

S-3/27/01 Human Resources
S-4/5/01 Do Pass

S-4/12/01 UNFINISHED BUSINESS CALENDAR

MAR 19 2001
Place On Calendar

HOUSE FILE 655
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 531)

Passed House, Date (P. 894) 3-27-01 Passed Senate, Date (P. 1130) 4-16-01
Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 0
Approved April 23, 2001

A BILL FOR

1 An Act relating to the establishment of a system of oversight for
2 adult day services.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 89.2, subsection 5, paragraph a, Code
2 2001, is amended to read as follows:

3 a. A building or structure primarily used as a theater,
4 motion picture theater, museum, arena, exhibition hall,
5 school, college, dormitory, bowling alley, physical fitness
6 center, family entertainment center, lodge hall, union hall,
7 pool hall, casino, place of worship, funeral home, institution
8 of health and custodial care, hospital, or child care or adult
9 day care services.

10 Sec. 2. Section 135C.1, subsection 1, Code 2001, is
11 amended to read as follows:

12 1. "Adult day care services" means ~~an-organized-program-of~~
13 ~~supportive-care-provided-for-sixteen-hours-or-less-in-a~~
14 ~~twenty-four-hour-period-to-persons-who-require-support-and~~
15 ~~assistance-on-a-regular-or-intermittent-basis~~ adult day
16 services as defined in section 231.61 that are provided in a
17 licensed health care facility.

18 Sec. 3. Section 135C.2, subsection 6, paragraph a, Code
19 2001, is amended to read as follows:

20 a. This chapter shall not apply to adult day care services
21 provided in a health care facility. However, adult day care
22 services shall not be provided by a health care facility to
23 persons requiring a level of care which is higher than the
24 level of care the facility is licensed to provide.

25 Sec. 4. Section 135C.33, subsection 5, paragraph a, Code
26 2001, is amended to read as follows:

27 a. An employee of a homemaker, home-health aide, home-care
28 aide, adult day care services, or other provider of in-home
29 services if the employee provides direct services to
30 consumers.

31 Sec. 5. Section 234.6, subsection 6, paragraph a, Code
32 2001, is amended to read as follows:

33 a. Child care for children or adult day care-for-adults
34 services, in facilities which are licensed or are approved as
35 meeting standards for licensure.

1 Sec. 6. NEW SECTION. 231.61 ADULT DAY SERVICES

2 REQUIREMENTS -- OVERSIGHT.

3 1. As used in this section, unless the context otherwise
4 requires, "adult day services" means personal care services
5 provided on a planned basis in a supervised, protective,
6 congregate setting during some portion of the twenty-four hour
7 day. Services offered as adult day services may include but
8 are not limited to social, recreational, or health services,
9 support services such as training and counseling, meals,
10 medication assistance, rehabilitation services, and home
11 health aide services. Adult day services provided in an
12 existing facility, must have separate and distinct staff,
13 hours of operation, and designated space.

14 2. The department shall establish, in cooperation with the
15 department of inspections and appeals, the department of human
16 services, the Iowa department of public health, the area
17 agencies on aging, industry representatives, and consumers, a
18 system of oversight for all adult day services in the state.
19 The system shall address, but is not limited to, all of the
20 following:

- 21 a. Requirements for the operation of adult day services.
- 22 b. Oversight measures including evaluation of adult day
23 services and assessment of compliance with rules for adult day
24 services.
- 25 c. A system for formal investigation of consumer
26 complaints relating to adult day services.
- 27 d. Coordination of requirements and funding sources
28 available to adult day services.

29 3. The department shall adopt rules pursuant to chapter
30 17A to implement the system.

31 Sec. 7. Section 235B.2, subsection 14, Code 2001, is
32 amended to read as follows:

33 14. "Support services" includes but is not limited to
34 community-based services including area agency on aging
35 assistance, mental health services, fiscal management, home

1 health services, housing-related services, counseling
2 services, transportation services, adult day care services,
3 respite services, legal services, and advocacy services.

4 Sec. 8. Section 249H.2, subsection 1, paragraph d, Code
5 2001, is amended to read as follows:

6 d. The supported development of long-term care
7 alternatives, including assisted-living facility services,
8 adult day care services, and home and community-based
9 services, is critical in areas of the state where such
10 alternatives otherwise are not likely to be developed.

11 Sec. 9. Section 249H.6, subsection 5, Code 2001, is
12 amended to read as follows:

13 5. In addition to the types of grants described in
14 subsection 1, the department of human services, at the
15 direction of the senior living coordinating unit, may also use
16 moneys appropriated to the department from the senior living
17 trust fund to award grants, of not more than one hundred
18 thousand dollars per grant, to licensed nursing facilities
19 that are awarded nursing facility conversion grants and agree,
20 as part of the nursing facility conversion, to also provide
21 adult day care services, child care for children with special
22 needs, safe shelter for victims of dependent adult abuse, or
23 respite care.

24 Sec. 10. Section 249H.7, subsection 1, Code 2001, is
25 amended to read as follows:

26 1. Beginning October 1, 2000, the department of elder
27 affairs, in consultation with the senior living coordinating
28 unit, shall use funds appropriated from the senior living
29 trust fund for activities related to the design, maintenance,
30 or expansion of home and community-based services for seniors,
31 including but not limited to adult day care services, personal
32 care, respite, homemaker, chore, and transportation services
33 designed to promote the independence of and to delay the use
34 of institutional care by seniors with low and moderate
35 incomes. At any time that moneys are appropriated, the

1 department of elder affairs, in consultation with the senior
2 living coordinating unit, shall disburse the funds to the area
3 agencies on aging.

4 Sec. 11. Section 422.45, subsection 22, paragraph c, Code
5 2001, is amended to read as follows:

6 c. Rehabilitation facilities that provide accredited
7 rehabilitation services to persons with disabilities which are
8 accredited by the commission on accreditation of
9 rehabilitation facilities or the accreditation council for
10 services for persons with mental retardation and other persons
11 with developmental disabilities and adult day care services
12 approved for reimbursement by the state department of human
13 services.

14 Sec. 12. IMPLEMENTATION -- CONTINGENCY. The department
15 shall implement the adult day services system developed
16 pursuant to section 231.61 on July 1, 2002, or at such time as
17 the general assembly appropriates sufficient funding to
18 implement the system.

19 EXPLANATION

20 This bill directs the department of elder affairs to
21 develop a system of oversight for adult day services. The
22 bill directs the department of elder affairs, in cooperation
23 with the department of inspections and appeals, the department
24 of human services, the Iowa department of public health, the
25 area agencies on aging, industry representatives, and
26 consumers to develop a system which is to address requirements
27 for the operation of adult day services in the state;
28 oversight measures including evaluation of services and
29 assessment of compliance with rules of adult day services; a
30 system for formal investigation of consumer complaints
31 relating to these services; and coordination of requirements
32 and funding sources available to adult day services. The bill
33 also directs the department of elder affairs to adopt rules to
34 implement the system. The bill provides that the department
35 of elder affairs is to implement the system on July 1, 2002,

1 or at such time as the general assembly appropriates
2 sufficient funding for such implementation.

3 The bill also makes conforming changes throughout the Code
4 which relate to adult day services.

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HOUSE FILE 655

AN ACT

RELATING TO THE ESTABLISHMENT OF A SYSTEM OF OVERSIGHT FOR
ADULT DAY SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 89.2, subsection 5, paragraph a, Code 2001, is amended to read as follows:

a. A building or structure primarily used as a theater, motion picture theater, museum, arena, exhibition hall, school, college, dormitory, bowling alley, physical fitness center, family entertainment center, lodge hall, union hall, pool hall, casino, place of worship, funeral home, institution of health and custodial care, hospital, or child care or adult day care services.

Sec. 2. Section 135C.1, subsection 1, Code 2001, is amended to read as follows:

1. "Adult day care services" means ~~an-organized-program-of supportive-care-provided-for-sixteen-hours-or-less-in-a twenty-four-hour-period-to-persons-who-require-support-and assistance-on-a-regular-or-intermittent-basis~~ adult day

services as defined in section 231.61 that are provided in a licensed health care facility.

Sec. 3. Section 135C.2, subsection 6, paragraph a, Code 2001, is amended to read as follows:

a. This chapter shall not apply to adult day care services provided in a health care facility. However, adult day care services shall not be provided by a health care facility to persons requiring a level of care which is higher than the level of care the facility is licensed to provide.

Sec. 4. Section 135C.33, subsection 5, paragraph a, Code 2001, is amended to read as follows:

a. An employee of a homemaker, home-health aide, home-care aide, adult day care services, or other provider of in-home services if the employee provides direct services to consumers.

Sec. 5. Section 234.6, subsection 6, paragraph a, Code 2001, is amended to read as follows:

a. Child care for children or adult day care-for-adults services, in facilities which are licensed or are approved as meeting standards for licensure.

Sec. 6. NEW SECTION. 231.61 ADULT DAY SERVICES REQUIREMENTS -- OVERSIGHT.

1. As used in this section, unless the context otherwise requires, "adult day services" means personal care services provided on a planned basis in a supervised, protective, congregate setting during some portion of the twenty-four hour day. Services offered as adult day services may include but are not limited to social, recreational, or health services, support services such as training and counseling, meals, medication assistance, rehabilitation services, and home health aide services. Adult day services provided in an existing facility, must have separate and distinct staff, hours of operation, and designated space.

2. The department shall establish, in cooperation with the department of inspections and appeals, the department of human

services, the Iowa department of public health, the area agencies on aging, industry representatives, and consumers, a system of oversight for all adult day services in the state. The system shall address, but is not limited to, all of the following:

- a. Requirements for the operation of adult day services.
- b. Oversight measures including evaluation of adult day services and assessment of compliance with rules for adult day services.
- c. A system for formal investigation of consumer complaints relating to adult day services.
- d. Coordination of requirements and funding sources available to adult day services.

3. The department shall adopt rules pursuant to chapter 17A to implement the system.

Sec. 7. Section 235B.2, subsection 14, Code 2001, is amended to read as follows:

14. "Support services" includes but is not limited to community-based services including area agency on aging assistance, mental health services, fiscal management, home health services, housing-related services, counseling services, transportation services, adult day care services, respite services, legal services, and advocacy services.

Sec. 8. Section 249H.2, subsection 1, paragraph d, Code 2001, is amended to read as follows:

d. The supported development of long-term care alternatives, including assisted-living facility services, adult day care services, and home and community-based services, is critical in areas of the state where such alternatives otherwise are not likely to be developed.

Sec. 9. Section 249H.6, subsection 5, Code 2001, is amended to read as follows:

5. In addition to the types of grants described in subsection 1, the department of human services, at the direction of the senior living coordinating unit, may also use

moneys appropriated to the department from the senior living trust fund to award grants, of not more than one hundred thousand dollars per grant, to licensed nursing facilities that are awarded nursing facility conversion grants and agree, as part of the nursing facility conversion, to also provide adult day care services, child care for children with special needs, safe shelter for victims of dependent adult abuse, or respite care.

Sec. 10. Section 249H.7, subsection 1, Code 2001, is amended to read as follows:

1. Beginning October 1, 2000, the department of elder affairs, in consultation with the senior living coordinating unit, shall use funds appropriated from the senior living trust fund for activities related to the design, maintenance, or expansion of home and community-based services for seniors, including but not limited to adult day care services, personal care, respite, homemaker, chore, and transportation services designed to promote the independence of and to delay the use of institutional care by seniors with low and moderate incomes. At any time that moneys are appropriated, the department of elder affairs, in consultation with the senior living coordinating unit, shall disburse the funds to the area agencies on aging.

Sec. 11. Section 422.45, subsection 22, paragraph c, Code 2001, is amended to read as follows:

c. Rehabilitation facilities that provide accredited rehabilitation services to persons with disabilities which are accredited by the commission on accreditation of rehabilitation facilities or the accreditation council for services for persons with mental retardation and other persons with developmental disabilities and adult day care services approved for reimbursement by the state department of human services.

Sec. 12. IMPLEMENTATION -- CONTINGENCY. The department shall implement the adult day services system developed

pursuant to section 231.61 on July 1, 2002, or at such time as the general assembly appropriates sufficient funding to implement the system.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 655, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved April 23, 2001

THOMAS J. VILSACK
Governor