

Human Resources: Sturgeon, Chair: Hester and Shoultz.

MAR 15 1985

HOUSE FILE 631

HUMAN RESOURCES

BY SWARTZ

Passed House, Date 3-26-85 (j.1081) Passed Senate, Date _____

Vote: Ayes 93 Nays 0 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the operation and funding of community,
2 supervised apartment living arrangements.

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

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HF 631

1 Section 1. NEW SECTION. 225C.19 COMMUNITY, SUPERVISED
2 APARTMENT LIVING ARRANGEMENTS.

3 1. As used in this section, "community, supervised apart-
4 ment living arrangements" means the provision of a residence,
5 including twenty-four hour supervision, to mentally retarded
6 or developmentally disabled adults who are capable of physical
7 self-care but are unable to live independently because of
8 mental or physical impairment, developmental delays, or
9 inadequate social or vocational skills, and who require some
10 daily supervision as well as planning for daily activities,
11 including educational and recreational activities, and
12 planning for daily services to be provided to the adults,
13 including medical, social, and rehabilitation services.

14 2. The department shall adopt rules pursuant to chapter
15 17A establishing minimum standards for the operation of
16 community, supervised apartment living arrangements. The
17 department shall certify annually all community, supervised
18 apartment living arrangements which meet the minimum
19 standards.

20 3. Certified community, supervised apartment living
21 arrangements are entitled to receive funding on a per diem
22 basis from departmental funds available to pay the expenses of
23 treatment or care to mentally retarded or developmentally
24 disabled adults residing in community, supervised apartment
25 living arrangements.

26 Sec. 2. Section 135C.6, subsection 1, Code 1985, is
27 amended to read as follows:

28 1. ~~No~~ A person or governmental unit acting severally or
29 jointly with any other person or governmental unit shall not
30 establish or operate a health care facility in this state
31 without a license for such the facility. A community,
32 supervised apartment living arrangement, as defined in section
33 225C.19, is not required to be licensed under this chapter,
34 but is subject to certification under section 225C.19.

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EXPLANATION

1 This bill defines community, supervised apartment living
2 arrangement as the provision of a residence and twenty-four
3 hour supervision to mentally retarded or developmentally
4 disabled adults, capable of physical self-care but unable to
5 live independently, who require daily supervision. The
6 department of human services is required to certify such
7 arrangements which meet minimum standards and to make
8 departmental funding available to residents in such
9 arrangements on a per diem basis. The arrangements are
10 specifically exempted from the licensing requirements of
11 chapter 135C.

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HOUSE FILE 631

H-3452

1 Amend the amendment, H-3388, to House File 631 as
2 follows:

3 1. By striking lines 4 through 44 and inserting
4 the following:

5 "Section 1. NEW SECTION. 225C.19 COMMUNITY,
6 SUPERVISED APARTMENT LIVING ARRANGEMENTS.

7 1. As used in this section, "community, supervised
8 apartment living arrangement" means the provision of a
9 residence in a noninstitutional setting to mentally
10 ill, mentally retarded, or developmentally disabled
11 adults who are capable of living semi-independently
12 but require minimal supervision.

13 2. The department shall adopt rules pursuant to
14 chapter 17A establishing minimum standards for the
15 operation of community, supervised apartment living
16 arrangements. The department shall certify annually
17 all community, supervised apartment living arrange-
18 ments which meet the minimum standards.

19 3. Certified community, supervised apartment
20 living arrangements are entitled to receive funding
21 from the state community mental health and mental
22 retardation services fund, federal and state social
23 services block grant funds, and other appropriate
24 funding sources, consistent with state legislation and
25 federal regulations. The funding may be provided on a
26 per diem or grant basis, as appropriate.

27 Sec. 2. Section 135C.6, subsection 1, Code 1985,
28 is amended to read as follows:

29 1. No A person or governmental unit acting
30 severally or jointly with any other person or
31 governmental unit shall not establish or operate a
32 health care facility in this state without a license
33 for such the facility. A community, supervised
34 apartment living arrangement, as defined in section
35 225C.19, is not required to be licensed under this
36 chapter, but is subject to certification under section
37 225C.19."

BY SWARTZ of Marshall
CLARK of Cerro Gordo
STURGEON of Woodbury

H-3452 FILED MARCH 26, 1985
ADOPTED (

H-3388

1 Amend House File 631 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 225C.19 COMMUNITY ADULT
5 RESIDENTIAL LIVING ARRANGEMENTS.

6 1. As used in this section, "community adult
7 residential living arrangements" means the provision
8 of a residence, including available twenty-four hour
9 care or supervision, to mentally retarded or
10 developmentally disabled adults who are capable of
11 physical self-care but are unable to live
12 independently because of mental or physical
13 impairment, developmental delays, or inadequate social
14 or vocational skills, and who require some daily
15 supervision as well as planning for daily activities,
16 including educational and recreational activities, and
17 planning for daily services to be provided to the
18 adults, including medical, social, and rehabilitation
19 services.

20 2. The department shall adopt rules pursuant to
21 chapter 17A establishing minimum standards for the
22 operation of community adult residential living
23 arrangements. The department shall approve annually
24 all community adult residential living arrangements
25 which meet the minimum standards.

26 3. Approved community adult residential living
27 arrangements are entitled to receive funding on a per
28 diem basis from departmental funds available to pay
29 the expenses of treatment or care to residents of
30 community adult residential living arrangements.

31 Sec. 2. Section 135C.6, subsection 1, Code 1985,
32 is amended to read as follows:

33 1. No A person or governmental unit acting
34 severally or jointly with any other person or
35 governmental unit shall not establish or operate a
36 health care facility in this state without a license
37 for such the facility. A community adult residential
38 living arrangement, as defined in section 225C.19, is
39 not required to be licensed under this chapter, but is
40 subject to approval under section 225C.19."

41 2. Title page, by striking lines 1 and 2, and
42 inserting the following: "An Act relating to the
43 operation and funding of community adult residential
44 living arrangements."

H-3388 FILED MARCH 21, 1985 BY COMMITTEE ON HUMAN RESOURCES
Adopted as amended by 3452 3/26 (p. 1081)

HOUSE FILE 631

H-3428

Amend amendment H-3388 to House File 631 as follows:

1. Page 1, line 9, by inserting after the word "to"
3 the following: "mentally ill,"

H-3428 FILED MARCH 25, 1985 BY CLARK of Cerro Gordo

Placed o/p 3/26 (p. 1081)

H-3368

- 1 Amend House File 631 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "including" the following: "available".

H-3368 FILED MARCH 18, 1985 BY SWARTZ of Marshall
Placed o/o 3/26 (p. 1081)

HOUSE FILE 631

H-3369

- 1 Amend House File 631 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 225C.19 COMMUNITY ADULT
- 5 RESIDENTIAL LIVING ARRANGEMENTS.
- 6 1. As used in this section, "community adult
- 7 residential living arrangements" means the provision
- 8 of a residence, including available twenty-four hour
- 9 care or supervision, to mentally retarded or
- 10 developmentally disabled adults who are capable of
- 11 physical self-care but are unable to live
- 12 independently because of mental or physical
- 13 impairment, developmental delays, or inadequate social
- 14 or vocational skills, and who require some daily
- 15 supervision as well as planning for daily activities,
- 16 including educational and recreational activities, and
- 17 planning for daily services to be provided to the
- 18 adults, including medical, social, and rehabilitation
- 19 services.
- 20 2. The department shall adopt rules pursuant to
- 21 chapter 17A establishing minimum standards for the
- 22 operation of community adult residential living
- 23 arrangements. The department shall approve annually
- 24 all community adult residential living arrangements
- 25 which meet the minimum standards.
- 26 3. Approved community adult residential living
- 27 arrangements are entitled to receive funding on a per
- 28 diem basis from departmental funds available to pay
- 29 the expenses of treatment or care to residents of
- 30 community adult residential living arrangements.
- 31 Sec. 2. Section 135C.6, subsection 1, Code 1985,
- 32 is amended to read as follows:
- 33 1. No A person or governmental unit acting
- 34 severally or jointly with any other person or
- 35 governmental unit shall not establish or operate a
- 36 health care facility in this state without a license
- 37 for such the facility. A community adult residential
- 38 living arrangement, as defined in section 225C.19, is
- 39 not required to be licensed under this chapter, but is
- 40 subject to approval under section 225C.19."
- 41 2. Title page, by striking lines 1 and 2, and
- 42 inserting the following: "An Act relating to the
- 43 operation and funding of community adult residential
- 44 living arrangements."

H-3369 FILED MARCH 18, 1985 BY SWARTZ of Marshall
Placed o/o 3/26 (p. 1081)

STATE OF IOWA
FISCAL NOTE
 HOUSE FILE 631

LSB No. 2656H.3
 Staff ID. RRS

In compliance with a written request received April 3, 1985, a fiscal note for HOUSE FILE 631 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 631 defines Community, Supervised Apartment Living Arrangements as the provision of a residence in a noninstitutional setting to mentally ill, mentally retarded or developmentally disabled adults, who are capable of living semi-independently, but require minimal supervision. The Department of Human Services is required to approve such arrangements which meet minimum standards and to make departmental funding available to residents in such arrangements on a per diem, per hour, or grant basis. The arrangements are specifically exempted from the licensing requirements of Chapter 135C.6, but is subject to approval under section 225C.19.

ASSUMPTIONS: Under House File the following assumptions would be established:

- a. The State Mental Health and Mental Retardation Commission is currently required to develop programmatic standards for facilities serving mentally ill and retarded persons that are not licensed by either the Department of Health or the Department of Human Services. As such, this would include the programmatic services provided in Community, Supervised Apartment Living Arrangements. However, the Commission is not authorized to establish standards of care for developmentally disabled persons other than mentally retarded or chronically mentally ill persons.
- b. There are approximately 30-40 facilities providing supervised apartment living arrangements.
- c. Three new staff persons (FTE's) would be necessary to carry out related activities. This is based upon a comparison with the number of Division staff needed to accredit 33 Mental Health Centers.

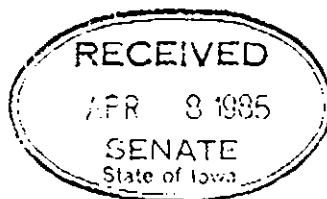
FISCAL EFFECT: Under House File 631 the following fiscal effect would be established:

| | <u>FY85</u> | <u>FY87</u> |
|--------------|------------------|------------------|
| REVENUE | \$ 0 | \$ 0 |
| EXPENDITURES | | |
| Salaries | \$ 71,300 | \$ 71,300 |
| Support | 10,500 | 10,500 |
| Total | <u>\$ 81,800</u> | <u>\$ 81,800</u> |
| NET EFFECT | <u>\$-81,800</u> | <u>\$-81,800</u> |

*filed with Senate
4-10-85*

Source: Department of Human Services

(LSB 2656H.3, RRS)



[Signature]
 Fiscal Director
 Legislative Fiscal Bureau
 Date: 4/8/85

HUMAN RESOURCES: Hannon, Chair; C. Miller and Taylor

HOUSE FILE 631

BY SWARTZ

(As Amended and Passed by the House March 27, 1985)

Passed House, Date 4-26-85 (p. 1431) Passed Senate, Date 4-16-85 (p. 1418)

Vote: Ayes 92 Nays 0 Vote: Ayes 42 Nays 0

Approved May 16, 1985

A BILL FOR

- 1 An Act relating to the operation and funding of community,
- 2 supervised apartment living arrangements.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S-3628

HOUSE FILE 631

- 1 Amend House File 631, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by striking the word
- 4 "operation" and inserting the following:
- 5 "programming".
- 6 2. Page 1, line 12, by striking the word
- 7 "certify" and inserting the following: "approve".
- 8 3. Page 1, line 15, by striking the word
- 9 "Certified" and inserting the following: "Approved".
- 10 4. Page 1, line 16, by striking the words "are
- 11 entitled to" and inserting the following: "may".
- 12 5. Page 1, line 21, by striking the word "diem"
- 13 and inserting the following: "diem, per hour,".
- 14 6. Page 1, line 30, by striking the word
- 15 "certification" and inserting the following:
- 16 "approval".
- 17 7. Title page, line 1, by striking the word
- 18 "operation" and inserting the following:
- 19 "programming".

S-3628 Filed April 3, 1985

By COMMITTEE ON HUMAN
RESOURCES

Adopted 4/16/85 (p. 1406)

S-3758

HOUSE FILE 631

- 1 Amend House File 631, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 30, by inserting after the words
- 4 "section 225C.19" the words "in order to receive public
- 5 funding".

S-3758 Filed April 16, 1985

By RITSEMA & HANNON

Adopted 4/16 (p. 1418)

1 Section 1. NEW SECTION. 225C.19 COMMUNITY, SUPERVISED
2 APARTMENT LIVING ARRANGEMENTS.

3 1. As used in this section, "community, supervised
4 apartment living arrangement" means the provision of a
5 residence in a noninstitutional setting to mentally ill,
6 mentally retarded, or developmentally disabled adults who are
7 capable of living semi-independently but require minimal
8 supervision.

9 2. The department shall adopt rules pursuant to chapter
10 17A establishing minimum standards for the operation of
11 community, supervised apartment living arrangements. The
12 department shall certify annually all community, supervised
13 apartment living arrangements which meet the minimum
14 standards.

15 3. Certified community, supervised apartment living
16 arrangements are entitled to receive funding from the state
17 community mental health and mental retardation services fund,
18 federal and state social services block grant funds, and other
19 appropriate funding sources, consistent with state legislation
20 and federal regulations. The funding may be provided on a per
21 diem or grant basis, as appropriate.

22 Sec. 2. Section 135C.6, subsection 1, Code 1985, is
23 amended to read as follows:

24 1. ~~No~~ A person or governmental unit acting severally or
25 jointly with any other person or governmental unit shall not
26 establish or operate a health care facility in this state
27 without a license for ~~such~~ the facility. A community,
28 supervised apartment living arrangement, as defined in section
29 225C.19, is not required to be licensed under this chapter,
30 but is subject to certification under section 225C.19.

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SENATE AMENDMENT TO HOUSE FILE 631

H-3894

- 1 Amend House File 631, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 10, by striking the word
- 4 "operation" and inserting the following:
- 5 "programming".
- 6 2. Page 1, line 12, by striking the word
- 7 "certify" and inserting the following: "approve".
- 8 3. Page 1, line 15, by striking the word
- 9 "Certified" and inserting the following: "Approved".
- 10 4. Page 1, line 16, by striking the words "are
- 11 entitled to" and inserting the following: "may".
- 12 5. Page 1, line 21, by striking the word "diem"
- 13 and inserting the following: "diem, per hour,".
- 14 6. Page 1, line 30, by striking the word
- 15 "certification" and inserting the following:
- 16 "approval".
- 17 7. Page 1, line 30, by inserting after the words
- 18 "section 225C.19" the words "in order to receive
- 19 public funding".
- 20 8. Title page, line 1, by striking the word
- 21 "operation" and inserting the following:
- 22 "programming".
- 23 9. By renumbering, relettering, or redesignating
- 24 and correcting internal references as necessary.

H-3894 FILED APRIL 18, 1985

RECEIVED FROM THE SENATE

Lower concurred 4/26/85 (f 1931)

HOUSE FILE 631

AN ACT
RELATING TO THE PROGRAMMING AND FUNDING OF COMMUNITY, SUPER-
VISED APARTMENT LIVING ARRANGEMENTS.

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

Section 1. NEW SECTION. 225C.19 COMMUNITY, SUPERVISED
APARTMENT LIVING ARRANGEMENTS.

1. As used in this section, "community, supervised
apartment living arrangement" means the provision of a
residence in a noninstitutional setting to mentally ill,
mentally retarded, or developmentally disabled adults who are
capable of living semi-independently but require minimal
supervision.

2. The department shall adopt rules pursuant to chapter
17A establishing minimum standards for the programming of
community, supervised apartment living arrangements. The
department shall approve annually all community, supervised
apartment living arrangements which meet the minimum
standards.

3. Approved community, supervised apartment living
arrangements may receive funding from the state community
mental health and mental retardation services fund, federal
and state social services block grant funds, and other
appropriate funding sources, consistent with state legislation
and federal regulations. The funding may be provided on a per
diem, per hour, or grant basis, as appropriate.

Sec. 2. Section 135C.6, subsection 1, Code 1985, is
amended to read as follows:

1. No A person or governmental unit acting severally or
jointly with any other person or governmental unit shall not
establish or operate a health care facility in this state
without a license for such the facility. A community,

supervised apartment living arrangement, as defined in section
225C.19, is not required to be licensed under this chapter,
but is subject to approval under section 225C.19 in order to
receive public funding.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 631, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House
Approved May 16, 1985

TERRY E. BRANSTAD
Governor