

FEB 24 2004
HUMAN RESOURCES

HOUSE FILE 431
BY FOEGE and HEATON

Passed House, Date _____ Passed Senate Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the creation of a consumer choice, support,
2 and education program.

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

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HF 431

1 Section 1. NEW SECTION. 217.45 CONSUMER CHOICE, SUPPORT,
2 AND EDUCATION PROGRAM -- CREATED -- PURPOSE.

3 1. A consumer choice, support, and education program is
4 created within the department of human services to provide
5 older Iowans and their families, and others with long-term
6 care needs, with access to sufficient information, screening
7 and assessment processes, and referral resources to age
8 successfully and meet their long-term care needs in the most
9 appropriate setting.

10 2. The department of human services shall administer the
11 consumer choice, support, and education program and shall
12 consult with the senior living coordinating unit of the
13 department of elder affairs regarding the development and
14 implementation of the program.

15 Sec. 2. NEW SECTION. 217.46 FUNCTIONS OF CONSUMER
16 CHOICE, SUPPORT, AND EDUCATION PROGRAM.

17 The functions of the consumer choice, support, and
18 education program shall include but are not limited to all of
19 the following:

20 1. Providing access to sufficient informational and
21 educational resources to assist individuals in making informed
22 choices to address their long-term care needs.

23 2. Utilizing a uniform screening process to determine if
24 an individual requires the completion of the standardized
25 assessment process developed pursuant to subsection 3.

26 3. Developing a standardized assessment process to assess
27 an individual's functional and cognitive capacity, health
28 conditions, support services needs, environment needs, and
29 preferences. If an individual is eligible for the medical
30 assistance program, the standardized assessment process shall
31 also be used to determine the individual's medical necessity
32 and the appropriateness of provision of long-term care
33 services to the individual.

34 4. Developing a preliminary plan of care for an individual
35 based upon the results of the standardized assessment process.

1 5. Following development of a preliminary plan of care for
2 an individual, referring the individual for care coordination.

3 6. Establishing the mechanisms for implementing the
4 various aspects of the consumer choice, support, and education
5 program, including the standardized assessment process.

6 7. Evaluating the consumer choice, support, and education
7 program, including quality outcomes, consumer satisfaction,
8 and fiscal impacts.

9 8. Ensuring that the consumer choice, support, and
10 education assessment process complies with all applicable
11 federal and state requirements and programs.

12 9. Ensuring that the consumer choice, support, and
13 education program avoids duplication of and includes
14 appropriate coordination with other informational,
15 educational, and screening and assessment programs and
16 processes available to the populations served by the consumer
17 choice, support, and education program. Such coordination
18 shall include but is not limited to:

19 a. Coordination with the functional screening and
20 assessment process developed through the mental health, mental
21 retardation, developmental disabilities, and brain injury
22 commission's redesign of Iowa's disability services system.

23 b. Coordination with the information and referral
24 resources of Iowa's disability services system in order to
25 maximize access to information about state and community
26 supports that may be available to both older Iowans and Iowans
27 with disabilities.

28 Sec. 3. NEW SECTION. 217.47 COMPLETION OF CONSUMER
29 CHOICE, SUPPORT, AND EDUCATION ASSESSMENT PROCESS.

30 1. Beginning July 1, 2006, the consumer choice, support,
31 and education assessment process shall be completed prior to
32 admission of an individual to a licensed nursing facility or
33 prior to an individual's participation in the home and
34 community-based services waiver for the elderly under the
35 medical assistance program.

1 2. Notwithstanding subsection 1:

2 a. If it is medically necessary for an individual to be
3 admitted immediately to a licensed nursing facility, the
4 assessment process shall be completed as soon after admission
5 as possible but no later than five working days after
6 admission.

7 b. If an individual's admission to a licensed nursing
8 facility involves a Medicare-covered stay, the assessment
9 process shall be completed only if the admission exceeds
10 twenty days.

11 3. An individual shall complete a reassessment process as
12 follows:

13 a. If the individual is admitted to a licensed nursing
14 facility, on or about the ninetieth day following the initial
15 assessment, and upon a change in the individual's needs.

16 b. If the individual is participating in the home and
17 community-based services waiver for the elderly under the
18 medical assistance program, annually, and upon a change in the
19 individual's needs.

20 4. An individual sixty years of age or older may
21 participate in the consumer choice, support, and education
22 program to obtain information and education and may be
23 referred for completion of the assessment process, following
24 screening.

25 5. An individual under sixty years of age who has a
26 medical need for long-term care services may be referred for
27 completion of the assessment process, following screening.

28 6. Subject to available funding, the consumer choice,
29 support, and education assessment process shall be available
30 free of charge to any individual required or eligible to
31 complete the process.

32 Sec. 4. NEW SECTION. 217.48 GUIDELINES FOR CONDUCTING
33 CONSUMER CHOICE, SUPPORT, AND EDUCATION ASSESSMENT PROCESS.

34 1. The department of human services shall utilize a
35 competitive procurement process to contract for the conducting

1 of the consumer choice, support, and education assessment
2 process. The procurement process shall ensure all of the
3 following:

4 a. Older Iowans in every county of the state have access
5 to the assessment process.

6 b. Any contractor selected is able to assure an objective
7 and accurate evaluation of individuals' needs and is able to
8 provide support to and educate individuals and their families
9 about their choices for long-term care.

10 c. Any contractor selected completes minimum training
11 requirements approved by the department of human services.

12 d. The consumer choice, support, and education assessment
13 process is completed at the location of the individual
14 requesting the assessment process, and the level of care
15 determination and preliminary care plan for the individual are
16 determined within five working days of referral of the
17 individual's request to the contractor.

18 2. Any contractor who conducts the consumer choice,
19 support, and education assessment process shall be independent
20 from providers of long-term care services to the extent
21 required by the centers for Medicare and Medicaid services of
22 the United States department of health and human services.

23 EXPLANATION

24 This bill establishes a consumer choice, support, and
25 education program within the department of human services to
26 provide older Iowans and their families and others with long-
27 term care needs with information, screening and assessment
28 processing, and referral resources to allow them to age
29 successfully and meet their long-term care needs in the most
30 appropriate setting. The bill specifies the functions of the
31 program, including the development of a standardized process
32 to identify an individual's functional and cognitive capacity,
33 health conditions, supportive service needs, environment
34 needs, and preferences. The bill requires that beginning July
35 1, 2006, the consumer choice, support, and education process

1 is to be completed prior to admission of an individual to any
2 licensed nursing facility or prior to an individual's
3 participation in the home and community-based services waiver
4 for the elderly under the medical assistance program, with
5 some exceptions. The process may also be completed by
6 individuals 60 years of age or over or by individuals under 60
7 years of age if the individual has a medical need for long-
8 term care services. Subject to adequate funding, the process
9 is free of charge to anyone required or eligible to complete
10 the process. The bill also specifies guidelines for
11 conducting the process, including that any contractor who
12 conducts the process is to be independent from providers of
13 long-term care services to the extent required by the centers
14 for Medicare and Medicaid services.

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