IDPH Legislative Update
Iowa Department of Public Health
February 27, 2012

The Seventh Week

The following are some highlights from the seventh week of the 2012 Session.

IDPH Legislative Package Update

- **The IHIN Bills.** The department's e-Health/Iowa Health Information Network (IHIN) legislation passed out of the Human Resources Standing Committees in each chamber on February 6 and as a result, each study bill has been assigned a file number. HSB 561 is now HF 2283 and SSB 3056 is now SF 2166. The amendments that were adopted at the committee level will now be incorporated or "rolled up" into the original study bill language. HF 2283 has been referred to the House Ways and Means Standing Committee. I have been told this is due to the process that the House chamber follows when proposed legislation includes details regarding fees. SF 2166 has been placed on the Senate calendar and is now eligible for consideration by the full Senate chamber.

- **The Technical/Omnibus Bill.** HSB 622, the bill that replaced the department's proposed legislation, was passed out of the House Human Resources Committee on February 22 with an amendment. The amendment does the following:
    - Removes Division I that adds the state registrar to the list of entities who can issue a burial transit permit. Instead, the state registrar will be added to HF 2369 which has passed out of the House Local Government Committee. An amendment during floor discussion will provide for this addition.
    - Division II of HSB 562 relating to radiological health was added back in with a few changes. The most relevant change removed a proposed simple misdemeanor charge for owners of tanning devices and facilities who commit egregious violations of regulations. The department is still permitted to apply civil penalties but they cannot exceed $5,000. Once again, legislators were very interested in this subject and asked several questions. If the audience of this legislative update would like more information about the IDPH's Bureau of Radiological Health, please click here.
    - When the department is applying for a grant of an amount over $100,000 that will require a state match or maintenance of effort requirement, a new federal reporting requirement mandates notification to specified persons. They are the chairpersons and ranking members of the Joint Appropriations Subcommittee on Health and Human Services, the Legislative Services Agency, the legislative caucus staffs, and the Department of Management. On average the department has 17 grants per year that meet these criteria.

- To understand how a bill moves through the legislative process, click here.

- **Other Committee Work.**
    - To see the agendas and minutes for Senate Human Resources, please click here.
    - To see the agendas and minutes for House Human Resources, please click here.

Funnel Week

What can you say about funnel week? It is one of the most intriguing weeks during a legislative session. The anxiety is palpable as the departments, advocates, legislative staff, legislators, and lobbyists labor tirelessly on their bills of interest. There are at least two to three committees that will work late into the night on an annual basis, like the House Education and Senate State Government Committees did last week. This is the first hurdle for a bill in the legislative session. If it has not been passed out of at least one committee in the House or Senate Chambers, it is no longer considered a live bill. In other words it's "dead" and hypothetically should not be considered at any other point during Session. There are several exceptions and loop holes but

that is not necessarily a bad thing. If work continues on a bill that died during funnel week and a consensus is eventually reached before the last day of Session, it is not uncommon to see it attached to another piece of legislation as an amendment.

For a list of bills that IDPH has been tracking that I believe have survived the first funnel, please see the appendices here.

A Few Notable Bills that Died

- HSB 585 relating to the sale of raw milk in Iowa.
- SF 2105 and HF 2272 relating to the regulation of radon.
- HF 2135 that expands the newborn safe haven act to infants one year of age or younger.
- HF 2257 relating to the procedures of governing boards and commissions and the grounds for licensee discipline.
- SF 2149 that relates to the criminal transmission of HIV.

Bills on the Move

- SF 2120 relating to the practice of optometry was signed by Governor Branstad on February 22 and is now considered law. The act removes language defining diagnostically certified licensed optometrists since accredited optometry programs now exclusively offer programs for therapeutically certified optometrists. In 2008, Iowa Code was changed to require that all licensed optometrists meet the requirements for therapeutically certified licensure by July 1, 2012. Optometrists are trained to perform minor surgical procedures and use medications for the diagnosis and treatment of diseases of the eye and adnexa. SF 2120 adds language to define what procedures can be performed and what procedures are prohibited. Changes to the administrative rules will be taken up by the Board of Optometry to remove language addressing the different levels of licensure.
- HF 2165 is referred to as the Iowa Physician Orders for the Scope of Treatment or IPOST bill. The concept encourages a patient and his or her family members to have conversations about the patient's wishes as they plan for the end of life. It is directed toward those diagnosed with terminal illness and frail and elderly persons. It is meant to cover more details and options than an advanced directive. IDPH facilitated two pilot projects in Linn and Jones counties. To view information about this work, please click here. This bill has been passed by both chambers and is now waiting for the Governor's signature to become law.

House Republicans Release a Budget

- The Health and Human Services (HHS) appropriations bill has been introduced in the House. HSB 661 provides general fund and other funds appropriations to IDPH, the Department of Human Services (DHS), the Department on Aging (IDA), and the Department of Veterans Affairs and Iowa Veterans Home. The House HHS members held a meeting on the bill on Thursday, February 23 in an effort to vote the bill out of the appropriations subcommittee but a lone Republican no vote by Rep. Tom Shaw left the members with a tie that meant the motion to vote out the bill failed. It is unknown at the time of this writing what the next steps are however, the HHS bill is currently on the agenda for the House Appropriations Committee that is scheduled for 2:00 on Monday, February 27.
- IDPH's general fund budget was reduced by $3.8 million total compared to the budget for FY 2012 and the Governor's recommendations for FY 2013. This is a total reduction of 8.12%. Each division director will be compiling information in an effort to help legislators understand the impact of the reductions on the services to Iowans. IDPH would like to see all of the reductions restored to the Governor's recommendations for FY 2013.
- The reductions are delineated as follows:
    - Each budget unit, the with exception of Healthy Aging that provides for local public health nursing and home care aide services, received at least a general reduction for printing, postage, communications, information technology, and office supply savings.

This is a total reduction of $435,016 to the IDPH general fund budget. The reductions are required to be applied evenly to each program.

- The $2.8 million in general funds for the Division of Tobacco Use, Prevention, and Control have been eliminated.
- The $12,500 of one-time funding for the 2011 task force relating to epilepsy has been eliminated.
- The funding for the Prescription Drug Repository Program has been reduced by $29,937 for a total allocation of $100,000.
- The allocation to the Iowa Primary Care Association to administer the Iowa Safety Net Collaborative Grant Program has been reduced by $62,580 for a total allocation of $70,000.
- The general funds for the programming relating to direct care workers has been eliminated. However, funding of $149,000 will be provided to IDPH for the Direct Care Worker Advisory Council from the fines collected by DHS from nursing facilities. This represents status quo funding for the council. Funding that is passed through IDPH to the Iowa Caregivers Association for statewide training and conference subsidies has been eliminated.
- Funding from the Health Care Transformation Account (HCTA) for the Medical Home and Prevention and Chronic Care Management Advisory Council and the Health and Long-Term Care Access Advisory Council of $233,357 and $100,000 respectively was eliminated.

- To view the general funds budget spreadsheet prepared by the Legislative Services Agency, please click here.
- To view the other funds budget spreadsheet prepared by the Legislative Services Agency, please click here.

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.

Iowa Department of Public Health Bill Tracking

First Funnel Survivors

LSB No.	Intro. Bill No.	New Bill No.	Bill Description	Lead Sponsor	Sub. Members	Committee Referred	Committee Action	Passed Chamber
2435	SSB 1161	SF 468	An act prohibiting use by any student enrolled in a school district and use on school grounds of nicotine products and providing restrictions for violation of the prohibition.	Education, Quirmbach	Quirmbach, Beall, Smith	Education	Passed Senate Ed. 12-0 3/2/11 Passed House Ed. then referred to State Govt	Passed Senate 44-5 3/14/11
1490	SF 27		An act providing for the licensure of persons who install and maintain solar thermal systems and solar photovoltaic panels and making penalties applicable.	Jochum	Jochum, Bertrand, and Sodders	State Govt	Voted out on Feb 22. Waiting for a new bill number.	
5004	SF 2230		An act relating to health care cost containment measures and providing for a fee.	Hatch	McCoy, Bolkcom, and Smith	Ways and Means		
5021	HJR 2001		A joint resolution nullifying an administrative rule of the natural resource commission prohibiting the use of lead shot for hunting mourning doves and providing an effective date.	Joint Rules Committee	Baudler, Hanson, Rayhons, et al	Natural Resources	Voted out and placed on House calendar.	Feb. 2nd passed House 73/27
5021	SJR 2001		A joint resolution nullifying an administrative rule of the natural resource commission prohibiting the use of lead shot for hunting mourning doves and providing an effective date.	Joint Rules Committee	Dearden, Bolkcom, Hamerlink	Natural Resources		
5023	SF 2015		An act providing volunteer fire fighters and emergency medical services personnel with an individual income tax credit and including related appropriations from the taxpayers trust fund, and including applicability provisions.	Hancock	Bolkcom, Dotzler, Feenstra	Ways and Means		
5036	SSB 3022	SF 2154	An Act relating to the licensure of the practice of naturopathic medicine.	State Govt per Danielson chair	Danielson, Jochum, and Sorenson	State Govt	Voted out and placed on Senate calendar.	
5094	SF 2012	SF 2173	An Act authorizing the imposition of certain charges for fire protection and emergency medical services.	Hancock and Wilhelm	Jochum, Danielson, Dix	State Govt	Voted out and placed on Senate calendar.	

LSB No.	Intro. Bill No.	New Bill No.	Bill Description	Lead Sponsor	Sub. Members	Committee Referred	Committee Action	Passed Chamber
5097	SF 2009		An Act relating to and making an appropriation for EMS training.	Hancock	Dvorsky, Dix	Approps		
5114	SSB 3173		An act relating to appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters.	Senate Appropriations Subcommittee	Jochum, Dvorsky, Bartz	Approps		
5118	HSB 661		An Act relating to appropriations for health and human services and including other related provisions and appropriations, and including effective, retroactive, and applicability date provisions.	Approps Chair, Raecker		Approps		
5133	HSB 504	HF 2043	An Act relating to the implementation of federal statute, regulation, or policy by state administrative agencies.	Committee on Econ Growth/Rebuild Iowa (Grassley)	Baltimore, Smith, J., and Steckman	Econ Growth/Rebuild Iowa	Voted out and placed on House calendar.	
5135	HF 2195	HF 2368	An Act providing for the issuance of a certificate of birth resulting in stillbirth, providing for a fee, and including effective date provisions.	Anderson, Pettengill, DeBoef, et al.	Kaufmann, Anderson, Wessel-Kroeschell	Judiciary	Voted out and placed on House calendar.	
5146	SSB 3136	SF 2247	An act relating to terminology changes in Iowa Code references to mental retardation.	MH & DSS Committee	Seymour, Boettger, Ragan, et al	Human Resources	Voted out and placed on Senate calendar.	
5146	HSB 624	HF 2344	An act relating to terminology changes in Iowa Code references to mental retardation.	MH & DSS Committee	Schulte, Heddens, and Massie	Human Resources	Voted out and placed on House calendar.	
5183	SSB 3066		An act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions	Commerce/Insurance Div	Rielly, McCoy, Anderson	Commerce	Voted out Feb 23. Waiting for a new bill number.	
5183	HSB 621	HF 2239	An act relating to various matters under the purview of the insurance division of the department of commerce, providing penalties, and including effective date provisions	Commerce/Insurance Div	Pettengill, Fry, Oldson	Commerce	Voted out and placed on House calendar.	

LSB No.	Intro. Bill No.	New Bill No.	Bill Description	Lead Sponsor	Sub. Members	Committee Referred	Committee Action	Passed Chamber
5212	SSB 3041	SF 2123	An act making changes to the controlled substance schedules, and making penalties applicable.	DPH	Quirmbach, Mathis, Boettger	Human Resources	Voted out and placed on House calendar.	
5256	SSB 3095		An act providing for charitable food donations to food banks, including by providing for appropriations and a tax credit and including applicability provisions.	Committee on State Govt/Danielson	Danielson, Hatch, Smith	State Govt	Voted out Feb 22. Waiting for a new bill number.	
5257	HSB 561	HF 2283	A bill relating to the Iowa health information network, providing for fees, and including effective date provisions.	IDPH	Miller, Fry, Smith	Voted out of Human Resources then referred to Ways & Means		
5257	SSB 3056	SF 2166	An act relating to the Iowa health information network, providing for fees, and including effective date provisions.	IDPH	Hatch, Ragan, Seymour	Human Resources	Voted out and placed on Senate calendar.	
5280	SSB 3017	SF 2237	An act concerning the frequency of reporting and distribution of proceeds requirements for certain qualified organizations licensed to conduct social and charitable gambling.	State Govt per Danielson chair	Danielson, Jochum, Bertrand	State Govt	Voted out and placed on Senate calendar.	
5287	SSB 3083	SF 2165	An act relating to the documentation required to prepare a notice of alleged paternity and support debt in administrative paternity proceedings.	DHS	Dotzler, Mathis, Bacon	Human Resources	Voted out and placed on Senate calendar.	
5348	HSB 521	HF 2273	A bill relating to the licensure of ambulatory surgical centers, providing fees and penalties, and including effective date provisions.	Committee on State Government/Cownie	Iverson, Helland, Mascher	Voted out of State Govt and referred to Ways & Means		
5348	HSB 521	HF 2273	A bill relating to the licensure of ambulatory surgical centers, providing fees and penalties, and including effective date provisions.	Committee on State Government/Cownie	Iverson, Helland, Mascher	Voted out of State Govt and referred to Ways & Means		
5379	SSB 3048		An act relating to an income tax checkoff for the anatomical gift public awareness and transplantation fund, making an appropriation, and including retroactive applicability provisions.	Ways & Means/Bolkcom	Bolkcom, Mathis, Anderson	Ways and Means		

LSB No.	Intro. Bill No.	New Bill No.	Bill Description	Lead Sponsor	Sub. Members	Committee Referred	Committee Action	Passed Chamber
5415	HSB 503	HF 2042	An Act requiring jobs impact statements for administrative rules.	Committee on Econ Growth/Rebuild Iowa (Grassley)	Baltimore, Smith, J., and Wittneben/ 1/30/12 Sodders, Bertrand, Wilhelm	Econ Growth/Rebuild Iowa	Voted out and placed on House calendar.	Passed House 92-0 Jan. 25.
5422	SSB 3137		An act relating to persons with mental health illnesses and substance related disorders.	MH & DSS Committee	Seymour, Boettger, Ragan, et al	Human Resources		
5422	HSB 623		An act relating to persons with mental health illnesses and substance related disorders.	MH & DSS Committee	Schulte, Miller, L., Heddens	Human Resources	Voted out on Feb. 21. Waiting for a new bill number.	
5448	HF 2015	HF 2285	An Act relating to the definition of hydronic for purposes of the Plumber's Board and including effective date provisions.	Pettengill	Pettengill, Hein, Wenthe	State Govt	Voted out and placed on House calendar.	
5449	SSB 3078		An act relating to direct care professionals including the establishment of a board of direct care professionals, providing for implementation, making penalties applicable, and including effective date provisions.	Committee on State Govt/Danielson	Jochum, Hatch, Dix	State Govt	Voted out on Feb. 22. Waiting for a new bill number.	
5456	HSB 595		A bill for establishing a rural Iowa primary care grant and forgivable loan program to be administered by the college student aid commission, a rural Iowa primary care trust fund, and making appropriations.	Committee on Human Resources/Miller	L. Miller, Jorgensen, Winckler	Human Resources	Voted out on Feb. 21. Waiting for a new bill number. Will be combined with HSB 583.	
5464	SSB 3053	SF 2185	An act relating to the supervision of physician assistants.	Human Resources/Ragan	Jochum, Bolkcom, Seymour	Human Resources	Voted out and placed on Senate calendar.	
5466	SSB 3040	SF 2248	An act relating to the licensed professionals authorized to prescribe respiratory care services.	Human Resources/Ragan	Ragan, Wilhelm, Bacon	Human Resources	Voted out and placed on Senate calendar.	
5474	HSB 523	HF 2261	An Act relating to the regulation of persons offering occupational therapy services.	House State Govt per P. Cownie	Schulte, Rogers, T. Taylor	State Govt	Voted out and placed on House calendar.	

LSB No.	Intro. Bill No.	New Bill No.	Bill Description	Lead Sponsor	Sub. Members	Committee Referred	Committee Action	Passed Chamber
5474	SSB 3092	SF 2174	An act relating to the regulation of persons offering occupational therapy services and making penalties applicable.	Committee on State Govt/Danielson	Jochum, Fraise, Chelgren	State Govt	Voted out and placed on Senate calendar.	
5485	SF 2035	SF 2225	An act relating to child abuse by prohibiting retaliation for reporting, providing for implementation of reporting policies at postsecondary institutions, requiring review of training requirements, and providing a remedy.	Beall	Beall, Dvorsky, Johnson	Education	Voted out and placed on Senate calendar.	
5488	SSB 3152		An act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions.	MH & Disability Services	Hatch, Seymour, Boettger, et al	Human Resources	Voted out on Feb. 23. Waiting for a new bill number.	
5489	HF 2164		An act providing a sales tax exemption for the sale of certain items to a substance abuse treatment provider.	Horbach		Ways & Means		
5534	SF 2032		An act relating to advocacy for long term care residents and making an appropriation.	Bolkcom, Danielson, Dvorsky, et al.	Dvorsky, Dix	Approps		
5551	SSB 3114		An act providing for the licensing of polysomnographic technologists and providing for a penalty.	Committee on State Govt/Danielson	Sodders, Smith, R., Horn	State Govt	Voted out on Feb 22. Waiting for a new bill number.	
5595	HF 2067	HF 2318	An act relating to the transmission and recording of certain death certificates.	Lensing	Jorgensen, Hein, Lensing	State Govt	Voted out and placed on House calendar.	
5674	SSB 3149		An act relating to the state comprehensive Alzheimer's disease response strategy.	Human Resources/Ragan	Mathis, Boettger, Jochum	Human Resources	Voted out on Feb 21. Waiting for a new bill number.	
5677	SF 2090		An act imposing a duty of reasonable assistance on a person present at the scene of an emergency or accident.	McCoy	McCoy, Feenstra, Sodders	State Govt	Voted out on Feb. 20. Waiting for a new bill number.	

LSB No.	Intro. Bill No.	New Bill No.	Bill Description	Lead Sponsor	Sub. Members	Committee Referred	Committee Action	Passed Chamber
5690	SSB 3079	SF 2243	An act creating a licensed social worker loan repayment program and a revolving fund.	Committee on Human Resources/Ragan	Jochum, Ragan, Whitver	Human Resources	Voted out and placed on Senate calendar.	
5698	SF 2044	SF 2220	An act relating to the licensing of schools of cosmetology arts and sciences.	Ragan	Beall, Hogg, Smith	Education	Voted out and placed on Senate calendar.	
5732	SSB 3103		An act creating a tax credit for certain small businesses offering wellness programs to employees and including effective date and applicability provisions.	Ways & Means/Bolkcom	Jochum, Bolkcom, Feenstra	Ways and Means		
5762	HF 2219		An act requiring diabetes management care in public and nonpublic schools and providing remedies.	Heaton, Drake, Petersen, et al.	Miller, Petersen, Schulte	Human Resources	Voted out on Feb. 21. Waiting for a new bill number.	
5769	HSB 548	HF 2148	An Act relating to county mental health, mental retardation, and developmental disabilities services management plan requirements and including effective date provisions	Human Resources, Miller	Schulte, Heaton, Heddens	Human Resources	Voted out and placed on House calendar.	
5849	SF 2180		An act relating to the Iowa disaster aid individual assistance grant program administered by the department of human services.	Danielson	Hatch, Bolkcom, Seymour	Human Resources	Voted out and placed on Senate calendar.	
5947	SSB 3150	SF 2245	An act requiring a study and report on the establishment of a posttraumatic stress dual diagnosis treatment program at the Iowa veterans home.	Sodders	Ragan, Bolkcom, Seymour	Veterans Affairs	Voted out and placed on Senate calendar.	
5958	HF 2126	HF 2342	An act relating to the education requirements for licensed massage therapists.	Windschitl	Windschitl, Kajtazovic, Shaw	Commerce	Voted out and placed on House calendar.	

LSB No.	Intro. Bill No.	New Bill No.	Bill Description	Lead Sponsor	Sub. Members	Committee Referred	Committee Action	Passed Chamber
6006	HSB 583		A bill for establishing an allopathic physician recruitment program and revolving fund and making an appropriation.	Human Resources/L. Miller	L. Miller, Jorgensen, Mascher	Human Resources	Voted out on Feb. 21. Waiting for a new bill number. Will be combined with HSB 595.	
6025	HSB 645		A bill relating to government operations and efficiency, school elections, eliminating certain tax credits, making appropriations, and including effective date and applicability provisions.	House State Govt/Cownie	Cownie, Kaufmann, Lensing, et al.	State Govt	Voted out on Feb. 23. Waiting for a new bill number.	
6026	SSB 3164		An act authorizing licensees authorized to conduct gambling games on an excursion boat, gambling structure, or racetrack enclosure to operate internet wagering on poker and making penalties applicable.	State Govt/Danielson	Danielson, Horn, Bertrand	State Govt	Voted out on Feb. 22 and waiting for a bill number.	
6030	HSB 622		A bill relating to department of public health programs and activities, and including effective and applicability date provisions.	Committee on Human Resources/Miller	Jorgensen, Koester, Winkler	Human Resources	Voted out on Feb. 22. Waiting for a new bill number.	
6063	HSB 633	HF 2369	A bill relating to the issuance of a burial transit permit.	Committee on Local Govt/Wagner	Klein, Horbach, Kajtazovic	Local Govt	Voted out and placed on House calendar.	
6068	SSB 3176		An act relating to government operations and efficiency and other related matters and including effective date provisions.	State Govt/Danielson	Danielson, Jochum, Dix	State Govt	Voted out on Feb. 22. Waiting for a new bill number.	
6071	SSB 3163		An act concerning persons voluntarily excluded from gambling facilities and providing an appropriation.	State Govt/Danielson	Danielson, Dix, Kibbie	State Govt	Voted out on Feb. 22. Waiting for a new bill number.	
6075	HSB 646		A bill relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions, making appropriations, and including effective date and applicability provisions.	Committee on Human Resources/Miller	Schulte, Heaton, Heddens, et al.	Human Resources	Voted out on Feb. 23. Waiting for a new bill number.	