

infoNET

A publication of the Governor's DD Council & ID Action

NEW WEBSITE TOOL MAKES CONTACT EASY

Our new online Grassroots Action Center makes contacting your legislators easy and fast – usually taking less than a minute.

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Back to Work at State Capitol

Legislators break records and work Fridays to get done in 80 days.

Budget cuts, government reorganization, texting while driving, and tax credits are the hot topics of the 2010 legislative session that started on January 11. Legislators returned with optimism despite looking at a \$500 million budget shortfall and an election just 10 months away.

As a cost-saving measure, legislators have shortened the session's calendar this year from 100 days to 80 days. Shortening the session will save about \$40,000 a day (so they'll save \$800,000 by ending early).

If things go as planned, the session will end its work on March 31. A shorter session dramatically impacts the rate legislation is taken up and debated. More issues will fall to the wayside, and others may simply not be discussed as carefully as some would like.

Look for quick action this year on many issues. Legislators have already jumped into school budget reform, sending three education bills to the Governor's desk after the first week of session.

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“I never worry about action, only about inaction.”

Winston Churchill

Back to Work (continued from page 1)

Senators have started the ball rolling on a massive 252-page government reorganization bill, getting it ready for Senate debate next week.

Along with a shorter session comes an accelerated timetable for moving legislation. Deadlines will come faster, so legislation needs to move faster in order to stay alive. One deadline has already passed – the first Friday of session (January 15) was the last day for senators and representatives to ask for legislation. That is probably why 270 bills were introduced in the first week of session!

Here are a few deadlines to note:

Friday, February 19 – Bills need to be voted out of committee by the end of the day, or they can no longer be debated. There are exceptions – bills that spend money or involve taxes are exempt. We consider all bills that do not get voted out of committee to be “dead.” This deadline is called the “First Funnel.”

Friday, March 5 – Bills have just two short weeks after the first cut-off date to make it through the “Second Funnel” deadline. Bills need to be voted out of one chamber (either House or Senate), and then out of committee in the other chamber. If a bill fails to make through this second committee process, it is “dead” and cannot be debated. The only way to revive a bill is by asking a legislator to offer it as an amendment to another bill. Again, tax and budget bills are exempt from this rule.

Wednesday, March 31 – The “final” day of session – the 80th day. While legislators may still go a bit longer, they won’t be getting paid and they’ll be working without administrative staff.

See the full session timetable at:
www.legis.state.ia.us/Current/SessionTimetable.pdf

Budget Dominates Governor’s Annual Address

Governor Culver focused his third Condition of the State Address on the accomplishments of his Administration, and the challenges it faces to keep the state’s budget balanced as state revenues continue their decline in the wake of a national recession.

Every year, the Governor launches the legislative session with a speech to legislators. The focus is always the budget – highlighting what he wants to fund, and how he wants to fund it. This year, the Governor talked broadly about priorities, but the detail won’t be coming until Tuesday, January 26.

By law, the Governor must give legislators a detailed budget for consideration by the end of January. Check out the *infoNET* website for details on the Governor’s budget after it is released next week: www.infonetiowa.com.

You can read and watch the Governor’s Condition of the State speech online at: www.governor.iowa.gov/index.php/newsroom/speeches/.

Want to call your legislator?

The names, phone numbers (*home & Capitol*), and email addresses of your State Senator and State Representative are next to the label on the back page.

State Government Reorganization Moves Quickly

Several changes may be of interest to disability policy advocates.

Lawmakers spent this summer looking at state government – how agencies are organized, buy things, hire people, supervise employees, communicate and report on activities, and deliver services. It was a big job – and it resulted in a big report and a big (252-page) bill.

At the same time, the Governor hired a consultant with experience in government efficiency to recommend ways to reorganize government to increase efficiency and save money. The Governor implemented the recommendations he could without legislative approval. The remaining recommendations were added to the 252-page reorganization bill ([SSB 3020](#) & [HSB 565](#)).

Senators moved quickly to pass [SSB 3020](#) this week, passing it out of the Senate State Government Committee after a two-hour debate. There were several amendments, so the bill will be redrafted and receive a new Senate File number. Leaders hope to have the full Senate debate the bill next week, by the end of January.

At the same time, the House State Government Committee started its mark-up of their bill ([HSB 565](#)). The two bills are identical, and leaders hope to be in agreement about the amendments. The goal is to have the House bill out of committee and ready for debate when the Senate bill comes over. Doing this allows legislators to move faster on the bill, and have final debate early in February, likely the second week.

What's the hurry? The bills could save nearly \$300 million, which goes a long way toward closing that \$500 million budget gap. With the savings in the reorganization bills, legislators will not have to cut as much from the fiscal year 2011 budgets. Once the reorganization bills are signed into law, the savings are “locked in” and legislators can adjust their budget goals for the next year, possibly avoiding service cutbacks that could really impact the lives of Iowans.

Legislators are also banking on savings from the elimination or capping of a number of business tax credits, which some legislators say don't spend state money but can lower the revenues collected by the state. Supporters of tax credits say they only are awarded when investment is made in the state (increasing revenues) – opponents say it siphons needed dollars away from legislative priorities. Tax credit programs will be vigorously debated this year.

So what's in the Reorganization Bill of interest to disability services advocates?

- ☑ Closes the **Mt. Pleasant Mental Health Institute (MHI)**, and transfers residents to other state MHIs or community options by June 30, 2011. *Estimated FY11 Savings: \$1.3 million*
- ☑ Allows state agencies to explore the use of **four-day workweek** (10-hour days) for state employees and more telecommuting. This might mean less access to state workers on days off but access beyond the 9 to 5 workday. *Estimated FY11 Savings: Undetermined*
- ☑ Directs Medicaid to **restrict the prescriptions for mental health drugs** not on the Preferred Drug List (PDL). Doctors would only be able to prescribe up to three days supply of drugs, rather than the current 30-day limit. This limits access to the higher priced drugs, but brings the policy on this in line with current federal Medicare policies. *Estimated FY11 Savings: \$156,000*
- ☑ Requires DHS to adopt rules to place **chemically unique mental health drugs** on the non-preferred drug list, but require prior authorization if the drug company does not give the state supplemental rebates. Drugs without supplemental rebates could be more difficult to prescribe. *Estimated FY11 Savings: \$400,000*

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Government Reorganization (continued from page 3)

- ☑ Phases out the **Family Support Subsidy** Program by ending all new enrollments. The program will end after all families have left the program. Families currently on the waiting list would be told the program is no longer accepting new enrollments. Legislators say 71% of the people in the program also receive services under a Home & Community Based Services (HCBS) waiver program, so they would not lose all services. The program is averaging about 38 families leaving the program each year. Families of children with disabilities that do not meet Medicaid income guidelines will be most impacted by the elimination of this program. *Estimated FY11 savings: \$355,000*
- ☑ Realigns the duties of the **MH/MR/DD/BI Commission**, and renames it the “Mental Health and Disability Services Commission.” These changes were requested by the Commission to streamline their duties, and supported by DHS because it more appropriately reflects the resources available to provide staff support. *Estimated FY11 Savings: Undetermined*
- ☑ Allows DHS to establish **new service areas and field offices**. The service areas were fixed in Iowa law in 2002, and any changes to them must be done by the Legislature. This change gives DHS the ability to adjust service area boundaries as needed, without legislative approval. If you receive services from a DHS field office, your travel time may be impacted (either making your trip shorter or longer depending on where you live). *Estimated FY11 Savings: Undetermined*
- ☑ Creates a **False Claims Act** to allow the state to collect more money if someone commits Medicaid fraud. The state would now be able to collect three times the amount of the false claim, plus all legal costs. *Estimated FY11 Savings: Undetermined*
- ☑ Changes the way **Area Education Agencies** (AEAs) are organized, and brings them under the Department of Education rather than governed by locally appointed boards. This section was heavily amended before passing out of committee this week, so watch the website for more information. AEAs are responsible for the delivery of special education services around the state, so changes here could impact the delivery of services to children with special education needs. *Estimated FY11 Savings: Undetermined*
- ☑ Reorganizes the **Department of Human Rights** to decrease administrative costs, increase accountability for results, and more appropriately reflect its mission as an advocacy agency. The seven divisions (including Persons with Disabilities and Deaf Services) are consolidated into a single Division of Community and Advocacy Services. There will be an Office on the Status of Persons with Disabilities and an Office of Deaf Services in the new structure. *Estimated FY11 Savings: Undetermined*
- ☑ Directs Medicaid to develop a criteria to review claims made under the **HCBS Waiver program**, and requires prior approval for claims that exceed the median claim level. Since the “median” is the halfway point in claims, half of the HCBS waiver claims would require prior approval. This could potentially slow down the processing of claims and lead to more denials. *Estimated FY11 Savings: \$5.7 million (\$6.9 million in FY12)*
- ☑ Requires the Department of Human Services to develop a **disease management program** for children to help better control chronic diseases (like diabetes and asthma) and prevent more costly illnesses. *Estimated FY11 Savings: \$2.7 million*
- ☑ Strengthens state law to increase recoveries of improperly claimed Medicaid benefits and prevent ineligible individuals from receiving these benefits. It is illegal for individuals to **transfer assets** to another person for the sole purpose of qualifying for Medicaid. By hiring additional staff to review possible Medicaid fraud, the state could collect assets owed and deter people from defrauding the State in the future. *Estimated FY11 Savings: \$586,000*

Other Capitol News

Budget subcommittees will receive their budget targets from leadership sometime during the first week of February. These targets will be based on the December revenue estimates (by law they have to adjust their spending if the March revenue estimates come in worse). The December estimates showed a \$500 million budget gap, which legislators hope will be filled largely by the government reorganization effort underway.

A budget target is the total amount of general fund dollars a budget subcommittee can spend on programs and services. Legislative leaders want the government reorganization bill done by the second week of February, so they can release targets based on what was “saved” in that bill.

Meanwhile, the Governor’s budget will be released on Tuesday, January 26. This will be a starting point for budget discussions and negotiations.

The Health & Human Services Budget Subcommittee met this week and announced they would have no scheduled presentations unless requested by a legislator on the committee. The subcommittee’s work would be largely spent discussing options for saving dollars and preserving core services.

The House Human Resources Committee used its third meeting of the year to pass out last year’s mental health parity bill ([HF 234](#)). Rep. Mark Smith and Rep. Beth Wessel-Kroeschell hope to develop a bipartisan compromise to expand insurance coverage of mental health treatment. Because a compromise has not yet been reached, the committee amended [HF 234](#), striking all language and passing out what they call a “shell bill.” The bill basically states the intent of the legislature to require health insurance coverage for costs of mental health conditions, including substance abuse.

Insurance companies will have to pay for children’s hearing aides and related services under a bill ([HSB 223](#)) passed out of the House Commerce Committee on Thursday, January 21. You can read more about this in the Policies & Issues section of the *infoNET* website (www.infonetiowa.com).

Finally, Rep. Polly Bukta, a Democrat representing Clinton, and Rep. Christopher Rants, a Republican from Sioux City who is running for Governor, have joined the ranks of legislators who have decided not to seek re-election. There are now 6 legislators that have decided to call it quits after this year (Sen. Roger Stewart, Rep. Mark Kuhn, Rep. Kent Sorenson, and Rep. Jodi Tymeson).

infoNET Bill Tracker

The *infoNET* bill tracking system is updated daily with new bills and changes in status. You can check on bills at any time at: www.ialobby.com/CPCBillTracker/tabid/59/Default.aspx?cid=INFONET.

The system allows you to print custom reports and organize bills by topic, bill number, status, or title.

Because space is limited, we can only list new bills in the mailed version of *infoNET*. So save these bill descriptions if you see something of interest – this is the only time that you will see the full description. New issues of *infoNET* will print changes in status by bill number and title only.

Again, you can always go online to view full descriptions and updated status. If you do not have access to the Internet at home, try your local library.

Bill Tracker: Newly Introduced Bills

Senate Files

SF 2016 - Truck Registration/Persons with Disabilities:

Caps the truck registration fee for trucks equipped to assist a person with a disability at \$60 (the person/person's family must own the vehicle, and the person must use a wheelchair). Sponsored by Sen. Sodders. (*Senate Transportation Committee; Subcommittee: Sen. Heckroth (Chair), Hancock & Noble*)

SF 2021 - Marriage Dissolution/Mental Illness: Requires divorces to include statements that the person being divorced does not have a mental illness, and requires the court to consider a person's mental illness when dividing property in a divorce. Sponsored by Sen. Noble. (*Senate Judiciary Committee; Subcommittee: Sen. Kreiman (Chair), Noble & Schoenjahn*)

SF 2050 - Law Enforcement Notification/Release of Mentally Ill:

Requires a hospital or facility treating a person incapacitated by a serious mental illness or chemical substance to notify law enforcement of the person's release, if a peace officer brought the person to the facility and indicated the person would be arrested upon release. This bill is a result of the Parkersburg shooting when a popular coach was killed by a former student who had been recently released from a hospital, where he was taken by a police officer. The hospital released the person, but did not let law enforcement know. Sponsored by Sen. Reilly & Heckroth (*Senate Judiciary Committee; Subcommittee: Sen. Sodders (Chair), Boettger & Horn*)

SF 2072 - Involuntary Hospitalization : Requires a hospital or mental health facility to accept custody of a person who has been involuntarily hospitalized within two hours of delivery by a sheriff. This is only required if the following conditions are met: a physician evaluation is completed six hours prior to arrival; if a bed is available (notification of bed availability is to be made within 30 minutes of the sheriff's arrival); the person is not violent or in need of physical restraints; the hospital/facility's capacity to provide trauma care is not compromised; the person does not require a health screening; and acceptance does not place the facility/hospital in violation of the Emergency Medical Treatment & Active Labor Act. (*Senate Floor; Subcommittee: Sen. Kreiman (Floor Manager)*)

SSB 3016 - Businesses Owned by Disabled Veterans:

The bill requires the department of economic development to encourage and assist disabled veteran-owned businesses in obtaining state contracts. (*Senate Veterans Affairs Committee; Subcommittee: Subcommittee: Sens. Beall (Chair), Ragan & Seymour*)

SSB 3030 & HSB 565 - State Government

Reorganization: Makes a number of changes to the structure of state government, and could save \$300 million in efficiencies. This is a combination of the recommendations from the Governor's Efficiency Consultant and the State Government Reorganization Commission. Consolidates state government purchasing, hiring, information technology, and boards/commissions. Requires more electronic record keeping and reporting. Gradually increases the number of state government supervisors to employees (span of control). Reorganizes the Department of Human Rights (DHR). Eliminates the local Area Education Agencies and puts them under the Iowa Department of Education. Establishes a false claims act, punishing people fraudulently claiming state property or funds with a penalty three times the amount defrauded (plus civil trial costs). Allows a doctor to prescribe a 72-hour supply of Medicaid drugs without prior authorization, as is allowed with Medicare (rather than current two-week supply allowed). Requires Medicaid to develop a disease management program for children with chronic illnesses. Requires all HCBS Waiver services exceeding a median amount be subject to prior authorization and review before being allowed. Makes changes to the transfer of assets laws in Medicaid. Closes the Mt. Pleasant Mental Health. Ends new applications for the Family Support Subsidy (the program will not accept new applications and will phase out over time). Requires a review of state government efficiencies and structure every four years (State Government Efficiency Review Committee, made up of legislators). (*Senate Floor; Subcommittee: Sen. Appel (Chair), Danielson & Feenstra; Rep. Mascher (Chair), T. Taylor, Struyk, Kaufmann & Gaskill; HSB 565 is still in House State Government Committee*)

SSB 3072 & HSB 572 - DHS Service Areas: Allows the Department of Human Services (DHS) to designate and change its service areas. (*Senate Human Resources Committee; Subcommittee: Sen. Hatch (Chair), Kreiman, Bartz, Ragan & Seymour; Rep. Abdul-Samad (Chair), Wendt & Schulte*)

SSB 3075 & HSB 569 - MH/MR/DD/BI Commission

Changes: Eliminates a number of duties of the MH/MR/DD/BI Commission from 16 to 6, and changes the name to the Mental Health and Disability Services Commission. Shifts many duties from the Commission to the Department of Human Services. Requires

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Bill Tracker (continued from page 6)

comprehensive services plans be revised every five years. Changes the HCBS/Mental Retardation Waiver to the HCBS/Intellectual Disability Waiver. Department of Human Services Bill. (*Senate Human Resources Committee; Subcommittee: Sen. Hatch (Chair), Kreiman & Boettger; Rep. Abdul-Samad (Chair), Wendt & Schulte*)

SSB 3118 - Veteran Membership on Boards &

Commissions: Adds a military veteran with knowledge of veteran behavioral health needs to the Mental Health Planning & Advisory Council and the Mental Health, Mental Retardation, Developmental Disabilities & Brain Injury (MH/MR/DD/BI) Commission. (*Senate Veterans Affairs Committee; Subcommittee: Not yet assigned*)

House Files

HF 234 - Mental Health Parity: Enacts the "Equality in Health Care Coverage & Veterans Wellness Act" - a bill introduced last year (HF 234). Requires all state regulated health insurance plans to pay for the treatment of all mental illness and substance use disorders. Coverage is to be the same as for the treatment of physical illnesses (same copays, limits, managed care principals). "Mental Illness" includes everything in the most recent version of the Diagnostic & Statistical Manual (DSM) of the American Psychiatric Association. Effective 7/1/2010.

AMENDMENT: The House Human Resources Committee amendment struck the entire bill, replacing it with generic language stating that it is the intent of the Legislature to require insurance coverage for the treatment of mental illness, including substance use disorders. This change was made in order to get the bill out of committee while working on a bipartisan compromise. (*House Floor; Subcommittee: Rep. Wessel-Kroeschell (Floor Manager)*)

HF 2015 - Silver Alert System: Creates a Silver Alert Program to identify and locate cognitively impaired persons who are missing. (*House Public Safety Committee; Subcommittee: Rep. Heddens (Chair), Bukta & Hagenow*)

HF 2051 - Long Term Care Insurance Guide: Requires the Insurance Commissioner to establish standards and a uniform format for long term care insurance policies, and develop a consumer guide to help people thinking about buying long-term care insurance. Effective 7/1/2010. Sponsored by Rep. Mascher (*House Commerce Committee; Subcommittee: Rep. Zirkelbach (Chair), Jacoby & Pettengill*)

HF 2065 & SF 2063 - HCBS Waiver/Intellectual

Disabilities: Lowers the cap on administrative costs for supported community living programs in the HCBS waiver/Intellectual Disabilities waiver from 20% to 18%. Sponsored by Rep. Smith & Sen. Ragan (*House Human Resources Committee; Subcommittee: Rep. Smith (Chair), Heaton & Heddens; Senate Human Resources Committee - subcommittee not yet assigned*)

HF 2094 - Intellectual Disabilities Waiver/Level of Care:

Directs DHS to amend the Medicaid HCBS waiver for persons with intellectual disabilities so that evaluations made subsequent to the initial diagnosis of mental retardation are for the purpose of determining the appropriate level of care rather than reconfirming the original diagnosis. Sponsored by Rep. Schulte (*House Human Resources Committee; Subcommittee: Rep. Mascher (Chair), Hunter & Soderberg*)

HF 2095 - Intellectual Disabilities

Waiver/Transportation: Directs DHS to amend the Medicaid HCBS Waiver for persons with Intellectual Disabilities to cover employment-related transportation for supported community living services. (*House Human Resources Committee; Subcommittee: Rep. Mascher (Chair), Forristall & Hunter*)

HF 2123 - Veteran's Mental Health: Requires the court to hold a presentence hearing to determine if a combat veteran who has committed a crime did so as a result of Post Traumatic Stress Disorder, substance abuse, or psychological problems stemming from combat service. If the court determines these conditions are met, the court can place the veteran in a mental health or substance abuse facility that has a history of successfully treating such disorders. If conditions are not met, the court is to move forward with sentencing. Sponsored by Rep. Tymeson (*House Veterans Affairs Committee; Subcommittee: Not yet assigned*)

HSB 515 & SSB 3053 - Medicaid Transfer of Assets:

Makes any transfer of assets for less than fair value made while a person is on Medicaid or within five years prior to Medicaid to be done with intent to avoid estate recovery. Assets include a person's home and land. Department of Inspections & Appeals Bill. (*House & Senate Human Resources Committee; Rep. Mascher (Chair), Steckman & Heaton; Sen. Bolkcom (Chair), Dotzler & Boettger*)

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Bill Tracker (continued from page 7)

HSB 529 & SF 2053 - Anti-Epileptic Drugs: Prohibits a pharmacist from substituting a anti-epileptic drug, whether brand name or generic, unless first notified by and received signed informed consent for a different drug from both the authorized prescriber and patient. Senate bill sponsored by Sen. Hatch. (*House Commerce Committee; Subcommittee: Rep. T. Olson (Chair), D. Olson & Sorenson; Sen. Hatch (Chair), Johnson & Quirnbach*)

HSB 590 - Mental Health Parity: Enacts the "Equality in Health Care Coverage & Veterans Wellness Act" - a bill introduced last year (HF 234). Requires all state regulated health insurance plans to pay for the treatment of all mental illness and substance use disorders. Coverage is to be the same as for the treatment of physical illnesses (same copays, limits, managed care principals). "Mental Illness" includes everything in the most recent version of the Diagnostic & Statistical Manual (DSM) of the American Psychiatric Association. Effective 7/1/2011. (*House Commerce Committee; Subcommittee: Rep. Petersen (Chair), D. Olson, Struyk, Windschitl & Zirkelbach*)

Legislative Public Forums Announced

Legislative town hall meetings and public forums are a great place to advocate for you issues, or just meet your legislators and learn what they are doing while representing you at the State Capitol. These forums are always held on Fridays and Saturdays when legislators are back in their districts, and are open to the public. A full list of forums is available at www.infonetiowa.com.

Because of space, we cannot print all of the 200-plus forums planned in the next three months. Below is a list of the communities having forums over the next two weeks – check your local newspaper, call your legislator, or go online to find details.

Forums are planned in the following communities on Friday, January 29 – Ames, Earlham, Farnhamville, Lake City,

Lohrville, Manson, St. Charles & Winterset

Forums are planned in the following communities on Saturday, January 30 –

Aplington, Arnolds Park, Audubon, Bettendorf, Bristow, Council Bluffs, Creston, Decorah, Eagle Grove, Fort Dodge, Harlan, Iowa City, Jefferson, Manning, Maquoketa, Mount Pleasant, Parkersburg, Spencer, Waukon, Osage, & Winterset

Forums are planned in the following communities on Friday, February 5 – Indianola, Martensdale & Milo

Forums are planned in the following communities on Saturday, February 6 –

Allison, Aredale, Belmont, Cedar Falls, Dubuque, Dumont, Estherville, Greenfield, Grinnell, Jewell, Ottumwa & Waverly

Advocacy Tip: You can find tips on attending a public forum online at <http://www.infonetiowa.com/ADVOCATE/LOCALFORUMS/tabid/248/Default.aspx>.

Remember to call ahead – Iowa's winter weather often causes meetings to be cancelled, and legislators are working long hours and may not be able to make planned Friday forums if they are debating.