

Senate File 2367

S-5211

1 Amend Senate File 2367 as follows:
2 1. Page 1, by striking line 13 and inserting:
3 <..... \$ 2,053,209>
4 2. Page 2, by striking lines 16 through 20.
5 3. Page 2, line 22, by striking <1.>
6 4. Page 2, by striking lines 29 through 35.
7 5. Page 7, line 26, by striking <72.00> and
8 inserting <79.00>
9 6. Page 11, line 18, by striking <39.25> and
10 inserting <37.25>
11 7. Page 11, by striking lines 19 through 21.
12 8. Page 11, by striking lines 32 and 33 and
13 inserting:
14 <..... \$ 1,365,570
15 FTEs 56.00
16 The department, in coordination with the
17 investigations division, shall provide a report to
18 the general assembly by January 10, 2011, concerning
19 the fiscal impact of additional full-time equivalent
20 positions on the department's efforts relative to the
21 Medicaid divestiture program under chapter 249F.>
22 9. Page 12, by striking lines 3 and 4 and
23 inserting:
24 <..... \$ 4,030,108
25 FTEs 134.75>
26 10. Page 12, by striking lines 24 through 26.
27 11. Page 14, after line 18 by inserting:
28 <Sec. ____ . DEPARTMENT OF INSPECTIONS AND APPEALS —
29 HEALTH CARE FACILITIES INSPECTIONS Notwithstanding
30 any provision of section 135C.16 to the contrary,
31 inspections of health care facilities that are only
32 state-licensed and not certified under the Medicare
33 or Medicaid programs shall not be inspected by the
34 department of inspections and appeals every thirty
35 months, but only as provided pursuant to sections
36 135C.9 and 135C.38.>
37 12. Page 14, by striking lines 30 through 35.
38 13. Page 15, line 1, by striking <3.> and inserting
39 <2.>
40 14. Page 16, by striking line 24 and inserting:
41 <..... \$ 4,881,860>
42 15. Page 19, by striking lines 33 and 34 and
43 inserting:
44 <..... \$ 647,014
45 FTEs 12.00>
46 16. Page 20, line 9, by striking <subsections> and
47 inserting <subsection>
48 17. Page 20, by striking lines 13 and 14.
49 18. Page 22, after line 17 by inserting:
50 <DIVISION ____

1 DEPARTMENT OF ADMINISTRATIVE SERVICES PROVISIONS
2 Sec. _____. Section 8A.207, subsection 4, paragraph
3 c, Code 2009, is amended to read as follows:

4 *c. Contracts let by another governmental*
5 *entity.* The department, on its own behalf or on the
6 behalf of another participating agency or governmental
7 entity, may procure information technology by
8 leveraging existing competitively procured contracts
9 or under a contract let by another agency or other
10 governmental entity, or may approve such procurement
11 in the same manner by a participating agency or
12 governmental entity.

13 Sec. _____. **NEW SECTION. 8A.315A Purchase of**
14 **chain-of-custody paper.**

15 1. Notwithstanding any requirements under section
16 8A.315 related to the purchase of recycled paper
17 to the contrary, the department may use certified
18 chain-of-custody paper as provided in this section in
19 lieu of recycled paper. The department shall adopt
20 rules related to the use of chain-of-custody paper.

21 2. As used in this section, unless the context
22 otherwise requires, "*certified chain-of-custody paper*"
23 means paper that has been certified pursuant to a
24 process that tracks and records the possession and
25 transfer of wood and fiber used to make paper through
26 the different states of production to the end user of
27 the paper. The department shall adopt rules defining
28 "*certified chain-of-custody paper*" consistent with the
29 certification requirements established by independent
30 entities such as the forest stewardship council,
31 sustainable forest initiative, or other similar entity.

32 Sec. _____. Section 8A.454, subsection 4, Code
33 Supplement 2009, is amended by striking the subsection.

34 Sec. _____. **VEHICLE DEPRECIATION FUNDS.**
35 Notwithstanding any provision of section 8A.365 to the
36 contrary, a department or agency otherwise required to
37 pay a depreciation expense pursuant to that section
38 shall not be required to pay the depreciation expense
39 during the fiscal year beginning July 1, 2010, and
40 ending June 30, 2011. However, the department of
41 administrative services may encourage departments or
42 agencies otherwise required to pay a depreciation
43 expense to make voluntary payments in an effort to
44 maintain the state fleet in the most cost-efficient
45 manner possible, including the future replacement of
46 vehicles, as necessary and appropriate.

47 Sec. _____. **EFFECTIVE UPON ENACTMENT.** The section
48 of this division of this Act amending section 8A.454,
49 being deemed of immediate importance, takes effect upon
50 enactment.

1 DIVISION _____

2 MEDICATION THERAPY MANAGEMENT

3 Sec. _____. NEW SECTION. 514C.26 Medication therapy
4 management coverage — repeal.

5 1. Notwithstanding the uniformity of treatment
6 requirements of section 514C.6, a group plan
7 established pursuant to chapter 509A for employees
8 of the state providing for third-party payment or
9 prepayment for health or medical expenses that include
10 pharmaceutical benefits shall provide coverage for
11 medication therapy management in accordance with this
12 section. The provisions of this section shall apply
13 to plans established pursuant to chapter 509A for
14 employees of the state, except plans established for
15 employees of the state board of regents or institutions
16 under the state board of regents, that are delivered,
17 issued for delivery, continued, or renewed in this
18 state on or after January 1, 2011.

19 2. As used in this section, "*medication therapy*
20 *management*" means a systematic process performed by a
21 licensed pharmacist, designed to optimize therapeutic
22 outcomes through improved medication use and reduced
23 risk of adverse drug events, including all of the
24 following services:

25 a. A medication therapy review of all medications,
26 vitamins, and herbal supplements currently being taken
27 by an eligible individual.

28 b. A medication action plan, subject to the
29 limitations specified in this section, communicated
30 to the individual and the individual's primary care
31 physician or other appropriate prescriber to address
32 safety issues, inconsistencies, duplicative therapy,
33 omissions, and medication costs. The medication action
34 plan may include recommendations to the prescriber for
35 changes in drug therapy.

36 c. Documentation and follow-up to ensure consistent
37 levels of pharmacy services and positive outcomes.

38 3. a. Medication therapy management shall be a
39 covered benefit for any of the following individuals:

40 (1) An individual who has a prescription drug
41 therapy problem as identified by the prescribing
42 physician or other appropriate prescriber, and is
43 referred to a pharmacist for medication therapy
44 management.

45 (2) An individual who meets other criteria
46 established by the third-party payment provider
47 contract, policy, or plan.

48 b. The fees for medication therapy management
49 services shall be separate from the reimbursement for
50 prescription drug product or dispensing services; shall

1 be determined by each third-party payment provider
2 contract, policy, or plan; and shall be reasonable
3 based on the resources and time required to provide the
4 services.

5 c. If any part of the medication therapy management
6 plan developed by a pharmacist incorporates services
7 which are outside the pharmacist's independent scope
8 of practice including the initiation of therapy,
9 modification of dosages, therapeutic interchange, or
10 changes in drug therapy, the express authorization
11 of the individual's physician or other appropriate
12 prescriber is required.

13 4. Medication therapy management services shall
14 be provided through a contract, established through a
15 request for proposals process, with a company located
16 in this state that is a nationally recognized leader
17 in and has a minimum of ten years of experience
18 administering medication therapy management services.
19 The contract shall require the company to provide
20 annual reports to the general assembly detailing the
21 costs, savings, estimated cost avoidance and return
22 on investment, and patient outcomes related to the
23 medication therapy management services provided.
24 The company shall guarantee annual estimated cost
25 avoidance at least equal to the program's costs with
26 any shortfall amount refunded to the state. As a proof
27 of concept in the program for the period beginning
28 January 1, 2011, and ending December 31, 2011, the
29 company shall offer a dollar-for-dollar guarantee for
30 drug product costs savings alone.

31 5. This section shall not apply to accident-only,
32 specified disease, short-term hospital or medical,
33 hospital confinement indemnity, credit, dental, vision,
34 Medicare supplement, long-term care, basic hospital,
35 and medical-surgical expense coverage as defined
36 by the commissioner, disability income insurance
37 coverage, coverage issued as a supplement to liability
38 insurance, workers' compensation or similar insurance,
39 or automobile medical payment insurance, or individual
40 accident and sickness policies issued to individuals or
41 to individual members of a member association.

42 6. This section is repealed June 30, 2012.

43 DIVISION _____

44 BANKING DIVISION PROVISIONS

45 Sec. _____. Section 524.814, Code 2009, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 1A. To secure transactions to
48 hedge risks associated with interest rate exposure,
49 subject to the approval of the superintendent.

50 DIVISION _____

FLOOD PLAIN MANAGEMENT

1
2 Sec. ____ . NEW SECTION. 455B.276A Two-tenths
3 percent flood plain — model ordinance.

4 1. By December 31, 2010, the department, in
5 consultation with the rebuild Iowa office, the division
6 of homeland security and emergency management of
7 the department of public defense, the Iowa league of
8 cities, conservation districts of Iowa, and the Iowa
9 state association of counties, shall develop a model
10 ordinance for the regulation of a two-tenths percent
11 flood plain by political subdivisions. The department
12 shall consider including all of the following in the
13 model ordinance:

14 a. Requirements, if any, for the purchase of flood
15 insurance for property.

16 b. Requirements, if any, for new development or
17 modification or improvement of existing development to
18 mitigate the effects of future flooding.

19 c. The effect of flood control levees.

20 d. The use of fill and offsets required for the use
21 of fill.

22 e. Categories of development that should be
23 prohibited.

24 f. Interaction with regulations by the federal
25 emergency management agency.

26 g. Any other issues that the department finds
27 should be addressed in the model ordinance.

28 2. For purposes of this section, the two-tenths
29 percent flood plain includes a two-tenths percent
30 flood plain identified on a flood insurance rate map
31 certified by the federal emergency management agency
32 or, if a certified flood insurance rate map is not
33 available, on a map developed or approved by the
34 department.

35 Sec. ____ . NEW SECTION. 466.10 Hydrological tiling
36 study.

37 The department of agriculture and land stewardship
38 shall conduct a hydrological tiling study in
39 conjunction with hydrology experts from the Iowa
40 flood center and Iowa state university of science and
41 technology to determine the impact tile drainage has
42 on infiltration, surface runoff, and flooding and to
43 evaluate the feasibility of seasonal retention of
44 water in tile drained fields as a drainage management
45 strategy. The impact of potholes, wetlands, and water
46 retention structures shall also be considered in the
47 study.

48 Sec. ____ . Section 466B.3, subsection 6, paragraph
49 c, Code Supplement 2009, is amended to read as follows:

50 c. The council shall develop recommendations for

1 policies and funding promoting a watershed management
2 approach to reduce the adverse impact of future
3 flooding on this state's residents, businesses,
4 communities, and soil and water quality. ~~Policy~~
5 ~~and funding recommendations shall be submitted to~~
6 ~~the governor and the general assembly not later~~
7 ~~than November 15, 2009.~~ The council shall consider
8 policies and funding options for various strategies
9 to reduce the impact of flooding including but not
10 limited to additional floodplain regulation; wetland
11 protection, restoration, and construction; the
12 promulgation and implementation of statewide storm
13 water management standards; conservation easements
14 and other land management; perennial ground cover and
15 other agricultural conservation practices; pervious
16 pavement, bioswales, and other urban conservation
17 practices; and permanent or temporary water retention
18 structures. In developing recommendations, the council
19 shall consult with hydrological and land use experts,
20 representatives of cities, counties, drainage and levee
21 districts, agricultural interests, and soil and water
22 conservation districts, and other urban and regional
23 planning experts.

24 Sec. _____. Section 466B.3, subsection 6, Code
25 Supplement 2009, is amended by adding the following new
26 paragraph:

27 NEW PARAGRAPH. *d.* The council shall develop
28 recommendations for watershed governance including but
29 not limited to assigning responsibility for assessment
30 of flood risk, assessment and prioritization of options
31 for reducing flood risk, allocation of flood reduction
32 resources, operation of controlled water retention
33 structures, and the purchase of land or easements by
34 cities pursuant to section 364.4. The council shall
35 submit recommendations to the governor and the general
36 assembly not later than November 15, 2010.

37 Sec. _____. Section 466B.4, subsection 2, Code
38 Supplement 2009, is amended to read as follows:

39 *2. Marketing campaign.* The water resources
40 coordinating council shall develop a marketing campaign
41 to educate Iowans about the need to take personal
42 responsibility for the quality and quantity of water in
43 their local watersheds. The emphasis of the campaign
44 shall be that not only is everyone responsible for
45 clean water, but that everyone benefits from it as
46 well, and that everyone is responsible for and benefits
47 from reducing the risk for flooding and mitigating
48 possible future flood damage. The goals of the
49 campaign shall be to convince Iowans to take personal
50 responsibility for clean water and reducing the risk of

1 flooding and to equip them with the tools necessary to
2 effect change through local water quality improvement
3 projects and better flood plain management and flood
4 risk programs.

5 Sec. ____ . NEW SECTION. 466B.10 Watershed
6 demonstration pilot projects.

7 The department of natural resources and the
8 department of agriculture and land stewardship, in
9 collaboration with the United States department of
10 agriculture's natural resources conservation service
11 and the Iowa flood center established pursuant to
12 section 466C.1, and in cooperation with the council,
13 shall seek funding to plan, implement, and monitor
14 one or more watershed demonstration pilot projects
15 for urban and rural areas involving a twelve-digit
16 hydrologic unit code subwatershed as defined by the
17 United States geological survey. The pilot projects
18 shall include features that seek to do all of the
19 following:

- 20 1. Maximize soil water holding capacity from
- 21 precipitation.
- 22 2. Minimize severe scour erosion and sand
- 23 deposition during floods.
- 24 3. Manage water runoff in uplands under saturated
- 25 soil moisture conditions.
- 26 4. Reduce and mitigate structural and nonstructural
- 27 flood damage.

28 Sec. ____ . NEW SECTION. 466B.11 Flood plain
29 managers.

30 The council shall encourage and support the
31 formation of a chapter of the association of state
32 flood plain managers in Iowa that would provide a
33 vehicle for local flood plain managers and flood plain
34 planners to further pursue professional educational
35 opportunities.

36 Sec. ____ . NEW SECTION. 466B.12 Flood education.

37 The Iowa state university agricultural extension
38 service, the council, and agency members of the council
39 shall work with flood plain and hydrology experts to
40 educate the general public about flood plains, flood
41 risks, and basic flood plain management principles.
42 This educational effort shall include all of the
43 following:

- 44 1. Developing a statewide soil moisture monitoring
- 45 network for assessing flood risk through the Iowa
- 46 water center of Iowa state university of science and
- 47 technology and the Leopold center for sustainable
- 48 agriculture established in section 266.39, and make
- 49 extensive use of existing tools and knowledge focused
- 50 on soil health, specifically the soil conditioning

1 index of the United States department of agriculture's
2 natural resources conservation service as a common
3 metric for improved agronomic and conservation
4 practices.

5 2. Developing educational materials and programs in
6 consultation with flood plain experts.

7 3. Expanding use of existing integrated farm and
8 land resource management tools to assist planners,
9 landowners, and farmers in planning and creating
10 infiltration systems to accommodate rainfalls of at
11 least one and one-quarter inch and support conservation
12 and business planning.

13 Sec. ____ . NEW SECTION. 466B.13 Conservation
14 practice criteria.

15 The department of agriculture and land stewardship,
16 in cooperation with the council, shall work with the
17 United States department of agriculture's natural
18 resources conservation service to reassess criteria for
19 soil and water conservation practices as defined in
20 section 161A.42 due to changing precipitation patterns
21 and extreme weather events. This shall include all of
22 the following technical standards and manuals:

23 1. The field office technical guide of the natural
24 resources conservation service for conservation
25 criteria.

26 2. The engineering field manual of the natural
27 resources conservation service for design criteria.>

28 19. By renumbering as necessary.

JEFF DANIELSON