

231.1 Short title.

This chapter, entitled the "*Elder Iowans Act*", sets forth the state's commitment to its elders, their dignity, independence, and rights.

86 Acts, ch 1245, § 1001

C87, § 249D.1

C93, § 231.1

231.2 Legislative findings and declaration.

The general assembly finds and declares that:

1. Iowa's elders constitute a fundamental resource which has been undervalued, and the means must be found to recognize and use the competence, wisdom, and experience of our elders for the benefit of all Iowans.
2. The number of persons in this state age sixty and older is increasing rapidly, and of these elders, the number of women, minorities, and persons eighty-five years of age or older is increasing at an even greater rate.
3. The social and health problems of older people are compounded by a lack of access to existing services and by the unavailability of a complete range of services in all areas of the state.
4. The ability of older people to maintain self-sufficiency and to live their lives with dignity, productivity, and creativity is a matter of profound importance and concern for this state.

86 Acts, ch 1245, § 1002

C87, § 249D.2

C93, § 231.2

231.3 State policy and objectives.

The general assembly declares that it is the policy of the state to work toward attainment of the following objectives for Iowa's elders:

1. An adequate income.
2. Access to physical and mental health care without regard to economic status.
3. Suitable housing that reflects the needs of older people.
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.
5. Pursuit of meaningful activity within the widest range of civic, cultural, educational, recreational, and employment opportunities.

6. Suitable community transportation systems to assist in the attainment of independent movement.

7. Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

86 Acts, ch 1245, § 1003

C87, § 249D.3

C93, § 231.3

2003 Acts, ch 141, §1; 2005 Acts, ch 45, §2

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.
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.
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.
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.
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.

86 Acts, ch 1245, § 1004

C87, § 249D.4

C93, § 231.4

2003 Acts, ch 141, §2; 2005 Acts, ch 45, §3

231.5 through 231.10 Reserved.

231.11 Commission established.

The commission of elder affairs is established which shall consist of eleven members. Two members shall be appointed by the president of the senate, after consultation with the majority leader and the minority leader of the senate, from the members of the senate to serve as ex officio nonvoting members with no more than one member being appointed from the same political party. Two members shall be appointed by the speaker of the house of representatives from the members of the house to serve as ex officio nonvoting members with no more than one member being appointed from the same political party. Seven members shall be appointed by the governor subject to confirmation by the senate. Not more than a simple majority of the governor's appointees shall belong to the same political party. At least four of the seven members appointed by the governor shall be fifty-five years of age or older when appointed.

86 Acts, ch 1245, § 1005

C87, § 249D.11

90 Acts, ch 1223, § 22

C93, § 231.11

Footnotes

Confirmation, see § 2.32

231.12 Terms.

All members of the commission shall be appointed for terms of four years, with staggered expiration dates. The terms of office shall commence and end as provided by section 69.19. A vacancy on the commission shall be filled for the unexpired term of the vacancy in the same manner as the original appointment was made. If a legislative member ceases to be a member of the general assembly the legislative member may continue to serve until a successor is appointed.

86 Acts, ch 1245, § 1006

C87, § 249D.12

88 Acts, ch 1134, §59

C93, § 231.12

231.13 Meetings officers.

Members of the commission shall elect from the commission's membership a chairperson, and other officers

as commission members deem necessary, who shall serve for a period of two years. The commission shall meet at regular intervals at least four times each year and may hold special meetings at the call of the chairperson or at the request of a majority of the commission membership. The commission shall meet at the seat of government or such other place as the commission may designate. Members shall be paid a per diem as specified in section 7E.6 and shall receive reimbursement for actual expenses for their official duties.

86 Acts, ch 1245, § 1007

C87, § 249D.13

90 Acts, ch 1256, § 42

C93, § 231.13

2003 Acts, ch 141, §3

231.14 Commission duties and authority.

The commission is the policymaking body of the sole state agency responsible for administration of the federal Act. The commission shall:

1. Approve state and area plans on aging.
2. Adopt policies to coordinate state activities related to the purposes of this chapter.
3. Serve as an effective and visible advocate for elders by establishing policies for reviewing and commenting upon all state plans, budgets, and policies which affect elders and for providing technical assistance to any agency, organization, association, or individual representing the needs of elders.
4. Divide the state into distinct planning and service areas after considering the geographical distribution of elders in the state, the incidence of the need for supportive services, nutrition services, multipurpose senior centers, and legal services, the distribution of elders who have low incomes residing in such areas, the distribution of resources available to provide such services or centers, the boundaries of existing areas within the state which are drawn for the planning or administration of supportive services programs, the location of units of general purpose, local government within the state, and any other relevant factors.
5. Designate for each planning and service area a public or private nonprofit agency or organization as the area agency on aging for that area.
6. Adopt policies to assure that the department will take into account the views of elders in the development of policy.
7. Adopt a formula for the distribution of federal Act, state 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.
8. Adopt policies and measures to assure that preference will be given to providing services to elders with the greatest economic or social needs, with particular attention to low-income minority elders.
9. Adopt policies to administer state programs authorized by this chapter.

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

86 Acts, ch 1245, § 1008

C87, § 249D.14

88 Acts, ch 1073, §1

C93, § 231.14

2003 Acts, ch 141, §4; 2005 Acts, ch 45, §4, 5

231.15 through 231.20 Reserved.

231.21 Department of elder affairs.

An Iowa department of elder affairs is established which shall administer this chapter under the policy direction of the commission of elder affairs. The department of elder affairs shall be administered by a director.

86 Acts, ch 1245, § 1009

C87, § 249D.21

C93, § 231.21

231.22 Director.

The governor, subject to confirmation by the senate, shall appoint a director of the department of elder affairs who shall, subject to chapter 8A, subchapter IV, employ and direct staff as necessary to carry out the powers and duties created by this chapter. The director shall serve at the pleasure of the governor. However, the director is subject to reconfirmation by the senate as provided in section 2.32, subsection 8. The governor shall set the salary for the director within the range set by the general assembly.

The director shall have the following qualifications and training:

1. Training in the field of gerontology, social work, public health, public administration, or other related fields.
2. Direct experience or extensive knowledge of programs and services related to elders.
3. Demonstrated understanding and concern for the welfare of elders.
4. Demonstrated competency and recent working experience in an administrative, supervisory, or management position.

86 Acts, ch 1245, § 1010

C87, § 249D.22

C93, § 231.22

2003 Acts, ch 145, §214

Footnotes

Confirmation, see §2.32

231.23 Department of elder affairs duties and authority.

The department of elder affairs director shall:

1. Develop and administer a state plan on aging.
2. Assist the commission in the review and approval of area plans.
3. Pursuant to commission policy, coordinate state activities related to the purposes of this chapter and all other chapters under the department's jurisdiction.
4. Advocate for elders by reviewing and commenting upon all state plans, budgets, laws, rules, regulations, and policies which affect elders and by providing technical assistance to any agency, organization, association, or individual representing the needs of the elders.
5. Assist the commission in dividing the state into distinct planning and service areas.
6. Assist the commission in designating for each area a public or private nonprofit agency or organization as the area agency on aging for that area.
7. Pursuant to commission policy, take into account the views of elder Iowans.
8. Assist the commission in adopting a formula for the distribution of funds available from the federal Act.
9. Assist the commission in assuring that preference will be given to providing services to elders with the greatest economic or social needs, with particular attention to low-income minority elders.
10. Assist the commission in developing, adopting, and enforcing administrative rules, by issuing necessary forms and procedures.
11. Apply for, receive, and administer grants and gifts to conduct projects consistent with the purposes of this chapter.
12. Administer state authorized programs.

86 Acts, ch 1245, § 1011

C87, § 249D.23

C93, § 231.23

2003 Acts, ch 141, §5; 2005 Acts, ch 45, §6

231.23A Programs and services.

The department of elder affairs shall provide or administer, but is not limited to providing or administering, all of the following programs and services:

1. Elder services including but not limited to home and community-based services such as adult day, assessment and intervention, transportation, chore, counseling, homemaker, material aid, personal care,

reassurance, respite, visitation, caregiver support, emergency response system, mental health outreach, home repair, meals, and nutrition counseling.

2. The senior internship program.
3. The case management program for the frail elderly.
4. Administration relating to the long-term care resident's advocate program and training for resident advocate committees.
5. Administration relating to the area agencies on aging.
6. Other programs and services authorized by law.

2003 Acts, ch 141, §6; 2005 Acts, ch 42, §5; 2005 Acts, ch 45, §7

231.24 Information on acceptance of Medicare assignments. Repealed by 2003 Acts, ch 141, § 16.

231.25 through 231.30 Reserved.

231.31 State plan on aging.

The department of elder affairs shall develop, and submit to the commission of elder affairs for approval, a multiyear state plan on aging. The state plan on aging shall meet all applicable federal requirements.

86 Acts, ch 1245, § 1012

C87, § 249D.31

C93, § 231.31

2003 Acts, ch 141, §7

231.32 Criteria for designation of area agencies on aging.

1. The commission shall designate thirteen area agencies on aging, the same of which existed on July 1, 1985. The commission shall continue the designation until an area agency on aging's designation is removed for cause as determined by the commission or until the agency voluntarily withdraws as an area agency on aging. In that event, the commission shall proceed in accordance with subsections 2 and 3. Designated area agencies on aging shall comply with the requirements of the federal Act.
2. The commission shall designate an area agency to serve each planning and service area, after consideration of the views offered by units of general purpose local government. An area agency may be:
 - a. An established office of aging which is operating within a planning and service area designated by the commission.
 - b. Any office or agency of a unit of general purpose local government, which is designated for the purpose of serving as an area agency by the chief elected official of such unit.
 - c. Any office or agency designated by the appropriate chief elected officials of any combination of units of general purpose local government to act on behalf of the combination for such purpose.

d. Any public or nonprofit private agency in a planning and service area or any separate organizational unit within such agency which is under the supervision or direction for this purpose of the department of elder affairs and which can engage in the planning or provision of a broad range of supportive services or nutrition services within the planning and service area.

Each area agency shall provide assurance, determined adequate by the commission, that the area agency has the ability to develop an area plan and to carry out, directly or through contractual or other arrangements, a program in accordance with the plan within the planning and service area. In designating an area agency on aging within the planning and service area, the commission shall give preference to an established office of aging, unless the commission finds that no such office within the planning and service area has the capacity to carry out the area plan.

3. When the commission designates a new area agency on aging the commission shall give the right of first refusal to a unit of general purpose local government if:

a. Such unit can meet the requirements of subsection 1.

b. The boundaries of such a unit and the boundaries of the area are reasonably contiguous.

86 Acts, ch 1245, § 1013

C87, § 249D.32

C93, § 231.32

2003 Acts, ch 141, §8

231.33 Area agencies on aging duties.

Each area agency on aging shall:

1. Develop and administer an area plan on aging.
2. Assess the types and levels of services needed by older persons in the planning and service area, and the effectiveness of other public or private programs serving those needs.
3. Enter into subgrants or contracts to provide services under the plan.
4. Provide technical assistance as needed, document quarterly monitoring, and provide a written report of an annual on-site assessment of all service providers funded by the area agency.
5. Coordinate the administration of its plan with federal programs and with other federal, state, and local resources in order to develop a comprehensive and coordinated service system.
6. Establish an advisory council.
7. Give preference in the delivery of services under the area plan to elders with the greatest economic or social need.
8. Assure that elders in the planning and service area have reasonably convenient access to information and assistance services.
9. Provide adequate and effective opportunities for elders to express their views to the area agency on policy

development and program implementation under the area plan.

10. Designate community focal points.

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

12. Develop and publish the methods that the agency uses to establish preferences and priorities for services.

13. Submit all fiscal and performance reports in accordance with the policies of the commission.

14. Monitor, evaluate, and comment on laws, rules, regulations, policies, programs, hearings, levies, and community actions which significantly affect the lives of elders.

15. Conduct public hearings on the needs of elders.

16. Represent the interests of elders to public officials, public and private agencies, or organizations.

17. Coordinate planning with other agencies and organizations to promote new or expanded benefits and opportunities for elders.

18. Coordinate planning with other agencies for assuring the safety of elders in a natural disaster or other safety threatening situation.

86 Acts, ch 1245, § 1014

C87, § 249D.33

89 Acts, ch 241, § 6

C93, § 231.33

99 Acts, ch 129, §12; 2003 Acts, ch 141, §9; 2005 Acts, ch 45, §8, 9

231.34 Limitation of funds used for administrative purposes.

Of the state funds appropriated or allocated to the department for programs of the area agencies on aging, not more than seven and one-half percent of the total amount shall be used for area agencies on aging administrative purposes.

2005 Acts, ch 175, §100

231.35 through 231.40 Reserved.

231.41 Purpose.

The purpose of this subchapter is to establish the long- term care resident's advocate program operated by the Iowa commission of elder affairs in accordance with the requirements of the federal Act, and to adopt the supporting federal regulations and guidelines for its implementation. In accordance with chapter 17A, the commission of elder affairs shall adopt and enforce rules for the implementation of this subchapter.

86 Acts, ch 1245, § 1015

C87, § 249D.41

C93, § 231.41

2003 Acts, ch 141, §10

231.42 Long-term care resident's advocate duties.

The Iowa commission of elder affairs, in accordance with section 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:

1. Investigate and resolve complaints about administrative actions that may adversely affect the health, safety, welfare, or rights of residents in long-term care facilities, excluding facilities licensed primarily to serve persons with mental retardation or mental illness.
2. Monitor the development and implementation of federal, state, and local laws, regulations, and policies that relate to long-term care facilities in Iowa.
3. Provide information to other agencies and to the public about the problems of residents in long-term care facilities, excluding facilities licensed primarily to serve persons with mental retardation or mental illness.
4. Train volunteers and assist in the development of citizens' organizations to participate in the long-term care resident's advocate program.
5. Carry out other activities consistent with the state long-term care ombudsman program provisions of the federal Act.
6. Administer the resident advocate committee program.
7. Report annually to the general assembly on the activities of the resident's advocate office.

The resident's advocate shall have access to long-term care facilities, private access to residents, access to residents' personal and medical records, and access to other records maintained by the facilities or governmental agencies pertaining only to the person on whose behalf a complaint is being investigated.

86 Acts, ch 1245, § 1016

C87, § 249D.42

C93, § 231.42

99 Acts, ch 129, §13; 2003 Acts, ch 141, §11; 2005 Acts, ch 45, §10

231.43 Authority and responsibilities of the commission.

To ensure compliance with the federal Act the commission of elder affairs shall establish the following:

1. Procedures to protect the confidentiality of a resident's records and files.
2. A statewide uniform reporting system.
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 elders in long-term care facilities.

86 Acts, ch 1245, § 1017

C87, § 249D.43

C93, § 231.43

2005 Acts, ch 45, §11

231.44 Resident advocate committee duties disclosure liability.

1. The resident advocate committee program is administered by the long-term care resident's advocate program.
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 appropriate rules with other state agencies.
3. A long-term care facility shall disclose the names, addresses, and phone numbers of a resident's family members, if requested, to a resident advocate committee member, unless permission for this disclosure is refused in writing by a family member.
4. The state, any resident advocate committee member, and any resident advocate coordinator 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.

86 Acts, ch 1245, § 1018

C87, § 249D.44

87 Acts, ch 70, §2; 88 Acts, ch 1068, §3

C93, § 231.44

94 Acts, ch 1170, §46; 99 Acts, ch 129, §14; 2003 Acts, ch 141, §12; 2004 Acts, ch 1090, §13; 2005 Acts, ch 45, §12

231.45 through 231.50 Reserved.

231.51 Older American community service employment program.

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.

86 Acts, ch 1245, § 1019

C87, § 249D.51

C93, § 231.51

96 Acts, ch 1186, § 23; 2002 Acts, ch 1058, §1; 2005 Acts, ch 45, §13

231.52 Senior internship program.

1. The department shall establish the senior internship program in coordination with the department of workforce development to encourage and promote the meaningful employment of older Iowans.

2. Funds appropriated to the department for this purpose shall be distributed according to administrative rules by the commission.

3. 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.

86 Acts, ch 1245, § 1020

C87, § 249D.52

C93, § 231.52

96 Acts, ch 1186, § 23; 2002 Acts, ch 1058, §2

231.53 Coordination with Workforce Investment Act.

The employment and training program administered by the department shall be coordinated with the training program for older individuals administered by the department of workforce development under the federal Workforce Investment Act.

2002 Acts, ch 1058, §3

231.54 Elderlaw education program. Repealed by 2003 Acts, ch 141, § 16.

231.55 Retired senior volunteer programs. Repealed by 2005 Acts, ch 42, § 6. See § 15H.2.

231.56 Elder services program.

The department shall administer an elder services program to reduce institutionalization and encourage community involvement to help 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 administer this section.

86 Acts, ch 1245, § 1024

C87, § 249D.56

C93, § 231.56

2005 Acts, ch 45, §14

231.56A Elder abuse initiative, emergency shelter, and support services projects.

1. Through the state's service contract process adopted pursuant to section 8.47, the department shall identify area agencies on aging that have demonstrated the ability to provide a collaborative response to the immediate needs of elders in the area agency on aging service area for the purpose of implementing elder abuse initiative, emergency shelter, and support services projects. The projects shall be implemented only in the counties within an area agency on aging service area that have a multidisciplinary team established pursuant to section 235B.1.

2. The target population of the projects shall be any elder residing in the service area of an area agency on aging who meets both of the following conditions:

a. Is the subject of a report of suspected dependent adult abuse pursuant to chapter 235B.

b. Is not receiving assistance under a county management plan approved pursuant to section 331.439.

3. The area agencies on aging implementing the projects shall identify allowable emergency shelter and support services, state funding, outcomes, reporting requirements, and approved community resources from which services may be obtained under the projects. The area agency on aging shall identify at least one provider of case management services for the project area.

4. The area agencies on aging shall implement the projects and shall coordinate the provider network through the use of referrals or other engagement of community resources to provide services to elders.

5. The department shall award funds to the area agencies on aging in accordance with the state's service contract process. Receipt and expenditures of moneys under the projects are subject to examination, including audit, by the department.

6. This section shall not be construed and is not intended as, and shall not imply, a grant of entitlement for services to individuals who are not otherwise eligible for the services or for utilization of services that do not currently exist or are not otherwise available.

2003 Acts, ch 98, §1; 2003 Acts, ch 179, §67

231.57 Coordination of advocacy.

The department shall establish a program for the coordination of information and assistance provided within the state to assist elders in obtaining and protecting their rights and benefits. State and local agencies providing information and assistance to elders in seeking their rights and benefits shall cooperate with the department in developing and implementing this program.

86 Acts, ch 1245, § 1025

C87, § 249D.57

C93, § 231.57

231.58 Senior living coordinating unit.

1. A senior living coordinating unit is created within the department of elder affairs. The membership of the coordinating unit consists of:

- a.* The director of human services.
- b.* The director of the department of elder affairs.
- c.* The director of public health.
- d.* The director of the department of inspections and appeals.
- e.* Two members appointed by the governor.
- f.* Four members of the general assembly, as ex officio, nonvoting members.

2. The legislative members of the unit shall be appointed by the majority leader of the senate, after consultation with the president of the senate and the minority leader of the senate, and by the speaker of the house, after consultation with the majority leader and the minority leader of the house of representatives.

3. Nonlegislative members shall receive actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6. Legislative members shall receive compensation pursuant to section 2.12.

4. The senior living coordinating unit shall:

- a.* Develop, for legislative review, the mechanisms and procedures necessary to implement a case-managed system of long-term care based on a uniform comprehensive assessment tool.
- 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, homemaker-home health aide programs, and the case management program for frail elders administered by the department of elder affairs.
- c.* Develop common definitions for long-term care services.
- d.* Develop procedures for coordination at the local and state level among the providers of long-term care.
- e.* Prepare a long-range plan for the provision of long-term care services within the state.
- f.* Propose rules and procedures for the development of a comprehensive long-term care system.
- g.* Submit a report of its activities to the governor and general assembly on January 15 of each year.
- h.* Provide direction and oversight for disbursement of moneys from the senior living trust fund created in section 249H.4.
- i.* Consult with the state universities and other institutions with expertise in the area of elder issues and the long-term care continua.

86 Acts, ch 1245, § 1026

C87, § 249D.58

89 Acts, ch 52, § 1

C93, § 231.58

2000 Acts, ch 1004, §13, 22; 2003 Acts, ch 141, §14; 2003 Acts, ch 145, §215; 2005 Acts, ch 45, §15

231.59 Insurance information. Repealed by 2003 Acts, ch 141, § 16.

231.60 Representative payee project. Repealed by 2003 Acts, ch 141, § 16.

231.61 Adult day services requirements oversight. Repealed by 2003 Acts, ch 165, § 20. See chapter 231D.