Bill.** [HF 2464](#), (formerly HF 2420), IDPH's annual technical bill, passed the House Chamber by a vote of 94-5 on April 10! It is in the Senate Ways and Means Committee and a subcommittee of Senators [Mathis](#), [Feenstra](#), and [Hogg](#) were assigned to the bill. A meeting was held on Thursday, April 12 and the legislators were fine with the addition of the penalties for tanning facilities that violate regulations.

The surprise loop-the-loop was the introduction of [SF 2270](#) as an amendment to the bill. It is a substantive piece of policy legislation that directs IDPH to hire an FTE for the purposes of coordinating all of the public and private activities that are being conducted around Alzheimer's disease in the state. It died during the funnel deadlines. The amendment does not provide any funding for the FTE that IDPH would be required to hire in this legislation.

Since HF 2464 was introduced by IDPH, we oppose the addition of the unfunded mandate to our technical bill. A technical bill is a vehicle for departments to use to clean up their code language as it becomes outdated, duplicative, or inconsistent with current practice. We will communicate this to legislators on the Senate Ways and Means Committee and hope for the best. I want to be clear that IDPH is sympathetic to the plight of those suffering from Alzheimer's disease and their families. However, there are limitations to what a state department can do when it does not have the expertise or funding to accommodate desired public policy outcomes.

- To understand how a bill moves through the legislative process, click [here](#).

Senate Chamber Appropriations Bill

- The Senate Chamber has introduced [SF 2336](#), which is their version of the Health and Human Services Appropriations Bill. It was introduced the evening of Monday, April 9th, passed out of the Senate Appropriations Committee on Tuesday, and was through the Senate Chamber by a vote of 26-21 on Thursday, April 12. The Senate started with a status quo budget for IDPH and made the following changes to FY 2013 compared to FY 2012. (Note that my analysis incorporates the Senate floor amendment S-XXX:
 - Adds \$2.2 million to the budget for tobacco use, prevention, and control programming for a total of \$5.4 million. A supplemental appropriation of \$350,000 is also provided for a shortfall in the budget for Quitline Iowa in FY 2012.
 - Adds policy language to direct IDPH to work with the [Iowa Medicaid Enterprise](#) to enhance services and funding streams for the [1st Five Healthy Mental Development](#) Program (also referred to as ABCD II).
 - Adds a new allocation of \$100,000 to be transferred to the University of Iowa [College of Dentistry](#) to provide dental services to children in collaboration with IDPH's Bureau of Oral Health and Delivery Systems.
 - Adds three few grants for the [Iowa Collaborative Safety Net Provider Network](#) that is currently administered by the [Iowa Primary Care Association](#) and increases funding to existing ones:
 - \$50,000 for a new grant program in collaboration with sexual assault response teams to expand best practices to other areas of the state.
 - \$75,000 for a new grant program to promote access to primary and preventive health care.
 - \$125,000 for a new grant program for various services and infrastructure for federally qualified health centers.
 - Increase of \$22,000 for the maternal and child health centers grants for a total of \$100,000.
 - Increase of \$300,000 for the free clinics grants for a total of \$424,000.
 - Increase of \$39, 570 for the rural health clinics grants for a total of \$150,000.
 - Increase of \$140,000 for grants to providers of specialty care for a total of \$400,000.
 - Increase of \$165,000 for grants relating to pharmaceutical infrastructure for a total of \$435,000.
 - Increases funding to the [AIDS Drug Assistance Program](#) (ADAP) by \$51,000 for a total of \$550,000.
 - Increases funding for the Primary Care Provider Recruitment and Retention Endeavor (PRIMCARRE) by \$250,000 for a total of \$379,000.
 - A new allocation for the [Anatomical Gift Public Awareness and Transplantation Fund](#) of \$100,000.
 - Allocates \$50,000 for IDPH to conduct a public awareness program for human papillomavirus (HPV) vaccinations.
 - Allocates \$1.0 million for the provision of vaccinations for HPV for specified eligible populations.
 - Allocates \$500,000 for IDPH to conduct early prevention screenings by pap smear and advanced screening by colposcope for specified eligible populations.

- Provides \$337,000 and policy directives for IDPH to implement a Board of Direct Care Professionals in a similar fashion as the Boards of Nursing, Medical Examiners, Pharmacists, and Dental Examiners.

Bill Highlights

- You will notice as you click on the various links to the legislation listed below, that some of the bills are pink. This means that the bill has passed the originating chamber (the chamber that introduced the bill) and was amended during floor debate. To see a list of the amendment(s), click on “current bill history” to the left of the screen. You will see the amendments in the order they were filed and whether they were adopted or not. Links to the amendment language are also provided.
- [HF 2465](#) is known as the “Standings Bill.” This bill passed out of the House Chamber by a vote of 59-40 on April 10. The bill appropriates \$10.00 of every \$20.00 fee for registering births in Iowa to be transferred to the [Center for Congenital and Inherited Disorders](#) up to a cap of \$154,000 for FY 2013. This is a decrease of \$17,283 compared to FY 2012. The other half of the \$20.00 fee is transferred to DHS for child abuse prevention programs. **UPDATE:** [Representative Janet Petersen](#) sponsored an amendment that was adopted and removes the cap on the amount of fees that will go to the center. This means that instead of a small amount of funds going to the general fund once the cap is reached, 50 percent of all of the fees will go to the center. This bill is now in the House Appropriations Committee.
- [SF 2284](#) is the Senate education reform bill and includes language in [SF 468](#) that prohibits use by any student enrolled in a school district or by anyone on school grounds of nicotine products. An updated [Fiscal Note](#) was published by the Legislative Services Agency on April 11. There is no fiscal impact to the state’s general fund for the division of the bill that relates to tobacco-free schools. **UPDATE:** The bill passed the Senate Chamber by a vote of 26-24 on April 9. Senate amendment [S-5166](#) was adopted and includes language starting on page 9, line 40 through page 10, line 12 that establishes a Cross Agency Assessment Instrument Planning Group. IDPH is slotted as one member of the group that must submit a report to the general assembly by November 15, 2012 with recommendations relating to selection of one standard assessment instrument for school districts to implement statewide. The bill is now in the House Education Committee.
- [SF 2337](#) (formerly [SF 2230](#)) relates to health care cost containment measures. It was introduced early in session and was funnel proof due to its placement in the Senate Ways and Means Committee. It creates a bureau in the Iowa Insurance Division dedicated to cost containment of health insurance and medical costs and establishes a new advisory board. The director of IDPH or a designee is one member of the board. The bill also directs collaboration with IDPH’s medical home and e-Health advisory councils. One of the key points of SF 2230 would be for the bureau and the board to compare typical health procedure costs throughout the state in an “all-payer claims database.” This is in an effort to understand whether or not some areas of the state pay more for their health care procedures than others. For information on all-payer claims databases click [here](#). The bill passed out of the Senate Ways and Means Committee on April 10.
- [HF 2458](#) is a bill that establishes a rural Iowa primary care loan repayment program and trust fund to be administrated by the Iowa College Student Aid Commission. It has passed out of the House Chamber by a vote of 96-0 on April 9. It is now in the Senate Appropriations Committee and a meeting is scheduled for Monday, April 16 to discuss the bill.

Conference Committees

- When the House and Senate Chambers are unable to reach an agreement through the typical bill process for what a piece of legislation should look like, they can either let the bill die or they use the conference committee process. Each chamber appoints approximately five of its members (some from each party) to the conference committee to serve as the negotiations team. The Legislative Services Agency facilitates the process and eventually a

compromise is worked out. I'm simplifying this of course, because there are several parameters that the negotiations must adhere to such as, negotiations can only occur on what is presently in the bill. In other words no additional language may be considered. This has been the usual procedure for the appropriations bill during these tough economic years. To sign up to receive notices for the time and location of conference committees, click [here](#).

- A conference committee has been appointed for [SF 2321](#), the Senate education appropriations bill. IDPH is collaborating on an effort to promote voluntary home visiting and group-based parent education that target families with children ages 0 – 5. The legislation directs state general funds that are used for home visitation programming to be expended on programs that are considered 'promising practices' or 'evidence-based.' The language provides for a phased in approach over the next four years and maintains innovation and local control. It has the support of the Lt. governor, key House and Senate members of both parties, and a variety of private and nonprofit organizations. It is located on page 10, line 14 through page 13 line, 13 of SF 2321.

Language is also included in [SF 2336](#), the Health and Human Services Appropriations Bill, under the [HOPES Program](#) on page 7, line 26 through page 10, line 25.

Sent to the Governor

- Once a bill passes both chambers it must be reviewed once more for minor errors and then signed by both the president of the Senate and the speaker of the House. It is then considered an "enrolled bill" and is sent to the governor for his consideration. The governor can sign or veto a policy bill. He or she can line item veto sections of bills with appropriations in it. The enrolled bill formatting looks more formal and does not have page and line numbers.
- [HF 2448](#) was withdrawn and substituted for its Senate companion, [SF 2333](#) on April 11. It is a bill that provides for a sales tax exemption for the sale of tangible personal property or services to substance abuse treatment or prevention programs that receive block funding from IDPH. A [Fiscal Note](#) was published by the Legislative Services Agency on March 29. SF 2333 passed the Senate Chamber by a vote of 49-0 on April 9 and the House Chamber by a vote of 94-0 on April 11. Its next stop is the governor's office for his consideration of the bill.
- [SF 364](#) relates to the licensure of [orthotists](#), [prosthetists](#), and [pedorthists](#) under the existing Board of Podiatry. It passed the Senate Chamber last session by a vote of 37-12 on March 14 and the House Chamber this session by a vote of 93-0 on April 11. It will now be sent to the governor for his consideration.

Signed by the Governor

- [SF 2220](#) relates to the licensing of schools of cosmetology arts and sciences and barber schools. It requires that their licenses contain a statement to clarify that it has been approved by IDPH as a provider of postsecondary education. It passed the Senate Chamber by a vote of 50-0 on February 28 and the House Chamber by a vote of 94-0 on March 27. Governor Branstad signed SF 2220 into law on April 9.
- [SF 2312](#) relating to persons with mental health illnesses and substance-related disorders. Passed the Senate Chamber by a vote of 49-0 on March 5. It passed the House Chamber on by a vote of 95-1 on March 20 with one amendment. Governor Branstad signed SF 2312 into law on April 12. The bill does the following:
 - Requires all law enforcement officers to complete a course on mental health at least once every four years.
 - Specifies that a nursing facility of a residential care facility is not required to admit an individual without approval from the administrator of the facility.
 - For persons who are intoxicated and have threatened harm against others or themselves after-hours, the bill amends the current procedures for emergency detention and hospitalization. Current law requires that an application for involuntary

commitment or hospitalization must be filed before a person can be taken into custody. This option is only available during the regular operating hours of the district court. The bill permits this requirement to be waived if a person requires immediate commitment during after-hours.

- Requires the state court administrator to implement a pre-application screening assessment program for involuntary hospitalization commitments.
- Directs the Judicial Branch, the Department of Human Services, IDPH, and other stakeholders to continue an existing workgroup that is discussing the involuntary commitment process for persons with substance-related disorders. The bill also directs the workgroup to consider the feasibility of establishing an independent statewide patient advocate program. A report is due to the General Assembly and the governor by December 1, 2012.
- Directs the Division of Criminal and Juvenile Justice Planning (CJJP) of the Department of Human Rights to conduct a study on the feasibility of establishing a comprehensive statewide jail diversion program. This includes consideration of the establishment of mental health courts for nonviolent criminal offenders who suffer from mental illness. A report is due to the General Assembly and the governor by December 1, 2012.

Other Information

- The IDPH 2011 Annual Report and Budget Summary has been published! This report provides audiences with general information about the many program areas that IDPH is involved in, how that work is funded, and the results that are achieved. To view the report, please click [here](#).
- The Iowa General Assembly website is a great source of legislative information. The address is www.legis.iowa.gov. It's easy to find your legislator, get information on committee members, view photos of legislators, and access bills. Please take some time to check it out.
- Did you know you can listen to the chamber floor debates? You can also watch the floor debates in the House chamber. Click [here](#) for more information. To view the daily debate calendars for each chamber click on the home page link in the paragraph above and then click on the "Tentative Senate Debate Calendar" or "Tentative House Debate Calendar" above the Senate and House floor action windows.

Information on the Legislative Update

The Legislative Update is also posted on the IDPH website at www.idph.state.ia.us/adper/legislative_updates.asp. To subscribe to the IDPH Legislative Update, please send a blank email to join-IDPHLEGUPDATE@lists.ia.gov.