

FILED MAR 8 2005

SENATE FILE 304

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1140)

Passed Senate, Date 3-14-05 Passed House, Date 4-14-05
Vote: Ayes 50 Nays 0 Vote: Ayes 97 Nays 0
Approved April 22, 2005

A BILL FOR

1 An Act relating to the provisions of the elder Iowans Act.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 304

1 Section 1. Section 135C.37, Code 2005, is amended to read
2 as follows:

3 135C.37 COMPLAINTS ALLEGING VIOLATIONS -- CONFIDENTIALITY.

4 A person may request an inspection of a health care
5 facility by filing with the department, resident advocate
6 committee of the facility, or the long-term care resident's
7 advocate as ~~defined-in~~ established pursuant to section 231.47
8 ~~subsection-16~~ 231.42, a complaint of an alleged violation of
9 applicable requirements of this chapter or the rules adopted
10 pursuant to this chapter. A person alleging abuse or neglect
11 of a resident with a developmental disability or with mental
12 illness may also file a complaint with the protection and
13 advocacy agency designated pursuant to section 135B.9 or
14 section 135C.2. A copy of a complaint filed with the resident
15 advocate committee or the long-term care resident's advocate
16 shall be forwarded to the department. The complaint shall
17 state in a reasonably specific manner the basis of the
18 complaint, and a statement of the nature of the complaint
19 shall be delivered to the facility involved at the time of the
20 inspection. The name of the person who files a complaint with
21 the department, resident advocate committee, or the long-term
22 care resident's advocate shall be kept confidential and shall
23 not be subject to discovery, subpoena, or other means of legal
24 compulsion for its release to a person other than department
25 employees involved in the investigation of the complaint.

26 Sec. 2. Section 231.3, subsection 4, Code 2005, is amended
27 to read as follows:

28 4. Full restorative services for those who require
29 institutional care, and a comprehensive array of home and
30 community-based, long-term care services adequate to sustain
31 older people in their communities and, whenever possible, in
32 their homes, including support for caregivers.

33 Sec. 3. Section 231.4, Code 2005, is amended to read as
34 follows:

35 231.4 DEFINITIONS.

1 For purposes of this chapter, unless the context otherwise
2 requires:

3 1. "Administrative action" means an action or decision
4 made by an owner, employee, or agent of a long-term care
5 facility, or by a governmental agency, which affects the
6 service provided to residents covered in this chapter.

7 2. "Commission" means the commission of elder affairs.

8 3. "Department" means the department of elder affairs.

9 4. "Director" means the director of the department of
10 elder affairs.

11 5. "Elder" means an individual who is sixty years of age
12 or older. ~~"Elderly"-means-individuals-sixty-years-of-age-or~~
13 ~~elder.~~

14 6. "Equivalent support" means in-kind contributions of
15 services, goods, volunteer support time, administrative
16 support, or other support reasonably determined by the
17 department as equivalent to a dollar amount.

18 7. "Federal Act" means the Older Americans Act of 1965, 42
19 U.S.C. § 3001 et seq., as amended.

20 8. "Home and community-based services" means a continua of
21 services available in an individual's home or community which
22 include but are not limited to case management, homemaker,
23 home health aide, personal care, adult day, respite, home
24 delivered meals, nutrition counseling, and other medical and
25 social services which contribute to the health and well-being
26 of individuals and their ability to reside in a home or
27 community-based care setting.

28 8. 9. "Long-term care facility" means a long-term care
29 unit of a hospital or a facility licensed under section 135C.1
30 whether the facility is public or private.

31 9. 10. "Resident's advocate program" means the state
32 long-term care resident's advocate program operated by the
33 department of elder affairs and administered by the long-term
34 care resident's advocate.

35 10. 11. "Unit of general purpose local government" means

1 a political subdivision of the state whose authority is
2 general and not limited to one function or combination of
3 related functions.

4 For the purposes of this chapter, "focal point", "greatest
5 economic need", and "greatest social need" mean as those terms
6 are defined in the federal Act.

7 Sec. 4. Section 231.14, unnumbered paragraph 2, Code 2005,
8 is amended to read as follows:

9 The commission shall adopt administrative rules pursuant to
10 chapter 17A to ~~implement~~ administer the duties specified in
11 this chapter and in all other chapters under the department's
12 jurisdiction.

13 Sec. 5. Section 231.14, subsection 7, Code 2005, is
14 amended to read as follows:

15 7. Adopt a formula for the distribution of federal Act,
16 state ~~elderly~~ elder services, and senior living program funds
17 taking into account, to the maximum extent feasible, the best
18 available data on the geographic distribution of elders in the
19 state, and publish the formula for review and comment.

20 Sec. 6. Section 231.23, subsection 3, Code 2005, is
21 amended to read as follows:

22 3. Pursuant to commission policy, coordinate state
23 activities related to the purposes of this chapter and all
24 other chapters under the department's jurisdiction.

25 Sec. 7. Section 231.23A, subsection 1, Code 2005, is
26 amended to read as follows:

27 1. ~~Elderly~~ Elder services including but not limited to
28 home and community-based services such as adult day ~~services,~~
29 assessment and intervention, transportation, chore ~~services,~~
30 counseling, homemaker ~~services,~~ material aid, personal care,
31 reassurance, respite ~~services,~~ visitation, caregiver support,
32 emergency response system ~~services,~~ mental health outreach,
33 and home repair, meals, and nutrition counseling.

34 Sec. 8. Section 231.33, subsections 4, 8, and 11, Code
35 2005, are amended to read as follows:

1 4. Provide technical assistance as needed, ~~prepare-written~~
2 ~~monitoring-reports-at-least~~ document quarterly monitoring, and
3 provide a written report of an annual on-site assessment of
4 all service providers funded by the area agency.

5 8. Assure that elders in the planning and service area
6 have reasonably convenient access to information and ~~referral~~
7 assistance services.

8 11. Contact outreach efforts, with special emphasis on the
9 rural ~~elderly~~ elders, to identify elders with greatest
10 economic or social needs and inform them of the availability
11 of services under the area plan.

12 Sec. 9. Section 231.33, subsection 17, Code 2005, is
13 amended by striking the subsection.

14 Sec. 10. Section 231.42, unnumbered paragraph 1, Code
15 2005, is amended to read as follows:

16 The Iowa commission of elder affairs, in accordance with
17 section ~~3027(a)(12)~~ 712 of the federal Act, as codified at 42
18 U.S.C. § 3058g, shall establish the office of long-term care
19 resident's advocate within the department. The long-term care
20 resident's advocate shall:

21 Sec. 11. Section 231.43, subsection 3, Code 2005, is
22 amended to read as follows:

23 3. Procedures to enable the long-term care resident's
24 advocate to elicit, receive, and process complaints regarding
25 administrative actions which may adversely affect the health,
26 safety, welfare, or rights of ~~elderly~~ elders in long-term care
27 facilities.

28 Sec. 12. Section 231.44, subsections 2 and 4, Code 2005,
29 are amended to read as follows:

30 2. The responsibilities of the resident advocate committee
31 are in accordance with the rules adopted by the commission
32 pursuant to chapter 17A. When adopting the rules, the
33 commission shall consider the needs of residents of elder
34 group homes as defined in section 231B.1 and each category of
35 licensed health care facility as defined in section 135C.1,

1 subsection 6, and the services each facility may render. The
2 ~~commission shall coordinate the development of rules with the~~
3 ~~mental health, mental retardation, developmental disabilities,~~
4 ~~and brain injury commission created in section 225C.5 to the~~
5 ~~extent the rules would apply to a facility primarily serving~~
6 ~~persons with mental illness, mental retardation or other~~
7 ~~developmental disability, or brain injury.~~ The commission
8 shall coordinate the development of appropriate rules with
9 other state agencies.

10 4. The state, any resident advocate committee member, and
11 any resident advocate coordinator, ~~and any sponsoring area~~
12 ~~agency on aging~~ are not liable for an action undertaken by a
13 resident advocate committee member or a resident advocate
14 committee coordinator in the performance of duty, if the
15 action is undertaken and carried out reasonably and in good
16 faith.

17 Sec. 13. Section 231.51, Code 2005, is amended to read as
18 follows:

19 231.51 OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT
20 PROGRAM, ~~TITLE V OF THE OLDER AMERICANS ACT.~~

21 1. The department shall direct and administer the older
22 American community service employment program as authorized by
23 the federal Act in coordination with the department of
24 workforce development and the department of economic
25 development.

26 2. The purpose of the program is to foster individual
27 economic self-sufficiency and to increase the number of
28 participants placed in unsubsidized employment in the public
29 and private sectors while maintaining the community service
30 focus of the program.

31 3. Funds appropriated to the department from the United
32 States department of labor shall be distributed to local
33 projects in accordance with federal requirements.

34 4. The department shall require such uniform reporting and
35 financial accounting by area agencies on aging and local

1 projects as may be necessary to fulfill the purposes of this
2 section.

3 Sec. 14. Section 231.56, Code 2005, is amended to read as
4 follows:

5 231.56 ~~ELDERLY~~ ELDER SERVICES PROGRAM.

6 The department shall ~~establish~~ administer an ~~elderly~~ elder
7 services program to reduce institutionalization and encourage
8 community involvement to help ~~the-elderly~~ elders remain in
9 their own homes. Funds appropriated for this purpose shall be
10 instituted based on administrative rules adopted by the
11 commission. The department shall require such records as
12 needed to ~~implement~~ administer this section.

13 Sec. 15. Section 231.58, subsection 4, paragraphs b, d, f,
14 and i, Code 2005, are amended to read as follows:

15 b. Develop common intake and release procedures for the
16 purpose of determining eligibility at one point of intake and
17 determining eligibility for programs administered by the
18 departments of human services, public health, and elder
19 affairs, such as the medical assistance program, federal food
20 stamp program, ~~and homemaker-home health aide programs,~~ and
21 the case management program for frail elders administered by
22 the department of elder affairs.

23 d. Develop procedures for coordination at the local and
24 state level among the providers of long-term care, ~~including~~
25 ~~when-possible-co-campusing-of-services.~~ ~~The-director-of-the~~
26 ~~department-of-administrative-services-shall-give-particular~~
27 ~~attention-to-this-section-when-arranging-for-office-space~~
28 ~~pursuant-to-section-8A-321-for-these-three-departments.~~

29 f. Propose rules and procedures for the development of a
30 comprehensive long-term care ~~and-community-based-services~~
31 program system.

32 i. Consult with the state universities and other
33 institutions with expertise in the area of ~~senior~~ elder issues
34 and the long-term care continua.

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EXPLANATION

1 This bill makes changes in the elder Iowans Act, Code
2 chapter 231, and makes conforming changes.

3 The bill defines "home and community-based services",
4 deletes the definition of "elderly", and replaces the
5 references to "elderly" with "elder". The bill authorizes the
6 commission of elder affairs to adopt rules for duties
7 specified in the elder Iowans Act as well as in other chapters
8 under the department of elder affairs' jurisdiction. The bill
9 deletes from the duties of the area agencies on aging, the
10 coordination of activities in support of the statewide long-
11 term care resident's advocate program as this duty was
12 centralized in the department of elder affairs, and makes a
13 conforming change by deleting the sponsoring area agency on
14 aging from the provision excluding such agency from liability
15 for an action undertaken by a resident advocate committee
16 member or a resident advocate committee coordinator. The bill
17 also changes the duties of area agencies on aging to allow a
18 change in the method used to document quarterly monitoring of
19 provider contracts. Additionally, instead of requiring area
20 agencies on aging to assure that elders have access to
21 referral services, the area agencies are to assure access to
22 assistance services. The bill updates references to the
23 federal Older Americans Act of 1965 and deletes the specific
24 requirement that the commission of elder affairs coordinate
25 the development of rules for various facilities with the
26 mental health and developmental disabilities commission to the
27 extent the rules apply to a facility primarily serving persons
28 with mental illness, mental retardation, or a developmental
29 disability.

30 The bill includes in the duties of the senior living
31 coordinating unit the development of common intake and release
32 procedures for the case management program for frail elders.
33 The bill deletes from the unit's duties when coordinating the
34 continua of services, the duty to co-campus services, and the
35 directive to the director of the department of administrative

1 services to review this area when arranging for office space.

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Bolkeom co-chair
Boettger co-chair
Quirnbach
Johnson

Succeeded By
SF (HF) 304

SSB# 1140
Human Resources

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
ELDER AFFAIRS BILL)

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

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6 committee of the facility, or the long-term care resident's
7 advocate as ~~defined-in~~ established pursuant to section 231-47
8 ~~subsection-16~~ 231.42, a complaint of an alleged violation of
9 applicable requirements of this chapter or the rules adopted
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11 of a resident with a developmental disability or with mental
12 illness may also file a complaint with the protection and
13 advocacy agency designated pursuant to section 135B.9 or
14 section 135C.2. A copy of a complaint filed with the resident
15 advocate committee or the long-term care resident's advocate
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6 service provided to residents covered in this chapter.

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16 support, or other support reasonably determined by the
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19 U.S.C. § 3001 et seq., as amended.

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21 services available in an individual's home or community which
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24 delivered meals, nutrition counseling, and other medical and
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26 of individuals and their ability to reside in a home or
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28 ~~8-~~ 9. "Long-term care facility" means a long-term care
29 unit of a hospital or a facility licensed under section 135C.1
30 whether the facility is public or private.

31 ~~9-~~ 10. "Resident's advocate program" means the state
32 long-term care resident's advocate program operated by the
33 department of elder affairs and administered by the long-term
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4 For the purposes of this chapter, "focal point", "greatest
5 economic need", and "greatest social need" mean as those terms
6 are defined in the federal Act.

7 Sec. 4. Section 231.14, unnumbered paragraph 2, Code 2005,
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9 The commission shall adopt administrative rules pursuant to
10 chapter 17A to ~~implement~~ administer the duties specified in
11 this chapter and in all other chapters under the department's
12 jurisdiction.

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19 state, and publish the formula for review and comment.

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25 Sec. 7. Section 231.23A, subsection 1, Code 2005, is
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35 2005, are amended to read as follows:

1 4. Provide technical assistance as needed, ~~prepare-written~~
2 ~~monitoring-reports-at-least~~ document quarterly monitoring, and
3 provide a written report of an annual on-site assessment of
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19 resident's advocate within the department. The long-term care
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8 shall coordinate the development of appropriate rules with
9 other state agencies.

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11 any resident advocate coordinator, ~~and any sponsoring area~~
12 ~~agency on aging~~ are not liable for an action undertaken by a
13 resident advocate committee member or a resident advocate
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21 1. The department shall direct and administer the older
22 American community service employment program as authorized by
23 the federal Act in coordination with the department of
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26 2. The purpose of the program is to foster individual
27 economic self-sufficiency and to increase the number of
28 participants placed in unsubsidized employment in the public
29 and private sectors while maintaining the community service
30 focus of the program.

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32 States department of labor shall be distributed to local
33 projects in accordance with federal requirements.

34 4. The department shall require such uniform reporting and
35 financial accounting by area agencies on aging and local

1 projects as may be necessary to fulfill the purposes of this
2 section.

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8 involvement to help ~~the-elderly~~ elders remain in their own
9 homes. Funds appropriated for this purpose shall be
10 instituted based on administrative rules adopted by the
11 commission. The department shall require such records as
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16 purpose of determining eligibility at one point of intake and
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18 departments of human services, public health, and elder
19 affairs, such as the medical assistance program, federal food
20 stamp program, and homemaker-home health aide programs, and
21 the case management program for frail elders administered by
22 the department of elder affairs.

23 d. Develop procedures for coordination at the local and
24 state level among the providers of long-term care, ~~including~~
25 ~~when-possible-co-campusing-of-services.~~ ~~The-director-of-the~~
26 ~~department-of-administrative-services-shall-give-particular~~
27 ~~attention-to-this-section-when-arranging-for-office-space~~
28 ~~pursuant-to-section-8A-321-for-these-three-departments.~~

29 f. Propose rules and procedures for the development of a
30 comprehensive long-term care ~~and-community-based-services~~
31 program system.

32 i. Consult with the state universities and other
33 institutions with expertise in the area of senior elder issues
34 and the long-term care continua.

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EXPLANATION

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2 chapter 231, and makes conforming changes.

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5 references to "elderly" with "elder". The bill authorizes the
6 commission of elder affairs to adopt rules for duties
7 specified in the elder Iowans Act as well as in other chapters
8 under the department of elder affairs' jurisdiction. The bill
9 deletes from the duties of the area agencies on aging, the
10 coordination of activities in support of the statewide long-
11 term care resident's advocate program as this duty was
12 centralized in the department of elder affairs, and makes a
13 conforming change by deleting the sponsoring area agency on
14 aging from the provision excluding such agency from liability
15 for an action undertaken by a resident advocate committee
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17 also changes the duties of area agencies on aging to allow a
18 change in the method used to document quarterly monitoring of
19 provider contracts. Additionally, instead of requiring area
20 agencies on aging to assure that elders have access to
21 referral services, the area agencies are to assure access to
22 assistance services. The bill updates references to the
23 federal Older Americans Act of 1965 and deletes the specific
24 requirement that the commission of elder affairs coordinate
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27 extent the rules apply to a facility primarily serving persons
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29 disability.

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31 coordinating unit the development of common intake and release
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STATE OF IOWA

THOMAS J. VILSACK
GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

DEPARTMENT OF ELDER AFFAIRS
MARK A. HAVERLAND, DIRECTOR

MEMORANDUM

TO: Members of the Iowa General Assembly
FROM: Joel Wulf
Re: 2005 Prefiling of Iowa Code Changes, Chapter 231
Date: October 29, 2004

The Iowa Department of Elder Affairs is established under the federal Older Americans Act as the State Unit on Aging. It is the intent of the department, to the extent possible, to align chapter 231 of the Iowa code, commonly known as the "Elder Iowa's Act" with the federal act. In addition, it is the intent of the department to update the Elder Iowa's Act to be responsive to current trends and terminology in the field of aging.

This technical bill:

1. Adds a statutory definition of home and community based services, updates common terminology, clarifies functions of the department's commission and aligns references in state statute with the federal act.
2. Removes the coordination of the statewide long-term care resident advocate program from the area agencies on aging. As of July 1, 2004, this program was centralized within the department.
3. Renames and makes technical changes related to Iowa's Senior Living Coordinating Unit.
4. Relocates the Retired Senior Volunteer Program to the Iowa Commission on Volunteer Services.

INQUIRES: For further information, please contact Joel Wulf at 242-3326 or joel.wulf@iowa.gov

Cc: Harold Davis, Chair, Iowa Commission for the Department of Elder Affairs
Scott Galenbeck, Attorney General's Office
Samual Smith, AoA, Aging Services Program Specialist
Hugh Ceaser, IDOM
Josh Mandelbaum, IGOV

SENATE FILE 304

AN ACT

RELATING TO THE PROVISIONS OF THE ELDER IOWANS ACT.

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

Section 1. Section 135C.37, Code 2005, is amended to read as follows:

135C.37 COMPLAINTS ALLEGING VIOLATIONS -- CONFIDENTIALITY.

A person may request an inspection of a health care facility by filing with the department, resident advocate committee of the facility, or the long-term care resident's advocate as defined in established pursuant to section 231.4, subsection 16 231.42, a complaint of an alleged violation of applicable requirements of this chapter or the rules adopted pursuant to this chapter. A person alleging abuse or neglect of a resident with a developmental disability or with mental illness may also file a complaint with the protection and advocacy agency designated pursuant to section 135B.9 or section 135C.2. A copy of a complaint filed with the resident advocate committee or the long-term care resident's advocate shall be forwarded to the department. The complaint shall state in a reasonably specific manner the basis of the complaint, and a statement of the nature of the complaint shall be delivered to the facility involved at the time of the inspection. The name of the person who files a complaint with the department, resident advocate committee, or the long-term care resident's advocate shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees involved in the investigation of the complaint.

Sec. 2. Section 231.3, subsection 4, Code 2005, is amended to read as follows:

4. Full restorative services for those who require institutional care, and a comprehensive array of home and community-based, long-term care services adequate to sustain older people in their communities and, whenever possible, in their homes, including support for caregivers.

Sec. 3. Section 231.4, Code 2005, is amended to read as follows:

231.4 DEFINITIONS.

For purposes of this chapter, unless the context otherwise requires:

1. "Administrative action" means an action or decision made by an owner, employee, or agent of a long-term care facility, or by a governmental agency, which affects the service provided to residents covered in this chapter.
2. "Commission" means the commission of elder affairs.
3. "Department" means the department of elder affairs.
4. "Director" means the director of the department of elder affairs.
5. "Elder" means an individual who is sixty years of age or older. ~~"Elderly" means individuals sixty years of age or older.~~
6. "Equivalent support" means in-kind contributions of services, goods, volunteer support time, administrative support, or other support reasonably determined by the department as equivalent to a dollar amount.
7. "Federal Act" means the Older Americans Act of 1965, 42 U.S.C. § 3001 et seq., as amended.
8. "Home and community-based services" means a continua of services available in an individual's home or community which include but are not limited to case management, homemaker, home health aide, personal care, adult day, respite, home delivered meals, nutrition counseling, and other medical and social services which contribute to the health and well-being

of individuals and their ability to reside in a home or community-based care setting.

8- 9. "Long-term care facility" means a long-term care unit of a hospital or a facility licensed under section 135C.1 whether the facility is public or private.

9- 10. "Resident's advocate program" means the state long-term care resident's advocate program operated by the department of elder affairs and administered by the long-term care resident's advocate.

10- 11. "Unit of general purpose local government" means a political subdivision of the state whose authority is general and not limited to one function or combination of related functions.

For the purposes of this chapter, "focal point", "greatest economic need", and "greatest social need" mean as those terms are defined in the federal Act.

Sec. 4. Section 231.14, unnumbered paragraph 2, Code 2005, is amended to read as follows:

The commission shall adopt administrative rules pursuant to chapter 17A to implement administer the duties specified in this chapter and in all other chapters under the department's jurisdiction.

Sec. 5. Section 231.14, subsection 7, Code 2005, is amended to read as follows:

7. Adopt a formula for the distribution of federal Act, state elderly elder services, and senior living program funds taking into account, to the maximum extent feasible, the best available data on the geographic distribution of elders in the state, and publish the formula for review and comment.

Sec. 6. Section 231.23, subsection 3, Code 2005, is amended to read as follows:

3. Pursuant to commission policy, coordinate state activities related to the purposes of this chapter and all other chapters under the department's jurisdiction.

Sec. 7. Section 231.23A, subsection 1, Code 2005, is amended to read as follows:

1. ~~Elderly Elder~~ services including but not limited to home and community-based services such as adult day services, assessment and intervention, transportation, chore services, counseling, homemaker services, material aid, personal care, reassurance, respite services, visitation, caregiver support, emergency response system services, mental health outreach, and home repair, meals, and nutrition counseling.

Sec. 8. Section 231.33, subsections 4, 8, and 11, Code 2005, are amended to read as follows:

4. Provide technical assistance as needed, ~~prepare-written monitoring-reports-at-least~~ document quarterly monitoring, and provide a written report of an annual on-site assessment of all service providers funded by the area agency.

8. Assure that elders in the planning and service area have reasonably convenient access to information and ~~referral~~ assistance services.

11. Contact outreach efforts, with special emphasis on the rural ~~elderly elders~~, to identify elders with greatest economic or social needs and inform them of the availability of services under the area plan.

Sec. 9. Section 231.33, subsection 17, Code 2005, is amended by striking the subsection.

Sec. 10. Section 231.42, unnumbered paragraph 1, Code 2005, is amended to read as follows:

The Iowa commission of elder affairs, in accordance with section ~~3027(a)(12)~~ 712 of the federal Act, as codified at 42 U.S.C. § 3058g, shall establish the office of long-term care resident's advocate within the department. The long-term care resident's advocate shall:

Sec. 11. Section 231.43, subsection 3, Code 2005, is amended to read as follows:

3. Procedures to enable the long-term care resident's advocate to elicit, receive, and process complaints regarding

administrative actions which may adversely affect the health, safety, welfare, or rights of elderly elders in long-term care facilities.

Sec. 12. Section 231.44, subsections 2 and 4, Code 2005, are amended to read as follows:

2. The responsibilities of the resident advocate committee are in accordance with the rules adopted by the commission pursuant to chapter 17A. When adopting the rules, the commission shall consider the needs of residents of elder group homes as defined in section 231B.1 and each category of licensed health care facility as defined in section 135C.1, subsection 6, and the services each facility may render. ~~The commission shall coordinate the development of rules with the mental health, mental retardation, developmental disabilities, and brain injury commission created in section 225E.5 to the extent the rules would apply to a facility primarily serving persons with mental illness, mental retardation or other developmental disability, or brain injury.~~ The commission shall coordinate the development of appropriate rules with other state agencies.

4. The state, any resident advocate committee member, and any resident advocate coordinator, ~~and any sponsoring area agency on aging~~ are not liable for an action undertaken by a resident advocate committee member or a resident advocate committee coordinator in the performance of duty, if the action is undertaken and carried out reasonably and in good faith.

Sec. 13. Section 231.51, Code 2005, is amended to read as follows:

231.51 OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM, TITLE V OF THE OLDER AMERICANS ACT.

1. The department shall direct and administer the older American community service employment program as authorized by the federal Act in coordination with the department of workforce development and the department of economic development.

2. The purpose of the program is to foster individual economic self-sufficiency and to increase the number of participants placed in unsubsidized employment in the public and private sectors while maintaining the community service focus of the program.

3. Funds appropriated to the department from the United States department of labor shall be distributed to local projects in accordance with federal requirements.

4. The department shall require such uniform reporting and financial accounting by area agencies on aging and local projects as may be necessary to fulfill the purposes of this section.

Sec. 14. Section 231.56, Code 2005, is amended to read as follows:

231.56 ELDERLY ELDER SERVICES PROGRAM.

The department shall ~~establish~~ administer an elderly elder services program to reduce institutionalization and encourage community involvement to help the elderly elders remain in their own homes. Funds appropriated for this purpose shall be instituted based on administrative rules adopted by the commission. The department shall require such records as needed to ~~implement~~ administer this section.

Sec. 15. Section 231.58, subsection 4, paragraphs b, d, f, and i, Code 2005, are amended to read as follows:

b. Develop common intake and release procedures for the purpose of determining eligibility at one point of intake and determining eligibility for programs administered by the departments of human services, public health, and elder affairs, such as the medical assistance program, federal food stamp program, and homemaker-home health aide programs, and the case management program for frail elders administered by the department of elder affairs.

d. Develop procedures for coordination at the local and state level among the providers of long-term care, ~~including when possible co-campusing of services.~~ ~~The director of the~~

~~department-of-administrative-services-shall-give-particular
attention-to-this-section-when-arranging-for-office-space
pursuant-to-section-8A-321-for-these-three-departments-~~

f. Propose rules and procedures for the development of a comprehensive long-term care ~~and-community-based-services~~ program system.

i. Consult with the state universities and other institutions with expertise in the area of senior elder issues and the long-term care continua.

JOHN P. KIBBIE
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 304, Eighty-first General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 4/22, 2005

THOMAS J. VILSACK
Governor