



THOMAS J. VILSACK  
GOVERNOR

OFFICE OF THE GOVERNOR

SALLY J. PEDERSON  
LT. GOVERNOR

April 22, 2005

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit:


**Senate File 260**, an Act relating to debt collection disclosure requirements for certain financial institution affiliates.

**Senate File 304**, an Act relating to the provisions of the Elder Iowans Act.

**Senate File 335**, an Act relating to access to dependent adult abuse information and unemployment compensation claims.

The above Senate Files are hereby approved this date.

Sincerely,

  
Thomas J. Vilsack  
Governor

TJV:jmc

cc: Secretary of the Senate  
Chief Clerk of the House





SENATE FILE 304

AN ACT

RELATING TO THE PROVISIONS OF THE ELDER IOWANS ACT.

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

Section 1. Section 135C.37, Code 2005, is amended to read as follows:

135C.37 COMPLAINTS ALLEGING VIOLATIONS -- CONFIDENTIALITY.

A person may request an inspection of a health care facility by filing with the department, resident advocate committee of the facility, or the long-term care resident's advocate as ~~defined in~~ established pursuant to section 231.47 subsection-16 231.42, a complaint of an alleged violation of applicable requirements of this chapter or the rules adopted pursuant to this chapter. A person alleging abuse or neglect of a resident with a developmental disability or with mental illness may also file a complaint with the protection and advocacy agency designated pursuant to section 135B.9 or section 135C.2. A copy of a complaint filed with the resident advocate committee or the long-term care resident's advocate shall be forwarded to the department. The complaint shall state in a reasonably specific manner the basis of the complaint, and a statement of the nature of the complaint shall be delivered to the facility involved at the time of the inspection. The name of the person who files a complaint with the department, resident advocate committee, or the long-term care resident's advocate shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees involved in the investigation of the complaint.

Sec. 2. Section 231.3, subsection 4, Code 2005, is amended to read as follows:

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

Sec. 3. Section 231.4, Code 2005, is amended to read as follows:

231.4 DEFINITIONS.

For purposes of this chapter, unless the context otherwise requires:

1. "Administrative action" means an action or decision made by an owner, employee, or agent of a long-term care facility, or by a governmental agency, which affects the service provided to residents covered in this chapter.

2. "Commission" means the commission of elder affairs.

3. "Department" means the department of elder affairs.

4. "Director" means the director of the department of elder affairs.

5. "Elder" means an individual who is sixty years of age or older. ~~"Elderly" means individuals sixty years of age or older.~~

6. "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.

7. "Federal Act" means the Older Americans Act of 1965, 42 U.S.C. § 3001 et seq., as amended.

8. "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, homemaker, home health aide, personal care, adult day, respite, home delivered meals, nutrition counseling, 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.

8. 9. "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.

9. 10. "Resident's advocate program" means the state long-term care resident's advocate program operated by the

department of elder affairs and administered by the long-term care resident's advocate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The state, any resident advocate committee member, and any resident advocate coordinator, ~~and any sponsoring area~~

~~agency-on-aging~~ are not liable for an action undertaken by a resident advocate committee member or a resident advocate committee coordinator in the performance of duty, if the action is undertaken and carried out reasonably and in good faith.

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

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

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

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

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

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

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

231.56 ~~EBDERLY~~ ELDER SERVICES PROGRAM.

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

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

b. Develop common intake and release procedures for the purpose of determining eligibility at one point of intake and determining eligibility for programs administered by the departments of human services, public health, and elder

affairs, such as the medical assistance program, federal food stamp program, and homemaker-home health aide programs, and the case management program for frail elders administered by the department of elder affairs.

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

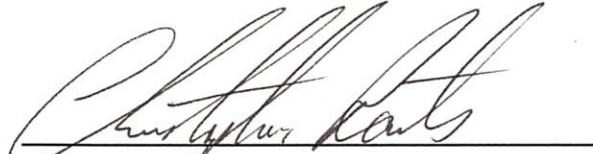
f. Propose rules and procedures for the development of a comprehensive long-term care ~~and community-based services~~ program system.

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



JOHN P. KIBBIE

President of the Senate



CHRISTOPHER C. RANTS

Speaker of the House

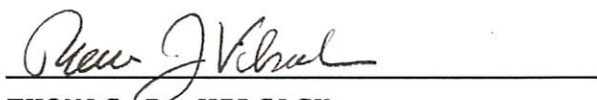
I hereby certify that this bill originated in the Senate and is known as Senate File 304, Eighty-first General Assembly.



MICHAEL E. MARSHALL

Secretary of the Senate

Approved April 22, 2005



THOMAS J. VILSACK

Governor