

Sec. 2. 1992 Iowa Acts, chapter 1137, section 8, subsection 1, is amended to read as follows:

1. a. A person practicing massage therapy on the effective date of this bill Act, who applies for licensure prior to December 31, 1993, is eligible to receive a temporary license at the discretion of the department which is valid for up to two years. The department shall adopt rules determining criteria for receipt of a temporary license.

b. A person who can demonstrate that the person has practiced massage therapy for ten years or more prior to the effective date of this Act and who applies for licensure prior to December 31, 1993, is eligible to receive a temporary license at the discretion of the department which is valid for six years. The department shall adopt rules determining criteria for receipt of a temporary license which shall include successful passage of a practical examination given by the department, and shall not include passage of a written examination.

Approved April 28, 1993

CHAPTER 72

ELDER GROUP HOMES

S.F. 3

***AN ACT** relating to the establishment and regulation of elder group homes.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. FINDINGS AND PURPOSE.

1. The general assembly finds that elder group homes are an important part of the long-term care system in the state. Elder group homes provide a less restrictive alternative for persons requiring long-term care and promote independent living for tenants.

2. The purposes of this Act are all of the following:

a. To encourage the establishment and maintenance of homes that provide a humane, safe, and home-like environment for persons who require some assistance to live independently but who do not require the level of services provided by a nursing facility.

b. To establish standards for elder group homes that adequately protect tenants' rights and guarantee safety and sanitation, but that are not so restrictive as to discourage the development of elder group homes.

c. To establish standards for elder group homes that promote a social model of service delivery which focuses on tenant independence, individual need and preference, and customer-driven quality of service.

d. To encourage public participation in the development of elder group homes.

Sec. 2. NEW SECTION. 231B.1 DEFINITIONS.

1. "Ambulatory" means the condition of a person who immediately and without aid of another is physically and mentally capable of traveling a normal path to safety, including the ascent and descent of stairs.

2. "Department" means the department of elder affairs or the department's designee.

3. "Elder" means a person sixty years of age or older.

4. "Elder group home" means a single-family residence that is a residence of a person who is providing room, board, and personal care to three through five elders who are not related to the person providing the service within the third degree of consanguinity or affinity.

5. "Personal care" means assistance with the essential activities of daily living which the recipient can perform personally only with difficulty. "Personal care" may include bathing, personal hygiene, dressing, grooming, and the supervision of self-administered medications, but does not include the administration of medications.

*Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State

Sec. 3. NEW SECTION. 231B.2 CERTIFICATION OF ELDER GROUP HOMES.

1. The department shall establish by rule in accordance with chapter 17A a special classification for elder group homes. An elder group home established pursuant to this subsection is exempt from the requirements of section 135.63.

2. The department shall adopt rules to establish requirements for certification of elder group homes. The requirements shall include but are not limited to all of the following:

a. Certification shall be for three years, unless revoked for good cause by the department.

b. An elder group home shall be inspected at the time of certification and subsequently upon receipt of a complaint.

c. An elder group home shall be owner-occupied, or owned by a nonprofit corporation and occupied by a resident manager. A resident manager shall reside in and provide services for no more than one elder group home.

d. An elder group home shall be located in an area zoned for single-family or multiple-family housing or in an unincorporated area and shall be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the state fire marshal. In the absence of local building codes, the facility shall comply with the state plumbing code established pursuant to section 135.11 and the state building code established pursuant to chapter 103A.

e. A minimum private space shall be required for each resident sufficient for sleeping and dressing.

f. A minimum level of training shall be required for persons providing personal care.

g. The commission of elder affairs shall adopt by rule procedures for appointing members of care review committees for elder group homes.

h. Notwithstanding any other requirements relating to performance of visitations or meetings of a care review committee, a care review committee appointed for an elder group home shall perform no more than four visitations, annually, to fulfill the duties of the care review committee in relation to the elder group home.

i. Elder group home tenants shall have reasonable access to community resources and shall have opportunities for integrated interaction with the community.

3. An elder group home established pursuant to this chapter shall be certified by the department.

4. A provider under the special classification shall comply with the rules adopted by the department for an elder group home.

5. Inspections and certification services shall be provided by the department. However, beginning July 1, 1994, the department may enter into contracts with the area agencies on aging to provide these services.

Sec. 4. NEW SECTION. 231B.3 REFERRAL TO UNCERTIFIED ELDER GROUP HOME PROHIBITED.

1. A person shall not place, refer, or recommend the placement of another person in an elder group home that is not certified pursuant to this chapter.

2. A person who has knowledge that an elder group home is operating without certification shall report the name and address of the home to the department. The department shall investigate a report made pursuant to this section.

Sec. 5. NEW SECTION. 231B.4 APPLICABILITY.

This chapter shall not be construed to require that a facility, currently licensed or licensed as a different type of facility and serving persons sixty years of age or older, also comply with the requirements of this chapter.

Sec. 6. Section 235B.3, subsection 2, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A person who performs inspections of elder group homes for the department of elder affairs and a care review committee member assigned to an elder group home pursuant to chapter 231B.

Sec. 7. NEW SECTION. 335.32 ELDER GROUP HOMES.

A county board of supervisors or county zoning commission shall consider an elder group home a family home, as defined in section 335.25, for purposes of zoning, in accordance with section 231B.2, and may establish limitations regarding the proximity of one proposed elder group home to another.

Sec. 8. NEW SECTION. 414.30 ELDER GROUP HOMES.

A city council or city zoning commission shall consider an elder family home a family home, as defined in section 414.22, for purposes of zoning, in accordance with section 231B.2, and may establish limitations regarding the proximity of one proposed elder group home to another.

Approved May 3, 1993

CHAPTER 73

PROPERTY TAXES, SPECIAL ASSESSMENTS, AND RATES AND CHARGES

S.F. 57

AN ACT relating to the collection and administration of property taxes, special assessments, and various rates, charges, and rentals and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 331.465, subsection 1, Code 1993, is amended to read as follows:

1. The board may establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the county enterprise or combined county enterprise and, if revenue bonds or pledge orders are issued and outstanding under this part, shall establish, impose, adjust, and provide for the collection of rates to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of the county enterprise or combined county enterprise, and to leave a balance of net revenues sufficient at all times to pay the principal of and interest on the revenue bonds and pledge orders as they become due and to maintain a reasonable reserve for the payment of the principal and interest, and a sufficient portion of net revenues shall be pledged for that purpose. Rates shall be established by ordinance. Rates or charges for the services of a county enterprise defined in section 331.461, subsection 2, paragraph "b", if not paid as provided by ordinance, constitute a lien upon the premises served and may be certified to the auditor county treasurer and collected in the same manner as taxes. The treasurer may charge five dollars for each lien certified as an administrative expense, which amount shall be added to the amount of the lien to be collected at the time of payment of the assessment from the payor and credited to the county general fund.

Sec. 2. Section 331.489, Code 1993, is amended to read as follows:

331.489 RATES AND CHARGES RELATING TO PUBLIC IMPROVEMENTS.

A county which has created a district for a public improvement and, to the extent provided in the agreement creating a joint special assessment district, each county or city which is a party to the agreement, may establish, impose, adjust, and provide for the collection of rates and charges to produce gross revenues at least sufficient to pay the expenses of operation and maintenance of a public improvement, against property within the district and, where appropriate, establish, impose, adjust, and provide for the collection of charges for connection to a public improvement. The rates and charges must be established by ordinance of the governing body of the county or the city imposing the rates or charges. The rates and charges established as provided in this section, if not paid as provided by the ordinance of the governing