

Senate File 304 - Enrolled

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SENATE FILE 304

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1 3 AN ACT
1 4 RELATING TO THE PROVISIONS OF THE ELDER IOWANS ACT.
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1 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 7
1 8 Section 1. Section 135C.37, Code 2005, is amended to read
1 9 as follows:
1 10 135C.37 COMPLAINTS ALLEGING VIOLATIONS == CONFIDENTIALITY.
1 11 A person may request an inspection of a health care
1 12 facility by filing with the department, resident advocate
1 13 committee of the facility, or the long-term care resident's
1 14 advocate as ~~defined in established pursuant to section 231.4,~~
~~1 15 subsection 16 231.42,~~ a complaint of an alleged violation of
1 16 applicable requirements of this chapter or the rules adopted
1 17 pursuant to this chapter. A person alleging abuse or neglect
1 18 of a resident with a developmental disability or with mental
1 19 illness may also file a complaint with the protection and
1 20 advocacy agency designated pursuant to section 135B.9 or
1 21 section 135C.2. A copy of a complaint filed with the resident
1 22 advocate committee or the long-term care resident's advocate
1 23 shall be forwarded to the department. The complaint shall
1 24 state in a reasonably specific manner the basis of the
1 25 complaint, and a statement of the nature of the complaint
1 26 shall be delivered to the facility involved at the time of the
1 27 inspection. The name of the person who files a complaint with
1 28 the department, resident advocate committee, or the long-term
1 29 care resident's advocate shall be kept confidential and shall
1 30 not be subject to discovery, subpoena, or other means of legal
1 31 compulsion for its release to a person other than department
1 32 employees involved in the investigation of the complaint.
1 33 Sec. 2. Section 231.3, subsection 4, Code 2005, is amended
1 34 to read as follows:
1 35 4. Full restorative services for those who require
2 1 institutional care, and a comprehensive array of home and
2 2 community-based, long-term care services adequate to sustain
2 3 older people in their communities and, whenever possible, in
2 4 their homes, including support for caregivers.
2 5 Sec. 3. Section 231.4, Code 2005, is amended to read as
2 6 follows:
2 7 231.4 DEFINITIONS.
2 8 For purposes of this chapter, unless the context otherwise
2 9 requires:
2 10 1. "Administrative action" means an action or decision
2 11 made by an owner, employee, or agent of a long-term care
2 12 facility, or by a governmental agency, which affects the
2 13 service provided to residents covered in this chapter.
2 14 2. "Commission" means the commission of elder affairs.
2 15 3. "Department" means the department of elder affairs.
2 16 4. "Director" means the director of the department of
2 17 elder affairs.
2 18 5. "Elder" means an individual who is sixty years of age
2 19 or older. ~~"Elderly" means individuals sixty years of age or~~
~~2 20 older.~~
2 21 6. "Equivalent support" means in-kind contributions of
2 22 services, goods, volunteer support time, administrative
2 23 support, or other support reasonably determined by the
2 24 department as equivalent to a dollar amount.
2 25 7. "Federal Act" means the Older Americans Act of 1965, 42
2 26 U.S.C. } 3001 et seq., as amended.
2 27 8. "Home and community-based services" means a continua of
2 28 services available in an individual's home or community which
2 29 include but are not limited to case management, homemaker,
2 30 home health aide, personal care, adult day, respite, home
2 31 delivered meals, nutrition counseling, and other medical and
2 32 social services which contribute to the health and well-being
2 33 of individuals and their ability to reside in a home or
2 34 community-based care setting.
2 35 ~~8- 9.~~ "Long-term care facility" means a long-term care
3 1 unit of a hospital or a facility licensed under section 135C.1
3 2 whether the facility is public or private.
3 3 ~~9- 10.~~ "Resident's advocate program" means the state
3 4 long-term care resident's advocate program operated by the
3 5 department of elder affairs and administered by the long-term

3 6 care resident's advocate.

3 7 ~~10- 11.~~ "Unit of general purpose local government" means
3 8 a political subdivision of the state whose authority is
3 9 general and not limited to one function or combination of
3 10 related functions.

3 11 For the purposes of this chapter, "focal point", "greatest
3 12 economic need", and "greatest social need" mean as those terms
3 13 are defined in the federal Act.

3 14 Sec. 4. Section 231.14, unnumbered paragraph 2, Code 2005,
3 15 is amended to read as follows:

3 16 The commission shall adopt administrative rules pursuant to
3 17 chapter 17A to ~~implement~~ administer the duties specified in
3 18 this chapter and in all other chapters under the department's
3 19 jurisdiction.

3 20 Sec. 5. Section 231.14, subsection 7, Code 2005, is
3 21 amended to read as follows:

3 22 7. Adopt a formula for the distribution of federal Act,
3 23 state ~~elderly elder~~ services, and senior living program funds
3 24 taking into account, to the maximum extent feasible, the best
3 25 available data on the geographic distribution of elders in the
3 26 state, and publish the formula for review and comment.

3 27 Sec. 6. Section 231.23, subsection 3, Code 2005, is
3 28 amended to read as follows:

3 29 3. Pursuant to commission policy, coordinate state
3 30 activities related to the purposes of this chapter and all
3 31 other chapters under the department's jurisdiction.

3 32 Sec. 7. Section 231.23A, subsection 1, Code 2005, is
3 33 amended to read as follows:

3 34 1. ~~Elderly Elder~~ services including but not limited to
3 35 home and community-based services such as adult day ~~services,~~
4 1 assessment and intervention, transportation, chore ~~services,~~
4 2 counseling, homemaker ~~services,~~ material aid, personal care,
4 3 reassurance, respite ~~services,~~ visitation, caregiver support,
4 4 emergency response system ~~services,~~ mental health outreach,
4 5 and home repair, meals, and nutrition counseling.

4 6 Sec. 8. Section 231.33, subsections 4, 8, and 11, Code
4 7 2005, are amended to read as follows:

4 8 4. Provide technical assistance as needed, ~~prepare written~~
4 9 ~~monitoring reports at least document~~ quarterly monitoring, and
4 10 provide a written report of an annual on-site assessment of
4 11 all service providers funded by the area agency.

4 12 8. Assure that elders in the planning and service area
4 13 have reasonably convenient access to information and ~~referral~~
4 14 assistance services.

4 15 11. Contact outreach efforts, with special emphasis on ~~the~~
4 16 rural ~~elderly elders,~~ to identify elders with greatest
4 17 economic or social needs and inform them of the availability
4 18 of services under the area plan.

4 19 Sec. 9. Section 231.33, subsection 17, Code 2005, is
4 20 amended by striking the subsection.

4 21 Sec. 10. Section 231.42, unnumbered paragraph 1, Code
4 22 2005, is amended to read as follows:

4 23 The Iowa commission of elder affairs, in accordance with
4 24 section ~~3027(a)(12)~~ 712 of the federal Act, as codified at 42
4 25 U.S.C. } 3058g, shall establish the office of long-term care
4 26 resident's advocate within the department. The long-term care
4 27 resident's advocate shall:

4 28 Sec. 11. Section 231.43, subsection 3, Code 2005, is
4 29 amended to read as follows:

4 30 3. Procedures to enable the long-term care resident's
4 31 advocate to elicit, receive, and process complaints regarding
4 32 administrative actions which may adversely affect the health,
4 33 safety, welfare, or rights of ~~elderly elders~~ in long-term care
4 34 facilities.

4 35 Sec. 12. Section 231.44, subsections 2 and 4, Code 2005,
5 1 are amended to read as follows:

5 2 2. The responsibilities of the resident advocate committee
5 3 are in accordance with the rules adopted by the commission
5 4 pursuant to chapter 17A. When adopting the rules, the
5 5 commission shall consider the needs of residents of elder
5 6 group homes as defined in section 231B.1 and each category of
5 7 licensed health care facility as defined in section 135C.1,
5 8 subsection 6, and the services each facility may render. ~~The~~
5 9 ~~commission shall coordinate the development of rules with the~~
5 10 ~~mental health, mental retardation, developmental disabilities,~~
5 11 ~~and brain injury commission created in section 225C.5 to the~~
5 12 ~~extent the rules would apply to a facility primarily serving~~
5 13 ~~persons with mental illness, mental retardation or other~~
5 14 ~~developmental disability, or brain injury.~~ The commission
5 15 shall coordinate the development of appropriate rules with
5 16 other state agencies.

5 17 4. The state, any resident advocate committee member, and
5 18 any resident advocate coordinator, ~~and any sponsoring area~~
5 19 ~~agency on aging~~ are not liable for an action undertaken by a
5 20 resident advocate committee member or a resident advocate
5 21 committee coordinator in the performance of duty, if the
5 22 action is undertaken and carried out reasonably and in good
5 23 faith.

5 24 Sec. 13. Section 231.51, Code 2005, is amended to read as
5 25 follows:

5 26 231.51 OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT
5 27 PROGRAM, ~~TITLE V OF THE OLDER AMERICANS ACT.~~

5 28 1. The department shall direct and administer the older
5 29 American community service employment program as authorized by
5 30 the federal Act in coordination with the department of
5 31 workforce development and the department of economic
5 32 development.

5 33 2. The purpose of the program is to foster individual
5 34 economic self-sufficiency and to increase the number of
5 35 participants placed in unsubsidized employment in the public
6 1 and private sectors while maintaining the community service
6 2 focus of the program.

6 3 3. Funds appropriated to the department from the United
6 4 States department of labor shall be distributed to local
6 5 projects in accordance with federal requirements.

6 6 4. The department shall require such uniform reporting and
6 7 financial accounting by area agencies on aging and local
6 8 projects as may be necessary to fulfill the purposes of this
6 9 section.

6 10 Sec. 14. Section 231.56, Code 2005, is amended to read as
6 11 follows:

6 12 231.56 ~~ELDERLY~~ ELDER SERVICES PROGRAM.

6 13 The department shall ~~establish~~ administer an elderly elder
6 14 services program to reduce institutionalization and encourage
6 15 community involvement to help ~~the elderly elders~~ remain in
6 16 their own homes. Funds appropriated for this purpose shall be
6 17 instituted based on administrative rules adopted by the
6 18 commission. The department shall require such records as
6 19 needed to ~~implement~~ administer this section.

6 20 Sec. 15. Section 231.58, subsection 4, paragraphs b, d, f,
6 21 and i, Code 2005, are amended to read as follows:

6 22 b. Develop common intake and release procedures for the
6 23 purpose of determining eligibility at one point of intake and
6 24 determining eligibility for programs administered by the
6 25 departments of human services, public health, and elder
6 26 affairs, such as the medical assistance program, federal food
6 27 stamp program, and homemaker-home health aide programs, and
6 28 the case management program for frail elders administered by
6 29 the department of elder affairs.

6 30 d. Develop procedures for coordination at the local and
6 31 state level among the providers of long-term care, ~~including~~
6 32 ~~when possible co-campusing of services.~~ ~~The director of the~~
6 33 ~~department of administrative services shall give particular~~
6 34 ~~attention to this section when arranging for office space~~
6 35 ~~pursuant to section 8A.321 for these three departments.~~

7 1 f. Propose rules and procedures for the development of a
7 2 comprehensive long-term care ~~and community-based services~~
7 3 ~~program system.~~

7 4 i. Consult with the state universities and other
7 5 institutions with expertise in the area of senior elder issues
7 6 and the long-term care continua.

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7 10 _____
7 11 JOHN P. KIBBIE
7 12 President of the Senate

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7 14 _____
7 15 CHRISTOPHER C. RANTS
7 16 Speaker of the House

7 17
7 18 I hereby certify that this bill originated in the Senate and
7 19 is known as Senate File 304, Eighty-first General Assembly.

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7 23 _____
7 24 MICHAEL E. MARSHALL
7 25 Secretary of the Senate

7 26 Approved _____, 2005

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7 28 _____
7 29 THOMAS J. VILSACK
7 30 Governor