A BILL FOR

1 An Act relating to the programs and services under the purview
2 of the department on aging.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 231.2, subsection 3, Code 2018, is amended to read as follows:

3. The social and health problems of older individuals and their caregivers are compounded by a lack of access to existing services, funding limitations, and by the unavailability of a complete range of long-term living and community support services in all areas of the state.

Sec. 2. Section 231.2, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 5. Iowans need and desire comprehensive information on the long-term living and community support services and options available to them in order to preserve and maintain their personal assets and to entirely avoid or significantly delay reliance on entitlement programs.

NEW SUBSECTION. 6. Iowa is uniquely positioned to fully participate in the longevity economy, the sum of all economic activity serving the needs of Americans over fifty years of age. Iowa should be promoted as a retirement destination with access to quality health care, lifelong learning opportunities, affordable housing, and a broad continua of long-term living and community support services.

Sec. 3. Section 231.3, subsections 2, 3, and 4, Code 2018, are amended to read as follows:

2. Access to physical and mental health care and long-term living and community support services without regard to economic status.

3. Suitable and affordable housing that reflects the needs of older people individuals.

4. Full restorative services for those who require institutional care, and a comprehensive array of home and community-based, long-term care living and community support services adequate to sustain older people in their communities and, whenever possible, in their homes, including support for caregivers.

Sec. 4. Section 231.3, Code 2018, is amended by adding the
following new subsection:

NEW SUBSECTION. 3A. Access to comprehensive information and a community navigation system providing all available options related to long-term living and community support services that assist older individuals in the preservation of personal assets and the ability to entirely avoid or significantly delay reliance on entitlement programs.

Sec. 5. Section 231.4, subsection 1, paragraphs j, k, and o, Code 2018, are amended to read as follows:

j. "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, home health aide, 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.

k. "Legal representative" means a tenant’s legal representative as defined in section 231B.1 or 231C.2, or a resident’s guardian, conservator, or attorney in fact of a resident representative payee, or agent under a power of attorney.

o. "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 and supports in order to sustain independent living.

Sec. 6. Section 231.4, subsection 1, Code 2018, is amended by adding the following new paragraph:

NEW PARAGRAPH. 0e. "Congregate meal" means a meal in
compliance with the most recent dietary guidelines for Americans published jointly by the United States secretary of health and human services and the secretary of agriculture of the United States and with the dietary reference intakes established by the food and nutrition board of the institute of medicine of the national academy of sciences, provided to a qualified individual in a congregate or group setting.

Sec. 7. Section 231.14, subsection 1, paragraph g, Code 2018, is amended to read as follows:

**g.** Adopt a formula method for the distribution of federal Act and state funds taking into account, to the maximum extent feasible, the best available data on the geographic distribution of older individuals in the state, and publish the formula method for review and comment.

Sec. 8. Section 231.23, subsection 8, Code 2018, is amended to read as follows:

**8.** Assist the commission in adopting a formula method for the distribution of funds available from the federal Act and state appropriations and allocations.

Sec. 9. Section 231.23A, Code 2018, is amended to read as follows:

**231.23A Programs and services.**

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

1. Services for older individuals 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, and home repair, persons with disabilities eighteen years of age and older, 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. The older American community service employment program.
3. The case management program for frail elders services.
4. The aging and disability resource center, including the call center, internet site, and provider database.
5. The legal assistance development program.
6. The nutrition and health promotion program.
7. Administration relating to the area agencies on aging. The Iowa family caregiver program.
8. Elder abuse prevention, detection, intervention, and awareness including neglect and exploitation.
9. Other programs and services authorized by law.

Sec. 10. Section 231.32, subsection 1, Code 2018, is amended to read as follows:

1. The commission shall designate an area agency on aging for each planning and service area. The commission shall continue the designation until an area agency on aging’s designation is removed for cause as determined by the commission, 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 commission shall proceed in accordance with subsections 2, 3, and 4. Designated area agencies on aging shall comply with the requirements of the federal Act.

Sec. 11. Section 231.32, subsection 2, paragraph d, Code 2018, is amended to read as follows:

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 on aging and which can and will engage only in the planning or provision of a broad range of supportive long-term living and community support services or nutrition services within the planning and service area.
Sec. 12. Section 231.32, subsection 4, Code 2018, is amended to read as follows:

4. 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.

Sec. 13. Section 231.33, subsections 1 and 3, Code 2018, are amended to read as follows:

1. Develop and administer an area plan on aging approved by the commission.

3. Enter into subgrants or contracts to provide services under the plan.

Sec. 14. Section 231.33, Code 2018, is amended by adding the following new subsection:

NEW SUBSECTION. 22. Act to sustain the agency through public and private partnerships, entrepreneurial activities, and other mutually collaborative efforts.

Sec. 15. Section 231.42, subsection 4, paragraph a, Code 2018, is amended to read as follows:

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 and appeals, the department of human services, the department on aging, or the appropriate law enforcement agency, as applicable. The state or a local long-term care ombudsman shall cooperate, if requested, with the department of inspections and appeals, department of human services, department on aging, or any law enforcement agency.
pursuant to any investigation of such abuse, neglect, or exploitation.

Sec. 16. Section 231.42, subsection 6, paragraph a, unnumbered paragraph 1, Code 2018, is amended to read as follows:
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:

Sec. 17. Section 231.42, subsection 6, paragraph b, Code 2018, is amended to read as follows:

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

Sec. 18. Section 231.53, Code 2018, is amended to read as follows:

231.53 Coordination with Workforce Investment Innovation and Opportunity Act.
The older American community service employment program shall be coordinated with the federal Workforce Investment Innovation and Opportunity Act administered by the department of workforce development.

Sec. 19. Section 231.56, Code 2018, is amended to read as follows:

231.56 Services and programs.
The department shall administer long-term living and community support services and programs that allow older individuals 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 provide a continuum of care for older individuals and individuals with disabilities, and secure the opportunity for older individuals to receive managed in-home and community-based long-term care services. Funds
appropriated for this purpose shall be allocated based on administrative rules adopted by the commission. The department shall require such records as needed to administer this section.

Sec. 20. Section 231.56A, subsection 1, Code 2018, is amended to read as follows:

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, investigation of, and response to elder abuse, neglect, and exploitation including financial exploitation.

Sec. 21. Section 231.64, Code 2018, is amended to read as follows:

231.64 Aging and disability resource center.

1. The aging and disability resource center shall be administered by the department consistent with the federal Act. The department shall designate area agencies on aging or qualified entity or entities to establish, in consultation with other stakeholders including organizations representing the disability community, a coordinated system for providing all of the following:

a. Comprehensive information, referral, and assistance regarding the full range of available public and private long-term care programs 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 care designed to meet their specific needs and circumstances. The plan for long-term care living and community support services may include support with person-centered care transitions to assist consumers and family caregivers with transitions between home
1 and care settings.
2 c. Consumer access to the range of publicly-supported
3 long-term care programs living and community support services
4 for which consumers may be eligible, by serving as a convenient
5 point of entry for such programs services. The aging and
disability resource center shall offer information online and
be available via a toll-free telephone number, electronic
communications, and in person.
2 2. The aging and disability resource center shall assist
10 older individuals, persons with disabilities age eighteen or
11 older, family caregivers, and people who inquire about or
12 request assistance on behalf of members of these groups, as
13 they seek long-term care living and community support services
14 and community supports.

EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation’s substance by the members of the general assembly.

18 This bill amends provisions in Code chapter 231 (department
19 on aging — older Iowans) relating to programs and activities
20 under the purview of the department on aging.
21 The bill amends provisions relating to legislative findings
22 and declarations relating to the department on aging by
23 including statements relating to limitations of funding and
24 that: Iowans need and desire comprehensive information on the
25 long-term living and community support services and options
26 available to them to preserve and maintain their personal
27 assets and to entirely avoid or significantly delay reliance
28 on entitlement programs; Iowa is uniquely positioned to fully
29 participate in the longevity economy, the sum of all economic
30 activity serving the needs of Americans over 50 years of age;
31 and that Iowa should be promoted as a retirement destination
32 with access to quality health care, lifelong learning
33 opportunities, affordable housing, and a broad continua of
34 long-term living and community support services.
35 The bill also amends provisions relating to the state
policy and objectives for the department on aging by including
statements that it is the policy of the state to work toward
the objectives of attaining: access to physical and mental
health care and long-term living and community support services
for older individuals without regard to economic status;
suitable and affordable housing that reflects the needs of
older individuals; and access to comprehensive information
and a community navigation system that provides all available
options related to long-term living and community support
services that assist older individuals in the preservation
of personal assets and the ability to entirely avoid or
significantly delay reliance on entitlement programs.

The bill amends the definitions used in Code chapter
including “home and community-based services”, “legal
representative”, and “options counseling” and includes a
definition of “congregate meal”. The bill also changes various
references throughout the Code chapter relating to “services”
to instead refer to “long-term living and community support
services”.

The bill directs the commission on aging to adopt a “method”
rather than a “formula” for distribution of funds available
under the federal Older Americans Act.

The bill clarifies that the department on aging shall
provide or administer: programs and services for older
individuals, persons with disabilities 18 years of age and
older, family caregivers, and veterans; case management
services; the aging and disabilities resource center including
the call center, internet site, and provider database; and the
Iowa family caregiver program. The bill eliminates from the
programs and services to be provided or administered by the
department, administration relating to the area agencies on
aging.

The bill provides that in addition to other bases, the
commission on aging shall continue a designation of an area
agency on aging until the time of a renewal or the annual
update of the area plan. The bill eliminates a provision that,
in designating an area agency on aging, the commission on aging
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.
The bill clarifies that the area plan developed and
administered by an area agency on aging must be approved by
the commission on aging. The bill eliminates the authority
of area agencies on aging to enter into subgrants to provide
services under the agency plan, but retains their authority to
enter into contracts to do so. The bill directs area agencies
on aging to act to sustain the area agency through public and
private partnerships, entrepreneurial activities, and other
mutually collaborative efforts.
The bill eliminates the provision that directed the
state or a local long-term care ombudsman, if requested, to
cooperate with the department of inspections and appeals, the
department of human services, the department on aging, or any
law enforcement agency pursuant to any investigation of abuse,
neglect, or exploitation. The bill also provides that in
addition to the state or a local long-term care ombudsman, a
certified volunteer long-term care ombudsman is authorized to
have access to the medical and social records of a resident
or tenant under specific circumstances and to reproduce such
records.
The bill updates a reference by replacing the reference to
the federal Workforce Investment Act with the federal Workforce
Innovation and Opportunity Act.
The bill directs the department to administer long-term
living and community support services and programs but
eliminates the directive to secure the opportunity for older
individuals to receive managed in-home and community-based
long-term care services.
The bill eliminates the requirement that, as part of
carrying out the prevention of elder abuse, neglect, and
exploitation program, the department carry out activities for investigation of elder abuse, neglect, and exploitation including financial exploitation, but retains the directive to the department to carry out activities for intervention in and response to elder abuse, neglect, and exploitation including financial exploitation.

The bill directs the department to designate a qualified entity or entities, rather than an area agency on aging, to establish a coordinated system to provide the services of an aging and disability resource center. The bill also specifically provides that an aging and disability resource center is to provide consumer access to information about long-term living and community support services online, and be available via a toll-free telephone number, electronic communications, and in person.