

reprinted

MAR 21 1989

Place On Calendar

HOUSE FILE 692

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 307)

Passed House, Date 3-28-89 (p.1050) Passed Senate, Date _____
Vote: Ayes 97 Nays 0 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring the department of inspections and appeals to
2 develop a special classification of residential care
3 facilities.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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HOUSE FILE 692

H-3606

9 1 Amend House File 692 as follows:
10 2 1. Page 1, by striking lines 17 through 23 and
11 3 inserting the following: "must comply with rules
12 4 adopted by the department for the special
13 5 classification which shall include an emphasis on age
14 6 appropriate and least restrictive programs. However,
15 7 a facility provider which has been accredited by the
16 8 accreditation council for services to persons with
17 9 mental retardation and other development disabilities
18 10 shall be deemed to be in compliance with the rules
19 11 adopted by the department."
20 12 2. Page 1, line 30, by striking the words "the
21 13 appendix to".
22 14 3. Page 1, by striking lines 31 and 32 and
23 15 inserting the following: "the national fire
16 protection association life safety code of 1988."

By ADAMS of Hamilton

H-3606 FILED MARCH 27 1989

Adopted 3-28-89 (p.1050)

HF 692

1 Section 1. Section 135C.2, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. The department shall establish a
4 special classification within the residential care facility
5 category in order to foster the development of residential
6 care facilities which serve persons with mental retardation,
7 chronic mental illness, or a developmental disability, as
8 defined under section 225C.26, and which contain five or fewer
9 residents. A facility within the special classification
10 established pursuant to this subsection is exempt from the
11 requirements of section 135.63. The department shall adopt
12 rules which are consistent with rules previously developed for
13 the waiver demonstration project pursuant to 1986 Iowa Acts,
14 chapter 1246, section 206, and which include all of the
15 following provisions.

3606 16 a. A facility provider under the special classification
17 must comply with requirements for programs adopted under this
18 chapter, rules relating to residential care facilities adopted
19 by the state board of health, or standards developed by the
20 accreditation council for services to persons with mental
21 retardation and other developmental disabilities.
22 Requirements must include an emphasis on age appropriate and
23 least restrictive programs.

3607 24 b. A facility must be located in an area zoned for single
25 or multiple-family housing and must be constructed in
26 compliance with applicable local housing codes and the rules
27 adopted for the special classification by the state fire
28 marshal in accordance with the concept of the least
29 restrictive environment for the facility residents and the
30 applicable sections of the appendix to chapter twenty-one of
31 the national fire protection association, fire safety code of
32 1985.

33 c. Facility provider plans for the facility's
34 accessibility to residents must be in place.

35 d. A written plan must be in place which documents that a

1 facility meets the needs of the facility's residents pursuant
2 to individual program plans developed according to age
3 appropriate and least restrictive program requirements.

4 e. A written plan must be in place which documents that a
5 facility's residents have reasonable access to employment or
6 employment-related training, education, generic community
7 resources, and integrated opportunities to promote interaction
8 with the community.

9 f. A committee of not more than nine members must be
10 established to provide monitoring of the special
11 classification and the rules and procedures adopted regarding
12 the special classification. The recommendations of the
13 committee are subject to the approval of the director. The
14 committee shall include but is not limited to representatives
15 designated by each of the following:

- 16 (1) The association for retarded citizens of Iowa.
- 17 (2) The Iowa association of rehabilitation and residential
18 facilities.
- 19 (3) The governor's planning council for developmental
20 disabilities.
- 21 (4) The mental health and mental retardation commission.
- 22 (5) The alliance for the mentally ill of Iowa.
- 23 (6) The Iowa state association of counties.
- 24 (7) The state fire marshal.

25 g. The facilities developed under this subsection must be
26 eligible for funding utilized by licensed residential care
27 facilities for the mentally retarded, or licensed residential
28 care facilities for the mentally ill, including but not
29 limited to funding under or from the federal social services
30 block grant, the state supplementary assistance program, state
31 mental health and mental retardation services funds, and
32 county funding provisions.

33 EXPLANATION

34 This bill requires the department of inspections and
35 appeals to establish a special classification under the

1 category of residential care facilities. The special category
2 is established to continue the development of residential care
3 facilities which contain five or fewer residents and serve
4 persons with mental retardation, chronic mental illness, or a
5 developmental disability. The department is required to adopt
6 rules which are consistent with provisions developed for this
7 type of facility under a waiver demonstration project
8 previously enacted. A facility developed under the special
9 classification is exempt from certificate of need provisions,
10 but subject to rules and standards developed by various
11 authorities including specific zoning and fire codes.
12 Other rule provisions require planning for resident
13 accessibility, program requirements, resident access to the
14 community, and the establishment of a committee to provide
15 monitoring of rules and procedures adopted under the special
16 classification. The eligibility of a facility for certain
17 sources of funding is described.

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**HOUSE FILE 692
FISCAL NOTE**

A fiscal note for **HOUSE FILE 692** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 692 requires the Department of Inspections and Appeals to establish a special classification under the category of residential care facilities. The special category is established to continue the development of residential care facilities which contain five or fewer residents and serve persons with mental retardation, chronic mental illness, or a developmental disability. The bill requires the Department to adopt rules which are consistent with provisions developed for this type of facility under a waiver demonstration project previously enacted.

ASSUMPTION

1. There are currently 26 licensed facilities each caring for three to five residents.
2. Eighty-four applications have been sent out to potential providers. Approximately 25% will follow through with their application for licensure in FY 1990 and FY 1991 (currently - 26 facilities licensed, FY 1990 - 21 additional facilities licensed, FY 1991 - 21 additional facilities licensed). There will be a total of 68 licensed facilities by FY 1991.
3. Currently, a ten dollar license fee is collected for licensing facilities with 20 or fewer beds. This fee would continue to be collected from these facilities (current facilities - \$20 x 26 facilities = \$520, FY 1990 - \$20 x 47 facilities = \$940, FY 1991 - \$20 x 68 = \$1,360) and deposited in the General Fund.

Fiscal Impact: The fiscal impact of House File 692 is to increase General Fund expenditures by approximately \$10,115 in FY 1990 and by \$22,765 in FY 1991.

	Fiscal Year 1990			Fiscal Year 1991		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
REVENUE						
General Fund	\$ 12,545	\$ 22,660	\$ 10,115	\$ 14,075	\$ 36,840	\$ 22,765
License Fees (to G.F.)	520	940	420	520	1,360	840
Total	\$ 13,065	\$ 23,600	\$ 10,535	\$ 14,595	\$ 38,200	\$ 23,605
PENDITURES						
Salary (FTE's)	\$ 11,385 (.24)	\$ 20,600 (.44)	\$ 9,215 (.20)	\$ 12,855 (.25)	\$ 33,600 (.44)	\$ 20,745 (.19)
Support	1,680	3,000	1,320	1,740	4,600	2,860
Total	\$ 13,065	\$ 23,600	\$ 10,535	\$ 14,595	\$ 38,200	\$ 23,605

Source: Department of Inspections and Appeals

(LSB 2390hv, TCF)

FILED APRIL 4, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

Sen. Humphries -
Amend + DC p.155 4-1-89 (p.1240)

HOUSE FILE 692
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 307)

(As Amended and Passed by the House March 28, 1989)

RC Passed House, Date 4-24-89 (p.1836) Passed Senate, Date 4-12-89 (p.1394)
Vote: Ayes 98 Nays 0 Vote: Ayes 45 Nays 0
Approved May 21, 1989

A BILL FOR

1 An Act requiring the department of inspections and appeals to
2 develop a special classification of residential care
3 facilities.

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

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House Amendments _____
Deleted Language *

1 Section 1. Section 135C.2, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 5. The department shall establish a
4 special classification within the residential care facility
5 category in order to foster the development of residential
6 care facilities which serve persons with mental retardation,
7 chronic mental illness, or a developmental disability, as
8 defined under section 225C.26, and which contain five or fewer
9 residents. A facility within the special classification
10 established pursuant to this subsection is exempt from the
11 requirements of section 135.63. The department shall adopt
12 rules which are consistent with rules previously developed for
13 the waiver demonstration project pursuant to 1986 Iowa Acts,
14 chapter 1246, section 206, and which include all of the
15 following provisions.

16 a. A facility provider under the special classification
17 must comply with rules adopted by the department for the
18 special classification which shall include an emphasis on age
19 appropriate and least restrictive programs. However, a
20 facility provider which has been accredited by the
21 accreditation council for services to persons with mental
22 retardation and other development disabilities shall be deemed
23 to be in compliance with the rules adopted by the department.

24 b. A facility must be located in an area zoned for single
25 or multiple-family housing and must be constructed in
26 compliance with applicable local housing codes and the rules
27 adopted for the special classification by the state fire
28 marshal in accordance with the concept of the least
29 restrictive environment for the facility residents and the
*30 applicable sections of chapter twenty-one of the national fire
31 protection association life safety code of 1988.

32 c. Facility provider plans for the facility's
33 accessibility to residents must be in place.

34 d. A written plan must be in place which documents that a
35 facility meets the needs of the facility's residents pursuant

1 to individual program plans developed according to age
2 appropriate and least restrictive program requirements.

3 e. A written plan must be in place which documents that a
4 facility's residents have reasonable access to employment or
5 employment-related training, education, generic community
6 resources, and integrated opportunities to promote interaction
7 with the community.

8 f. A committee of not more than nine members must be
9 established to provide monitoring of the special
10 classification and the rules and procedures adopted regarding
11 the special classification. The recommendations of the
12 committee are subject to the approval of the director. The
13 committee shall include but is not limited to representatives
14 designated by each of the following:

- 15 (1) The association for retarded citizens of Iowa.
- 16 (2) The Iowa association of rehabilitation and residential
17 facilities.
- 18 (3) The governor's planning council for developmental
19 disabilities.
- 20 (4) The mental health and mental retardation commission.
- 21 (5) The alliance for the mentally ill of Iowa.
- 22 (6) The Iowa state association of counties.
- 23 (7) The state fire marshal.

24 g. The facilities developed under this subsection must be
25 eligible for funding utilized by licensed residential care
26 facilities for the mentally retarded, or licensed residential
27 care facilities for the mentally ill, including but not
28 limited to funding under or from the federal social services
29 block grant, the state supplementary assistance program, state
30 mental health and mental retardation services funds, and
31 county funding provisions.

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SENATE AMENDMENT TO HOUSE FILE 692

H-4039

- 1 Amend House File 692, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 18 and 19 and
- 4 inserting the following: "special classification.
- 5 However, a".
- 6 2. Page 2, by striking lines 24 and 25 and
- 7 inserting the following:
- 8 "g. The facilities licensed under this subsection
- 9 shall be eligible for funding utilized by other
- 10 licensed residential care".

RECEIVED FROM THE SENATE

H-4039 FILED APRIL 14, 1989

(Handwritten signature)

HOUSE FILE 692

S-3579

- 1 Amend House File 692, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 18 and 19 and
- 4 inserting the following: "special classification.
- 5 However, a".
- 6 2. Page 2, by striking lines 24 and 25 and
- 7 inserting the following:
- 8 "g. The facilities licensed under this subsection
- 9 shall be eligible for funding utilized by other
- 10 licensed residential care".

By COMMITTEE ON HUMAN RESOURCES
BEVERLY A. HANNON, Chairperson

S-3579 FILED APRIL 6, 1989

(Handwritten signature)

HSB 307

HUMAN RESOURCES

HOUSE FILE 6/1

BY (PROPOSED COMMITTEE ON HUMAN RESOURCES BILL)

Adams, Chair
Marty
Barni
Clark
Kinsler

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring the department of inspections and appeals to
2 develop a special classification of residential care
3 facilities.

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

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1 Section 1. Section 135C.2, Code 1989, is amended by adding
2 the following new subsection:

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4 special classification within the residential care facility
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6 care facilities which serve persons with mental retardation,
7 chronic mental illness, or a developmental disability, as
8 defined under section 225C.26, and which contain five or fewer
9 residents. A facility within the special classification
10 established pursuant to this subsection is exempt from the
11 requirements of section 135.63. The department shall adopt
12 rules which are consistent with rules previously developed for
13 the waiver demonstration project pursuant to 1986 Iowa Acts,
14 chapter 1246, section 206, and which include all of the
15 following provisions.

16 a. A facility provider under the special classification
17 must comply with requirements for programs adopted under this
18 chapter, rules relating to residential care facilities adopted
19 by the state board of health, or standards developed by the
20 accreditation council for services to persons with mental
21 retardation and other developmental disabilities.
22 Requirements must include an emphasis on age appropriate and
23 least restrictive programs.

24 b. A facility must be located in an area zoned for single
25 or multiple-family housing and must be constructed in
26 compliance with applicable local housing codes and the rules
27 adopted for the special classification by the state fire
28 marshal in accordance with the concept of the least
29 restrictive environment for the facility residents and the
30 applicable sections of the appendix to chapter twenty-one of
31 the national fire protection association, fire safety code of
32 1985.

33 c. Facility provider plans for the facility's
34 accessibility to residents must be in place.

35 d. A written plan must be in place which documents that a

1 facility meets the needs of the facility's residents pursuant
2 to individual program plans developed according to age
3 appropriate and least restrictive program requirements.

4 e. A written plan must be in place which documents that a
5 facility's residents have reasonable access to employment or
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10 established to provide monitoring of the special
11 classification and the rules and procedures adopted regarding
12 the special classification. The recommendations of the
13 committee are subject to the approval of the director. The
14 committee shall include but is not limited to representatives
15 designated by each of the following:

16 (1) The association for retarded citizens of Iowa.

17 (2) The Iowa association of rehabilitation and residential
18 facilities.

19 (3) The governor's planning council for developmental
20 disabilities.

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28 care facilities for the mentally ill, including but not
29 limited to funding under or from the federal social services
30 block grant, the state supplementary assistance program, state
31 mental health and mental retardation services funds, and
32 county funding provisions.

33 EXPLANATION

34 This bill requires the department of inspections and
35 appeals to establish a special classification under the

1 category of residential care facilities. The special category
2 is established to continue the development of residential care
3 facilities which contain five or fewer residents and serve
4 persons with mental retardation, chronic mental illness, or a
5 developmental disability. The department is required to adopt
6 rules which are consistent with provisions developed for this
7 type of facility under a waiver demonstration project
8 previously enacted. A facility developed under the special
9 classification is exempt from certificate of need provisions,
10 but subject to rules and standards developed by various
11 authorities including specific zoning and fire codes.

12 Other rule provisions require planning for resident
13 accessibility, program requirements, resident access to the
14 community, and the establishment of a committee to provide
15 monitoring of rules and procedures adopted under the special
16 classification. The eligibility of a facility for certain
17 sources of funding is described.

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restrictive environment for the facility residents and the applicable provisions of Chapter 260C.01 of the National Fire Protection Association Life Safety Code of 1988.

1. Facility boarder plan for the facility shall include appropriate treatment for the facility.

2. A written plan must be developed which defines the facility's needs of the facility's residents, program individual program plans or plans identifying the appropriate and least restrictive program requirements.

3. A written plan must be developed which defines the facility's residents least restrictive program requirements, employment, required training, education, benefits, security, resources, and integrated opportunities to promote interaction with the community.

4. A committee of not more than nine members must be established to provide monitoring of the special classification and the rules and procedures adopted regarding the special classification. The committee shall include representatives of the department, the approval of the district. The committee shall include but is not limited to representatives designated by each of the following:

- (1) The department for residential care and institutional facilities;
- (2) The department for rehabilitation and institutional facilities;
- (3) The department's planning committee for developmental disabilities;
- (4) The general health and mental retardation committee;
- (5) The attorney for the general public;
- (6) The state's education of course;
- (7) The state fire marshal;

5. The facility shall be subject to the same standards as applicable for funding facilities by other licensed residential care facilities. The facility shall be included in the state's annual care plan. The facility shall include but not limited to funding under the state's regular annual

PROMOTING THE DEPARTMENT OF DISABILITIES AND AIMS TO DEVELOP A STATEWIDE SYSTEM OF COMMUNITY CARE FACILITIES

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

SECTION 1. Section 260C.01, Code 1981, is amended by adding the following new subsection:

260C.01(3) The department shall establish special classification for the residential care facility category in order to ensure the development of residential care facilities which serve persons with mental retardation, serious mental illness, and developmental disability, as defined under section 260C.02, and which comply with the requirements of section 260C.03. The department shall adopt rules which are consistent with rules previously developed for the earlier development project pursuant to 1985 Iowa Acts, Chapter 126A, sections 260C.01 and 260C.02, which include all of the following provisions:

a. A facility providing under the special classification must comply with rules adopted by the department for the special classification. However, a facility providing care has been accredited by the accreditation commission for persons with mental retardation and other developmental disabilities shall be exempt from the compliance with the rules adopted by the department.

b. A facility must be located in a certified fire single or multiple family housing and must be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the state fire marshal in accordance with the requirements of the fire

services block grant, the state supplementary assistance program, state mental health and mental retardation services funds, and county funding provisions.

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 692, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 31, 1989

TERRY E. BRANSTAD
Governor