

The Iowa  
County

IOWA STATE  
ASSOCIATION  
OF COUNTIES



SENATE FILE 2293

AN ACT

RELATING TO ANIMAL AGRICULTURE, PROVIDING FOR FEES, PROVIDING  
FOR PENALTIES, AND INCLUDING RETROACTIVE APPLICABILITY AND  
EFFECTIVE DATE PROVISIONS.

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The Implementation  
of the Livestock Bill:  
SF 2293

June 2002

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# The Iowa County

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## **Correction:**

In the May issue of *The Iowa County* a correction on page 4 needs to be noted under the header "Story County/Ames Website." The Story County Auditor's Office was omitted from the list of entities included in the MAPS Committee.

## Sharing The Risks & Rewards: Iowa Communities Assurance Pool (ICAP)

ICAP offers the stability that counties look for: low casualty rates that haven't changed since 1986, excellent coverages and the added security of knowing the company isn't pulling out of the public entity sector because of concern for stockholders. ICAP public entity members *are* the stockholders. ICAP is a group self-insurance program formed in 1986 under Iowa Code §670.4. ICAP is not an insurance company. It's a non-profit organization of Iowa public entities that share the risks and rewards of Iowa coverage. By using the power of Iowa communities working together, ICAP is able to keep costs stable, provide more coverage and services than ordinary insurance companies and, best of all, return any surplus and profits back to its member owners.

Currently more than 435 Iowa public entities, including over half of the counties (58), are members of ICAP. When you become a member of ICAP, you automatically become one of its owners. And with ownership comes benefits. In addition to the wide range of coverage, ICAP members accrue any surplus and investment income. Members earn vested credits based upon their length of participation in the pool. The year 2002 marked the tenth consecutive year that surplus/credits have been shared with vested members. ICAP is audited annually by KPMG, an independent public accounting firm. Demotech, a rating company, rates ICAP as AAA (the highest rating available). For the sixth consecutive year, ICAP has been awarded the *Certificate of Achievement for Financial Reporting*, presented by the Government Finance Officers Association of the United State and Canada. ICAP is owned and managed by its member entities, with a board of seven directors elected by the membership. County marketing is provided through County Risk Management Services (CRMS, an ISAC Associate Member since 1987).

*ISAC formally endorsed the Iowa Communities Assurance Pool (ICAP) and the Iowa Municipalities Workers' Compensation Association (IMWCA) at the ISAC Board of Directors meeting December 14, 2001. In the July issue of The Iowa County, IMWCA will be highlighted.*



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# counties in the spotlight

Patrick Jackson, **Des Moines County** Attorney, was honored with the 2002 Burlington Distinguished Citizen of the Year award. The award was given by the Mississippi Valley Boy Scouts of America. The Distinguished Award honors a person who has been actively involved in carrying out the virtues of scouting in the community. Jackson has organized five scouting units geared specifically to serve minority youth, organized a "Gathering of Eagles" to encourage adult Eagle Scouts to volunteer for additional service to scouting, and created the "Port of Eastman" program to encourage older scouts to remain in scouting.

*(Taken from the Hawk Eye, March 30)*

The upcoming **Annual Midwest Conference of Counties (MCC) Meeting** will highlight such topics as farmland preservation, federal transportation reauthorization, workforce development and local option taxes. The conference will be held June 25-27, 2002 at the Radisson Hotel City Centre in Indianapolis, IN. The cost of the conference is \$135 per person, which includes four workshops, a business meeting, cocktail reception, dinner and live music, and a closing brunch. The deadline to register is June 14. The MCC was formed in 1989 to provide an opportunity for the officers, directors, and staff of the associations of county governments in the Great Lakes Region to share mutual political and policy concerns with other state associations throughout the region. Member states include Indiana, Iowa, Michigan, Minnesota, Nebraska, Ohio, and Wisconsin. Visit ISAC's website ([www.iowacounties.org](http://www.iowacounties.org)) under "ISAC Highlights" to download the registration form or call (317) 684-3710. Hotel reservations need to be made directly at the Radisson Hotel City Centre (800-333-3333) at a room rate of \$79 plus tax.

Four election officials from Iowa attended the Election Center Professional Education Program in Anaheim, CA April 13-14, 2002. It was part of a continuing education program for election administrators to obtain a certification known as CERA (Certified Elections/Registration Administrator). The program is a joint effort between the Election Center and Auburn University and has won an award for the most outstanding continuing education program in America from the National College and University Continuing Education Association. *Pictured in front, from left are Linda Langenberg, Linn County Auditor and Pat Gill, Woodbury County Auditor. Back row, from left are George Paletta, Elections Director for Polk County and Mike Mauro, Polk County Auditor.*



The **Calhoun County** Board of Health, as well as, the board of supervisors, and environmental health workers joined 216 other local board of health members, 94 county supervisors and 91 environmental health workers throughout Iowa in a research project conducted by an independent researcher. The final report was published in November 2001. Local officials have studied survey results for the past few months and concluded the research summary does reflect the local situation in most areas. (A full copy of the report can be viewed at <http://www.idph.state.ia.us/eh/ta/EHreport.pdf>.)

In November 1996, 84% of Iowa citizens surveyed believed surface water pollution was a serious problem. In 1998, the Iowa Drinking Water Supply report showed 408 maximum contaminant-level violations in Iowa's public water supplies. The most common contaminants were non-acute coliform bacteria, acute coliform bacteria and nitrates. Community needs assessments conducted in Calhoun County revealed that local opinion of quality-of-life issues ranked water quality concerns in 5<sup>th</sup> place in 1997, and 1<sup>st</sup> place in 2000. The study revealed perspectives of lead-based paint, private wells, sewage systems, food safety, air quality, agricultural contaminants, and recreational waters.

Calhoun County officials face the on-going and ever-increasing responsibility to provide environmental health programs to local populations. The environment in which environmental health systems exist is always changing, creating the need for on-going evaluation and adaptation of the local system. Local officials agree the research provides baseline data and concepts needed to direct the next steps toward improvement of local and state environmental health systems.

Here are the choices:

- Do nothing and the system will change anyway (someone will come in and change it for us),
- Move ahead and change the system – we can design and develop a system that is rooted in local needs and implemented by us, or
- Anything in between.

In the months ahead, Calhoun County officials will study ways to improve our environmental health system by changing the rules of the system, re-organizing the system, setting new goals for the system, and changing the mindset out of which the system is built (most powerful of all).

All participants in Calhoun County's environmental health system, from boards of supervisors, boards of health, and environmental health workers to private citizens need to appreciate the long-term implications. If an unfulfilled local environmental health system fails to assess and control the impact of people on their physical environment and conversely the impact of the environment on people, the results will directly affect the quality of our water, our air, our food and, ultimately, the quality of our lives.

# counties in the spotlight

## The Summer of County Fairs

### June

19 - 23 Buena  
Vista County Fair, Alta  
20 - 23 Wapello  
County Regional Fair,  
Eldon  
21 - 23 Big Four  
Fair, Postville  
25 - 30 Mighty  
Howard County Fair,  
Cresco  
26 - 30 Worth County Fair, Northwood



*Dubuque County Fair*

### July

5 - 9 Jefferson County Fair, Fairfield  
8 - 14 Delaware County 4-H & FFA Fair, Manchester  
8 - 13 Henry County Fair, Mount Pleasant  
9 - 13 Winneshiek County Fair, Decorah  
9 - 15 Greene County Fair, Jefferson  
10 - 14 Buchanan County Fair, Independence  
10 - 14 Butler County Fair, Allison  
10 - 14 Calhoun County Expo, Rockwell City  
10 - 14 Cedar County Fair, Tipton  
10 - 14 Davis County Fair, Bloomfield  
10 - 15 Ringgold County Fair, Mount Ayr  
10 - 15 Dallas County Fair, Adel  
10 - 15 Lee County Fair, Donnellson  
10 - 15 Shelby County Fair, Harlan  
10 - 15 Webster County Fair, Fort Dodge  
11 - 14 Cherokee County Fair, Cherokee  
11 - 16 Wright County District Junior Fair, Eagle Grove  
12 - 18 Linn County Fair, Central City  
12 - 18 Marion County Fair, Knoxville  
12 - 24 Keokuk County Fair, What Cheer  
13, 15 - 17 Sioux County Youth Fair, Sioux Center  
13 - 18 Adams County 4-H & Youth Fair, Corning  
13 - 18 Iowa County Fair, Marengo  
15 - 20 Appanoose County Fair, Centerville  
16 - 20 Fayette County Fair, West Union  
16 - 20 Washington County Fair, Washington  
16 - 21 Ida County Fair, Ida Grove  
17 - 21 Allamakee County Fair, Waukon  
17 - 21 Central Iowa Fair, Marshalltown  
17 - 21 Franklin County Fair, Hampton  
17 - 21 Great Jones County Fair, Monticello  
17 - 21 Hardin County Fair, Eldora  
17 - 21 Keokuk County Expo, Sigourney  
17 - 21 Madison County Livestock Fair, Winterset  
17 - 21 Monona County Fair, Onawa  
17 - 21 Montgomery County Fair, Red Oak  
17 - 21 Muscatine County Fair, West Liberty  
17 - 22 Boone County Fair, Boone  
17 - 22 Carroll County Fair, Coon Rapids  
17 - 22 Decatur County 4-H & FFA Fair, Leon  
17 - 22 Hancock County Fair, Britt  
17 - 22 Polk Co. 4-H & FFA Fair, Des Moines

17 - 22 Van Buren County Fair, Keosauqua  
17 - 23 Floyd County Ag. & Industry Days, Charles City  
18 - 21 Mitchell County Fair, Osage  
18 - 21 Osceola County Livestock Show, Sibley  
18 - 21 Pottawattamie County Fair, Avoca  
18 - 21 Taylor County Fair, Bedford  
18 - 22 Fremont County Fair, Sidney  
18 - 22 Pocahontas County Fair, Pocahontas  
18 - 22 Tama County Fair, Gladbrook  
18 - 22 Winnebago County Fair, Thompson  
18 - 23 Monroe County 4-H & FFA Fair, Albia  
19 - 25 Jasper County Fair, Colfax  
20 & 25 - 29 Poweshiek County Fair, Grinnell  
20 - 24 Mills County Fair, Malvern  
20 - 24 Story County 4-H Fair, Nevada  
20 - 25 O'Brien Co. Fair, Primghar  
20 - 26 Union County Fair, Afton  
21 - 29 Crawford County Fair, Denison  
22 - 25 Johnson County 4-H & FFA Fair, Iowa City  
22 - 25 Lyon County Fair, Rock Rapids  
22 - 27 Grundy County Fair, Grundy Center  
23 - 27 Louisa County Fair, Columbus Junction  
23 - 27 Wapello County 4-H Expo, Ottumwa  
23 - 28 Dubuque County Fair, Dubuque  
23 - 28 Hamilton County Fair, Webster City  
23 - 29 Wayne County Fair, Corydon  
24 - 28 Adair County Fair, Greenfield  
24 - 28 Benton County Fair, Vinton  
24 - 28 Harrison County Fair, Missouri Valley  
24 - 28 Jackson County Fair, Maquoketa  
24 - 28 North Iowa Fair, Mason City  
24 - 28 Page County Fair, Clarinda  
24 - 29 Clarke County 4-H Fair, Osceola  
24 - 30 Des Moines County Fair, Burlington  
25 - 28 Plymouth County Fair, LeMars  
25 - 29 Emmet County Agricultural Show, Estherville  
25 - 30 Audubon County Fair, Audubon  
26 - 29 Palo Alto County 4-H Fair, Emmetsburg  
26 - Aug. 1 Warren County Fair, Indianola  
27 - 31 Clinton County 4-H Club Show, DeWitt  
27 - Aug. 1 Lucas County 4-H Achievement Show, Chariton  
27 - Aug. 2 Cass County Fair, Atlantic  
28 - Aug. 1 Dickinson County Fair, Spirit Lake  
29 - Aug. 1 Black Hawk County 4-H & FFA Fair, Waterloo  
30 - Aug. 4 Great Mississippi Valley Fair, Davenport  
31 - Aug. 4 Bremer County Fair, Waverly  
31 - Aug. 4 Kossuth County Fair, Algona  
31 - Aug. 4 Woodbury County Fair, Merville  
31 - Aug. 5 Humboldt County Fair, Humboldt

### August

1 - 4 Clayton County Fair, National  
1 - 4 Sac County Fair, Sac City  
8 - 18 Iowa State Fair, Des Moines  
29 - Sept. 2 Chickasaw Big Four Fair, Nashua  
29 - Sept. 2 Guthrie County Fair, Guthrie Center

### September

7 - 15 Clay County Fair, Spencer

## The Much Discussed Livestock Legislation: SF 2293

*“What happens to a dream deferred?  
Does it dry up like a raisin in the sun?  
Or fester like a sore – and then run?  
Does it stink like rotten meat?  
Or crust and sugar over – like a syrupy sweet?  
Or maybe it just sags like a heavy load.  
Or does it explode?”*  
- Langston Hughes, (1902-1967), American poet

An old saying was touted numerous times during and after the unveiling of the much discussed livestock legislation, SF 2293, which was passed in mid-April in the last two days of the regular 2002 legislation session. “You know when an agreement will work when both sides feel that they have had to give something up.” There’s some truth to that, but from the county perspective we didn’t have anything to give up. Thanks to the legislation approved in 1998, county home rule authority with regard to matters agricultural was made moot. Counties were already prohibited from applying zoning authority to agricultural land. But following the Iowa Supreme Court’s decision regarding the Humboldt County ordinances on livestock confinement siting (which actually left the door open a bit to county actions), HF 2494, which passed late during the 1998 session, slammed the door shut on county authority and hammered nails into the door frame for good measure.

### The Making Of The Livestock Bill

With the increasing evidence of significant sentiment against concentrated animal feeding operations (CAFOs), legislative leaders said last December that a bill dealing with livestock issues would be offered during the 2002 session. The sentiment included various citizens groups who protested planned confinement facilities, two court cases which awarded funds to plaintiffs who filed nuisance civil suits against CAFOs, the approval by the Environmental Protection Commission of an administrative rule requiring that draft manure management plans go to county supervisors for their examination, and the adoption of a public health ordinance dealing with CAFOs by Worth County. In December, legislative leaders probably didn’t anticipate that the heat would be turned up with major grassroots protests over confinement facilities in Shelby County near Elkhorn and in Cerro Gordo County near Clear Lake and with CAFO construction moratorium resolutions adopted in several counties by spring.

In late January, Senate majority leader Stewart Iverson (R-Wright) appointed a special committee which became known around the rotunda as “the twelve apostles.” They were: Republican State Senators Jeff Angelo (Union), Mary Lundby (Linn), and Jerry Behn (Boone); Democratic State Senators John Kibbie (Palo Alto), Eugene Fraise (Lee), and Betty Soukup (Chickasaw); Republican State Representatives Ralph Klemme

*By: Robert Mulqueen*  
ISAC Public Policy Analyst



(Plymouth), David Johnson (Osceola, who was appointed to take the place of Rep. Russell Teig), and Gene Manternach (Jones); Democratic State Representatives Bill Witt (Black Hawk), Marcella Frevert (Palo Alto), and Mark Kuhn (Floyd). This group was to meet in private and come to some agreement on legislation dealing with the often heard controversies over the continued growth of CAFOs in Iowa. The committee began their task by gathering in offices or committee rooms with staff in the evenings for two or three hours at a time.

Only about 10 days after the group began their task, in early February, the University of Iowa and Iowa State University issued a joint report on air quality in relation to CAFOs. Last June, Governor Vilsack had asked both universities to assist the DNR with research and recommendations on air quality standards and related issues regarding confinement facilities. The report stated that “CAFO air emissions may constitute a public health hazard and that precautions should be taken” to minimize chemical exposures to hydrogen sulfide and ammonia. It also made suggestions about the relation of livestock concentrations on water quality, occupational health, antibiotic resistance, greenhouse gases, community and socioeconomic impacts, and livestock epidemic issues. This report had an important impact on the content of the legislation being shaped at that moment.

### The Product Unveiled

After rumors went around the rotunda for two months about the content of the bill, it was announced on March 21 that this product would finally be unveiled at a press conference attended by Senator Iverson and the special committee. In a packed Senate Committee Room 22, the bill was hailed by its authors as a compromise which contained significant changes. Just what did it contain?

- Development and adoption of a phosphorus index by the DNR. Manure application regulations have been based upon nitrogen content. Some have argued for years that the yardstick should be phosphorus content because of its adverse effects on lakes and streams due to manure runoff.
- Monitoring authority for air quality (hydrogen sulfide, ammonia, and odor) from CAFOs would be given to the DNR. This would include the authority to enforce standards.
- Additional setback distances for new or expanded confinement facilities from water bodies (including wetlands, drainage wells, and drinking water wells).
- Lowering the threshold for owner/operators having to obtain CAFO construction permits from the current approximate 4,100 head of hogs to about 2,600 head.

*Continued to page 8*

# around the statehouse

Continued from page 7

- Fees on CAFO operations, based upon the number of animal units, to be used by the DNR to hire 12 new inspectors. It also requires filing fees for construction permits.
- Establishment of a scoring system (the so-called "matrix") to be used by the DNR to approve or deny construction permits. Although county supervisors will use this scorecard, their results may only be in an advisory capacity to the DNR. No home rule authority is granted.

## Watering Down Of The Proposal

The following three weeks were almost the undoing of the legislation. The original bill, though certainly not what counties had been looking for (i.e. siting authority under state guidelines), contained other provisions which were a step toward what the Humboldt County ordinances had been getting

at in 1997. The backsliding which took place right up until the measure was debated in the closing hours of the legislative session was infuriating. Perhaps the most significant watering down of the proposal lay in the effective dates of various sections. The new separation distances, permit fees, and the permanent matrix do not go into effect until March 1, 2003. The DNR can not begin enforcement of the air quality standards until December 1, 2004. The phosphorus index will not take effect until July 1, 2003 or July 1, 2007.

To paraphrase Ross Perot, that giant sucking sound you will be hearing between now and next spring will be bulldozers working on the construction of new confinement facilities in order to beat the deadlines. The original bill unveiled on March 21 had an effective date for all provisions of April 1, 2002. The good news is that Iowa will finally deal with some of the issues surrounding livestock facilities. The bad news, as Langston Hughes said, is that it is a dream deferred.

## miscellaneous

### Looking For An Environmental Consultant?

Local officials seeking to hire consultants for environmental services are encouraged to visit the Local Government Environmental Assistance Network's (LGEAN's) directory of environmental consultants. The directory, located on the LGEAN Web site, enables local government officials and other users to identify and contact consultants who perform work in the environmental and geographical area in which they are interested. Local officials can search for environmental consultants by keyword, service area, location, or name of consultant/company. The directory provides city and county representatives with important information about environmental consulting firms, including a description of company services, local government references, and contact information. Managed by the International City/County Management Association (ICMA) <<http://www.icma.org>>, LGEAN is a "first-stop shop" providing environmental management, planning, funding, and regulatory information for local government appointed and elected officials and their staff. To visit LGEAN's Consultants Directory, go to the following Internet address: <http://www.lgean.org/consultants>.

## classified ad

### Franklin County Engineer

Franklin County, Iowa, is seeking qualified applicants for the position of Franklin County Engineer. Position requires registration as professional engineer in the state of Iowa. Registration as a land surveyor in Iowa is preferred, but not required. The county engineer is responsible for the overall planning, direction, coordination, and supervision of the County Secondary Roads Department, including the effective, safe, and efficient construction, maintenance, and engineering of all county secondary roads and related services. It should be accomplished in a manner designed to achieve the best possible quality of design, services and materials at the most reasonable cost in meeting the needs of county residents and taxpayers for a network of good secondary roads. May be assigned other duties of a public works nature as the need arises. Pay ranging from \$65,000 to \$75,000 annually, depending on years of experience. Resumes must be received by 4 PM on Friday, June 14, 2002. Submit resume to: Franklin County Board of Supervisors, Courthouse, PO Box 26, Hampton, IA 50441, Phone: 641-456-5624, FAX: 641-456-6001, Email: [mgiddings@co.franklin.ia.us](mailto:mgiddings@co.franklin.ia.us)



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## Courts Rule On 28E Agreements, Family and Medical Leave Act

### 28E Agreements

Entities created under Chapter 28E of the Iowa Code are not subject to the competitive bidding requirements that apply to cities and counties. That was the surprising ruling handed down recently by the Iowa Supreme Court. In April, the Court decided *Envirogas, L.P. v. Cedar Rapids/Linn County Solid Waste Agency* (99-1672). In that case, Linn County and Cedar Rapids used a 28E agreement to create Bluestem Solid Waste Agency for the purpose of operating two landfills. Envirogas is a business that collects the methane gas generated by solid waste and sells it to utilities. The two agreed in 1995 to cooperate on a gas collection system. Bluestem contributed \$400,000 towards the construction costs. When the project was finished, Envirogas sought to collect more from Bluestem. Bluestem claimed it owed no more than the \$400,000.

Things got interesting when Envirogas sued Bluestem. Bluestem responded that the whole construction project should have been publicly bid, and because it was not, Bluestem was prohibited by law from expending funds on the project, thereby rendering the construction contract void, and precluding any recovery by Envirogas. In other words, Bluestem sought to use its own illegal conduct as a means to get out of the contract with Envirogas.

The Court pointed out that while other parts of the public finance law specifically apply to 28E entities, the competitive bidding requirements of Iowa Code sections 384.95-384.103 do not. The Court said it is restricted to applying the law as written. For this reason, the Court went on to hold that if a project is paid for with 28E entity funds, the competitive bidding requirements do not apply.

Since the improvements here were paid with 28E entity funds, the Court ruled that the contract was enforceable, and Envirogas was entitled to recover damages from Bluestem.

Until the Legislature amends the law, the bottom line is that because of the way Iowa Code chapter 384 is written, when a 28E entity constructs a public improvement the competitive bidding requirements do not apply.

### FMLA Case Decided

There has been a decision in the first U.S. Supreme Court case involving the Family and Medical Leave Act (FMLA). In *Ragsdale v. Worldwide Wolverine, Inc.* (00-6029), discussed in this column in September 2001, Ragsdale was a private sector employee in Arkansas. When she developed cancer, her employer gave her 30 weeks off with full benefits. When she returned to work, she asked for 12 weeks of FMLA leave. The company objected, saying that her FMLA leave was encompassed within the 30 weeks. She pointed to the federal Department of Labor (DOL) regulations which say that, if an employer fails to designate the leave as FMLA leave at the time of the leave, it is not FMLA leave, and the employee is

*By: David Vestal*  
ISAC Deputy Director



entitled to an additional 12 weeks of leave.

In its 5-4 decision, the U.S. Supreme Court said that there is nothing in the federal FMLA law about failure to designate the leave, and said that in drafting this regulation the DOL overstepped its authority. So now 12 weeks of FMLA leave are all that employees are entitled to, regardless of whether the leave was designated as FMLA leave or not. Of course, the better practice is always to designate the leave as FMLA leave when the leave begins. But the point is, failure to do that is no longer fatal.

### Outspoken Elected Officials

Shelby County Supervisor Richard Ferry has spent his two years on the board stirring things up and asking a lot of questions about the county's budgeting practices. Now his battles with other county officials have led to a lawsuit. Last month, conservation department employee Bryce Schaben sued Ferry for slander. He contends that Ferry falsely accused him of theft and fraud at board of supervisors meetings.

So can a county supervisor be sued successfully for slander for statements he makes at board of supervisors meetings? Generally the answer is no.

Nationally, most county officials enjoy an absolute privilege, meaning that they are immune from liability for statements made in the course of their duties, even if the statement was made maliciously. State legislators in Iowa enjoy this same protection.

But county officials in Iowa have a qualified privilege, meaning that they are protected from liability for statements they make only if the statements are made in good faith and for a proper purpose. To prevail, a plaintiff must prove actual malice, meaning that the county official made the statement to gratify a feeling of ill-will or personal spite toward the plaintiff. See *Cowman v. LaVine*, 234 NW2d 114 (Iowa 1975).

The leading case in Iowa is *Mills v. Denny*, 63 NW2d 222 (Iowa 1954). In that case, a mayor of Des Moines, at a city council meeting, told a lawyer, "You have appeared here only as a publicity stunt." The Iowa Supreme Court ruled that the statement was not actionable if it was made in good faith.

Even applying the Iowa law, which does not afford as much protection as county officials enjoy in other states, county supervisors' comments at board meetings are generally going to be covered by the qualified privilege.

### Parting Ponderable

A recent survey found that 59% of Americans can name The Three Stooges, while only 19% can name three Supreme Court justices. We'll all have to draw our own conclusions about the cosmic significance of this finding.

# health check

## Save Your Life



By: **Sandy Longfellow**  
ISAC Administrative Assistant



A few months ago I visited with you about being a good health care consumer. There is another aspect in this topic that I would like to explore this month. That is, avoiding medical errors.

**The facts:** In 1999, a report called *To Err is Human* by Linda Kohn, PhD, Institute of Medicine of National Academy of Sciences, estimated that as many as 98,000 hospital patients die every year as a result of preventable errors, including medication mistakes. This translates into an estimated \$29 billion a year in financial loss. (“Medical Mistakes” [www.webmd.com](http://www.webmd.com)) It is possible that the figures could be higher as many doctors and hospitals may not want others to know of these mistakes because of lawsuits and bad publicity. In a press release by Kohn, she stated that medical errors were a “leading cause” of disability and death, killing more people annually than highway accidents, breast cancer, or AIDS.

**Prescriptions:** With more than 12 million chemical substances now available, we need to be aware of what we are taking and why. This may be the one area that you can have the most impact. You are ultimately in charge of your own health. You need to keep track of the kinds of medications you take and the various side effects of each. If you are not able to do this yourself, enlist someone to help you.

**Keep these things in mind:**

\*Keep accurate records of what medications you take – both pre-

scription and over the counter. Let any doctor you see know of these medications.

\*Make sure that physicians know any adverse reactions you may have had.

\*When you receive a prescription, make sure you can read it. If you can’t read it, your pharmacist might not be able to either. Let the pharmacist know why you are taking the medication.

\*Ask about information on the medications in a format that you can understand. The little handouts that come with your meds in the microscopic print might not be adequate.

\*Ask about generic vs. brand drugs and find out which is best.

\*Look at your medication and make sure it is what you have been taking. (This actually happened to my husband on a refill. The medication given him wasn’t the right one and if he had taken it there would have been serious repercussions!)

**Other Tips:** The Food and Drug Administration also gives the following tips: Check the list of ingredients for things you might be allergic to, know the expiration date, don’t skip doses – know how much to take for how long, know which food or beverages to avoid while taking any medicine, never share medications, and never take or give anyone medicine in the dark. For more information look at the Wellmark website [www.wellmark.com](http://www.wellmark.com) under “resources.”

# technology center

## Options for Email

**Q.** Is it possible to forward or respond to an e-mail message without including the original message? Also, how do you respond to an e-mail that has been sent to several different people without responding to all of them?

A. Yes, it is possible to forward e-mail messages without including the original text message. If you are using Outlook, you will need to take the following steps. Go into your Outlook program, on your toolbar select “Tools”, “Options”, “Preferences”, “E-mail”, “E-mail Options.” Once you have this open, you will need to select “on replies and forwards”, and then “when replying to a message,” now select from the drop down menu, “do not include original message.” Once selected, this becomes your default method in answering e-mails and therefore every e-mail message that you receive and reply to will not include the original message. If you would prefer to do this on a more selective basis, you can always just highlight the information that you do not want included in your reply and hit the delete key.

By: **Tammy Norman**  
ISAC Technical  
Administrative Assistant



As far as responding to an e-mail that has been sent out to a distribution list or to several different e-mail addresses, you have two choices when responding to the e-mail, “reply” or “reply to all.” If you select “reply” you will only be responding to the person who forwarded the e-mail or sent the e-mail to you directly. If you select “reply to all” you will be responding to all the people in the original e-mail.

**Website Note:** For the latest events occurring within ISAC, please check out the “ISAC Highlights” page on the website. You can keep up with events happening around the state by checking out the “County News” page. Please forward information on events and happenings in your county to my attention and we can post them on the website. I encourage you to include pictures, if you have them. Please keep your questions and comments coming in for this column and the websites. Until next month, keep clicking!

## Implementing HIPAA

### What is HIPAA?

HIPAA is the acronym for the federal Health Improvement Portability and Accountability Act of 1996. The primary goals of HIPAA are (1) to improve the efficiency of the health care system through standardizing transactions, including billing forms and codes; (2) to enhance protections for private health information; and (3) to restore trust in the health care system by addressing concerns that technology advances threaten privacy. The Act defines health care very broadly as the care, services or supplies related to the health of the individual, including preventative, diagnostic, rehabilitative, maintenance, counseling, and assessment for the physical or mental condition or functional status. The types of organizations that are affected are health care providers, health plans (including local or regional governmental or quasi-governmental entities), and health care clearinghouses (organizations that process standard electronic transactions).

### Implementing HIPAA

On May 1, 2002, over 240 county officials including county supervisors, auditors, CPC Administrators, public health officials, and case management directors attended a full day workshop on the impact of HIPAA on county government. The workshop drew on the expertise of two individuals: Susan Parker a national consultant working with a variety of provider groups and local governments, and Candy Morgan, Assistant Polk County Attorney. The purpose of the workshop was to begin a process of assisting county officials to determine how HIPAA will impact their county and provide information so that counties could begin implementing the HIPAA provisions. Following are excerpts from the presentations. A copy of the presentation is available on the ISAC Website ([www.iowacounties.org](http://www.iowacounties.org)).

### What does this mean for counties?

Counties are covered entities to the extent that the county performs the functions of a plan (e.g. claims payment), provider (e.g. county case management, public health nursing, other direct services) or clearinghouse (e.g. if other counties contract with the county to handle transactions). Each county is going to need to determine what they will do in response to this new federal law. An assessment of the amount of protected health information within the county will help decide the strategy. It is also important to increase the awareness of potential pitfalls. Both Susan and Candy shared the vision that counties and the public will benefit from adopting policies and changing procedures to safeguard confidential information. Other reasons for complying with the law are the significant civil and criminal penalties for non-compliance, it is a good business practice, it will help with risk management, and it will assist public entities with balancing confidentiality and accountability.

By: *Deborah Westvold*

ISAC Case Management Director



### What needs to happen now?

Both Susan and Candy recommended that county officials take a proactive approach to implementing the HIPAA provisions and develop a centralized implementation strategy viewing county government as the entire covered entity. Some of the action steps that were recommended for the Board of Supervisors include:

1. Appoint a person to coordinate the county's HIPAA effort.
2. Convene a centralized committee for the purpose of developing a work plan.
3. Develop and adopt a policy statement for the implementation of HIPAA county-wide.
4. Offer training for all county units on the impact of the policy statement in modifying behavior.

Some of the specific tasks to be accomplished include:

- a. Identify gaps in physical and electronic storage;
- b. Begin the process of developing information practices statements and notices;
- c. Develop and train on workstation practices;
- d. Develop access log systems where needed; and
- e. Identify business partners and develop agreement.

### How can ISAC help?

The May 1 training was the first step in the process of helping counties implement HIPAA. Additional training and workshops may be provided in the future, if there is interest in doing so. In addition, ISAC staff and a number of county officials, have been participating in the state's SNIP process (Strategic National Implementation Process).<sup>\*</sup> The SNIP is comprised of a number of committees that are working together to coordinate implementation of HIPAA throughout the state. They hope to develop model forms, and provide information on useful tools to assist organizations implement the HIPAA provisions. As information becomes available through this process, we will share it through the ISAC website.

*\* I apologize for using all of these abbreviations, however, its hard to talk about HIPAA without using them. It's important for you to familiarize yourself with these acronyms because much of the resource material you will be accessing uses them.*

### Quote of the Month:

"Success always occurs in private,  
and failure in full view."  
-Anon

# ISAC brief

## ISAC Hosts An Open House

ISAC hosted an open house April 26, 2002 from 2pm-4pm to showcase the new office space. Approximately 50 people toured the facility and enjoyed refreshments. A ribbon cutting ceremony took place at 2pm with the actual ribbon used during ISAC's first open house January 19, 1972. ISAC would like to thank all of the generous individuals that sent flowers, plants and cards. A special thanks to all of the people that attended our open house and welcomed us into our new office location. Come visit us anytime!



ISAC Executive Board members cut the ribbon in front of ISAC's new office location. Left to right: Dick Heidloff, ISAC VP/Lyon County Treasurer; Bill Peterson, ISAC Executive Director; Grant Veeder, ISAC President/Black Hawk County Auditor; Joyce Jensen, ISAC Past President/Cass County Recorder; J. Patrick White, ISAC 2nd VP/Johnson County Attorney.



Above: The cake served at ISAC's open house. Right: Sharon Winchell, Cass County Treasurer and Dick Heidloff, Lyon County Treasurer. Below: Bob and Marilyn Ermer catch up with Joyce Jensen, Cass County Recorder.



## Bill Signing of HF 2430



County officials, providers, DHS and ISAC staff took part in the bill signing of HF 2430 - Mental Health Reform with Governor Vilsack May 2, 2002. This legislation, originally proposed by ISAC, is the first step toward continued redesign of Iowa's mental health system. The legislation combines two state boards, the Mental Health and Developmental Disabilities (MH/DD) Commission and the State County Management Committee, into a single entity under the Iowa Department of Human Services (DHS).

## ISAC District Workshops

ISAC District Workshops have been scheduled for June 11 (Des Moines), June 12 (Atlantic), June 14 (Ottumwa), June 19 (Cedar Falls, UNI Campus in Schindler Education Center), June 20 (Forest City), and June 21 (Storm Lake). Visit ISAC's website ([www.iowacounties.org](http://www.iowacounties.org)) under 'Legislative Information' for a registration form and schedule or look in the May issue of *The Iowa County*.



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## NACo's 2nd VP Candidates

NACo will elect officers July 16 during the 2002 NACo Annual Conference & Exposition in New Orleans, LA. Highlighted below are the two candidates for NACo's 2<sup>nd</sup> Vice President position. NACo's 2<sup>nd</sup> VP usually graduates through the board of directors to become president in two years.

### Bill Hansell

Bill Hansell, Umatilla County Commissioner (OR), is seeking to serve on NACo's Executive Committee, which would give him more influence on issues affecting rural counties. But while Hansell is a self-described "Eastern Oregon farm boy," he has had a position of prominence with NACo for years. He has served as chairman of its Agriculture and Rural Affairs Steering Committee for four years, being appointed by four consecutive NACo presidents. He chaired the 2001 NACo Nominating Committee. Hansell has been Oregon's representative on the NACo board of directors since 1999. Recently he was one of 40 NACo officials selected for the NACo Homeland Security Task Force, which is addressing county needs in the wake of the Sept. 11 terrorist attacks.



Hansell has held the position of Umatilla County Commissioner since 1983. Because of this, he receives such honors as being named the longest serving Commissioner in Umatilla County's history and the third longest serving county commissioner in the state of Oregon. Through his work with the county he has helped develop and implement innovative community based inmate transition programs, including work release, alcohol and drug treatment, and accountability standards. He also has helped develop the county's first comprehensive land use plan.

Hansell is no stranger to heading an organization of diverse interests having worked through the chairs, and serving as President of the Association of Oregon Counties in 1988. He has received statewide board and commission appointments from four different Governors representing both sides of the aisle, and was elected nationally as one of the top 10 Republican local officials in 1988.

Drawing on his five terms of elected service to his home county, and nearly two decades of service to NACo, Commissioner Hansell offers what friends, constituents and colleagues call a steady, experienced voice for local government. Hansell has been married 34 years to his wife Margaret, has six children and two grandchildren. He has a B.S. in political science from the University of Oregon.

### Bill Dennison

Bill Dennison was born and raised in northern California, and is a two-term county supervisor in Plumas County, CA. Bill is currently serving as a member of the NACo Board of Directors and NACo Western Interstate Region Board of Directors. He is also a member and former chair of the NACo Public Lands Steering Committee. Bill is dedicated to statewide issues as well, and serves as a member of the California State Association of Counties Board of Directors and Executive Committee, and has been an active member of CSAC's Agriculture and Natural Resources Committee since 1995.



Before being elected to the Plumas County Board of Supervisors in March of 1996, Dennison served as president of the California Forestry Association for more than 15 years. During that time, he traveled frequently to Sacramento and Washington, D.C. to provide testimony for legislators on forestry, land use and planning issues.

Dennison has an Associate of Arts degree in Forestry and a Bachelor's of Science in Forestry from University of California, Berkeley, where he was awarded a Distinguished Guest Lecturer award in 1985. He is a founding member of the Almanor Basin Community Resource Center, and board member for the Feather River College Foundation.

Dennison believes that local government must be capable of communicating county interests and needs to all levels of state and federal government in a clear and expedient manner. He is seeking the office of NACo's 2<sup>nd</sup> Vice President in 2002 so that he may utilize his years of government experience and knowledge to continue to advocate for county government.

### Steering Committee Nomination Forms

Do you want a voice in creating the national legislative policies of the National Association of Counties? Then consider filling out a NACo nomination form to be appointed to one of their 11 steering committees, (Agriculture and Rural Affairs; Community and Economic Development; Environment, Energy and Land Use; Finance and Intergovernmental Relations; Health; Human Services and Education; Justice and Public Safety; Labor and Employment; Public Lands; Telecommunications and Technology; and Transportation).

As a NACo steering committee member, you are responsible for debating and creating national policies and priorities affecting counties and serve as NACo's front line in their grassroots efforts. Committees meet at the NACo legislative and annual conferences and one other time during the year. You will be responsible for your own travel.

You may receive a form by calling our office or visiting our website ([www.iowacounties.org](http://www.iowacounties.org)) under 'Hot Topics.' Forms are due back to the ISAC office by June 7, 2002 and should be faxed to the ISAC office (515-244-6397).

# readership survey

## Tell Us What You Think!

Please take part in this survey to determine what the ISAC staff can do to improve this publication. We want this magazine to be useful and an important piece of mail that you look forward to getting each month. Visit our website under "Publications" for additional copies of this survey. THANK YOU FOR TAKING THIS TIME TO TELL US YOUR OPINION AND SUGGESTIONS FOR FUTURE ISSUES!

1. The general appearance of The Iowa County is:

- Excellent
- Very Good
- Average
- Below Average
- Poor

2. Each month I read:

- All of the articles
- Most of the articles
- About half of the articles
- A few of the articles

3. Articles in The Iowa County are:

- Excellent
- Very Good
- Average
- Below Average
- Poor

4. Rank the articles in order of interest to you:

- \_\_\_\_\_ Feature story
- \_\_\_\_\_ Around the Statehouse
- \_\_\_\_\_ Legal Briefs
- \_\_\_\_\_ Health Check
- \_\_\_\_\_ Technology Center
- \_\_\_\_\_ Case Management
- \_\_\_\_\_ NACo News
- \_\_\_\_\_ Alumni Corner
- \_\_\_\_\_ Calendar of Events

5. Rank the feature stories in order of interest to you:

- \_\_\_\_\_ Foot and Mouth Disease (July)
- \_\_\_\_\_ County Conservation (August)
- \_\_\_\_\_ Technology In The Courtroom (September)
- \_\_\_\_\_ Investments With Security: IPAIT (November)
- \_\_\_\_\_ Election Reform: S.E.A.T. (December)
- \_\_\_\_\_ County Zoning Officials (February)
- \_\_\_\_\_ Counties Partnering For Efficiency (April)
- \_\_\_\_\_ Counties & Cities Joining For Success (May)
- \_\_\_\_\_ An Introduction to ICAP (June)

6. Your county patronizes *The Iowa County* advertisers:

- Frequently
- Sometimes
- Seldom
- Never

7. Each month I look at:

- All of the ads in the magazine
- Most of the ads in the magazine
- A few of the ads in the magazine
- None of the ads in the magazine

8. The overall letter grade I would give *The Iowa County* is:

- A (Excellent)
- B (Very good)
- C (Average)
- D (Below Average)
- F (Poor)

Areas that need improvement are:

Suggested topics for feature stories are:

Other comments:

*When completed, fax the survey to 515-244-6397 or mail to 501 SW 7<sup>th</sup> St., Ste. Q, Des Moines, IA 50309. Thanks again for taking the time to help the ISAC staff. We depend on your input!*

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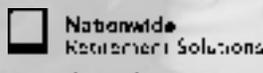
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- 5 CCMS New Supervisor Forum  
- Best Inns & Suites, DM
- 6 CCMS Supervisors Training  
- Best Inns & Suites, DM
- 9-13 County Attorneys Spring Training - Arnolds Park
- 11 District I ISAC Legislative Workshop  
- Holiday Inn Airport, DM
- 12 CCMS Central Support Group  
- Botanical Center, DM
- 12 District IV ISAC Legislative Workshop  
- St. Peter & Paul Catholic Center, Atlantic
- 14 District V ISAC Legislative Workshop  
- Indian Hills, Ottumwa
- 19 District VI ISAC Legislative Workshop  
- University of Northern Iowa, Cedar Falls
- 20 District II ISAC Legislative Workshop  
- Waldorf College, Forest City
- 21 District III ISAC Legislative Workshop  
- Buena Vista University, Storm Lake
- 25-27 Midwest Conference of Counties (MCC)  
- Radisson Hotel City Centre, Indianapolis, IN

## JULY

- 4-5 ISAC OFFICE CLOSED
- 10 CCMS North West Support - Storm Lake
- 12-16 NACo Annual Conference - New Orleans
- 16 CCMS Administrators - Best Inns & Suites, DM
- 17 - 18 Engineers Mid-Year Conference  
- Gateway Hotel, Ames
- 23 ISAC Board, IA School Association Board & IA League  
of Cities Board Dinner - Fort Des Moines, DM
- 24-26 Auditors' Summer School - Amanas

## AUGUST

- 8-9 Supervisors Executive Board - Clinton Area
- 13-15 CCMS Annual Conference - Holiday Inn Airport, DM
- 14-16 Recorders Annual Conference  
- Holiday Inn, Mason City

## SEPTEMBER

- 5 ISAC Steering Committees - Holiday Inn Airport, DM
- 12-13 Iowa County Attorneys Association (ICAA) Legislative  
Committee Workshop - DM
- 17 CCMS Mandatory Reporter Training  
- Best Inns & Suites, DM
- 18-19 CCMS Fundamentals - Best Inns & Suites, DM
- 19-20 ISAC Board of Directors - Waterloo area
- 22-25 Sheriffs & Deputies Jails School  
- Holiday Inn Airport, DM
- 25 Alumni Meeting - ISAC Office

## OCTOBER

- 2 CPC's Statewide Meeting - Best Western Inn, Ankeny
- 3 ISAC Steering Committees - Holiday Inn Airport, DM
- 9 CCMS North West Support - Spencer
- 15 CCMS Administrators - Best Inns & Suites, DM
- 17-18 CCMS Strengths Based Training  
- Best Inns & Suites, DM
- 22-23 Mental Health Conference - Scheman Center, Ames
- 24-25 ISAC Board of Directors - ISAC Office

For agendas or additional information on any of the above listed meetings please visit our website at [www.iowacounties.org](http://www.iowacounties.org) and click on Calendar of Events! If you have any questions about the meetings listed above, please contact Jerri at (515) 244-7181 or by email at [jnboa@iowacounties.org](mailto:jnboa@iowacounties.org).



### ISAC's Mission:

To improve and promote efficient and fiscally sound county government for the people of Iowa through publications, education, advocacy, and other services.

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