

## F I N A L R E P O R T

### STUDY COMMITTEE ON PROBLEMS OF THE ELDERLY AND HANDICAPPED

December, 1974

At its June 1974 meeting, the Legislative Council appointed a ten-member legislative Study Committee on Problems of the Elderly and Handicapped for the 1974 interim. Members appointed to the Study Committee were:

Senator John S. Murray, Temporary Chairman  
Senator Leonard C. Andersen  
Senator William E. Gluba  
Senator William N. Plymat  
Senator Norman G. Rodgers  
Representative Glen E. Bortell  
Representative Dennis E. Butler  
Representative James T. Caffrey  
Representative Thomas J. Higgins  
Representative Louis A. Peterson

The concurrent resolutions requesting the establishment of the Study Committee called for a continuation of the study conducted by a joint subcommittee of the Standing Committees on Human Resources during the 1973 interim. In addition the Study Committee was assigned specific study requests seen as related to the problems of the elderly and handicapped in one way or another. The subjects of these study requests were:

1. Housing, an area in which three separate requests were referred to the Legislative Council, specifically:
  - a. Need for a state housing authority.
  - b. Possible incentives for rehabilitation of existing housing.
  - c. Extent of overlap in jurisdiction of state and local agencies with responsibility for enforcing building codes.
2. Possible establishment of a state human resources development commission.
3. Possible establishment of a state commission for the deaf.

The Legislative Service Bureau was directed to undertake research in each of these areas, and to prepare a staff research memorandum for distribution to members of the Study Committee in advance of the Committee's organizational meeting. The Legislative

Service Bureau also conducted a survey, through questionnaires sent to concerned agencies, of the more serious problems currently confronting elderly and handicapped Iowans. The responses to the questionnaire were included in the staff research memorandum and indicate the needs of the elderly and handicapped in the areas of housing, employment, transportation, and health care, as perceived by the agencies surveyed. Copies of the memorandum, which is entitled "Preliminary Staff Research Memorandum Prepared for the Study Committee", are available upon request in the office of the Legislative Service Bureau.

At its organizational meeting on October 3, the Study Committee elected Senator John S. Murray Chairman and Representative James T. Caffrey Vice Chairman. The staff research memorandum was reviewed to determine the direction and scope of the Committee's study. The Committee agreed to direct its immediate attention toward the following four specific areas of study:

1. The establishment of a state housing finance authority.
2. Provisions for an urban homesteading program.
3. The creation of a service bureau for the deaf.
4. Care of patients in custodial and nursing homes.

A list of specific proposals which were brought before the Committee during its course of study, but to which the Committee was unable to allot sufficient time for a thorough consideration of the issues, is attached and appear as Appendix I of this report.

The Committee heard testimony from various groups on proposed legislation to establish a state housing finance authority, including the Des Moines Low-Rent Housing Agency, the Iowa Savings and Loan League, the Iowa Association of Realtors, the Iowa Bankers Association, the Office for Planning and Programming, Home Incorporated of Des Moines, Fair Housing for the Handicapped, and the Central Iowa Regional Association of Local Governments. The legislation to create a state housing finance authority, companion bills H.F. 1179 and S.F. 1138, was introduced during the 1974 Session of the Sixty-fifth General Assembly but no action was taken other than referral of the bills to standing committees in either house. The bills authorize the housing authority to provide matching funds for local rent supplements, guarantee or insure home mortgage loans, make mortgage loans insured by the federal government and make non-interest bearing loans for construction and rehabilitation if permanent financing for the mortgage can be obtained.

In response to testimony given at the meeting on the types of programs authorized under the bill, the Study Committee asked the Legislative Service Bureau staff to provide a list of possible changes in the legislation and, subsequently, new sections to the bills providing for additional programs to be financed by the

authority were drafted by Legislative Service Bureau staff. The new sections include but are not limited to provisions for programs specially designed to house the elderly and handicapped, to assist in the transfer of housing according to lease-purchase agreements, to allow participation by mortgage lenders in the financing of housing projects, and to allow the authority to engage in secondary market activities.

In discussing possible incentives for the rehabilitation of existing housing, the Study Committee also directed its attention to a state program for local homesteading, which is best defined as an arrangement by which government-owned, abandoned housing is turned over to low-income families under the condition that the housing will be rehabilitated and brought up to standards within a specified period. Concern was expressed that if legislation were to provide for loans by the state to aid low-income families in the rehabilitation of homestead property, legislation should also authorize governmental units to acquire title to property prior to abandonment and deterioration of the property. It was therefore suggested that the Legislative Service Bureau investigate various possibilities available to governmental units in acquiring property for homesteading purposes, including programs which would allow conditional conveyance of the property to the applicant homesteader without substantial consideration, or under a lease-purchase agreement.

The Committee also received testimony from the Governor's Committee on Employment of the Handicapped and statements from the Governor's Task Force on Care and Support of the Dependent Adult. The testimony supports the establishment of a state housing finance authority and recommends coordination of the Study Committee's efforts with those of the Governor's Task Force on Housing in the drafting of proposed legislation. In addition, recommendations were submitted by the Executive Secretary of the Governor's Committee on the Employment of the Handicapped for tax incentives for the improvement of housing to allow the elderly and the handicapped to remain in their own homes and for a transportation system, parking facilities, employment opportunities and community services which would be more accessible to the elderly and handicapped. The Study Committee requested the Governor's Committee on the Employment of the Handicapped to submit bill proposals on its recommendations to the Legislative Service Bureau for drafting and introduction during the 1975 Session.

The Study Committee held four additional meetings during the months from October to December. Groups and agencies representing various segments of the deaf community in Iowa, including both hearing-impaired and profoundly deaf children and adults, appeared before the Study Committee to comment on legislation to establish a service bureau for the deaf. The legislation is a revision of H.F. 620 which was introduced during the 1974 Session of the Iowa General Assembly and was submitted to the Study Committee by the Iowa Association for the Deaf. The Study Committee further revised the legislation to assure that the

service bureau has the authority to provide direct services to all hearing-impaired individuals while at the same time requiring the bureau to act primarily in an interdepartmental capacity where existing services were being provided by other agencies.

At the Committee's second meeting, testimony was received on health care of the elderly and handicapped. Statistics were submitted on the projected cost of various degrees of expansion of the state's present Title XIX (Medicaid) program. Information on the recently-enacted Maine catastrophic illness bill was also submitted and compared to the needs of various categories of medically needy persons in Iowa, i.e., those whose income is too high to qualify for Medicaid payments but too low to provide adequate health care. Consideration was also given to the care of patients in nursing and custodial homes in Iowa. The Department of Social Services provided the Committee with reports on patient care in nursing homes made by care review teams of the Department and at a later meeting, the Study Committee received a full report from the Department on the multiple inspections made by the Department of Social Services, the Department of Health, and the state fire marshal of health care facilities in Iowa. The Study Committee asked the Department of Health, the Department of Social Services and the state fire marshal to prepare a statement for submission to the Sixty-sixth General Assembly prior to the beginning of the 1975 Session on the efforts of each agency in consolidating the reviews and inspections made of health care facilities in Iowa.

A representative of Fair Housing for the Handicapped also appeared before the Study Committee with the recommendation that residential facilities for the handicapped which would be free of architectural barriers are needed to replace custodial homes which were closed for failure to comply with state health regulations.

The Study Committee received from the Health Facilities Association of Iowa recommendations for consolidating the present seven categories of health care facilities licensed under Chapter 135C of the Code into three levels of health care--that provided in skilled nursing facilities, that provided in intermediate care facilities, and residential services encompassing care currently provided in an adult foster home, boarding home, or custodial home. The Health Facilities Association maintains that the consolidation would assure that necessary services are readily available in each category of care and would eliminate confusion regarding the category of care Iowa residents require. The Association told the Study Committee that professional nursing would be provided at the first two levels of care, while residential care would require a completely different type of program as far as services are concerned. It was suggested that building and fire regulations promulgated for residential care facilities be less stringent for the reason that the facilities would house patients who are ambulatory.

The Department of Social Services provided the Committee with figures showing maximum payments currently being made on the

behalf of patients in various health care facilities and submitted the recommendation of the Department that payment levels be adjusted so that full cost of care received would be reimbursed on behalf of 95 percent of the publicly-supported patients in intermediate care facilities. (It is assumed that costs in a few nursing homes in the state are, for one reason or another, so high that full reimbursement for cost of care in those homes is not feasible.)

Iowa Student Public Interest Research Group (ISPIRG) appeared before the Study Committee with recommendations for the implementation of a citation and fining system of enforcing nursing home regulations similar to that provided by law in California. ISPIRG maintains that current remedies available to the Department of Health against violators involve lengthy administrative processes during which patient care deteriorates and that a fining and citation system would make it financially unfeasible to allow violations to accumulate. It was also suggested that a fining system is a less drastic sanction than revocation of a license to operate.

The Study Committee also considered recommendations of the state Commission on the Aging and several bill proposals were requested to be drawn which would provide for financial participation by the state in the Commission's activities, including funding of services to the elderly under the federal Older Americans Act. The proposals include: State funding in the amount of \$3,464,000 for the 1975-1977 biennium to pay for the purchase of one hundred mini-buses and the operating costs of these and forty existing vehicles purchased by the Commission on the Aging. These buses are being used or will be used to provide transportation in rural areas where there is little or no other alternative to the private automobile; a state match for funding of the nutrition program through Title VII of the Older Americans Act; and a state appropriation of \$250,000 to provide for the administrative costs of expanding the number of area agencies on aging from eight to sixteen.

The Study Committee on the Problems of the Elderly and Handicapped is submitting the following legislative proposals to the Legislative Council with the recommendation that the proposals be approved for introduction during the 1975 Session of the Iowa General Assembly:

1. The establishment of a state housing finance authority to assist low and moderate income persons in obtaining housing.

With the understanding that necessary refinements have yet to be made in the final draft of the legislation to create the authority, the Study Committee approved the housing assistance programs provided for in the new sections drafted for inclusion in companion bills S.F. 1138 and H.F. 1179 referred to in this report. The Study Committee also directed the Legislative Service Bureau to

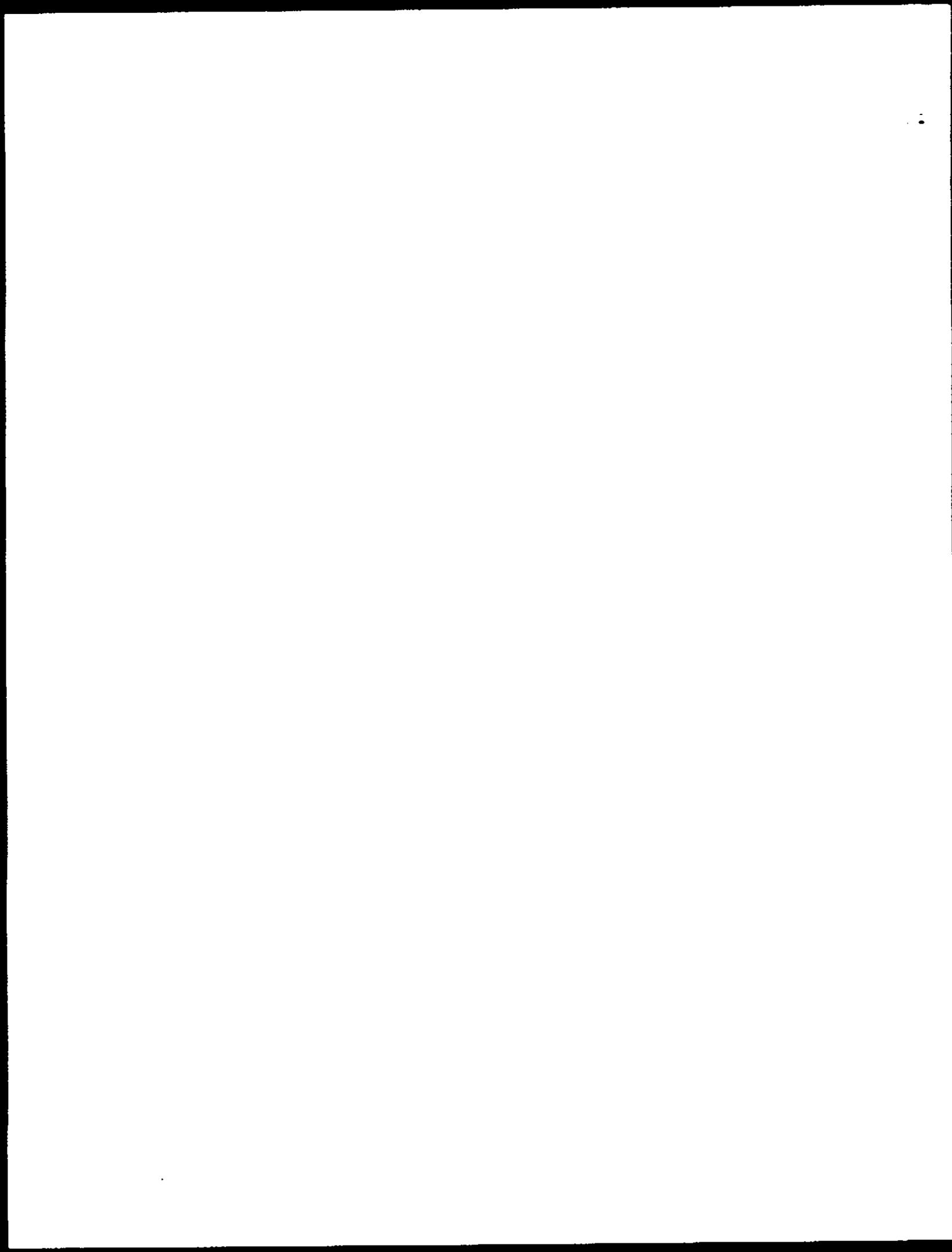
further research laws relating to tax sales in order to facilitate transfer of property for homesteading purposes.

2. The establishment of a state service bureau for the deaf. A copy of the legislation recommended by the Committee is attached to and appears as Appendix II of this report.
3. Elimination of duplicate inspections of health care facilities by the state fire marshal which state law presently requires. Under the proposed bill, the same inspection would satisfy both state law and the 1967 federal Life Safety Code.
4. Implementation of a citation and fining system possibly modeled after the California law to assure continuous compliance with standards required of health care facilities.
5. Consolidation of the seven categories of licensed health care facilities into three levels of health care, including skilled nursing care, intermediate care, and residential services.
6. A substantial increase in grants made to custodial homes for the cost of patient care.
7. A minimum reimbursement of \$21 for Fiscal Year 1976 and \$22 for Fiscal Year 1977 for per patient per day cost of care in intermediate care facilities.
8. Three bill draft proposals submitted by the Commission on the Aging, as follows:
  - a. A state match for funds used in transportation systems established by the Commission on the Aging for the elderly and handicapped. Money from state appropriations may be used to pay a maximum of 50 percent of the cost of any given system.
  - b. A \$250,000 appropriation to be used as a match for federal funds to provide for establishment of area agencies on aging in each of the sixteen planning areas designated by the Iowa Office for Planning and Programming.
  - c. A \$2,000,000 state appropriation to be used as a match for federal funding of nutrition programs for the elderly under the federal Older Americans Act.
9. Expansion of the state share of Medicaid (Title XIX) to medically needy persons who qualify for Supplemental Security Income payments except for income.

## APPENDIX I

Addition proposals considered by the Study Committee on the Problems of the Elderly and Handicapped:

1. Establishment of a referral agency on housing available to the handicapped.
2. Tax credits for construction and rehabilitation of buildings to accommodate the physically handicapped.
3. Appropriation to provide state supplementary assistance to handicapped persons receiving Supplemental Security Income benefits to meet their special needs in obtaining housing.
4. Tax credits on improvements made by property owners and landowners to maintain their property in good repair.
5. Subsidized taxi fares for the disabled and the elderly.
6. Wage subsidies for handicapped employees in a sheltered work environment.
7. Changes in the merit employment system to allow handicapped groups to receive trial employment periods.
8. Incentives to private employers who actively seek and employ disabled workers.
9. Funding of a survey of all public buildings to ascertain compliance with accessibility standards of Chapter 104A of the Code.
10. Establishment of well-elderly clinics.
11. Expansion of the second injury clause under workmen's compensation.



Appendix II

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the establishment of a service bureau for  
2 the deaf.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. DEFINITIONS. As used in this  
2 Act, unless the context otherwise requires:

3 1. "Deaf people" means persons who are hearing handicapped  
4 and who because of the handicap are unable to avail themselves  
5 of one or more community services.

6 2. "Service projects" include referral and counseling  
7 services for deaf people in the areas of adult education,  
8 legal aid, employment, medical, finance, housing, recreation  
9 and other personal assistance and social programs.

10 3. "Resource workers" are persons who, on a volunteer  
11 basis or for compensation, carry out service projects.

12 4. "Council" means the policy council established in  
13 section two (2) of this Act.

14 5. "Bureau" means the service bureau for the deaf  
15 established in section two (2) of this Act.

16 Sec. 2. NEW SECTION. ESTABLISHMENT. There is created  
17 a service bureau for the deaf which shall consist of a five-  
18 member policy council, a director, and staff. Members of  
19 the policy council shall be appointed by the governor. Lists  
20 of nominees for membership on the council shall be submitted  
21 by the Iowa association for the deaf, the Iowa school for  
22 the deaf, and the governor's committee on employment of the  
23 handicapped. Three members shall be deaf persons who are  
24 not able to hear and understand speech. All members shall  
25 reside in Iowa.

26 Sec. 3. NEW SECTION. TERMS. Members of the council shall  
27 be appointed for terms of three years, except that terms of  
28 the initial appointees shall be staggered so that one member  
29 is appointed for a term of one year, two members for terms  
30 of two years, and two members for terms of three years.  
31 Vacancies shall be filled for the unexpired term in the manner  
32 of the original appointment. Members shall not serve more  
33 than two consecutive terms.

34 Sec. 4. NEW SECTION. DIRECTOR. The council shall employ  
35 a full-time director who shall be proficient in the use of

1 sign language and knowledgeable in the problems of deaf persons  
2 and who shall serve at the pleasure of the council. The  
3 director shall administer all service projects authorized  
4 by the council and shall with the approval of the council  
5 employ resource workers and at least one secretary who is  
6 qualified to communicate with deaf people through sign language  
7 or otherwise.

8 Sec. 5. NEW SECTION. DUTIES OF THE BUREAU. The bureau  
9 shall:

10 1. Interpret to communities and to interested persons  
11 the needs of the deaf and how their needs may be met through  
12 the use of resource workers.

13 2. Assist in obtaining available office space in public  
14 and private agencies which resource workers may utilize in  
15 carrying out service projects.

16 3. On the basis of policy formulated by the council, shall  
17 establish service projects throughout the state. No projects  
18 shall be undertaken by resource workers for compensation which  
19 would duplicate existing services when those services are  
20 available to deaf people through paid interpreters or other  
21 persons able to communicate with deaf people.

22 4. Identify agencies, both public and private, which  
23 provide community services, evaluate the extent to which they  
24 make services available to deaf people and cooperate with  
25 the agencies in coordinating and extending these services.

26 5. Serve as an agency for the collection of information  
27 concerning deaf people and the dispensing of this information.

28 6. Serve as a central agency for the mutual exchange of  
29 ideas and information on services for deaf people between  
30 federal, state and local governmental agencies and private  
31 organizations and individuals.

32 7. Make an annual report to the governor of the work of  
33 the bureau for the preceding year with recommendations for  
34 expanding services to deaf people through the operations of  
35 the bureau.

