

MAR 8 2005  
Place On Calendar

HOUSE FILE 617  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 154)

Passed House, Date 3-21-05 Passed Senate, Date 4-14-05  
Vote: Ayes 97 Nays 0 Vote: Ayes 49 Nays 0  
*Re-passed* Approved 5/3/05  
*4-19-05 49-0*

**A BILL FOR**

1 An Act relating to inclusion of assisted living services under  
2 the medical assistance home and community-based services  
3 waiver for the elderly.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

**HOUSE FILE 617**

**S-3082**

1 Amend House File 617, as passed by the House, as  
2 follows:  
3 1. Page 1, line 10, by inserting after the word  
4 "department" the following: ", in consultation with  
5 assisted living services providers,".

COMMITTEE ON HUMAN RESOURCES  
AMANDA RAGAN, CO-CHAIRPERSON  
JAMES SEYMOUR, CO-CHAIRPERSON

**S-3082 FILED APRIL 4, 2005**

**SENATE AMENDMENT TO  
HOUSE FILE 617**

**H-1377**

1 Amend House File 617, as passed by the House, as  
2 follows:  
3 1. Page 1, line 10, by inserting after the word  
4 "department" the following: ", in consultation with  
5 assisted living services providers,".

RECEIVED FROM THE SENATE

**H-1377 FILED APRIL 14, 2005**

HF 617

1 Section 1. HOME AND COMMUNITY-BASED SERVICES WAIVER FOR  
2 THE ELDERLY -- INCLUSION OF ASSISTED LIVING SERVICES.

3 1. The department of human services shall request a waiver  
4 from the centers for Medicare and Medicaid services of the  
5 United States department of health and human services to add  
6 assisted living services to the home and community-based  
7 services waiver for the elderly under the medical assistance  
8 program.

9 2. If the department of human services receives approval  
10 of the waiver, the department shall submit a plan for  
11 implementation to the general assembly. However, the waiver  
12 shall not be implemented prior to specific action by the  
13 general assembly to implement the waiver.

14 EXPLANATION

15 This bill directs the department of human services (DHS) to  
16 request a waiver from the centers for Medicare and Medicaid  
17 services of the United States department of health and human  
18 services to add assisted living services to the home and  
19 community-based services waiver for the elderly under the  
20 medical assistance program.

21 The bill provides that if DHS receives approval of the  
22 waiver, DHS is to submit a plan for implementation to the  
23 general assembly. The bill also prohibits DHS from  
24 implementing the waiver prior to specific action being taken  
25 by the general assembly to implement the waiver.

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Rep. Carroll Chair  
Rep. Upmeyer  
Rep. Heaton  
Rep. Heddens  
Rep. Wendt

HSB 154  
HUMAN RESOURCES

HOUSE FILE ~~CE~~ 617  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CHAIRPERSON UPMEYER)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to inclusion of assisted living services under  
2 the medical assistance home and community-based services  
3 waiver for the elderly.

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

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1 Section 1. HOME AND COMMUNITY-BASED SERVICES WAIVER FOR  
2 THE ELDERLY -- INCLUSION OF ASSISTED LIVING SERVICES.

3 1. The department of human services shall request any  
4 waiver necessary and shall submit a medical assistance state  
5 plan amendment to the centers for Medicare and Medicaid  
6 services of the United States department of health and human  
7 services to add assisted living services to the home and  
8 community-based services waiver for the elderly under the  
9 medical assistance program.

10 2. The assisted living services portion of the waiver  
11 shall provide all of the following:

12 a. Assisted living services shall include personal care  
13 and services, homemaker services, chore services, attendant  
14 care, companion services, medication oversight, meals,  
15 arranging for or provision of medically necessary  
16 transportation within the recipient's community, and  
17 therapeutic social and recreational programming. Assisted  
18 living services shall also include twenty-four-hour on-site  
19 response staff to meet scheduled or unpredictable needs in a  
20 manner that promotes maximum dignity and independence, and to  
21 provide supervision, safety, and security.

22 b. The assisted living waiver shall only be available to  
23 tenants of certified assisted living programs regulated  
24 pursuant to chapter 231C.

25 c. A tiered system of services based on the level of  
26 assistance for the type, number, and severity of activities of  
27 daily living or of cognitive or behavioral impairments.

28 d. A payment rate for each tier of services based on a  
29 percentage of average urban and rural modified price-based  
30 case mix nursing facility rates, minus the federal  
31 supplemental security income payment standard for a single  
32 aged, blind, or disabled individual, multiplied by sixty  
33 percent for level one, seventy percent for level two, and  
34 eighty percent for level three. The rate shall be determined  
35 as a daily rate with the rate adjusted annually each July 1,

1 based upon state appropriations.

2 e. Room and board costs for the tenant shall be determined  
3 between the tenant and the assisted living program.

4 f. Exclusion of a recipient of assisted living services  
5 under the waiver from the in-home health program, other  
6 elderly waiver services that are included in the assisted  
7 living services portion of the waiver, and Medicaid home  
8 health services not including skilled care services.

9 g. The recipient of assisted living services shall remain  
10 eligible for skilled care under the Medicare or Medicaid  
11 program, if the recipient requires skilled care.

12 EXPLANATION

13 This bill directs the department of human services to  
14 request any waivers necessary and submit a medical assistance  
15 state plan amendment to the centers for Medicare and Medicaid  
16 services of the United States department of health and human  
17 services to add assisted living services to the home and  
18 community-based services waiver for the elderly under the  
19 medical assistance program. The bill specifies the provisions  
20 of the assisted living services portion of the waiver  
21 including the services that would be included and those that  
22 would be excluded, that the assisted living services under the  
23 waiver would only be available to tenants of certified  
24 assisted living programs, that the services and payment for  
25 services would be based on a tiered system, and that room and  
26 board costs for the tenant are to be determined between the  
27 tenant and the assisted living program.

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shall not be implemented prior to specific action by the general assembly to implement the waiver.

HOUSE FILE 617

AN ACT

RELATING TO INCLUSION OF ASSISTED LIVING SERVICES UNDER THE MEDICAL ASSISTANCE HOME AND COMMUNITY-BASED SERVICES WAIVER FOR THE ELDERLY.

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

Section 1. HOME AND COMMUNITY-BASED SERVICES WAIVER FOR THE ELDERLY -- INCLUSION OF ASSISTED LIVING SERVICES.

1. The department of human services shall request a waiver from the centers for Medicare and Medicaid services of the United States department of health and human services to add assisted living services to the home and community-based services waiver for the elderly under the medical assistance program.

2. If the department of human services receives approval of the waiver, the department, in consultation with assisted living services providers, shall submit a plan for implementation to the general assembly. However, the waiver

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CHRISTOPHER C. RANTS  
Speaker of the House

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JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 617, Eighty-first General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved 5/3, 2005

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THOMAS J. VILSACK  
Governor