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HOUSE REPUBLICAN STAFF ANALYSIS

Bill: Senate File 482
Committee: Human Resources
Floor Manager: Representative Renee Schulte
Date: July 14, 2011
Staff: Brad Trow (1-3471)

Department of Human Services Policy Amendments

Senate File 482 is the annual proposal from the Iowa Department of Human Services for changes to their Code chapters.

Summary of Action

Senate Action – The Senate **ADOPTED** Senate File 482 on a vote of 48-0 on March 16, 2011.

Committee Action – The Human Resources Committee **PASSED** Senate File 482 on a vote of 19-1 on March 28, 2011.

House Action – The House **ADOPTED** Senate File 482 on a vote of 96-0 on April 12, 2011.

Further Senate Action – The Senate **ADOPTED** Senate File 482, as amended, on a vote of 49-0 on April 18, 2011.

Final Action – The Governor **SIGNED** Senate File 482 on April 28, 2011.

Section by Section Analysis

DIVISION I – Child Care Resource and Referral Agencies

Section 1 – The section amends Iowa Code section 237A.26, which establishes the policy for child care resource and referral agencies. The section changes the language establishing agencies, so that they are based on population distribution. The section updates terminology and removes the requirement that a resource and referral agency provide at least 25 percent match on grants received from the state. The section changes this to give DHS the ability to decide on requiring the match or not. It also limits the match to no more than 25 percent of the grant. The section also strikes the language giving the agencies authority to administer the substitute caregiver program. It is no longer in existence.

DIVISION II – Foster Home Insurance Fund

Section 2 – The section amends Iowa Code section 237.13 (1) changing the definition of foster home in the Foster Home Insurance Fund by striking language including by guardians and conservators.

Section 3 – The section strikes Iowa Code section 237.13 (5), which removes guardians and conservators from being covered under the program.

DIVISION III – Unit for Sexually Violent Predators – Barbering License Exemption

Section 4 – The section amends Iowa Code section 158.2, to allow individuals committed to the Unit to cut the hair of other residents.

DIVISION IV – Adoption Placement Investigation and Reports

Section 5 – The section amends Iowa Code section 600.8 (9), concerning DHS investigations of adoption placements. Under current law, DHS can investigate any voluntary adoption under Iowa Code chapters 600 and 600A, and may be ordered to conduct the investigation by the juvenile court or the district court. Section 5 strikes the ability of the district court to order such an investigation.

DIVISION V – Retaining Child in Need of Assistance Complaint Information

Section 6 – The section strikes Iowa Code section 232.81 (4), which prohibits the Department from maintaining records and information on CINA allegations when the petition is dismissed by the courts. Striking the subsection would allow DHS to retain these records.

DIVISION VI – Registry Access – Certified Nurse Aides and Volunteers at Juvenile Shelters and Detention Facilities

Section 7 – The section amends Iowa Code section 232.142 (4) to allow DHS to conduct a check of the child abuse registry if a person volunteers to work at a juvenile detention facility or a juvenile shelter.

Section 8 – The section amends Iowa Code section 235A.15 (2)(e) to allow administrators of certified nurse aide programs and administrators of juvenile detention facilities and juvenile shelters to have access to information from the child abuse registry. They are limited in what information they have access to – report data and dispositional data for cases placed on the registry.

Section 9 – The section amends Iowa Code section 235B.6 (2) (e) to allow administrators of certified nurse aide programs and administrators of juvenile detention facilities and juvenile shelters to have access to information from the dependent adult abuse registry. They are limited in what information they have access to – only founded case information.

DIVISION VII – Sibling Visitation

Section 10 – The section provides children in the subsidized guardianship program with the ability to seek visitation with siblings, if it is in the best interests of the children.

Section 11 – **Effective Upon Enactment** – The section makes Division VII effective upon enactment.

DIVISION VIII – Representation by County Attorney in Juvenile Proceedings

Section 12 – **Legal Representation of Department of Human Services – Study** – The section directs the Department of Human Services to have a study with the Attorney General’s office, representatives of county attorneys, and other stakeholders to review the role of county attorneys representing DHS in juvenile proceedings. Issues to be considered include those identified in House File 608. The results of the study are to be reported to the Legislature by December 15, 2011.

DIVISION IX – Inmates of Public Institutions – Medicaid Eligibility

Section 13 – The section creates a new code section – 249A.38 – which instructs the Department to create a procedure to suspend the Medicaid eligibility of Iowans over the age of 65 who are incarcerated. The suspension shall be for 12 months. The Department shall also create a process by which those eligible for Medicaid are provided application information upon their release.

Section 14 – **Implementation** – The section lays out the implementation schedule for Division IX.

Section 15 – **Effective Upon Enactment** – The section makes Division IX effective upon enactment.

DIVISION X – Medicaid Family Planning Services

Section 16 – The section amends Iowa Code Section 249A.3 (2)(a)(10) by changing the people who are eligible for the family planning waiver under Medicaid from women to individuals, as the previous Legislature expanded eligibility for the program to men and women.