

ELDER AFFAIRS DEPARTMENT[321]

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

Delay: Effective date (June 24, 1987) of Chapters 1 to 18 delayed 70 days pursuant to Iowa Code section 17A.4(5) by the Administrative Rules Review Committee at their June 9, 1987, meeting.

CHAPTER 1

INTRODUCTION, ABBREVIATIONS AND DEFINITIONS

- 1.1(231) Authority and purpose
- 1.2(231) Other regulations and order of precedence
- 1.3(231) Applicability
- 1.4(231) Abbreviations
- 1.5(231) Definitions

CHAPTER 2

DEPARTMENT OF ELDER AFFAIRS

- 2.1(231) Mission statement
- 2.2(231) Definitions
- 2.3(231) Department established
- 2.4(231) Director
- 2.5(231) Organizational units of the department
- 2.6(231) Staffing
- 2.7(231) Discrimination
- 2.8(231) Affirmative action plans
- 2.9(231) Department complaint and appeal procedures
- 2.10(231) Severability

CHAPTER 3

COMMISSION OF ELDER AFFAIRS

- 3.1(231) Definitions
- 3.2(231) Purpose of the commission
- 3.3(21,231) Organization of the commission and proceedings
- 3.4(231) Commission duties and authority

CHAPTER 4

DEPARTMENT PLANNING RESPONSIBILITIES

- 4.1(231) Definitions
- 4.2(231) State plan on aging
- 4.3(231) Designation of PSA
- 4.4(231) Designation of AAA
- 4.5(231) Types of entities that qualify as an AAA
- 4.6(231) Multipurpose entity
- 4.7(231) Request for waiver
- 4.8(231) Applicant qualification and preference
- 4.9(231) Procedure for designation of an AAA
- 4.10(231) Withdrawal of AAA designation
- 4.11(231) Procedures for withdrawal of AAA designation
- 4.12(231) Department action subsequent to withdrawal
- 4.13(231) Technical assistance
- 4.14(231) Severability

CHAPTER 5
DEPARTMENT FISCAL POLICY

- 5.1(231) Definitions
- 5.2(231) Grants to area agencies on aging
- 5.3(231) Limitations on use
- 5.4(231) Expenditures in rural areas
- 5.5(231) Funding formulas
- 5.6(231) State appropriations and case management allotments
- 5.7(231) Program allotment calculations
- 5.8(231) Funding estimates
- 5.9(231) Matching funds
- 5.10(231) Allowable use of federal and state funds for multiyear area plan administration
- 5.11(231) Reallotment
- 5.12(231) Restriction on delegation of authority to other agencies
- 5.13(231) Records and reports
- 5.14(231) State reviews and audits
- 5.15(231) Acquisition of goods and services
- 5.16(231) Restrictions for multipurpose agencies designated as AAA
- 5.17(231) Records—contract administration
- 5.18(231) Recapture of funds for facilities
- 5.19(231) Property management

CHAPTER 6
AREA AGENCY ON AGING PLANNING AND ADMINISTRATION

- 6.1(231) Definitions
- 6.2(231) Area plan
- 6.3(231) Area agency administration
- 6.4(231) Confidentiality and disclosure of AAA information
- 6.5(231) AAA contact information
- 6.6(231) Duties of AAA
- 6.7(231) AAA board of directors
- 6.8(231) AAA advisory council
- 6.9(231) Emergency situations
- 6.10(231) AAA procedures manual
- 6.11(231) Contracts and subgrants
- 6.12(231) Direct service
- 6.13(231) Noncompliance
- 6.14(231) Priority service expenditures
- 6.15(231) Waivers of priority service expenditures
- 6.16(231) Requirements for service providers
- 6.17(231) Entrepreneurial activities of AAA
- 6.18(231) Severability

CHAPTER 7
AREA AGENCY ON AGING SERVICE DELIVERY

- 7.1(231) Definitions
- 7.2(231) Service delivery
- 7.3(231) Outreach for greatest need
- 7.4(231) Delivery of service
- 7.5(231) Funding for services and program facilities
- 7.6(231) Compliance with health, safety and construction requirements
- 7.7(231) Term of use of an acquired or constructed facility

| | |
|-----------|--|
| 7.8(231) | Restrictions |
| 7.9(231) | Information and assistance services |
| 7.10(231) | Legal assistance requirements |
| 7.11(231) | Disease prevention and health promotion under Title III-D of the Act |
| 7.12(231) | Nutrition services |
| 7.13(231) | AOA NSIP programs |
| 7.14(231) | Nutrition performance standards |
| 7.15(231) | Food standards |
| 7.16(231) | Food-borne illness |
| 7.17(231) | Menus |
| 7.18(231) | Special dietary needs |
| 7.19(231) | Congregate nutrition services |
| 7.20(231) | Eligibility for meals at congregate nutrition sites |
| 7.21(231) | Home-delivered meals |
| 7.22(231) | Noncompliance |
| 7.23(231) | Requirements for opening or closing congregate nutrition sites |
| 7.24(231) | Evaluation of sites |

CHAPTER 8

LONG-TERM CARE RESIDENT'S ADVOCATE/OMBUDSMAN

| | |
|----------|---|
| 8.1(231) | Definitions |
| 8.2(231) | Purpose |
| 8.3(231) | Long-term care resident's advocate/ombudsman duties |
| 8.4(231) | Access requirements |
| 8.5(231) | Authority and responsibilities of the department |
| 8.6(231) | Volunteer long-term care ombudsman program |

CHAPTER 9

RESIDENT ADVOCATE COMMITTEES

| | |
|-----------|--|
| 9.1(231) | Definitions |
| 9.2(231) | Resident advocate committees established |
| 9.3(231) | Application for committee membership |
| 9.4(231) | Appointment to resident advocate committees |
| 9.5(231) | Objection to and termination of appointments to resident advocate committees |
| 9.6(231) | Request for reconsideration of appointment or termination of appointment |
| 9.7(231) | Resident advocate committee structure and procedures |
| 9.8(231) | Duties of the committee |
| 9.9(231) | Committee access and assistance |
| 9.10(231) | Confidentiality |
| 9.11(231) | Committee response to complaints and grievances |
| 9.12(231) | Complaints referred from the department of inspections and appeals |
| 9.13(231) | Accountability measures |
| 9.14(231) | Reporting statistics |
| 9.15(231) | Severability |

CHAPTER 10

SENIOR INTERNSHIP PROGRAM (SIP)

| | |
|-----------|-------------------------|
| 10.1(231) | Scope and purpose |
| 10.2(231) | Definitions |
| 10.3(231) | Eligibility for service |
| 10.4(231) | Funding |
| 10.5(231) | Program requirements |
| 10.6(231) | Funding criteria |

- 10.7(231) Monitoring and record keeping
- 10.8(231) Severability

CHAPTER 11

WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES

- 11.1(17A,231,ExecOrd11) Definitions
- 11.2(17A,231,ExecOrd11) Scope of chapter
- 11.3(17A,231,ExecOrd11) Applicability of chapter
- 11.4(17A,231,ExecOrd11) Criteria for waiver or variance
- 11.5(17A,231,ExecOrd11) Filing of petition
- 11.6(17A,231,ExecOrd11) Content of petition
- 11.7(17A,231,ExecOrd11) Additional information
- 11.8(17A,231,ExecOrd11) Notice
- 11.9(17A,231,ExecOrd11) Hearing procedures
- 11.10(17A,231,ExecOrd11) Ruling
- 11.11(17A,22,231,ExecOrd11) Public availability
- 11.12(17A,22,231,ExecOrd11) Summary reports
- 11.13(17A,231,ExecOrd11) Cancellation of a waiver
- 11.14(17A,231,ExecOrd11) Violations
- 11.15(17A,231,ExecOrd11) Defense
- 11.16(17A,231,ExecOrd11) Judicial review
- 11.17(17A,231,ExecOrd11) Severability

CHAPTER 12

ELDER ABUSE, NEGLECT OR EXPLOITATION PREVENTION AND AWARENESS AND MANDATORY REPORTER TRAINING

- 12.1(231) Authority
- 12.2(231) Purpose
- 12.3(231) Elder Abuse, neglect, or exploitation prevention and public awareness
- 12.4(231,235B) Dependent adult abuse mandatory reporter training

CHAPTER 13

RULES AND PRACTICES IN CONTESTED CASES

- 13.1(17A) Scope and applicability
- 13.2(17A) Definitions
- 13.3(17A) Time requirements
- 13.4(17A) Requests for contested case proceeding
- 13.5(17A) Notice of hearing
- 13.6(17A) Presiding officer
- 13.7(17A) Waiver of procedures
- 13.8(17A) Telephone proceedings
- 13.9(17A) Disqualification
- 13.10(17A) Consolidation—severance
- 13.11(17A) Pleadings
- 13.12(17A) Service and filing of pleadings and other papers
- 13.13(17A) Discovery
- 13.14(17A) Subpoenas
- 13.15(17A) Motions
- 13.16(17A) Prehearing conference
- 13.17(17A) Continuances
- 13.18(17A) Withdrawals
- 13.19(17A) Intervention
- 13.20(17A) Hearing procedures

| | |
|------------|------------------------------------|
| 13.21(17A) | Evidence |
| 13.22(17A) | Default |
| 13.23(17A) | Ex parte communication |
| 13.24(17A) | Recording costs |
| 13.25(17A) | Interlocutory appeals |
| 13.26(17A) | Final decision |
| 13.27(17A) | Appeals and review |
| 13.28(17A) | Applications for rehearing |
| 13.29(17A) | Stays of department actions |
| 13.30(17A) | No factual dispute contested cases |
| 13.31(17A) | Emergency adjudicative proceedings |
| 13.32(17A) | Informal settlement |

CHAPTER 14

IOWA FAMILY CAREGIVER SUPPORT PROGRAM

| | |
|-----------------|---|
| 14.1(231,249H) | Purpose |
| 14.2(231,249H) | Definitions |
| 14.3(231,249H) | Eligibility for services |
| 14.4(231,249H) | Priorities for service |
| 14.5(231,249H) | Coordination |
| 14.6(231,249H) | Service categories |
| 14.7(231,249H) | Conflict of interest |
| 14.8(231,249H) | Confidentiality |
| 14.9(231,249H) | Quality standards |
| 14.10(231,249H) | Reports |
| 14.11(231,249H) | Failure to meet program requirements; waiver of standards |
| 14.12(231,249H) | Severability |

CHAPTER 15

ELDER ABUSE INITIATIVE, EMERGENCY SHELTER AND SUPPORT SERVICES PROJECTS

| | |
|----------------|--------------------------|
| 15.1(231) | Authority |
| 15.2(231) | Purpose |
| 15.3(231) | Definitions |
| 15.4(231,249H) | Funding |
| 15.5(231) | Eligibility |
| 15.6(231) | Application process |
| 15.7(231) | Reporting and monitoring |

CHAPTER 16

SENIOR LIVING COORDINATING UNIT

| | |
|-------------------|--|
| 16.1(231,249H) | Definitions |
| 16.2(231,249H) | Organization of the unit and proceedings |
| 16.3(231,249H) | Chairperson and vice-chairperson duties |
| 16.4(21,231,249H) | Meetings |
| 16.5(231,249H) | Communications |

CHAPTER 17

PETITION FOR RULE MAKING

(Uniform Rules)

| | |
|-----------|--------------------------|
| 17.1(17A) | Petition for rule making |
| 17.3(17A) | Inquiries |

CHAPTER 18
DECLARATORY ORDERS

| | |
|------------|--|
| 18.1(17A) | Petition for declaratory order |
| 18.2(17A) | Notice of petition |
| 18.3(17A) | Intervention |
| 18.4(17A) | Briefs |
| 18.5(17A) | Inquiries |
| 18.6(17A) | Service and filing of petitions and other papers |
| 18.7(17A) | Consideration |
| 18.8(17A) | Action on petition |
| 18.9(17A) | Refusal to issue order |
| 18.10(17A) | Contents of declaratory order—effective date |
| 18.11(17A) | Copies of orders |
| 18.12(17A) | Effect of a declaratory order |

CHAPTER 19
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES
(Uniform Rules)

| | |
|---------------|---|
| 19.1(17A,22) | Definitions |
| 19.3(17A,22) | Requests for access to records |
| 19.9(17A,22) | Disclosures without consent of the subject |
| 19.10(17A,22) | Routine use |
| 19.11(17A,22) | Consensual disclosure of confidential records |
| 19.12(17A,22) | Release to subject |
| 19.13(17A,22) | Availability of records |
| 19.14(17A,22) | Personally identifiable information |
| 19.15(17A,22) | Other groups of records |
| 19.16(17A,22) | Data processing systems |
| 19.17(17A,22) | Applicability |

CHAPTER 20
Reserved

CHAPTER 21
CASE MANAGEMENT PROGRAM FOR FRAIL ELDERERS

| | |
|------------|--|
| 21.1(231) | Authority |
| 21.2(231) | Purpose |
| 21.3(231) | Definitions |
| 21.4(231) | Program administration |
| 21.5(231) | Eligibility for CMPFE services |
| 21.6(231) | Admission into the case management program |
| 21.7(231) | Discharge from CMPFE |
| 21.8(231) | Organizational requirements |
| 21.9(231) | Personnel qualifications |
| 21.10(231) | Covered services |
| 21.11(231) | Assessment of consumer needs |
| 21.12(231) | Service plan development |
| 21.13(231) | Monitoring |
| 21.14(231) | Reassessment |
| 21.15(231) | Confidentiality |
| 21.16(231) | Contracting for case management services |
| 21.17(231) | Severability |

CHAPTER 22
OFFICE OF SUBSTITUTE DECISION MAKER

| | |
|-----------------|--|
| 22.1(231E,633) | Purpose |
| 22.2(231E,633) | Definitions |
| 22.3(231E,633) | Substitute decision maker qualifications |
| 22.4(231E,633) | Ethics and standards of practice |
| 22.5(231E,633) | Staffing ratio |
| 22.6(231E,633) | Conflict of interest—state office |
| 22.7(231E,633) | Consumers eligible for services |
| 22.8(231E,633) | Application and intake process—guardianship, conservatorship, representative payee and personal representative |
| 22.9(231E,633) | Application and intake process—power of attorney |
| 22.10(231E,633) | Case records |
| 22.11(231E,633) | Confidentiality |
| 22.12(231E,633) | Termination or limitation |
| 22.13(231E,633) | Service fees |
| 22.14(231E,633) | Fee schedule |
| 22.15(231E,633) | Denial of services—appeal |
| 22.16(231E,633) | Contesting the actions of a guardian or conservator |
| 22.17(231E,633) | Contesting the actions of an attorney-in-fact |
| 22.18(231E,633) | Severability |

CHAPTER 23
Reserved

CHAPTER 24
ADULT DAY SERVICES PROGRAMS

| | |
|-------------|--|
| 24.1(231D) | Definitions |
| 24.2(231D) | Program certification |
| 24.3(231D) | Certification of a nonaccredited program |
| 24.4(231D) | Nonaccredited program application content |
| 24.5(231D) | Initial certification process for nonaccredited program |
| 24.6(231D) | Recertification of nonaccredited program |
| 24.7(231D) | Recertification process for nonaccredited program |
| 24.8(231D) | Notification of recertification |
| 24.9(231D) | Certification and recertification process for an accredited program |
| 24.10(231D) | Accredited program certification or recertification application content |
| 24.11(231D) | Initial certification process for accredited program |
| 24.12(231D) | Recertification for accredited program |
| 24.13(231D) | Duration of certification for all programs |
| 24.14(231D) | Recognized accrediting entity |
| 24.15(231D) | Requirements for accredited adult day services programs |
| 24.16(231D) | Maintenance of program accreditation |
| 24.17(231D) | Transfer of certification |
| 24.18(231D) | Structural and life safety reviews for a new program |
| 24.19(231D) | Structural and life safety reviews for existing programs |
| 24.20(231D) | Structural and life safety review prior to the remodeling of a building for certified programs |
| 24.21(231D) | Emergency response policies and procedures review |
| 24.22(231D) | Program alteration |
| 24.23(231D) | Cessation of program operation |
| 24.24(231D) | Contractual agreement |

| | |
|-------------|--|
| 24.25(231D) | Admission to and transfer from a program |
| 24.26(231D) | Waiver of admission and retention criteria |
| 24.27(231D) | Criteria for granting admission and retention waivers |
| 24.28(231D) | Participant documents |
| 24.29(231D) | Service plan |
| 24.30(231D) | Medications |
| 24.31(231D) | Nurse review |
| 24.32(231D) | Nursing assistant work credit |
| 24.33(231D) | Food service |
| 24.34(231D) | Staffing |
| 24.35(231D) | Dementia-specific education for personnel |
| 24.36(231D) | Another business or activity in an adult day services program |
| 24.37(231D) | Managed risk statement |
| 24.38(231D) | Life safety—emergency policies and procedures and structural safety requirements |
| 24.39(231D) | Transportation |
| 24.40(231D) | Activities |
| 24.41(231D) | Structural requirements |
| 24.42(231D) | Interpretive guidelines |

CHAPTER 25 ASSISTED LIVING PROGRAMS

| | |
|-------------|---|
| 25.1(231C) | Definitions |
| 25.2(231C) | Program certification |
| 25.3(231C) | Certification of a nonaccredited program |
| 25.4(231C) | Nonaccredited program application content |
| 25.5(231C) | Initial certification process for a nonaccredited program |
| 25.6(231C) | Recertification of a nonaccredited program |
| 25.7(231C) | Recertification process for a nonaccredited program |
| 25.8(231C) | Notification of recertification for a nonaccredited program |
| 25.9(231C) | Certification and recertification process for an accredited program |
| 25.10(231C) | Accredited program certification or recertification application content |
| 25.11(231C) | Initial certification process for an accredited program |
| 25.12(231C) | Recertification process for an accredited program |
| 25.13(231C) | Duration of certification for all programs |
| 25.14(231C) | Recognized accrediting entity |
| 25.15(231C) | Requirements for an accredited program |
| 25.16(231C) | Maintenance of program accreditation |
| 25.17(231C) | Transfer of certification |
| 25.18(231C) | Structural and life safety reviews for a new program |
| 25.19(231C) | Structural and life safety review prior to the remodeling of a building for a certified program |
| 25.20(231C) | Emergency response policies and procedures review |
| 25.21(231C) | Cessation of program operation |
| 25.22(231C) | Occupancy agreement |
| 25.23(231C) | Occupancy in and transfer from a program |
| 25.24(231C) | Waiver of occupancy and retention criteria |
| 25.25(231C) | Criteria for granting occupancy and retention waivers |
| 25.26(231C) | Involuntary transfer |
| 25.27(231C) | Tenant documents |
| 25.28(231C) | Service plan |
| 25.29(231C) | Medications |
| 25.30(231C) | Nurse review |

| | |
|-------------|--|
| 25.31(231C) | Nursing assistant work credit |
| 25.32(231C) | Food service |
| 25.33(231C) | Staffing |
| 25.34(231C) | Dementia-specific education for program personnel |
| 25.35(231C) | Another business or activity in an assisted living program |
| 25.36(231C) | Managed risk statement |
| 25.37(231C) | Life safety—emergency policies and procedures and structural safety requirements |
| 25.38(231C) | Transportation |
| 25.39(231C) | Activities |
| 25.40(231C) | Structural requirements |
| 25.41(231C) | Dwelling units in dementia-specific programs |
| 25.42(231C) | Landlord and tenant Act |
| 25.43(231C) | Interpretive guidelines |

CHAPTER 26

MONITORING, CIVIL PENALTIES, COMPLAINTS AND INVESTIGATION FOR ELDER GROUP HOMES, ADULT DAY SERVICES AND ASSISTED LIVING PROGRAMS

| | |
|-----------------------------|---|
| 26.1(17A,231B,231C,231D) | Monitoring |
| 26.2(17A,231B,231C,231D) | Complaint procedure |
| 26.3(17A,231B,231C,231D) | Enforcement action |
| 26.4(17A,231B,231C,231D) | Notice—hearings |
| 26.5(17A,231C,231D) | Appeals |
| 26.6(17A,231B,231C,231D) | Judicial review |
| 26.7(17A,21,231B,231C,231D) | Public disclosure of findings |
| 26.8(17A,231C,231D) | Discrimination or retaliation |
| 26.9(17A,231C,231D) | Emergency removal of adult day services participants or assisted living tenants |
| 26.10(231C,231D) | Notification of casualties |

CHAPTER 27

FEEES FOR ADULT DAY SERVICES AND ASSISTED LIVING PROGRAMS

| | |
|------------|---------------------------------|
| 27.1(231D) | Adult day services program fees |
| 27.2(231C) | Assisted living program fees |

CHAPTER 28

IOWA SENIOR LIVING PROGRAM—HOME- AND COMMUNITY-BASED SERVICES FOR SENIORS

| | |
|-----------------|---|
| 28.1(231,249H) | Purpose |
| 28.2(231,249H) | Use of funds |
| 28.3(231,249H) | Definitions |
| 28.4(231,249H) | Disbursement of funds |
| 28.5(231,249H) | Eligible use of funds |
| 28.6(231,249H) | Client participation |
| 28.7(231,249H) | Reallotment of unobligated funds |
| 28.8(231,249H) | Prohibited use of senior living trust fund moneys |
| 28.9(231,249H) | Disbursement of SLTF funds to AAA subcontractors |
| 28.10(231,249H) | Reporting requirements |
| 28.11(231,249H) | Severability |

CHAPTER 29

ELDER GROUP HOMES

| | |
|------------|---------------------|
| 29.1(231B) | Definitions |
| 29.2(231B) | Application content |

| | |
|-------------|--|
| 29.3(231B) | Initial certification process |
| 29.4(231B) | Renewal of certification |
| 29.5(231B) | Denial, suspension, or revocation of certification |
| 29.6(231B) | Notice, hearing, appeal and judicial review |
| 29.7(231B) | Tenant admission requirements |
| 29.8(231B) | Service plan required |
| 29.9(231B) | Medications |
| 29.10(231B) | Occupancy agreement |
| 29.11(231B) | Waiver of the level of care requirements |
| 29.12(231B) | Resident advocate committees |
| 29.13(231B) | Requirements for and qualifications of staff |
| 29.14(231B) | Tenant documents |
| 29.15(231B) | EGH facility standards |
| 29.16(231B) | Records |
| 29.17(231B) | Classes of information |
| 29.18(231B) | Landlord and tenant Act |