

CHAPTER 231

DEPARTMENT OF HEALTH AND HUMAN SERVICES — AGING AND DISABILITY SERVICES

Referred to in §217.37, 225A.7

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SUBCHAPTER I

POLICY AND DEFINITIONS

231.1 Short title.

[This chapter](#), entitled the “*Older Iowans Act*”, sets forth the state’s commitment to its older individuals, their dignity, independence, and rights.

[86 Acts, ch 1245, §1001](#)

C87, §249D.1

C93, §231.1

[2009 Acts, ch 23, §12](#)

231.2 Legislative findings and declaration. Repealed by 2018 Acts, ch 1049, §18.

231.3 State policy and objectives.

1. The general assembly declares that it is the policy of the state to work toward attainment of the following objectives for Iowa’s older individuals and individuals with disabilities:

- a. An adequate income.
- b. Access to physical and mental health care and long-term living and community support services without regard to economic status.
- c. Suitable and affordable housing that reflects the needs of individuals.
- d. Access to comprehensive information and a community navigation system providing all available options related to long-term living and community support services that assist individuals in the preservation of personal assets and the ability to entirely avoid or significantly delay reliance on entitlement programs.
- e. Full restorative services for those who require institutional care, and a comprehensive array of long-term living and community support services adequate to sustain people in their communities and, whenever possible, in their homes, including support for caregivers.
- f. Pursuit of meaningful activity within the widest range of civic, cultural, educational, recreational, and employment opportunities.
- g. Suitable community transportation systems to assist in the attainment of independent movement.
- h. Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.
- i. Freedom from abuse, neglect, and exploitation.

2. The general assembly declares that the state of Iowa recognizes a brain injury as a disability, and each agency and subdivision of this state shall recognize a brain injury as a distinct disability.

3. It is the policy of this state that each state agency shall make reasonable efforts to identify those persons with brain injuries among the persons served by the state agency.

[86 Acts, ch 1245, §1003](#)

C87, §249D.3

C93, §231.3

2003 Acts, ch 141, §1; 2005 Acts, ch 45, §2; 2009 Acts, ch 23, §14; 2018 Acts, ch 1049, §1, 2; 2024 Acts, ch 1161, §138, 162

Referred to in §16.47

2024 amendment effective July 1, 2025; 2024 Acts, ch 1161, §162

Section amended

231.4 Definitions.

1. For purposes of [this chapter](#), unless the context otherwise requires:
 - a. “*Administrative action*” means an action or decision made by an owner, employee, or agent of a long-term care facility, assisted living program, elder group home, or by a governmental agency, which affects the service provided to residents or tenants covered in [this chapter](#).
 - b. “*Assisted living program*” means a program which provides assisted living as defined pursuant to [section 231C.2](#) and which is certified under [chapter 231C](#).
 - c. “*Brain injury*” means the same as defined in [section 135.22](#).
 - d. “*Certified volunteer long-term care ombudsman*” or “*certified volunteer*” means a volunteer long-term care ombudsman certified pursuant to [section 231.45](#).
 - e. “*Council*” means the council on health and human services created in [section 217.2](#).
 - f. “*Department*” means the department of health and human services.
 - g. “*Director*” means the director of health and human services.
 - h. “*Elder group home*” means elder group home as defined in [section 231B.1](#) which is certified under [chapter 231B](#).
 - i. “*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.
 - j. “*Federal Act*” means the Older Americans Act of 1965, 42 U.S.C. §3001 et seq., as amended.
 - k. “*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 services, options counseling, family caregiving, homemaker services, personal care services, adult day services, respite services, congregate and home delivered meals, nutrition counseling, nutrition education, 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.
 - l. “*Legal representative*” means a tenant’s legal representative as defined in [section 231B.1](#) or [231C.2](#), or a resident’s guardian, conservator, representative payee, or agent under a power of attorney.
 - m. “*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.
 - n. “*Long-term care ombudsman*” means an advocate for residents and tenants of long-term care facilities, assisted living programs, and elder group homes who carries out duties as specified in [this chapter](#).
 - o. “*Older individual*” means an individual who is sixty years of age or older.
 - p. “*Options counseling*” means a service involving an interactive process, which may include a needs assessment, directed by the recipient individual and which may include other participants of the individual’s choosing and the individual’s legal representative, in which the individual receives guidance to make informed choices about long-term living and community support services in order to sustain independent living.
 - q. “*Resident*” means an individual residing in a long-term care facility, excluding facilities licensed primarily to serve persons with an intellectual disability or mental illness.
 - r. “*Tenant*” means an individual who receives assisted living services through an assisted living program or an individual who receives elder group home services through an elder group home.
 - s. “*Unit of general purpose local government*” means the governing body of a city, county, township, metropolitan area, or region within the state that has a population of one hundred thousand or more, that is recognized for areawide planning, and that functions as a political

subdivision of the state whose authority is general and not limited to only one function or combination of related functions, or a tribal organization.

2. For the purposes of [this chapter](#), “aging and disability resource center”, “area agency on aging”, “focal point”, “greatest economic need”, “greatest social need”, “planning and service area”, and “tribal organization” 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](#); [2009 Acts, ch 23, §15](#); [2010 Acts, ch 1062, §3, 4](#); [2011 Acts, ch 25, §143](#); [2012 Acts, ch 1019, §83](#); [2012 Acts, ch 1086, §2, 3](#); [2013 Acts, ch 18, §18](#); [2018 Acts, ch 1049, §3](#); [2023 Acts, ch 19, §578](#); [2024 Acts, ch 1161, §139, 140, 162](#)

Referred to in [§235B.6](#)

2024 amendments effective July 1, 2025; [2024 Acts, ch 1161, §162](#)

Subsection 1, NEW paragraph c and former paragraph c redesignated as d

Subsection 1, former paragraph d amended and redesignated as e

Subsection 1, former paragraphs e – r redesignated as f – s

231.5 through 231.10 Reserved.

SUBCHAPTER II

COUNCIL DUTIES AND AUTHORITY

231.11 Commission established. Repealed by [2024 Acts, ch 1161, §160](#).

231.12 Terms. Repealed by [2024 Acts, ch 1161, §160](#).

231.13 Meetings — officers. Repealed by [2024 Acts, ch 1161, §160](#).

231.14 Council duties and authority.

The council shall do all of the following:

1. Make recommendations to the department regarding approval of the state plan on aging developed under [section 231.31](#) and area plans developed under [section 231.33](#).

2. Recommend policies to coordinate state activities related to the purposes of [this chapter](#).

3. Serve as an effective and visible advocate for older individuals and individuals with disabilities by recommending policies which affect older individuals and individuals with disabilities.

4. Make recommendations to ensure that the department will take into account the views of older individuals and individuals with disabilities in the development of policy.

5. Recommend policies and measures to ensure that preference will be given to providing services to older individuals and individuals with disabilities with the greatest economic need or greatest social need, with particular attention to low-income minority individuals, individuals with limited English proficiency, and individuals residing in rural areas.

6. Recommend policies to administer state programs authorized by [this chapter](#).

7. Recommend policies that support the capabilities of the area agencies on aging and the aging and disabilities resource centers to serve older individuals and individuals with disabilities experiencing Alzheimer’s disease or related dementias.

[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](#); [2009 Acts, ch 23, §17](#); [2009 Acts, ch 41, §263](#); [2012 Acts, ch 1086, §4, 5](#); [2018 Acts, ch 1049, §4](#); [2024 Acts, ch 1161, §141](#); [2025 Acts, ch 30, §44](#)

Subsection 5 amended

231.15 through 231.20 Reserved.

SUBCHAPTER III

DEPARTMENT OF HEALTH AND HUMAN SERVICES — AGING

231.21 Administration of chapter — department of health and human services.

The department of health and human services shall consider the recommendations of the council when administering [this chapter](#).

[86 Acts, ch 1245, §1009](#)

[C87, §249D.21](#)

[C93, §231.21](#)

[2009 Acts, ch 23, §18](#); [2023 Acts, ch 19, §579](#); [2024 Acts, ch 1161, §142](#)

231.22 Director — assistant director. Repealed by [2023 Acts, ch 19, §1357](#).

231.23 Department — duties and authority.

The department shall:

1. Administer the state plan on aging developed pursuant to [section 231.31](#).
2. Review and approve area plans developed under [section 231.33](#).
3. Coordinate state activities related to the purposes of [this chapter](#). State activities shall include, at a minimum, home and community-based services such as employment support, community living, and service coordination.
4. Advocate for older individuals and individuals with disabilities by reviewing and commenting upon all state plans, budgets, laws, rules, and policies which affect older individuals or individuals with disabilities and by providing technical assistance to any agency, organization, association, or individual representing the needs of older individuals or individuals with disabilities.
5. Divide the state into distinct planning and service areas after considering the geographical distribution of older individuals and individuals with disabilities in the state, the incidence of the need for supportive services, nutrition services, multipurpose senior centers, and legal services, the distribution of older individuals and individuals with disabilities with low income 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.
6. Designate for each area a public or private nonprofit agency or organization as the area agency on aging for that area. The department may revoke the designation of an area agency on aging pursuant to [section 231.32](#).
7. Take into account the views of older Iowans and Iowans with disabilities.
8. Adopt a method for the distribution of funds available from the federal Act and state appropriations and allocations that takes into account, to the extent feasible, the best available data on the geographic distribution of older individuals and individuals with disabilities in the state.
9. Adopt policies and measures to ensure that preference will be given to providing services to older individuals and individuals with disabilities with the greatest economic need or greatest social need, with particular attention to low-income minority individuals, individuals with limited English proficiency, and individuals residing in rural areas.
10. Develop, adopt, and enforce administrative rules, including by issuing necessary forms and procedures, to administer the duties specified in [this chapter](#).
11. Apply for, receive, and administer grants, devises, donations, and gifts from any source to conduct projects consistent with the purposes of the department. Notwithstanding [section 8.33](#), moneys received by the department pursuant to [this section](#) are not subject to reversion to the general fund of the state.
12. Administer state authorized programs.

13. Establish a procedure for an area agency on aging to use in selection of members of the agency's board of directors. The selection procedure shall be incorporated into the bylaws of the board of directors.

14. Adopt rules pursuant to [chapter 17A](#) that support the capabilities of the area agencies on aging, and aging and disabilities resource centers, to serve older individuals and individuals with disabilities.

[86 Acts, ch 1245, §1011](#)

[C87, §249D.23](#)

[C93, §231.23](#)

[2003 Acts, ch 141, §5](#); [2005 Acts, ch 45, §6](#); [2006 Acts, ch 1184, §106](#); [2007 Acts, ch 81, §1](#); [2009 Acts, ch 23, §20, 21](#); [2012 Acts, ch 1086, §7](#); [2018 Acts, ch 1049, §5](#); [2023 Acts, ch 19, §580](#); [2024 Acts, ch 1161, §143, 162](#); [2025 Acts, ch 30, §45](#)

Referred to in [§231.33](#)

2024 amendments to subsections 4 and 7 effective July 1, 2025; [2024 Acts, ch 1161, §162](#)

Subsections 4, 7, and 9 amended

231.23A Programs and services.

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

1. Services for older individuals, family caregivers, and veterans as defined by the department in the most current version of the department's reporting manual and pursuant to the federal Act and regulations.

2. Case management services.

3. Aging and disability resource centers.

4. The legal assistance development program.

5. The nutrition and health promotion program.

6. The Iowa family caregiver program.

7. Elder abuse prevention, detection, intervention, and awareness including neglect and exploitation.

8. Services and supports available to individuals with disabilities including but not limited to individuals with mental illness, an intellectual disability or other developmental disability, or a brain injury.

9. Other programs and services authorized by law.

[2003 Acts, ch 141, §6](#); [2005 Acts, ch 42, §5](#); [2005 Acts, ch 45, §7](#); [2006 Acts, ch 1010, §69](#); [2009 Acts, ch 23, §22](#); [2010 Acts, ch 1062, §5](#); [2012 Acts, ch 1086, §8](#); [2013 Acts, ch 18, §19, 20](#); [2014 Acts, ch 1026, §48](#); [2018 Acts, ch 1049, §6](#); [2023 Acts, ch 19, §581, 2228](#); [2024 Acts, ch 1161, §144, 145, 162](#)

Older American community service employment program, see [§84A.17](#)

Prevention of elder abuse, neglect, and exploitation program, see [§231.56A](#)

Aging and disability resource centers, see [§231.64](#)

Legal assistance development program, see [§231.65](#)

Nutrition and health promotion program, see [§231.66](#)

2024 amendment to subsection 1 effective July 1, 2025; [2024 Acts, ch 1161, §162](#)

Subsection 8 effective July 1, 2025; [2024 Acts, ch 1161, §162](#)

Subsection 1 amended

NEW subsection 8 and former subsection 8 renumbered as 9

231.24 Certified retirement communities. Repealed by 2012 Acts, ch 1086, §16.

231.25 through 231.30 Reserved.

SUBCHAPTER IV
PLANNING AND SERVICE DELIVERY

231.31 State plan on aging.

The department shall develop 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](#); [2009 Acts, ch 23, §23](#); [2023 Acts, ch 19, §582](#); [2024 Acts, ch 1161, §146](#)

Referred to in [§231.14](#), [231.23](#)

231.32 Criteria for designation of area agencies on aging.

1. The department shall designate an area agency on aging for each planning and service area. The designation shall continue until an area agency on aging's designation is removed for cause as determined by the department, until the time of renewal or the annual update of an area plan, until the agency voluntarily withdraws as an area agency on aging, or until a change in the designation of planning and service areas or area agencies on aging is required by state or federal law. In that event, the department shall proceed in accordance with [subsections 2, 3, and 4](#). Designated area agencies on aging shall comply with the requirements of the federal Act.

2. The department shall designate an area agency on aging to serve each planning and service area, after consideration of the views offered by units of general purpose local government. An area agency on aging may be:

a. An established office of aging which is operating within a planning and service area designated by the department.

b. Any office or agency of a unit of general purpose local government, which is designated to function only for the purpose of serving as an area agency on aging 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 only on behalf of such 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 and which can and will engage only in the planning or provision of a broad range of long-term living and community support services or nutrition services within the planning and service area.

3. When the department designates a new area agency on aging, the department 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.

4. Each area agency on aging shall provide assurance, determined adequate by the department, that the area agency on aging 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 department shall give preference to an established office of aging, unless the department finds that no such office within the planning and service area has the capacity to carry out the area plan.

5. Upon designation, an area agency on aging shall be considered an instrumentality of the state and shall adhere to all state and federal mandates applicable to an instrumentality of the state.

[86 Acts, ch 1245, §1013](#)

C87, §249D.32

C93, §231.32

2003 Acts, ch 141, §8; 2009 Acts, ch 23, §24; 2009 Acts, ch 41, §230; 2009 Acts, ch 133, §218, 219; 2010 Acts, ch 1069, §66, 147; 2012 Acts, ch 1028, §1, 3; 2013 Acts, ch 18, §21; 2018 Acts, ch 1049, §7, 8; 2023 Acts, ch 19, §583; 2024 Acts, ch 1161, §147

Referred to in [§231.23](#)

231.33 Area agencies on aging duties.

Each area agency on aging shall:

1. Develop and administer an area plan approved by the department.
2. Assess the types and levels of services needed by older individuals and their caregivers in the planning and service area, and the effectiveness of other public or private programs serving those needs.
3. Enter into 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 older individuals with the greatest economic need or greatest social need, with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas.
8. Assure that older individuals and their caregivers in the planning and service area have reasonably convenient access to information and assistance services.
9. Provide adequate and effective opportunities for older individuals to express their views to the area agency on policy development and program implementation under the area plan.
10. Designate community focal points.
11. Conduct outreach efforts to identify older individuals with the greatest economic need or greatest social need, with particular attention to low-income minority older individuals, older individuals with limited English proficiency, and older individuals residing in rural areas, 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 department.
14. Monitor, evaluate, and comment on laws, rules, regulations, policies, programs, hearings, levies, and community actions which significantly affect the lives of older individuals.
15. Conduct public hearings on the needs of older individuals and their caregivers.
16. Represent the interests of older individuals and their caregivers 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 older individuals.
18. Coordinate planning with other agencies for assuring the safety of older individuals in a natural disaster or other safety threatening situation.
19. Incorporate into the bylaws of the area agency's board of directors and comply with the procedure established by the department for selection of members to the board of directors as provided in [section 231.23](#).
20. Provide the opportunity for older individuals residing in the planning and service area to offer substantive suggestions regarding the employment practices of the area agency on aging.
21. Comply with all applicable requirements of the Iowa public employees' retirement system established pursuant to [chapter 97B](#). Notwithstanding any provision to the contrary, an employee of an area agency on aging that was enrolled in an alternative qualified plan

prior to July 1, 2012, may continue participation in that alternative qualified plan in lieu of mandatory participation in the Iowa public employees' retirement system.

22. Encourage the development of public and private partnerships, entrepreneurial activities, and other mutually collaborative efforts.

[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](#); [2006 Acts, ch 1184, §107](#); [2007 Acts, ch 218, §38](#); [2009 Acts, ch 23, §25](#); [2010 Acts, ch 1192, §51, 73](#); [2012 Acts, ch 1086, §9](#); [2013 Acts, ch 18, §22](#); [2013 Acts, ch 138, §48, 54, 55](#); [2018 Acts, ch 1049, §9, 10](#); [2024 Acts, ch 1161, §148](#); [2025 Acts, ch 30, §46](#)

Referred to in [§231.14, 231.23](#)

Subsections 7 and 11 amended

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 Procedures related to expenditure of state and federal funds.

1. The department shall establish and enforce procedures relating to expenditure of state and federal funds by area agencies on aging that require compliance with both state and federal laws, rules, and regulations, including but not limited to all of the following:

a. Requiring that expenditures are incurred only for goods or services received or performed prior to the end of the fiscal period designated for use of the funds.

b. Prohibiting prepayment for goods or services not received or performed prior to the end of the fiscal period designated for use of the funds.

c. Prohibiting prepayment for goods or services not defined specifically by good or service, time period, or recipient.

d. Prohibiting the establishment of accounts from which future goods or services which are not defined specifically by good or service, time period, or recipient, may be purchased.

2. The procedures shall provide that if any funds are expended in a manner that is not in compliance with the procedures and applicable federal and state laws, rules, and regulations, and are subsequently subject to repayment, the area agency on aging expending such funds in contravention of such procedures, laws, rules, and regulations, not the state, shall be liable for such repayment.

[2024 Acts, ch 1161, §149](#)

231.36 through 231.40 Reserved.

SUBCHAPTER V

LONG-TERM CARE OMBUDSMAN

231.41 Purpose.

The purpose of [this subchapter](#) is to establish and provide for the operation of the office of long-term care ombudsman; to carry out, through the office, a state long-term care ombudsman program within the department in accordance with the requirements of the federal Act; and to adopt the supporting federal regulations and guidelines for its operation.

[86 Acts, ch 1245, §1015](#)

C87, §249D.41

C93, §231.41

[2003 Acts, ch 141, §10](#); [2009 Acts, ch 23, §26](#); [2010 Acts, ch 1062, §6](#); [2013 Acts, ch 18, §23](#)

231.42 Office of long-term care ombudsman — duties — penalties for violations.

1. *Office established.* The office of long-term care ombudsman is established within the department, in accordance with the federal Act, and state law. The office shall consist of the state long-term care ombudsman, any local long-term care ombudsmen, and any certified volunteer long-term care ombudsmen.

2. *State long-term care ombudsman.* The director of the department shall appoint the state long-term care ombudsman who shall do all of the following:

a. Establish and implement a statewide confidential uniform reporting system for receiving, analyzing, referring, investigating, and resolving complaints about administrative actions and the health, safety, welfare, and rights of residents or tenants of long-term care facilities, assisted living programs, and elder group homes, excluding facilities licensed primarily to serve persons with an intellectual disability or mental illness.

b. Publicize the office of long-term care ombudsman and provide information and education to consumers, the public, and other agencies about issues related to long-term care in Iowa.

c. Monitor the development and implementation of federal, state, and local laws, regulations, and policies that relate to long-term care in Iowa.

d. Annually report to the governor and general assembly on the activities of the office and make recommendations for improving the health, safety, welfare, and rights of residents and tenants.

e. Cooperate with persons and public or private agencies with regard to, and participate in, inquiries, meetings, or studies that may lead to improvements in the health, safety, welfare, and rights of residents and tenants.

3. *Local long-term care ombudsmen.* The local long-term care ombudsmen established pursuant to [this section](#) shall do all of the following:

a. Accept, investigate, verify, and work to resolve complaints relating to any action or inaction that may adversely affect the health, safety, welfare, or rights of residents or tenants.

b. Provide information about long-term care, the rights of residents and tenants, payment sources for care, and selection of a long-term care facility, assisted living program, or elder group home to providers, consumers, family members, volunteers, and the public.

c. Make referrals to appropriate licensing, certifying, and enforcement agencies to assure appropriate investigation of abuse complaints and corrective actions.

d. Assist in the training and education of certified volunteers associated with the office of long-term care ombudsman.

e. Make non-complaint-related visits to long-term care facilities, assisted living programs, and elder group homes to observe daily routines, meals, and activities, and work to resolve complaints if any are identified during these visits.

4. *Referrals of abuse, neglect, or exploitation.*

a. If abuse, neglect, or exploitation of a resident or tenant is suspected, the state or a local long-term care ombudsman shall, with the permission of the resident or tenant as applicable under federal law, make an immediate referral to the department of inspections, appeals, and licensing, the department of health and human services, or the appropriate law enforcement agency, as applicable.

b. If the department of inspections, appeals, and licensing responds to a complaint referred by the state or a local long-term care ombudsman against a long-term care facility, assisted living program, elder group home, or an employee of such entity, copies of related inspection reports, plans of correction, and notice of any citations and sanctions levied against the facility, program, or home shall be forwarded to the office of long-term care ombudsman.

5. *Access to long-term care facility, assisted living program, or elder group home and residents and tenants.* The state or a local long-term care ombudsman or a certified volunteer may enter any long-term care facility, assisted living program, or elder group home at any time with or without prior notice or complaint and shall be granted access to residents and tenants at all times for the purpose of carrying out the duties specified in [this section](#). As used in [this section](#), “access” means the right to do all of the following:

a. Enter any long-term care facility, assisted living program, or elder group home and provide identification.

b. Seek consent from the resident, tenant, or legal representative to communicate privately and without restriction with any resident, tenant, or legal representative.

c. Communicate privately and without restriction with any resident, tenant, or legal representative.

d. Review the medical, social, or other records of a resident or tenant.

e. Observe all resident or tenant areas of a long-term care facility, assisted living program, or elder group home except the living area of any resident or tenant who protests the observation.

6. *Access to medical and social records.*

a. The state or a local long-term care ombudsman or certified volunteer long-term care ombudsman shall have access to the medical and social records of a resident or tenant, if any of the following applies:

(1) The state or local long-term care ombudsman or certified volunteer long-term care ombudsman has the permission of the resident or tenant, or the legal representative of the resident or tenant.

(2) The resident or tenant is unable to consent to the access and has no legal representative.

(3) Access to the records is necessary to investigate a complaint if all of the following apply:

(a) A legal representative of the resident or tenant refuses to give the permission.

(b) The state or local long-term care ombudsman or a certified volunteer long-term care ombudsman has reasonable cause to believe that the legal representative is not acting in the best interest of the resident or tenant.

(c) The local long-term care ombudsman or a certified volunteer long-term care ombudsman obtains the approval of the state long-term care ombudsman.

b. Records may be reproduced by the state or a local long-term care ombudsman or by a certified volunteer long-term care ombudsman.

c. Upon request of the state or a local long-term care ombudsman, a long-term care facility, assisted living program, or elder group home shall provide the name, address, and telephone number of the legal representative or next of kin of any resident or tenant.

d. A long-term care facility, assisted living program, or elder group home or personnel of such a facility, program, or home who discloses records in compliance with [this section](#) and the procedures adopted pursuant to [this section](#) shall not be liable for such disclosure.

7. *Access to administrative records.*

a. Pursuant to the federal Act, the state or a local long-term care ombudsman or a certified volunteer shall have access to the administrative records, policies, and documents of the long-term care facility, assisted living program, or elder group home, which are accessible to residents, tenants, or the general public.

b. Pursuant to the federal Act, the state or a local long-term care ombudsman or a certified volunteer shall have access to, and upon request, copies of, all licensing and certification records maintained by the state with respect to a long-term care facility, assisted living program, or elder group home.

8. *Interference prohibited — penalties.*

a. An officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home who intentionally prevents, interferes with, or attempts to impede the work of the state or a local long-term care ombudsman or a certified volunteer is subject to a penalty imposed by the director of not more than one thousand five hundred dollars for each violation. If the director imposes a penalty for a violation under this paragraph, no other state agency shall impose a penalty for the same interference violation. Any moneys collected pursuant to [this subsection](#) shall be deposited in the general fund of the state.

b. The office of long-term care ombudsman shall adopt rules specifying procedures for notice and appeal of penalties imposed pursuant to [this subsection](#).

c. The director, in consultation with the office of long-term care ombudsman, shall notify

the county attorney of the county in which the long-term care facility, assisted living program, or elder group home is located, or the attorney general, of any violation of [this subsection](#).

9. *Retaliation prohibited — penalties.* An officer, owner, director, or employee of a long-term care facility, assisted living program, or elder group home shall not retaliate against any person for having filed a complaint with, or provided information to, the state or a local long-term care ombudsman or a certified volunteer. A person who retaliates or discriminates in violation of [this subsection](#) is guilty of a simple misdemeanor.

10. *Change in operations.* A long-term care facility, assisted living program, or elder group home shall inform the office of long-term care ombudsman in writing at least thirty days prior to any change in operations, programs, services, licensure, or certification that affects residents or tenants, including but not limited to the intention to close, decertify, or change ownership. In an emergency situation, or when a long-term care facility, assisted living program, or elder group home is evacuated, the department of inspections, appeals, and licensing shall notify the office of long-term care ombudsman.

11. *Immunity.* The state or a local long-term care ombudsman, certified volunteer, or any representative of the office participating in the good faith performance of their official duties shall have immunity from any civil or criminal liability that otherwise might result by reason of taking, investigating, or pursuing a complaint under [this section](#).

12. *Confidentiality.*

a. Information relating to any complaint made to or investigation by the state or a local long-term care ombudsman or certified volunteer that discloses the identity of a complainant, resident, or tenant; information related to a resident's or tenant's social or medical records; or files maintained by the state long-term care ombudsman program that disclose the identity of a complainant, resident, or tenant, shall remain confidential and shall not be disclosed unless any of the following applies:

(1) The complainant, resident, tenant, or a legal representative consents to the disclosure and the consent is given in writing.

(2) The complainant, resident, or tenant gives consent orally and the consent is documented contemporaneously in a writing made by the state long-term care ombudsman or a local long-term care ombudsman.

(3) The disclosure is required by a court order.

b. The department shall adopt rules pursuant to [chapter 17A](#) to administer [this subsection](#).

13. *Posting of state long-term care ombudsman information.* Every long-term care facility, assisted living program, and elder group home shall post information in a prominent location that includes the name, address, and telephone number, and a brief description of the services provided by the office of long-term care ombudsman. The information posted shall be approved or provided by the office of long-term care ombudsman.

[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; 2009 Acts, ch 23, §27 – 29; 2009 Acts, ch 41, §93; 2010 Acts, ch 1062, §7; 2012 Acts, ch 1019, §84; 2013 Acts, ch 18, §24; 2018 Acts, ch 1049, §11 – 13; 2019 Acts, ch 24, §22; 2023 Acts, ch 19, §584, 1926](#)

Referred to in [§22.7\(62\)](#), [135C.1](#), [231.45](#), [231B.1](#), [231C.2](#)

231.43 Authority and responsibilities of the commission. Repealed by 2010 Acts, ch 1062, §10.

231.44 Utilization of resources — assistance and advocacy related to long-term services and supports under the Medicaid program.

1. The office of long-term care ombudsman may utilize its available resources to provide assistance and advocacy services to eligible recipients, or the families or legal representatives of such eligible recipients, of long-term services and supports provided through the Medicaid program. Such assistance and advocacy shall include but is not limited to all of the following:

a. Assisting recipients in understanding the services, coverage, and access provisions and their rights under Medicaid managed care.

b. Developing procedures for the tracking and reporting of the outcomes of individual requests for assistance, the obtaining of necessary services and supports, and other aspects of the services provided to eligible recipients.

c. Providing advice and assistance relating to the preparation and filing of complaints, grievances, and appeals of complaints or grievances, including through processes available under managed care plans and the state appeals process, relating to long-term services and supports under the Medicaid program.

2. A representative of the office of long-term care ombudsman providing assistance and advocacy services authorized under [this section](#) for an individual, shall be provided access to the individual, and shall be provided access to the individual's medical and social records as authorized by the individual or the individual's legal representative, as necessary to carry out the duties specified in [this section](#).

3. A representative of the office of long-term care ombudsman providing assistance and advocacy services authorized under [this section](#) for an individual, shall be provided access to administrative records related to the provision of the long-term services and supports to the individual, as necessary to carry out the duties specified in [this section](#).

4. The office of long-term care ombudsman and representatives of the office, when providing assistance and advocacy services under [this section](#), shall be considered a health oversight agency as defined in [45 C.F.R. §164.501](#) for the purposes of health oversight activities as described in [45 C.F.R. §164.512\(d\)](#). Recipient information available to the office of long-term care ombudsman and representatives of the office under this subsection shall be limited to the recipient's protected health information as defined in [45 C.F.R. §160.103](#) for the purpose of recipient case resolution. When providing assistance and advocacy services under [this section](#), the office of long-term care ombudsman shall act as an independent agency, and the office of long-term care ombudsman and representatives of the office shall be free of any undue influence that restrains the ability of the office or the office's representatives from providing such services and assistance. The office of long-term care ombudsman shall adopt rules applicable to long-term care ombudsmen providing assistance and advocacy services under [this section](#) to authorize such ombudsmen to function in a manner consistent with long-term care ombudsmen under the federal Act.

5. For the purposes of [this section](#):

a. "*Institutional setting*" includes a long-term care facility, an elder group home, or an assisted living program.

b. "*Long-term services and supports*" means the broad range of health, health-related, and personal care assistance services and supports, provided in both institutional settings and home and community-based settings, necessary for older individuals and persons with disabilities who experience limitations in their capacity for self-care due to a physical, cognitive, or mental disability or condition.

[2015 Acts, ch 137, §65, 162, 163; 2016 Acts, ch 1139, §98](#)

231.45 Certified volunteer long-term care ombudsman program.

1. The department shall establish a certified volunteer long-term care ombudsman program in accordance with the federal Act to provide assistance to the state and local long-term care ombudsmen.

2. The department shall develop and implement a certification process for volunteer long-term care ombudsmen including but not limited to an application process, provision for background checks, classroom or on-site training, orientation, and continuing education.

3. Unless specifically excluded, the provisions of [section 231.42](#) relating to local long-term care ombudsmen shall apply to certified volunteer long-term care ombudsmen.

4. The department shall adopt rules pursuant to [chapter 17A](#) to administer [this section](#).

[2012 Acts, ch 1133, §97; 2013 Acts, ch 18, §25](#)

Referred to in [§135C.1, 231.4](#)

231.46 through 231.50 Reserved.

SUBCHAPTER VI
PROGRAMS

231.51 Older American community service employment program. Transferred to §84A.17; 2023 Acts, ch 19, §2231.

231.52 Senior internship program. Repealed by 2013 Acts, ch 18, §34.

231.53 Coordination with Workforce Innovation and Opportunity Act. Repealed by 2023 Acts, ch 19, §2230.

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 Services and programs.

The department shall administer long-term living and community support services and programs that allow older individuals and individuals with disabilities to secure and maintain maximum independence and dignity in a home environment that provides for self-care with appropriate supportive services, assist in removing individual and social barriers to economic and personal independence for older individuals and individuals with disabilities, and provide a continuum of care for older individuals and individuals with disabilities. Funds appropriated for this purpose shall be allocated based on rules adopted by the department pursuant to [chapter 17A](#). The department shall adopt rules pursuant to [chapter 17A](#) that allow the department to collect information as necessary from long-term living and community support services, program providers, and patients to administer [this section](#).

[86 Acts, ch 1245, §1024](#)

C87, §249D.56

C93, §231.56

[2005 Acts, ch 45, §14](#); [2009 Acts, ch 23, §34](#); [2012 Acts, ch 1086, §11](#); [2013 Acts, ch 90, §58](#); [2018 Acts, ch 1049, §15](#); [2024 Acts, ch 1161, §150, 162](#)

2024 amendment effective July 1, 2025; [2024 Acts, ch 1161, §162](#)

Section amended

231.56A Prevention of elder abuse, neglect, and exploitation program.

1. The department shall administer the prevention of elder abuse, neglect, and exploitation program in accordance with the requirements of the federal Act. The purpose of the program is to carry out activities for intervention in and response to elder abuse, neglect, and exploitation including financial exploitation.

2. The department shall adopt rules to implement [this section](#).

[2003 Acts, ch 98, §1](#); [2003 Acts, ch 179, §67](#); [2009 Acts, ch 23, §35](#); [2012 Acts, ch 1086, §12](#); [2013 Acts, ch 18, §28](#); [2018 Acts, ch 1049, §16](#)

231.57 Coordination of advocacy.

The department shall administer a program for the coordination of information and assistance provided within the state to assist older individuals and individuals with disabilities, and their caregivers, in obtaining and protecting their rights and benefits. State and local agencies providing information and assistance to older individuals and individuals with disabilities, and their caregivers, in seeking their rights and benefits shall cooperate with the department in administering this program.

[86 Acts, ch 1245, §1025](#)

C87, §249D.57

C93, §231.57

[2003 Acts, ch 141, §13](#); [2009 Acts, ch 23, §36](#); [2024 Acts, ch 1161, §151, 162](#)

2024 amendment effective July 1, 2025; [2024 Acts, ch 1161, §162](#)

Section amended

231.58 Long-term living coordination.

The director may convene meetings, as necessary, of the director and the director of inspections, appeals, and licensing, to assist in the coordination of policy, service delivery, and long-range planning relating to the long-term living system and older Iowans and Iowans with disabilities in the state. The group may consult with individuals, institutions, and entities with expertise in the area of the long-term living system and older Iowans and Iowans with disabilities, as necessary, to facilitate the group's efforts.

[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](#); [2008 Acts, ch 1156, §34, 58](#); [2009 Acts, ch 23, §37, 38](#); [2009 Acts, ch 182, §90](#); [2023 Acts, ch 19, §585, 1927](#); [2024 Acts, ch 1161, §152, 162](#)

2024 amendment effective July 1, 2025; [2024 Acts, ch 1161, §162](#)

Section amended

231.59 and 231.60 Repealed by [2003 Acts, ch 141, §16](#).

231.61 Adult day services requirements — oversight. Repealed by [2003 Acts, ch 165, §20](#). See [chapter 231D](#).

231.62 Alzheimer's disease services and assistance.

Pursuant to the federal Act, the department shall direct the area agencies on aging to use outreach efforts to identify older individuals with Alzheimer's disease and related disorders and to establish supportive services for those individuals and their families. The department shall regularly review trends and initiatives to address the long-term living needs of Iowans to determine how the needs of persons with Alzheimer's disease and related disorders can be appropriately met.

[2008 Acts, ch 1140, §2](#); [2011 Acts, ch 34, §57](#); [2012 Acts, ch 1086, §13](#)

231.63 End-of-life care information. Repealed by [2012 Acts, ch 1086, §16](#).

231.64 Aging and disability resource centers.

1. The department shall designate aging and disability resource centers to establish, in consultation with other stakeholders including organizations representing the disability community, a coordinated local aging and disability service system. In addition to services required by the department by rules adopted pursuant to [chapter 17A](#), aging and disability resource centers shall provide for all of the following:

a. Comprehensive information, referral, and assistance regarding the full range of available public and private long-term living and community support services, options, service providers, and resources within a community, including information on the availability of integrated long-term care.

b. Options counseling to assist individuals in assessing their existing or anticipated long-term care needs and developing and implementing a plan for long-term living and community support services designed to meet their specific needs and circumstances. The plan for long-term living and community support services may include support with person-centered care transitions to assist consumers and family caregivers with transitions between home and care settings.

c. Consumer access to the range of publicly-supported long-term living and community support services for which consumers may be eligible, by serving as a convenient point of entry for such services. Aging and disability resource centers shall offer information online and be available via a toll-free telephone number, electronic communications, and in person.

2. The following entities shall be eligible to be designated as an aging and disability resource center by the department:

a. An area agency on aging established on or before June 30, 2024.

b. A public or private nonprofit agency, or any separate organizational unit within the

public or private nonprofit agency, that has the capabilities to engage in the planning or provision of aging and disability services only as directed by the department.

3. Aging and disability resource centers shall assist older individuals, individuals with disabilities, family caregivers, and people who inquire about or request assistance on behalf of members of these groups, as they seek long-term living and community support services.

4. The department shall adopt rules pursuant to [chapter 17A](#) to implement [this section](#).

[2009 Acts, ch 23, §39](#); [2012 Acts, ch 1086, §14](#); [2013 Acts, ch 18, §29](#); [2013 Acts, ch 140, §19](#); [2018 Acts, ch 1049, §17](#); [2019 Acts, ch 59, §68](#); [2024 Acts, ch 1161, §153, 162](#)

2024 amendment to subsection 3 effective July 1, 2025; [2024 Acts, ch 1161, §162](#)

Subsection 3 amended

231.65 Legal assistance development program.

A legal assistance development program shall be administered by the department in accordance with the requirements of the federal Act. The purpose of the program is to provide leadership for improving the quality and quantity of legal advocacy assistance as a means of ensuring a comprehensive elder rights system for Iowa's older individuals. The extent of implementation of this program shall be based on available resources.

[2009 Acts, ch 23, §40](#)

231.66 Nutrition and health promotion program.

A nutrition and health promotion program shall be administered by the department, in accordance with the requirements of the federal Act, including congregate and home-delivered nutrition programs, nutrition screening, nutrition education, nutrition counseling, and evidence-based health promotion programs to promote health and well-being, reduce food insecurity, promote socialization, and maximize independence of older individuals.

[2009 Acts, ch 23, §41](#); [2012 Acts, ch 1086, §15](#)

231.67 through 231.74 Reserved.

SUBCHAPTER VII

BILL OF RIGHTS AND SERVICE QUALITY STANDARDS FOR PERSONS WITH AN INTELLECTUAL DISABILITY, DEVELOPMENTAL DISABILITY, BRAIN INJURY, OR CHRONIC MENTAL ILLNESS

231.75 Scope.

The service quality standards and rights in [this subchapter VII](#) shall apply to any person with an intellectual disability, a developmental disability, brain injury, or chronic mental illness who receives services which are funded in whole or in part by public funds, or services which are permitted under Iowa law.

[2024 Acts, ch 1161, §154, 162](#)

Referred to in [§231.78](#)

Section effective July 1, 2025; [2024 Acts, ch 1161, §162](#)

NEW section

231.76 Service quality standards.

As the state participates more fully in funding services and other support for persons with an intellectual disability, developmental disability, brain injury, or chronic mental illness, it is the intent of the general assembly that the state shall seek to attain the following quality standards in the provision of services and other supports:

1. Provide comprehensive evaluation and diagnosis adapted to the cultural background, primary language, and ethnic origin of a person.
2. Provide an individual treatment, habilitation, and program services plan.
3. Provide treatment, habilitation, and program services that are individualized, flexible, cost-effective, and produce results.

4. Provide periodic review of an individual's treatment, habilitation, and program services plan.
5. Provide for the least restrictive environment, and age-appropriate services.
6. Provide appropriate training and employment opportunities so that a person's ability to contribute to, and participate in, the community is maximized.
7. Provide an ongoing process to determine the degree of access to, and the effectiveness of, the services and other supports in achieving the disability service outcomes and indicators identified by the department.

[2024 Acts, ch 1161, §155, 162](#)

Referred to in [§231.78](#)

Section effective July 1, 2025; [2024 Acts, ch 1161, §162](#)

NEW section

231.77 Rights.

All of the following rights shall apply to a person with an intellectual disability, a developmental disability, a brain injury, or a chronic mental illness:

1. *Wage protection.* A person engaged in a work program shall be paid wages commensurate with the going rate for comparable work and productivity.
2. *Insurance protection.* Pursuant to [section 507B.4, subsection 3](#), paragraph "g", a person or designated group of persons shall not be unfairly discriminated against for purposes of insurance coverage.
3. *Citizenship.* A person retains the right to citizenship in accordance with the laws of the state.
4. *Participation in planning activities.* A person has the right to participate in the formulation of an individual treatment, habilitation, and program plan developed for the person.

[2024 Acts, ch 1161, §156, 162](#)

Referred to in [§231.78](#)

Section effective July 1, 2025; [2024 Acts, ch 1161, §162](#)

NEW section

231.78 Compliance.

1. A person's sole remedy for a violation of a rule adopted by the department to implement [sections 231.75 through 231.77](#) shall be to initiate a proceeding with the department by request pursuant to [chapter 17A](#).

a. Any decision of the department shall be in accordance with due process of law. A person or party who is aggrieved or adversely affected by the department's action may seek judicial review pursuant to [section 17A.19](#). A person or party who is aggrieved or adversely affected by a final judgment of the district court may appeal under [section 17A.20](#).

b. Either the department or a party in interest may apply to the Iowa district court for an order to enforce a final decision of the department.

2. Any rules adopted by the department to implement [sections 231.76 and 231.77](#) shall not create any right, entitlement, property or liberty right or interest, or private cause of action for damages against the state or a political subdivision of the state, or for which the state or a political subdivision of the state would be responsible.

3. Notwithstanding [subsection 1](#), any violation of [section 231.77, subsection 2](#), shall be subject to enforcement by the commissioner of insurance pursuant to [chapter 507B](#).

[2024 Acts, ch 1161, §157, 162](#)

Section effective July 1, 2025; [2024 Acts, ch 1161, §162](#)

NEW section

231.79 Appeals process.

The department shall establish an appeals process by which a person or the person's representative may appeal a decision of the department concerning the provision or denial of aging or disability services to the person.

[2024 Acts, ch 1161, §158, 162](#)

Section effective July 1, 2025; [2024 Acts, ch 1161, §162](#)

NEW section