



2010 Inactive (Dead) Bills

Good ideas, bad ideas, silly ideas – these bills just didn't make it through the entire legislative process in the 2010 session, and are therefore dead. Watch out – these bills have a way of coming back as new bills in future sessions.

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. *(FINAL STATUS: House Floor; Floor Manager: Rep. Wessel-Kroeschell)*

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

HF 2051, HF 2163 & SF 2093 - 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 & Sen. Schmitz & 16 other Senate Democrats. *(FINAL STATUS: House Commerce Committee; Subcommittees: Rep. Zirkelbach (Chair), Jacoby & Pettengill; Sen. Rielly (Chair), Dandekar & Wieck)*

HF 2094 - Intellectual Disabilities Waiver/Level of Care: This bill was included in the State Government Reorganization Bill (SF 2088). No further action is expected on this bill. *(FINAL STATUS: House Human Resources Committee; Rep. Mascher (Chair), Hunter & Soderberg)*

HF 2095 - Intellectual Disabilities Waiver/Transportation: This bill was included in SF 2088. *(FINAL STATUS: House Human Resources Committee; 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 (*FINAL STATUS: House Veterans Affairs Committee; Rep. Zirkelbach (Chair), Chambers, & Mascher*)

HF 2179 - Medical Marijuana: Allows for the use of marijuana for therapeutic purposes (medical marijuana). Qualified users of medical marijuana must be diagnosed by a health care provider with a debilitating medical condition (cancer, glaucoma, HIV/AIDS, hepatitis C, ALS, Crohn's disease, Alzheimer's disease, nail patella) or other chronic condition (producing cachexia or wasting syndrome, severe pain, severe nausea, seizures, muscle spasms). Establishes registered compassion centers to grow and dispense medical marijuana. Sponsored by Rep. Mascher. (*FINAL STATUS: House Human Resources Committee; Subcommittee: Rep. Smith, Baudler & Wendt*)

HF 2339 & SF 2332 - 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%. Takes out the costs of training. Effective 7/1/2011. Sponsored by Rep. Smith & Sen. Ragan (*FINAL STATUS: House Floor; Passed Senate 44-5; Floor Manager: Rep. Smith*)

HF 2404 - Insurance Mandate/Hearing Aids for Children: Requires health insurance plans to cover audiological services and hearing aids for children, beginning 1/1/2011. Minimum covered services are to include evaluations performed by a licensed audiologist, hearing aids recommended by a licensed audiologist, coverage for an ear mold and a hearing aid for each hearing-impaired ear payable every 24 months for children up to 18 years of age, and coverage for up to four additional ear molds per year for children up to three years of age. (*FINAL STATUS: House Floor; Floor Manager: Rep. Petersen*)

HF 2410 - 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. (*FINAL STATUS: House Floor; Floor Manager: Rep. T. Olson*)

HF 2429 - Disabled Veteran Property Tax Protection: Keeps property taxes the same on a disabled veteran's home (no more increases). Veterans must file once (by June 30) for the tax credit. Qualified veterans received injuries from active duty and were honorably discharged because of a service-related disability. Effective upon enactment and applicable to taxes due beginning on or after 7/1/2010. (*FINAL STATUS: House Ways & Means Committee; Subcommittee: Not yet assigned*)

HF 2439 - Mental Health/Federal Firearms Law: This is a "shell bill" that basically states the intent of the Legislature to do something about the issuance of gun permits to address changes in federal law. Earlier versions required the Clerk of District Court to notify the Department of Public Safety (DPS) of all adjudications of persons involuntarily committed to a mental institution for inpatient or outpatient treatment for mental illness (under chapter 229). DPS will only use the information to submit to comply with federal law by submitting information to the FBI's National Instant Criminal Background Check System. Persons committed for inpatient or outpatient treatment are not allowed by law

to have firearms (waiver process is included). Effective January 1, 2011. (*FINAL STATUS: House Floor; Floor Manager: Rep. R. Olson*)

HF 2470 - Election Law Technical Changes: Makes various changes to absentee voting and voter registration laws. Election officials who refuse to allow a voter to cast a provisional ballot will be guilty of an aggravated misdemeanor under this bill (punishable by two years in jail and up to \$6,350 fine). Adds to the list of documents that can be used to prove residency when registering on election day or for in-person absentee voter registration. Currently a voter can show a property tax statement or utility bill with their name and address on it. This bill allows a receipt for payment of these items to be used, as long as the person's name and address are on that receipt. The bill also adds a "printed blank check" with the person's name and address or on it as proof of residency. Finally, the bill allows a current bank statement in either electronic or printed form be used as proof (right now it must be printed). Adds to the voter registration form a check box allowing a person to indicate if they wish to request an absentee ballot. Eliminates the law allowing a precinct election official to ask for identification of any voter they do not know. Election officials will now need to include in their post-election list the name and address of all persons casting a provisional ballot (this list is available for public inspection, but now only includes the numbers in aggregate). Strikes the reasons a voter may request an absentee ballot from law (replacing it with language that a voter may request it). This change clarifies that a voter can cast an absentee ballot for any reason. Allows a voter to request an absentee ballot at any time (current law does not allow a request more than 70 days before the election). Under this bill, an election commissioner would hold onto the request and process it when ballots become available. Requires absentee ballots be redesigned so all required information is at the top, and optional information at the end. Makes additional changes related to county election commissioner duties. Effective upon enactment and applicable to elections beginning 5/15/2010. (*FINAL STATUS: House Floor; Floor Manager: Rep. Gaskill*)

HSB 515 & SSB 3053 - Medicaid Transfer of Assets: This was added to SF 2088. (*FINAL STATUS: House Human Resources Committee; Rep. Mascher (Chair), Steckman & Heaton; Sen. Bolkcom (Chair), Dotzler & Boettger*)

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. (*FINAL STATUS: House Commerce Committee; Rep. Petersen (Chair), D. Olson, Struyk, Windschitl & Zirkelbach*)

HSB 627 & SSB 3129 - Community Mental Health Centers: Makes a number of changes to Community Mental Health Centers (CMHCs). Requires DHS to set core services CMHCs are required to deliver; requires DHS to establish regions and designate one CMHC per region; grandfathers in non-CMHCs designated by a county to provide services until rules for the regions are adopted; and requires CMHCs to serve individuals of any age with any mental disorder, adults with serious or chronic mental illness, children and youth with serious emotional disturbance, and anyone with a co-

occurring disorder. Establishes an advisory group to help DHS develop the proposal. Requires DHS to defer on any new CMHC designations until these changes are implemented. Permits for-profit CMHCs, but caps administrative and other costs. Requires counties to release administrative, diagnostic, and demographic data to CMHCs and DHS. Makes some changes to accreditation procedures for CMHCs. Requested by DHS. *(FINAL STATUS: House Human Resources Committee; Subcommittees: Rep. Abdul-Samad (Chair), Heaton & Steckman; Sen. Schmitz (Chair), Ragan & Seymour)*

HSB 657, HSB 673 & SF 2163 - Student Vision Screening: Requires vision screenings for students at specific grade levels (beginning in Kindergarten), upon referral or transfer. Student is excused from screening if parent presents vision exam within 12 months. Requires schools to keep a record of vision screening. Applies to school years beginning on or after July 1, 2011. Sponsored by Sen. McCoy, Danielson & Appel *(FINAL STATUS: House Education Committee; Subcommittee: Rep. T. Taylor (Chair), Willems & Pettengill; House Human Resources Subcommittee (HSB 673): Rep. Berry (Chair), Petersen & Koester; Senate Education Subcommittee (SF 2163): Sen. Dvorsky (Chair), Boettger & Wilhelm)*

HSB 681 - MH/DS Pilot Projects: Authorizes the Department of Human Services (DHS) to implement county mental health, mental retardation, and developmental disabilities (MH/MR/DD) services pilot projects. A pilot project area must be comprised of at least five counties with a general population of at least 75,000 and not more than 250,000. The initial pilot project period is limited to the three fiscal years beginning July 1, 2010, and ending June 30, 2013. The pilot project provisions are required to be outlined in an agreement between the department and pilot project counties and may include any of the following: pooling of state funding, pooling of medical assistance program home and community-based services waiver slots, decategorizing of funding streams, adapting any new program requirements to optimize implementation within the pilot project counties, establishing as a standard practice the use of functional assessment tools to determine the functional needs of a consumer and develop an individual budget allocation for each consumer, reallocation of the state funding distributed to the pilot project counties based upon individual budget allocations and county administrative costs and historical needs, and use of a levy rate limit for MH/MR/DD services fund property taxes in lieu of a dollar amount levy limit. The pilot project counties are required to provide evaluation and outcome information. A list of possible outcomes which may be realized by the pilot projects is provided. *(FINAL STATUS: House Human Resources Committee; Subcommittee: Rep. Heddens (Chair), Smith & L. Miller)*

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. Another bill named after slain Parkersburg football coach Ed Thomas addresses this issue (SF 2352). *(FINAL STATUS: Senate Floor; Floor Manager: Sen. Kreiman)*

SF 2087 - Brain Injury Fund: Creates a brain injury services fund and task force and establishes a 5% surcharge on various motor vehicle moving violations to pay for the fund. The fund is to be used to pay for various needs of persons with brain injury.

Sponsored by Sen. Beall. (*FINAL STATUS: Senate Appropriations Committee; Subcommittee: Sen. Dvorsky & Kettering*)

SF 2094 - Personal Needs Allowance Increase: Requires the Medicaid personal needs allowance of a resident in a nursing home, ICF/MR, ICF/MI or psychiatric medical institution for children (PMIC) be increased annually (cost of living adjustment). The current allowance is \$50. Increases begin 1/1/2011. (*FINAL STATUS: Senate Human Resources Committee; Subcommittee: Sen. Bolcom (Chair), Hatch & Hartsuch*)

SF 2116 - Core Curriculum: Requires the State Board of Education to adopt rules including the Iowa core curriculum for grades K-8, including foreign language and American sign language requirements. Requires compliance, even though it may cost money (state mandate exemption). Sponsored by Sen. Jochum. (*FINAL STATUS: Senate Education Committee; Subcommittee: Sen. Beall (Chair), Hamerlinck & Schoenjahn*)

SF 2145 - Truck Registration/Persons with Disabilities: Sets a flat registration fee for all trucks equipped to assist a person with a disability at \$60. The person/person's family must own or lease the vehicle, and the person must use a wheelchair. (*FINAL STATUS: Senate Floor; Floor Manager: Sen. Heckroth*)

SF 2179 - Passenger Restraints for Minors : Successor to SF 2055. Sponsored by Sens. Appel and 18 other Senators. This bill requires that all persons under 18 years of age who are being transported in a motor vehicle, other than a school bus or motorcycle, be secured by an approved child restraint system or a seat belt regardless of seating position. The bill provides an exemption from child restraint requirements in situations where a child occupying a back seat is not restrained because all safety belts in the vehicle are in use or cannot be used because a child restraint system is occupying the seating position for which a belt is provided. Pursuant to existing law, a motor vehicle operator who violates child restraint requirements commits a simple misdemeanor subject to a scheduled fine of \$25. However, such offenses are not considered for purposes of determining a habitual offender of motor vehicle laws. THIS LANGUAGE WAS ADDED TO THE TRANSPORTATION BUDGET (SF 2381). (*FINAL STATUS: House Floor; Passed Senate 39-9; Floor Manager: Rep. Hanson*)

SF 2235 - LIHEAP/Fuel Deliveries: Prohibits vendors of delivered fuels to stop deliveries between November 1 and April 1 if a customer qualifies for LIHEAP or can make a payment of at least \$250 (unless the person has exceeded the annual allotment for LIHEAP), regardless of the balance. Allows up to 25% of the payment made to be put toward any unpaid balance. (*FINAL STATUS: House Floor; Passed Senate 34-16; Floor Manager: Rep. Reichert*)

SF 2308 - 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. (*FINAL STATUS: Senate Floor; Floor Manager: Sen. Noble*)

SF 2349 - Autism Insurance Coverage: Requires Iowa's state employee insurance plans include coverage for the diagnosis and treatment of autism spectrum disorders,

including habilitation services. Estimates based on real experience in other states expect this to cost the state between \$16,000-\$66,000 in premium increases (based on .20/subscriber to .83/subscriber annual premium rate increases). Successor to SF 1. SIMILAR LANGUAGE WAS ADDED TO THE STANDINGS BILL (HF 2531), BUT IT ONLY COVERS STATE EMPLOYEE HEALTH PLANS. (FINAL STATUS: House Floor; Passed Senate 42-8; Floor Manager: Rep. T. Olson)

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

SSB 3075, HSB 569 & HF 2184 - MH/MR/DD/BI Commission Changes: This bill was added into the State Government Reorganization Bill (SF 2088). No further action will be taken on this bill. (FINAL STATUS: Senate Human Resources Committee;)

SSB 3145 & HSB 655 - CPC Responsibilities/Civil Commitment: Requires the county CPC (central point of coordination) to find a placement and arrange for transportation of persons hospitalized for mental illness (Chapter 229 commitment). The county of legal settlement is required to make these arrangements. Waives state mandate law (so counties must comply even though additional funds are not provided). (FINAL STATUS: Senate Judiciary Committee; Subcommittee: Sen. Kreiman (Chair), Hancock & Boettger; Rep. Palmer (Chair), Smith & Schulte)

SSB 3246 - State Spending Limit Changes: Makes significant changes to the state budget process. Establishes a 7-year adjusted average for the revenue estimates used for the 99% spending limit. Requires the REC to make estimates for the current and next fiscal year and for lottery revenues at each meeting. Requires the use of a 7-year adjusted average estimate for lottery revenues. Does not allow the Governor to reduce school aid (Allowable Growth) if state revenues are insufficient (requires legislative action). Includes accruals in the adjusted revenue estimate and defines inflation to mean the CPI for the Midwest. Establishes a limitation on spending for gambling revenues. Credits money over the Economic Emergency Fund (EEF) limit to a new non-recurring expenditure fund in the Department of Management, and limits appropriations from the fund to vertical infrastructure. Puts the state share of forfeitures in the Cash Reserve Fund (CRF). Adds thresholds for withdrawals from the CRF. Effective beginning July 1, 2010, for the budget next in fiscal year. (FINAL STATUS: Senate Appropriations Committee; Subcommittee: Sen. Dvorsky & Kettering)