

CHAPTER 1
INTRODUCTION, ABBREVIATIONS AND DEFINITIONS

[Prior to 5/20/87, see Aging, Commission on the[20] Ch 1]

321—1.1(231) Authority and purpose. The rules of the Iowa department of elder affairs are based on the authority of Iowa Code chapters 231, 231B, 231C, 231D, 235B and 249H. These rules prescribe requirements:

1. That agencies shall meet to receive grants under the Older Americans Act and other funds administered through the Iowa department of elder affairs;
2. For certification and operation of elder group homes, assisted living programs, and adult day services;
3. For planning, administration and service delivery for the department as well as the area agencies on aging;
4. Of the department's fiscal policy;
5. To request waivers or variances from administrative rules;
6. For monitoring, complaint investigation and penalties for programs under the department's jurisdiction; and
7. For operation, administration and planning of the long-term care resident's advocate/ombudsman office and other entities under the department's purview which assist in ensuring quality care and protection of Iowa's elders.

321—1.2(231) Other regulations and order of precedence. These agency rules are based on the following federal and state regulations that are listed in the order of precedence which shall prevail in the event of conflicting or inconsistent requirements:

1. Older Americans Act of 1965.
2. Code of Federal Regulations, 5 CFR 900, Subpart F, August 14, 1979; 7 CFR 250, January 9, 1985; 28 CFR 89, March 2, 1976; 45 CFR Parts: 74, June 7, 1981; 80, December 4, 1964; 81, November 7, 1971; 84, May 4, 1977; 90, June 12, 1979; and 1321, April 1, 1985.
3. Federal Administration on Aging policy issuances and administration on aging program instructions.
4. Iowa Code chapter 231 and other Iowa Code chapters as given in 321 IAC 1.1(231) and other chapters as determined by the Iowa legislature.
5. Administrative rules published in the Iowa Administrative Code, promulgated under agency number 321.
6. Iowa aging program instructions issued by the department and signed by the director or the director's designee.

321—1.3(231) Applicability. The rules set forth in the chapters under the jurisdiction of the department of elder affairs apply to all grants awarded to any recipient through the department and to any entities regulated by the department. Compliance with these rules shall be mandatory, unless a waiver is granted in accordance with the procedure in 321 IAC 11.

321—1.4(231) Abbreviations. Abbreviations used in rules under agency number 321 are as given below unless defined and used differently in various chapters under the department's jurisdiction:

“AAA” means Area Agency on Aging, singular or plural dependent on context.

“AOA” means the Administration on Aging, the federal agency established to administer the provisions of the Act.

“CFR” means the Code of Federal Regulations.

“*CMPFE*” means the case management program for the frail elderly as provided in Iowa Code section 231.23A.

“*DEA*” means the department of elder affairs established in Iowa Code chapter 231.

“*DIA*” means the department of inspections and appeals established in Iowa Code chapter 10A.

“*IADL*” means instrumental activities of daily living.

“*IAPI*” means the Iowa aging program instruction, the documents issued by the department under a system of numbering and reference regarding operating and reporting methods for AAA.

“*NAPIS*” means the National Aging Program Information System, the data collection and assimilating process used for preparation of the annual uniform state performance report under the OAA.

“*OAA*” means the Older Americans Act.

“*RDA/AI*” means recommended daily allowances/adequate intakes for purposes of nutrition standards.

“*SLCU*” means the senior living coordinating unit as established in Iowa Code section 231.58.

321—1.5(231) Definitions. Words and phrases used in rules under agency number 321 are defined as below unless defined and used differently in the various chapters under the department’s jurisdiction. The appearance of an acronym after a defined term indicates that the definition was taken from that source.

“*Accessible*” means without physical, cultural, financial, or psychological barriers to service.

“*Act*” or “*federal Act*” or “*OAA*” means the Older Americans Act, 42 U.S.C. § 3001 et seq.

“*Administration on Aging*” or “*AOA*” means the federal agency established to administer the provisions of the Act.

“*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 of long-term care facilities.

“*Aggrieved party*” means an individual or organization that alleges that the individual’s or organization’s rights have been denied by action of the department, AAA or AAA subcontractor.

“*Area agency on aging*,” “*area agency*” or “*AAA*” means the grantee agency(ies) designated by the commission in a planning and service area to develop and administer the multiyear area plan for a comprehensive and coordinated system of services for elders and to carry out the duties specified in Iowa Code chapter 231 and rules promulgated by the department of elder affairs. These terms may be interpreted as either singular or plural form as determined by context.

“*Area plan*” or “*multiyear area plan*” means a document, developed in accordance with the uniform area plan format and IAPI issued by the department, that is submitted to the department every four years, with annual updates, by an AAA in order to receive subgrants from the department’s grants.

“*Cognitive disorder*” means a disorder characterized by cognitive dysfunction presumed to be the result of illness that does not meet criteria for dementia, delirium, or amnesic disorder.

“*Commission*” means the commission of elder affairs.

“*Complaint*” means a report of an alleged violation of requirements of federal and state laws, rules or regulations, or a report of practices and procedures related to admission or to an individual’s entitlement to care and services under federal and state laws and regulations.

“*Comprehensive and coordinated system*” means a system for providing all necessary supportive services, including nutrition services, in a manner designed to:

1. Facilitate accessibility to and utilization of all supportive and nutrition services provided within the geographic area served by the system by any public or private agency or organization.
2. Develop and make the most efficient use of supportive services and nutrition services to meet the needs of elders with a minimum of duplication.

3. Use available resources efficiently and with a minimum of duplication; and

4. Encourage and assist public and private entities that have unrealized potential for meeting the service needs of older individuals to assist the elders on a voluntary basis.

“Continuum of care” means a full range of economic, physical, psychological, social and support programs and services necessary to maintain or restore elders to their optimal environment.

“Contract” means an agreement between two or more persons which creates an obligation to do or not to do a permissible or an impermissible action. Its essentials are competent parties, subject matter, legal consideration, mutuality of agreement and mutuality of obligation.

“Dementia” means an illness characterized by multiple cognitive deficits which represent a decline from previous levels of functioning and include memory impairment and one or more of the following cognitive disturbances: aphasia, apraxia, agnosia, and disturbance in executive functioning.

“Dementia-specific” means a program certified under the law and regulations governing the particular program which either serves five or more persons with dementia between Stages 4 and 7 on the Global Deterioration Scale or holds itself out as providing specialized care for persons with a cognitive disorder or dementia, such as Alzheimer’s disease, in a dedicated setting.

“Department of elder affairs” or *“department”* means the sole state agency responsible for administration of the Older Americans Act and Iowa Code chapters 231, 231B, 231C, and 231D and other applicable laws or rules.

“Dietitian” or *“licensed dietitian”* means a person who maintains a license granted by the Iowa board of dietetic examiners.

“Director” means the director of the Iowa department of elder affairs.

“Disability” (OAA) means (except when such term is used in the phrase “severe disability,” “developmental disabilities,” “physical and mental disability,” “physical and mental disabilities,” or “physical disabilities”) a disability attributable to mental or physical impairment, or a combination of mental or physical impairments, that results in substantial functional limitations in one or more of the following areas of major life activity: (1) self-care, (2) receptive and expressive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, (7) economic self-sufficiency, (8) cognitive functioning, and (9) emotional adjustment.

“Elder” means a person aged 60 or older.

“Elder abuse” (OAA) means abuse, neglect, or exploitation of an older individual (elder) including the willful:

1. Infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or

2. Deprivation by a person, including a caregiver, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

“Eligible individual” means any person who meets the federal definition of this term for the program being utilized.

“Exploitation” (OAA or 235B; dependent on the rule content, the source of the appropriate definition will be referenced in the individual chapter) means:

1. (OAA) The illegal or improper act or process of an individual, including a caregiver, using the resources of an older individual for monetary or personal benefit, profit, or gain; or

2. “Exploitation” as defined in Iowa Code chapter 235B.

“Fiscal year” or *“FY”* means the state fiscal year, July 1 through June 30, numbered according to the year in which the fiscal year ends.

“Focal point” means a facility established to encourage the maximum collocation and coordination of services for older individuals.

“*Frail*” (AOA Title III-D) means having a physical or mental disability, including Alzheimer’s disease or a related disorder with neurological or organic brain dysfunction, that restricts the ability of an individual to perform normal daily tasks or that threatens the capacity of an individual to live independently.

“*Grantee*” means the legal entity to which a grant is awarded and which is accountable to the department for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the award document. The term “grantee” does not include any secondary recipients such as subgrantees or subcontractors that may receive funds from a grantee pursuant to a grant.

“*Greatest economic need*” means the need resulting from an annual income level at or below the official poverty guideline as defined in IAPI issued by the department.

“*Greatest social need*” means the need caused by noneconomic factors, which include physical and mental disabilities, language barriers, and cultural, geographic or social isolation including isolation caused by racial or ethnic status, that restrict an individual’s ability to perform normal daily tasks or that threaten the elder’s capacity to live independently.

“*Grievance*” means a report of an administrative action alleged to affect tenants or participants in an adverse manner.

“*In-home services*” means:

1. Services of homemakers and home health aides;
2. Visiting and telephone reassurance;
3. Chore maintenance;
4. In-home respite care for families, and adult day care as a respite service for families;
5. Minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under another program (other than another program carried out under the Act);
6. Personal care services; and
7. Other in-home services as defined by the DEA in the state plan submitted in accordance with Section 307 of the Act and by the AAA in the area plan submitted in accordance with Section 306 of the Act.

“*Instrumental activities of daily living*” or “*IADL*” means those activities that reflect the elder’s ability to perform household and other tasks necessary to meet the elder’s needs within the community, which may include but are not limited to shopping, housekeeping, chores, and traveling within the community.

“*Iowa Aging Program Instruction*” or “*IAPI*” means a document issued by the department under a system of numbering and reference regarding operating and reporting methods for AAA or instructions which change frequently.

“*Legal assistance*” means provision of legal advice, counseling and representation by an attorney or other person acting under the supervision of an attorney.

“*Legal representative*” means a person appointed by the court to act on behalf of a participant or tenant, or a person acting pursuant to a power of attorney.

“*Long-term care facility*” means a long-term care unit of a hospital, a licensed hospice program, a foster group home, a group living arrangement, or a facility licensed under Iowa Code section 135C.1 whether the facility is public or private.

“*Long-term care resident’s advocate program*” or “*LTCRAP*” means the statewide long-term care ombudsman program operated by the department of elder affairs pursuant to the federal Act and Iowa Code chapter 231.

“*National Aging Program Information System*” or “*NAPIS*” means the reporting system in which the Older Americans Act requires participation by providers receiving funding from the provisions of the Act.

“Neglect” (OAA) means the failure:

1. To provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or
2. Of a caregiver to provide the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

“Nurse-delegated assistance” means those delegated tasks or activities for which a professional nurse has assumed responsibility for assessing, planning, implementing, or evaluating, and for which the nurse remains legally accountable.

“Older Americans Act” or *“OAA”* means the same as *“Act”* defined herein.

“Person” means the same as that defined in Iowa Code section 4.1(20).

“Planning and service area” or *“PSA”* means a geographic area of the state that is designated by the commission for purposes of planning, development, delivery and overall administration of services under a multiyear area plan. *“PSA”* may be interpreted as either singular or plural dependent on context.

“Provider” means any person, company, firm, association or other legal entity that provides services as delineated in any chapter under agency number 321.

“Public or private nonprofit service provider” means any government agency or private organization certified to be nonprofit by the U.S. Internal Revenue Service or an agency which was established pursuant to Iowa Code chapter 28E or chapter 504A and is composed solely of public agencies or governmental units as defined in those chapters.

“Resident” means any person residing in a long-term care facility and shall also include individuals seeking admission to a long-term care facility.

“Routine” means regular, customary or not occasional or intermittent.

“Rural” or *“rural area”* means any area that is not defined as urban. Urban areas comprise:

1. Urbanized areas (a central place and its adjacent densely settled territories with a combined minimum population of 50,000); and
2. An incorporated place or a census-designated place with 20,000 or more inhabitants.

“Senior living coordinating unit” or *“SLCU”* means the senior living coordinating unit established in Iowa Code section 231.58.

“Therapeutic diet” means meals served that are soft, low-fat, low-sodium or controlled calorie.

“Title III” means Title III of the federal Act for state and community programs on aging.

1. *“Title III-B”* means requirements and funding for supportive services.
2. *“Title III-C”* means requirements and funding for nutrition services.
3. *“Title III-C(1)”* means requirements and funding for congregate nutrition services.
4. *“Title III-C(2)”* means requirements and funding for home-delivered nutrition services.
5. *“Title III-D”* means requirements and funding for disease prevention and health promotion.
6. *“Title III-E”* means requirements and funding for the National Family Caregiver Support program.

“Title V” means Title V of the federal Act for the Senior Community Service Employment Program for Older Americans.

“Title VII” means Title VII of the federal Act for allotments for vulnerable elder rights protection activities.

These rules are intended to implement Iowa Code chapters 231, 231B, 231C, 231D, 235B and 249H.

[Filed 5/20/82, Notice 3/17/82—published 6/9/82, effective 7/14/82]

[Filed 7/10/86, Notice 5/7/86—published 7/30/86, effective 9/3/86]

[Filed 5/1/87, Notice 2/25/87—published 5/20/87, effective 6/24/87]*

[Filed emergency 8/20/87—published 9/9/87, effective 9/2/87]

*Effective date of Ch 1 delayed 70 days by the Administrative Rules Review Committee.

- [Filed 4/26/90, Notice 2/21/90—published 5/16/90, effective 6/20/90]
- [Filed 2/1/91, Notice 11/28/90—published 2/20/91, effective 3/27/91]◊
- [Filed 12/6/91, Notice 6/12/91—published 12/25/91, effective 1/29/92]
 - [Filed 4/3/92, Notice 2/5/92—published 4/29/92, effective 6/3/92]
 - [Filed 6/26/92, Notice 4/1/92—published 7/22/92, effective 8/26/92]
- [Filed 11/5/93, Notice 9/15/93—published 11/24/93, effective 12/29/93]
- [Filed 11/3/95, Notice 8/16/95—published 11/22/95, effective 12/27/95]
- [Filed emergency 10/15/97 after Notice 9/10/97—published 11/5/97, effective 11/5/97]
- [Filed emergency 2/15/02 after Notice 1/9/02—published 3/6/02, effective 2/15/02]
 - [Filed 2/15/02, Notice 1/9/02—published 3/6/02, effective 4/10/02]
 - [Filed 3/26/04, Notice 2/4/04—published 4/14/04, effective 5/19/04]
 - [Filed 2/21/06, Notice 11/23/05—published 3/15/06, effective 5/1/06]