



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

April 20, 2011

The Honorable Matthew Schultz
Secretary of State of Iowa
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

House File 537, an Act relating to assisted living programs, including voluntary cessation of program operations and decertification of assisted living programs, and providing penalties.

The above House File is hereby approved this date.

Sincerely,

A handwritten signature in black ink that reads "Terry E. Branstad".

Terry E. Branstad
Governor

cc: Secretary of the Senate
Clerk of the House



House File 537

AN ACT

RELATING TO ASSISTED LIVING PROGRAMS, INCLUDING VOLUNTARY
CESSATION OF PROGRAM OPERATIONS AND DECERTIFICATION OF
ASSISTED LIVING PROGRAMS, AND PROVIDING PENALTIES.

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

Section 1. Section 231C.2, Code 2011, is amended by adding
the following new subsection:

NEW SUBSECTION. 2A. *"Assisted living program" or "program"*
means an entity that provides assisted living.

Sec. 2. Section 231C.5, subsection 2, paragraph b, Code
2011, is amended to read as follows:

b. (1) A statement regarding the impact of the fee
structure on third-party payments, and whether third-party
payments and resources are accepted by the assisted living
program.

(2) The occupancy agreement shall specifically include a
statement regarding each of the following:

(a) Whether the program requires disclosure of a tenant's
personal financial information for occupancy or continued
occupancy.

(b) The program's policy regarding the continued tenancy of
a tenant following exhaustion of private resources.

(c) Contact information for the department of human services and the senior health insurance information program to assist tenants in accessing third-party payment sources.

Sec. 3. NEW SECTION. 231C.11A Voluntary cessation of program operations — decertification.

1. The department shall adopt rules regarding the voluntary cessation of program operations of an assisted living program, including decertification. The rules shall address notification of the tenants, tenant legal representatives, the department, and the tenant advocate at least ninety days prior to the anticipated date of cessation of program operations; the requirements for the safe and orderly transfer or transition of all tenants; and monitoring of the program during the process and after cessation of program operations.

2. Within seven days following provision of notice of cessation of program operations, the assisted living program shall hold a meeting and invite all tenants, tenant legal representatives, families of tenants, representatives of the department, and the tenant advocate to discuss the pending cessation of the program and to answer any questions. The department and the tenant advocate shall have access to attend the meeting and provide information to the tenants regarding their legal rights.

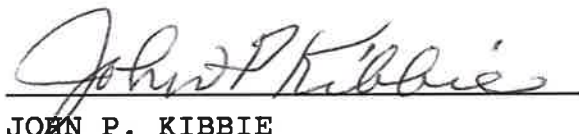
3. The tenant advocate shall monitor the decertification process and shall undertake any investigations necessary to ensure that the rights of tenants are protected during the process and after cessation of program operations. The tenant advocate shall assist tenants during the transition, including assisting tenants in finding necessary and appropriate service providers if the assisted living program is unable to provide such necessary and appropriate services during the transition period. The assisted living program shall cooperate with the tenant advocate by providing contact information for service providers within a thirty mile radius of the program.

4. Following cessation of program operations and decertification, the department shall retain authority to monitor the decertified program to ensure that the entity does not continue to act as an uncertified assisted living program or other unlicensed, uncertified, or unregistered entity otherwise regulated by the state following decertification. If a decertified assisted living program continues to or subsequently acts in a manner that meets the definition of assisted living pursuant to section 231C.2, the decertified

program is subject to the criminal penalties and injunctive relief provisions of section 231C.15, and any other penalties applicable by law.

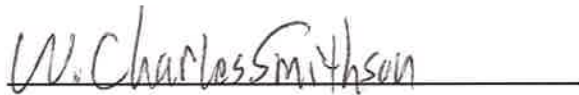


KRAIG PAULSEN
Speaker of the House



JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 537, Eighty-fourth General Assembly.



W. CHARLES SMITHSON
Chief Clerk of the House

Approved April 20, 2011



TERRY E. BRANSTAD
Governor