



Iowa General Assembly

2005 Legal Updates

Legislative Services Agency – Legal Services Division

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Purpose. *Legal update briefings are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update briefing is intended to inform legislators, legislative staff, and other persons interested in legislative matters of recent court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although a briefing may identify issues for consideration by the General Assembly, a briefing should not be interpreted as advocating any particular course of action.*

EXECUTIVE ORDER NO. 43 - PERSONAL ASSISTANCE SERVICE PROVIDERS UNDER THE MEDICAID PROGRAM

http://www.governor.state.ia.us/legal/41_45/EO_43.pdf

Overview. Executive Order 43 directs the Department of Human Services (DHS) to meet with an authorized representative of personal assistance service providers in order to improve delivery and quality of home and community-based services for persons who are elderly or have a disability. The Governor signed the order on July 4, 2005.

Personal Assistance and Consumer-Directed Attendant Care (CDAC). The home and community-based services waiver programs under the Medicaid Program allow individual consumers to choose a CDAC option to obtain personal assistance services. CDAC can either be obtained through an agency or by the consumer's arrangement with an individual provider. An individual provider has a special employment arrangement in which the consumer selects, directs, and may terminate the provider but the hiring approval, reimbursement, and contracting functions are performed by DHS. A new waiver program called "Developing Choices – Empowering Iowans" will make services available in a manner similar to CDAC.

Authorized Representative. In lieu of meeting with individual providers, DHS is required to confer with the authorized representative who is designated by signed authorization cards submitted by a majority of individual providers. The executive order states that the purpose of DHS holding meetings with the authorized representative is to promote recruitment and retention among providers and to establish a more effective and efficient homecare system. The meetings are to be conducted by a mutually agreed upon, neutral party. DHS must provide a dues checkoff for those providers who choose to pay membership dues to the authorized representative.

Topics. The topics to be discussed in the meetings are the organization of personal assistance services under the waivers, including standards of care, role of individual providers, training required of providers, terms and conditions of provider employment, desirability of establishing a provider registry, and any other issues relating to the effective provision of high-quality personal assistance services.

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