

State of Iowa
1979

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

1979 REGULAR SESSION

OF THE

Sixty-eighth General Assembly

OF THE

STATE OF IOWA



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CHAPTER 9

HEALTH PROGRAMS, CIVIL RIGHTS, PAROLE, MINORITY,
ELDERLY AND DISADVANTAGED PERSONS

S. F. 487

AN ACT appropriating funds to state agencies for designated service programs including health programs, civil rights, parole services and programs for minority, elderly and disadvantaged persons.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated from the general fund of the state to the commission on aging for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1979-1980 <u>Fiscal Year</u>	1980-1981 <u>Fiscal Year</u>
1. For salaries and support of not more than twenty-six point twenty-five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 171,051	\$ 167,900
2. For the administration of area agencies on aging	\$ 110,420	\$ 117,600
3. For the senior citizen employment program	\$ 108,000	\$ 108,000
4. For grants to assist the development of senior centers in the state	\$ 158,000	\$ 158,000

Sec. 2. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as may be necessary, to be used by the following agencies for the purposes designated:

	1979-1980 <u>Fiscal Year</u>	1980-1981 <u>Fiscal Year</u>
1. IOWA STATE CIVIL RIGHTS COMMISSION For salaries and support of not more than thirty-five full-time equivalent positions annually, maintenance and miscellaneous purposes ..	\$ 540,463	\$ 540,943
2. COMMITTEE ON THE EMPLOYMENT OF THE HANDICAPPED For salaries and support of not more than five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 106,839	\$ 105,079
3. BOARD OF PAROLE For salaries and support of not more than fifteen full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 270,736	\$ 267,243

4. COMMISSION ON THE STATUS OF WOMEN

For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 76,100 \$ 76,570

Sec. 3. There is appropriated from the general fund of the state for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as may be necessary, to be used by the following agencies for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. BOARD OF MEDICAL EXAMINERS		
For salaries and support of not more than seven full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 198,411	\$ 193,442
2. BOARD OF NURSE EXAMINERS		
For salaries and support of not more than thirteen point twenty-five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 371,421	\$ 370,991
3. BOARD OF PHARMACY EXAMINERS		
For salaries and support of not more than eight point five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 247,000	\$ 247,000
<p>The funds appropriated by this subsection are contingent upon the board of pharmacy examiners giving notice pursuant to section seventeen A point four (17A.4), subsection one (1), paragraph a of the Code, of its intent to adopt administrative rules establishing a research program for the medicinal use of marijuana. The program shall be established within ninety days of the effective date of this Act. The board shall organize an advisory group of physicians, which shall include a psychiatrist, to advise the board on the type of program to be established, the qualifications of those who will be eligible to dispense the marijuana, and the federal regulations governing the program. The board shall be responsible for complying with all federal regulations necessary for the establishment and continuation of the program and the monitoring of all program participants. The board shall not authorize the growing of marijuana within the state.</p>		
4. IOWA MENTAL HEALTH AUTHORITY.		
For salaries and support of not more than eight point five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 136,081	\$ 148,084
5. MENTAL HEALTH ADVISORY COUNCIL		
For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 64,269	\$

Sec. 4. There is appropriated from the general fund of the state to the state department of health for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981, the following amounts, or so much thereof as may be necessary, to be used for the purposes designated:

	1979-1980 <u>Fiscal Year</u>	1980-1981 <u>Fiscal Year</u>
1. CENTRAL ADMINISTRATION		
a. Central administration.		
For salaries and support of not more than three full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 73,503	\$ 72,128
b. Management and budget division.		
For salaries and support of not more than twenty-eight point twenty-five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 262,185	\$ 256,562
c. External affairs division.		
For salaries and support of not more than nine full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 89,809	\$ 89,815
2. HEALTH FACILITIES DIVISION		
a. Health facilities service.		
For salaries and support of not more than sixty-eight point four full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 554,102	\$ 548,903
b. Health planning agency.		
For salaries and support of not more than eleven full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 66,940	\$ 66,407
c. Certificate of need.		
For salaries and support of not more than six full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 192,108	\$ 190,244
3. DISEASE PREVENTION DIVISION		
For salaries and support of not more than thirty-seven point six full-time equivalent positions in the fiscal year beginning July 1, 1979 and ending June 30, 1980 and not more than thirty-one point six full-time equivalent positions in the fiscal year beginning July 1, 1980 and ending June 30, 1981, maintenance and miscellaneous purposes	\$ 538,673	\$ 536,095
4. RECORDS AND STATISTICAL DIVISION		
For salaries and support of not more than twenty-nine full-time equivalent positions annually, maintenance and miscellaneous purposes ..	\$ 402,698	\$ 400,444

5. LICENSING AND CERTIFICATION DIVISION

For salaries and support of not more than seventeen full-time equivalent positions annually, maintenance and miscellaneous purposes .. \$ 544,584 \$ 549,561

It is the intent of the general assembly that the licensing and certification division prepare estimates of projected revenues to be generated by the licensing, certification and examination fees of each board as well as a projection of the fairly apportioned administrative costs attributable to each board. It is the further intent of the general assembly that each board annually review and adjust its schedule of fees so that, as nearly as possible, projected revenues equal projected costs and further that an imbalance in revenues and costs in one year shall be offset in a subsequent fiscal year.

6. PERSONAL AND FAMILY HEALTH SERVICES

For salaries and support of not more than sixty full-time equivalent positions annually, maintenance and miscellaneous purposes \$ 879,931 \$ 861,373

The position of physical fitness coordinator is not approved by the general assembly. The department may employ a dietary consultant for the women's, infant's and children's program with federal funds. The department shall allocate from funds appropriated by this subsection not less than thirty-five thousand dollars for each fiscal year for the perinatal program.

7. COMMUNITY HEALTH SERVICES

a. Community health division.

For salaries and support of not more than forty-two full-time equivalent positions annually, maintenance and miscellaneous purposes .. \$ 982,111 \$ 1,015,376

b. Rape investigations.

For medical procedures required by section seven hundred nine point ten (709.10) of the Code \$ 45,000 \$ 45,000

c. Sudden infant death syndrome.

For reimbursing counties for expenses resulting from autopsies of suspected victims of sudden infant death syndrome required under section three hundred thirty-nine point seven (339.7) of the Code \$ 28,000 \$ 28,000

d. In-home health care grants.

For grants to local boards of health for programs to maintain or expand the availability of in-home health care to elderly persons in the state in accordance with section five (5) of this Act \$ 2,765,960 \$ 3,015,960

e. Well-elderly clinic grants.

For the development and maintenance of well-elderly clinics in the state \$ 212,000 \$ 212,000

Sec. 5.

1. Funds appropriated by section four (4), subsection seven (7), paragraph d of this Act shall be used to maintain and expand existing in-home health care services for elderly persons with the objective of preventing or reducing the inappropriate institutionalization of elderly persons.

2. As used in this section and section four (4), subsection seven (7), paragraph d of this Act, "elderly person" means a person who is sixty years of age or older.

3. The state department of health may retain not more than one percent of the amount appropriated by paragraph d of subsection seven (7) of section four (4) of this Act, to be used to pay the costs of administering the in-home health care program. The remainder of the amount appropriated shall be allocated for use in the several counties of the state as follows:

a. One-fourth of the total amount to be allocated shall be divided so that an equal amount is available for use in each county in the state.

b. Three-fourths of the total amount to be allocated shall be divided so that the share available for use in each county is proportionate to the number of elderly persons living in that county in relation to the total number of elderly persons living in the state.

4. The state department of health shall make the money allocated for use in each county under subsection three (3) of this section available to be expended in that county as provided in this subsection. The local board of health having jurisdiction, after consultation with other in-home health care provider agencies in the jurisdiction, shall prepare a proposal for the use of the funds available for that jurisdiction that will provide the maximum benefits of expanded home health care to elderly persons in the jurisdiction, and that shall include a statement assuring that the appropriate local agencies have participated in the formulation of the proposal. After approval of the proposal by the department, the department shall enter into a contract with the local board of health. The local board of health may subcontract with a nonprofit nurses' association, an independent nonprofit agency, the department of social services or a suitable local governmental or nongovernmental body to use the funds to expand or maintain in-home health services. Local boards of health shall make an effort to subcontract with agencies that are currently providing services to prevent duplication of services.

5. If by July thirtieth of each year of the biennium the department is unable to conclude contracts for use of the funds allocated under this section in a county, the department shall consider the unused funds an unallocated pool. The department shall prior to December thirty-first of each fiscal year of the biennium reallocate the funds in the unallocated pool among the counties in which the department has concluded contracts under this section. The reallocation shall be made in substantially the manner prescribed by subsection three (3) of this section, and the funds are available for use in the counties to which they are reallocated during the period beginning January first and ending June thirtieth of each fiscal year of the biennium.

6. The state department of health shall promulgate rules not contrary to this section defining eligibility for in-home health care services paid for from funds appropriated by this section. The rules shall impose a sliding fee scale for those persons deemed able to pay all or a portion of the cost of the services.

7. The state department of health shall annually evaluate the success of the in-home health care grant program. The evaluation shall include the following program effects:

a. The extent to which the program reduced or prevented the inappropriate institutionalization of elderly persons.

b. The extent to which the program increased the availability of in-home health care to elderly persons.

c. The extent of in-home health care provided to elderly persons.

The department shall submit a report on each annual evaluation to the governor and the general assembly.

Sec. 6. There is appropriated from the general fund of the state to the Iowa department of veteran's affairs for each fiscal year of the fiscal biennium beginning July 1, 1979 and ending June 30, 1981 the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

	<u>1979-1980</u>	<u>1980-1981</u>
	<u>Fiscal Year</u>	<u>Fiscal Year</u>
1. For salaries and support of not more than five full-time equivalent positions annually, maintenance and miscellaneous purposes	\$ 105,182	\$ 105,279
2. For the war orphans educational aid fund .	\$ 35,000	\$ 35,000

Sec. 7. There is appropriated from the general fund of the state to the Spanish-speaking people's commission for the fiscal year beginning July 1, 1979 and ending June 30, 1980 the sum of forty-five thousand seven hundred fifteen (45,715) dollars or so much thereof as may be necessary for salaries and support of not more than two full-time equivalent positions, maintenance and miscellaneous purposes.

Sec. 8. Notwithstanding section seven (7) of chapter one thousand five (1005), Acts of the Sixty-seventh General Assembly, 1978 Session, funds appropriated by subsection eight (8) of that section to the Spanish-American war veterans may be expended after June 30, 1979 and until October 31, 1979 and unobligated or unencumbered balances remaining on October 31, 1979 shall revert to the general fund on January 31, 1980 notwithstanding section eight point thirty-three (8.33) of the Code.

Sec. 9. Section sixteen point eight (16.8), Code 1979, is amended to read as follows:

16.8 COMMISSION TERMINATION. Without affirmative action by the general assembly before June 30, 1980, the Spanish-speaking people's commission shall expire on June 30, ~~1979~~ 1981.

Sec. 10. Section one hundred fifty-seven point seven (157.7), Code 1979, is amended to read as follows:

157.7 INSPECTORS. ~~Inspectors~~ The department shall employ inspectors and clerical assistants ~~shall be employed by the department under the provisions~~

~~of chapter 19A to administer and enforce the provisions of this chapter. The department shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter one hundred fifty-eight (158) of the Code.~~ The costs and expenses of inspectors and clerical assistants shall be paid from funds appropriated to the board.

Sec. 11. Section one hundred fifty-eight point six (158.6), Code 1979, is amended to read as follows:

158.6 INSPECTORS. ~~inspectors~~ The department shall employ inspectors and clerical assistants shall-be-employed-by-the-department under the--provisions of chapter 19A to administer and enforce the-provisions-of this chapter. The department shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter one hundred fifty-seven (157) of the Code. The costs and expenses of inspectors and clerical assistants shall be paid from funds appropriated to the board.

Sec. 12. Section two hundred four point two hundred four (204.204), subsection four (4), paragraphs j and q, Code 1979, are amended to read as follows:

j. Marijuana, except as otherwise provided by rules of the board of pharmacy examiners for medicinal purposes.

q. Tetrahydrocannabinols, except as otherwise provided by rules of the board of pharmacy examiners for medicinal purposes.

Sec. 13. Section two hundred four point two hundred four (204.204), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. This section does not apply to marijuana, tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinol when utilized for medicinal purposes pursuant to rules of the state board of pharmacy examiners.

Sec. 14. Section two hundred four point two hundred six (204.206), Code 1979, is amended by adding the following new subsection:

NEW SUBSECTION. Marijuana, tetrahydrocannabinol and chemical derivatives of tetrahydrocannabinol shall be deemed to be schedule two (II) substances, but only when used for medicinal purposes pursuant to rules of the board of pharmacy examiners.

Sec. 15. Acts of the Sixty-seventh General Assembly, 1978 Session, chapter one thousand five (1005), section three (3), subsection one (1), is amended to read as follows:

1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1978 and ending June 30, 1979 to the department of health the sum of two million two hundred twenty-eight thousand (2,228,000) dollars or so much thereof as may be necessary to be used to extend availability of public health nursing services or visiting nurse services and home health aide services to elderly persons in this state. Notwithstanding section eight point thirty-three (8.33) of the Code unencumbered or unobligated funds remaining on June 30, 1979 from the amount appropriated by this subsection shall not revert to the general fund of the state, but shall be transferred by the department of health to the unallocated pool created for the 1979-1980 fiscal year under subsection five (5) of section five (5) of this Act and used as provided in that subsection.

Sec. 16. All federal grants to and federal receipts of the agencies appropriated funds under this Act are appropriated for the purposes set forth in the federal grants or receipts. Full-time equivalent positions funded entirely with federal funds are exempt from the limits on the number of full-time equivalent positions provided in this Act but are approved only for the period of time for which the federal funds are available for the position.

Approved June 1, 1979

CHAPTER 10
HIGHWAY SAFETY FUNDS

H. F. 735

AN ACT appropriating funds to the office for planning and programming to match economic development and highway safety federal funds.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. There is appropriated to the office for planning and programming for the fiscal period beginning with the effective date of this Act and ending June 30, 1981 the sum of sixty thousand (60,000) dollars, or so much thereof as is necessary, to be used to match supplemental economic development three hundred four funds allocated to the state during the fiscal year ending June 30, 1979.

It is a condition of this appropriation that each economic development administration grant and approval of the grant be coordinated with the Iowa development commission before final grant approval is made.

Sec. 2. There is appropriated to the office for planning and programming for the fiscal period beginning with the effective date of this Act and ending June 30, 1979 the sum of fifty thousand (50,000) dollars, or so much thereof as is necessary, for salaries, support, maintenance, and miscellaneous purposes required for planning and administration of the federal Highway Safety Act. Funds appropriated by this section shall be used to match federal funds available for the same purpose.

Sec. 3. This Act, being deemed of immediate importance, shall take effect from and after its publication in The Graettinger Times, a newspaper published in Graettinger, Iowa, and in The Waverly Democrat, a newspaper published in Waverly, Iowa.

Approved June 4, 1979

I hereby certify that the foregoing Act, House File 735, was published in The Graettinger Times, Graettinger, Iowa on June 14, 1979, and in The Waverly Democrat, Waverly, Iowa on June 14, 1979.

MELVIN D. SYNHORST, *Secretary of State*