

1-11-93 (Number) Rec.

(P. 334) 2/16/93 Amend/Do Pass
W/S-3038

FILED JAN 11 1993

4-5-93 House - Number Rec.

See first copy

SENATE FILE 3
BY TINSMAN

Passed Senate, ^(P. 975) Date 4-2-93 Passed House, Date 4/21/93 ^(P. 1481)
Vote: Ayes 47 Nays 0 Vote: Ayes 93 Nays 6
Approved May 3, 1993

A BILL FOR

1 An Act relating to the establishment and regulation of elder
2 group homes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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S-3367

SENATE FILE 3

1 Amend the amendment, S-3205, to Senate File 3 as
2 follows:
3 1. Page 3, by inserting after line 7 the
4 following:
5 "____. A residential care facility for the mentally
6 retarded which is serving persons sixty years of age
7 or older and which is licensed on July 1, 1993, is not
8 subject to the requirements of this chapter."
9 2. By renumbering as necessary.

By ELAINE SZYMONIAK

S-3367 FILED APRIL 2, 1993
WITHDRAWN

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1 Section 1. FINDING AND PURPOSE.

2 1. The general assembly finds that elder group homes are
3 an important part of the long-term care system in the state.
4 Elder group homes provide a less restrictive alternative for
5 those requiring long-term care and promote independent living
6 for residents.

7 2. The purposes of this Act include all of the following:

8 a. To encourage the establishment and maintenance of homes
9 that provide a humane, safe, and homelike environment for
10 persons who are ambulatory and require supervised personal
11 assistance, but who do not require the services of a
12 registered or licensed practical nurse, except on an emergency
13 basis.

14 b. To establish standards for regulating elder group homes
15 that adequately protect residents, but which are not so
16 restrictive as to discourage the development of elder group
17 homes.

18 c. To encourage public participation in the development of
19 elder group homes.

20 Sec. 2. Section 135C.1, Code 1993, is amended by adding
21 the following new subsections and renumbering subsequent
22 subsections as necessary:

23 NEW SUBSECTION. 1. "Ambulatory" means the condition of a
24 person who immediately and without aid of another, is
25 physically and mentally capable of traveling a normal path to
26 safety, including the ascent and descent of stairs.

27 NEW SUBSECTION. 3A. "Elder" means a person sixty years of
28 age or older.

29 NEW SUBSECTION. 3B. "Elder group home" means a single-
30 family residence that is the home of a person who is providing
31 room, board, and supervised personal assistance to three or
32 more elders who are not related to the person providing the
33 service within the third degree of consanguinity or affinity.

34 NEW SUBSECTION. 18A. "Supervised personal assistance"
35 means assistance with the essential activities of daily living

1 which the recipient can perform personally only with
2 difficulty. "Supervised personal assistance" may include
3 bathing, personal hygiene, dressing, grooming, and supervision
4 of medications which require self-administration.

5 Sec. 3. Section 135C.2, Code 1993, is amended by adding
6 the following new subsection:

7 NEW SUBSECTION. 6. The department shall establish by rule
8 in accordance with chapter 17A a special classification for
9 elder group homes within the residential care facility
10 category. The department shall adopt the rules in cooperation
11 with the department of elder affairs, and the rules shall be
12 consistent with the requirements of 42 U.S.C. § 1302 and
13 1382(e) and 45 C.F.R. pt. 1397 as amended. A facility within
14 the special classification established pursuant to this
15 subsection is exempt from the requirements of section 135.63.

16 a. A provider under the special classification shall
17 comply with the rules adopted by the department for elder
18 group homes and shall be licensed in accordance with the rules
19 adopted.

20 b. An elder group home shall be located in an area zoned
21 for single-family or multiple-family housing or in an
22 unincorporated area and shall be constructed in compliance
23 with applicable local housing codes and the rules adopted for
24 the special classification by the state fire marshal. In the
25 absence of local building codes the facility shall comply with
26 the state plumbing code established pursuant to section 135.11
27 and the state building code established pursuant to chapter
28 103A.

29 c. Elder group home residents shall have reasonable access
30 to community resources and shall have opportunities for
31 integrated interaction with the community.

32 d. A provider shall not be licensed for more than one
33 elder group home, and shall own and reside in the elder group
34 home.

35 e. The rules shall not limit the number of unrelated

1 individuals living in an elder group home but shall establish
2 the minimum private space required for each resident
3 sufficient for sleeping and dressing. The standard is to be
4 based on accepted best practices as established by the
5 department.

6 f. The rules shall establish the minimum level of training
7 required for persons providing supervised personal assistance.

8 Sec. 4. NEW SECTION. 135C.49 REFERRAL TO UNLICENSED
9 ELDER GROUP HOME PROHIBITED.

10 1. A person shall not place, refer, or recommend the
11 placement of another person in an elder group home which is
12 not licensed pursuant to this chapter.

13 2. A person who has knowledge that an elder group home is
14 operating without a license shall report the name of the owner
15 or operator and the address of the elder group home to the
16 department. The department shall investigate a report made
17 pursuant to this section.

18 Sec. 5. NEW SECTION. 335.32 ELDER GROUP HOMES.

19 A county board of supervisors or county zoning commission
20 shall consider an elder group home a family home, as defined
21 in section 335.25, for purposes of zoning, in accordance with
22 section 135C.2, and may identify limitations regarding the
23 proximity of one proposed elder group home to another.

24 Sec. 6. NEW SECTION. 414.30 ELDER GROUP HOMES.

25 A city council or city zoning commission shall consider an
26 elder group home a family home, as defined in section 414.22,
27 for purposes of zoning, in accordance with section 135C.2, and
28 may identify limitations regarding the proximity of one
29 proposed elder group home to another.

30 EXPLANATION

31 This bill provides for the establishment of elder group
32 homes which provide personal assistance, room, and board to
33 three or more elders in a single-family residence as a special
34 licensing category of residential care facilities. This bill
35 may create a state mandate under chapter 25B.

S-3205

Page 3

1 4. A provider under the special classification
2 shall comply with the rules adopted by the department
3 for an elder group home.

4 5. Inspections and certification services shall be
5 provided by the department. However, beginning July
6 1, 1994, the department may enter into contracts with
7 the area agencies on aging to provide these services.

8 Sec. 4. NEW SECTION. 231B.3 REFERRAL TO
9 UNCERTIFIED ELDER GROUP HOME PROHIBITED.

10 1. A person shall not place, refer, or recommend
11 the placement of another person in an elder group home
12 that is not certified pursuant to this chapter.

13 2. A person who has knowledge that an elder group
14 home is operating without certification shall report
15 the name and address of the home to the department.
16 The department shall investigate a report made
17 pursuant to this section.

18 Sec. 5. Section 235B.3, subsection 2, Code 1993,
19 is amended by adding the following new paragraph:

20 NEW PARAGRAPH. f. A person who performs
21 inspections of elder group homes for the department of
22 elder affairs and a care review committee member
23 assigned to an elder group home pursuant to chapter
24 231B.

25 Sec. 6. NEW SECTION. 335.32 ELDER GROUP HOMES.

26 A county board of supervisors or county zoning
27 commission shall consider an elder group home a family
28 home, as defined in section 335.25, for purposes of
29 zoning, in accordance with section 231B.2, and may
30 establish limitations regarding the proximity of one
31 proposed elder group home to another.

32 Sec. 7. NEW SECTION. 414.30 ELDER GROUP HOMES.

33 A city council or city zoning commission shall
34 consider an elder family home a family home, as
35 defined in section 414.22, for purposes of zoning, in
36 accordance with section 231B.2, and may establish
37 limitations regarding the proximity of one proposed
38 elder group home to another."

By MAGGIE TINSMAN
FLORENCE BUHR
RICHARD J. VARN

S-3205 FILED MARCH 23, 1993

(P. 826)
3/24/93 Adopted

SENATE FILE 3

S-3038

- 1 Amend Senate File 3 as follows:
2 1. Page 1, lines 31 and 32, by striking the words
3 "three or more" and inserting the following: "not
4 more than five".
5 2. Page 2, by striking lines 32 through 34 and
6 inserting the following:
7 "____. An elder group home shall be owner-occupied
8 or owned by a nonprofit corporation."
9 3. Page 3, by inserting after line 7 the
10 following:
11 "____. Notwithstanding any other requirements
12 relating to performance of visitations or meetings of
13 a care review committee, a care review committee
14 appointed to an elder group home shall perform no more
15 than four visitations, annually, to review the needs
16 of residents in an elder group home and to perform the
17 duties of the care review committee in relation to the
18 elder group home."
19 4. By renumbering as necessary.

By HUMAN RESOURCES COMMITTEE,
ELAINE SZYMONIAK, Chairperson

*out of order 3/24/93
p. 827*

S-3038 FILED FEBRUARY 16, 1993

SENATE FILE 3

S-3194

- 1 Amend Senate File 3 as follows:
2 1. Page 2, by striking lines 13 through 15 and
3 inserting the following: "1382(e) and 45 C.F.R. pt.
4 1397 as amended."
5 2. Page 3, by inserting after line 7 the
6 following:
7 "g. The department of inspections and appeals,
8 health facilities division, shall make or cause to be
9 made, such further unannounced inspections as it may
10 deem necessary to adequately enforce chapter 135C,
11 including at least one general inspection in each
12 calendar year of every elder group home within the
13 residential care facility category, as well as
14 inspections upon complaints in accordance with section
15 135C.38."

By JOE J. WELSH

S-3194 FILED MARCH 23, 1993

*3/24/93 out of order
(p. 827)*

S-3228

1 Amend the amendment, S-3205, to Senate File 3, as
2 follows:

3 1. Page 1, by striking lines 19 and 20 and
4 inserting the following: "safety and sanitation."

5 2. Page 1, by striking lines 33 and 34 and
6 inserting the following:

7 "_____. "Department" means the department of
8 inspections and appeals."

9 3. Page 1, line 50, by striking the word
10 "CERTIFICATION" and inserting the following:
11 "LICENSURE".

12 4. Page 2, line 8, by striking the word
13 "certification" and inserting the following:
14 "licensure".

15 5. Page 2, line 11, by striking the word
16 "Certification" and inserting the following:
17 "Licensure".

18 6. Page 2, line 14, by striking the word
19 "certification" and inserting the following:
20 "licensure".

21 7. Page 2, by striking lines 16 through 20, and
22 inserting the following:

23 "_____. An elder group home shall be owner-
24 occupied."

25 8. Page 2, line 50, by striking the word
26 "certified" and inserting the following: "licensed".

27 9. Page 3, by striking lines 4 through 7, and
28 inserting the following:

29 "_____. Inspections and licensure services shall be
30 provided by the department."

31 10. Page 3, line 9, by striking the word
32 "UNCERTIFIED" and inserting the following:
33 "UNLICENSED".

34 11. Page 3, line 12, by striking the word
35 "certified" and inserting the following: "licensed".

36 12. Page 3, line 14, by striking the word
37 "certification" and inserting the following:
38 "licensure".

39 13. Page 3, by striking lines 18 through 24.

40 14. By renumbering as necessary.

By JOE J. WELSH
BERL E. PRIEBE

S-3228 FILED MARCH 24, 1993
LOST

SENATE FILE 3

S-3205

1 Amend Senate File 3 as follows:

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

4 "Section 1. FINDINGS AND PURPOSE.

5 1. The general assembly finds that elder group
6 homes are an important part of the long-term care
7 system in the state. Elder group homes provide a less
8 restrictive alternative for persons requiring long-
9 term care and promote independent living for tenants.

10 2. The purposes of this Act are all of the
11 following:

12 a. To encourage the establishment and maintenance
13 of homes that provide a humane, safe, and home-like
14 environment for persons who require some assistance to
15 live independently but who do not require the level of
16 services provided by a nursing facility.

17 b. To establish standards for elder group homes
18 that adequately protect tenants' rights and guarantee
19 safety and sanitation, but that are not so restrictive
20 as to discourage the development of elder group homes.

21 c. To establish standards for elder group homes
22 that promote a social model of service delivery which
23 focuses on tenant independence, individual need and
24 preference, and customer-driven quality of service.

25 d. To encourage public participation in the
26 development of elder group homes.

27 Sec. 2. NEW SECTION. 231B.1 DEFINITIONS.

28 1. "Ambulatory" means the condition of a person
29 who immediately and without aid of another is
30 physically and mentally capable of traveling a normal
31 path to safety, including the ascent and descent of
32 stairs.

33 2. "Department" means the department of elder
34 affairs or the department's designee.

35 3. "Elder" means a person sixty years of age or
36 older.

37 4. "Elder group home" means a single-family
38 residence that is a residence of a person who is
39 providing room, board, and personal care to three
40 through five elders who are not related to the person
41 providing the service within the third degree of
42 consanguinity or affinity.

43 5. "Personal care" means assistance with the
44 essential activities of daily living which the
45 recipient can perform personally only with difficulty.
46 "Personal care" may include bathing, personal hygiene,
47 dressing, grooming, and the supervision of self-
48 administered medications, but does not include the
49 administration of medications.

50 Sec. 3. NEW SECTION. 231B.2 CERTIFICATION OF

S-3205

S-3205

Page 2

1 ELDER GROUP HOMES.

2 1. The department shall establish by rule in
3 accordance with chapter 17A a special classification
4 for elder group homes. An elder group home
5 established pursuant to this subsection is exempt from
6 the requirements of section 135.63.

7 2. The department shall adopt rules to establish
8 requirements for certification of elder group homes.
9 The requirements shall include but are not limited to
10 all of the following:

11 a. Certification shall be for three years, unless
12 revoked for good cause by the department.

13 b. An elder group home shall be inspected at the
14 time of certification and subsequently upon receipt of
15 a complaint.

16 c. An elder group home shall be owner-occupied, or
17 owned by a nonprofit corporation and occupied by a
18 resident manager. A resident manager shall reside in
19 and provide services for no more than one elder group
20 home.

21 d. An elder group home shall be located in an area
22 zoned for single-family or multiple-family housing or
23 in an unincorporated area and shall be constructed in
24 compliance with applicable local housing codes and the
25 rules adopted for the special classification by the
26 state fire marshal. In the absence of local building
27 codes, the facility shall comply with the state
28 plumbing code established pursuant to section 135.11
29 and the state building code established pursuant to
30 chapter 103A.

31 e. A minimum private space shall be required for
32 each resident sufficient for sleeping and dressing.

33 f. A minimum level of training shall be required
34 for persons providing personal care.

35 g. The commission of elder affairs shall adopt by
36 rule procedures for appointing members of care review
37 committees for elder group homes.

38 h. Notwithstanding any other requirements relating
39 to performance of visitations or meetings of a care
40 review committee, a care review committee appointed
41 for an elder group home shall perform no more than
42 four visitations, annually, to fulfill the duties of
43 the care review committee in relation to the elder
44 group home.

45 i. Elder group home tenants shall have reasonable
46 access to community resources and shall have
47 opportunities for integrated interaction with the
48 community.

49 3. An elder group home established pursuant to
50 this chapter shall be certified by the department.

S-3205

-2-

SENATE FILE 3
BY TINSMAN

(AS AMENDED AND PASSED BY THE SENATE APRIL 2, 1993)

ALL New Language by the Senate

Passed Senate, Date 4/22/93 (P. 1296) Passed House, Date 4/21/93 (P. 1481)
Vote: Ayes 46 Nays 0 Vote: Ayes 93 Nays 6
Approved May 3, 1993

A BILL FOR

1 An Act relating to the establishment and regulation of elder
2 group homes.

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

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SENATE FILE 3

H-3840

1 Amend Senate File 3, as amended, passed, and re-
2 printed by the Senate, as follows:
3 1. Page 3, by inserting after line 32 the fol-
4 lowing:
5 "Sec. ____ . NEW SECTION. 231B.4 APPLICABILITY.
6 This chapter shall not be construed to require that
7 a facility, currently licensed or licensed as a
8 different type of facility and serving persons sixty
9 years of age or older, also comply with the
10 requirements of this chapter."

adopted 4/21/93 (P. 1480) By COMMITTEE ON HUMAN RESOURCES
H-3840 FILED APRIL 12, 1993 PLASIER of Sioux, Chairperson

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S.F. 3

1 Section 1. FINDINGS AND PURPOSE.

2 1. The general assembly finds that elder group homes are
3 an important part of the long-term care system in the state.
4 Elder group homes provide a less restrictive alternative for
5 persons requiring long-term care and promote independent
6 living for tenants.

7 2. The purposes of this Act are all of the following:

8 a. To encourage the establishment and maintenance of homes
9 that provide a humane, safe, and home-like environment for
10 persons who require some assistance to live independently but
11 who do not require the level of services provided by a nursing
12 facility.

13 b. To establish standards for elder group homes that
14 adequately protect tenants' rights and guarantee safety and
15 sanitation, but that are not so restrictive as to discourage
16 the development of elder group homes.

17 c. To establish standards for elder group homes that
18 promote a social model of service delivery which focuses on
19 tenant independence, individual need and preference, and
20 customer-driven quality of service.

21 d. To encourage public participation in the development of
22 elder group homes.

23 Sec. 2. NEW SECTION. 231B.1 DEFINITIONS.

24 1. "Ambulatory" means the condition of a person who
25 immediately and without aid of another is physically and
26 mentally capable of traveling a normal path to safety,
27 including the ascent and descent of stairs.

28 2. "Department" means the department of elder affairs or
29 the department's designee.

30 3. "Elder" means a person sixty years of age or older.

31 4. "Elder group home" means a single-family residence that
32 is a residence of a person who is providing room, board, and
33 personal care to three through five elders who are not related
34 to the person providing the service within the third degree of
35 consanguinity or affinity.

1 5. "Personal care" means assistance with the essential
2 activities of daily living which the recipient can perform
3 personally only with difficulty. "Personal care" may include
4 bathing, personal hygiene, dressing, grooming, and the
5 supervision of self-administered medications, but does not
6 include the administration of medications.

7 Sec. 3. NEW SECTION. 231B.2 CERTIFICATION OF ELDER GROUP
8 HOMES.

9 1. The department shall establish by rule in accordance
10 with chapter 17A a special classification for elder group
11 homes. An elder group home established pursuant to this
12 subsection is exempt from the requirements of section 135.63.

13 2. The department shall adopt rules to establish
14 requirements for certification of elder group homes. The
15 requirements shall include but are not limited to all of the
16 following:

17 a. Certification shall be for three years, unless revoked
18 for good cause by the department.

19 b. An elder group home shall be inspected at the time of
20 certification and subsequently upon receipt of a complaint.

21 c. An elder group home shall be owner-occupied, or owned
22 by a nonprofit corporation and occupied by a resident manager.
23 A resident manager shall reside in and provide services for no
24 more than one elder group home.

25 d. An elder group home shall be located in an area zoned
26 for single-family or multiple-family housing or in an
27 unincorporated area and shall be constructed in compliance
28 with applicable local housing codes and the rules adopted for
29 the special classification by the state fire marshal. In the
30 absence of local building codes, the facility shall comply
31 with the state plumbing code established pursuant to section
32 135.11 and the state building code established pursuant to
33 chapter 103A.

34 e. A minimum private space shall be required for each
35 resident sufficient for sleeping and dressing.

1 f. A minimum level of training shall be required for
2 persons providing personal care.

3 g. The commission of elder affairs shall adopt by rule
4 procedures for appointing members of care review committees
5 for elder group homes.

6 h. Notwithstanding any other requirements relating to
7 performance of visitations or meetings of a care review
8 committee, a care review committee appointed for an elder
9 group home shall perform no more than four visitations,
10 annually, to fulfill the duties of the care review committee
11 in relation to the elder group home.

12 i. Elder group home tenants shall have reasonable access
13 to community resources and shall have opportunities for
14 integrated interaction with the community.

15 3. An elder group home established pursuant to this
16 chapter shall be certified by the department.

17 4. A provider under the special classification shall
18 comply with the rules adopted by the department for an elder
19 group home.

20 5. Inspections and certification services shall be
21 provided by the department. However, beginning July 1, 1994,
22 the department may enter into contracts with the area agencies
23 on aging to provide these services.

24 Sec. 4. NEW SECTION. 231B.3 REFERRAL TO UNCERTIFIED
25 ELDER GROUP HOME PROHIBITED.

26 1. A person shall not place, refer, or recommend the
27 placement of another person in an elder group home that is not
28 certified pursuant to this chapter.

29 2. A person who has knowledge that an elder group home is
30 operating without certification shall report the name and
31 address of the home to the department. The department shall
32 investigate a report made pursuant to this section.

33 Sec. 5. Section 235B.3, subsection 2, Code 1993, is
34 amended by adding the following new paragraph:

35 NEW PARAGRAPH. f. A person who performs inspections of

1 elder group homes for the department of elder affairs and a
2 care review committee member assigned to an elder group home
3 pursuant to chapter 231B.

4 Sec. 6. NEW SECTION. 335.32 ELDER GROUP HOMES.

5 A county board of supervisors or county zoning commission
6 shall consider an elder group home a family home, as defined
7 in section 335.25, for purposes of zoning, in accordance with
8 section 231B.2, and may establish limitations regarding the
9 proximity of one proposed elder group home to another.

10 Sec. 7. NEW SECTION. 414.30 ELDER GROUP HOMES.

11 A city council or city zoning commission shall consider an
12 elder family home a family home, as defined in section 414.22,
13 for purposes of zoning, in accordance with section 231B.2, and
14 may establish limitations regarding the proximity of one
15 proposed elder group home to another.

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HOUSE AMENDMENT TO
SENATE FILE . 3

S-3570

1 Amend Senate File 3, as amended, passed, and re-
2 printed by the Senate, as follows:

3 1. Page 3, by inserting after line 32 the fol-
4 lowing:

5 "Sec. ____ . NEW SECTION. 231B.4 APPLICABILITY.

6 This chapter shall not be construed to require that
7 a facility, currently licensed or licensed as a
8 different type of facility and serving persons sixty
9 years of age or older, also comply with the
10 requirements of this chapter."

RECEIVED FROM THE HOUSE

S-3570 FILED APRIL 21, 1993

Senate Concurred 4/22/93 (P.1296)

SENATE FILE 3

AN ACT

RELATING TO THE ESTABLISHMENT AND REGULATION OF ELDER GROUP HOMES.

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

Section 1. FINDINGS AND PURPOSE.

1. The general assembly finds that elder group homes are an important part of the long-term care system in the state. Elder group homes provide a less restrictive alternative for persons requiring long-term care and promote independent living for tenants.

2. The purposes of this Act are all of the following:

a. To encourage the establishment and maintenance of homes that provide a humane, safe, and home-like environment for persons who require some assistance to live independently but who do not require the level of services provided by a nursing facility.

b. To establish standards for elder group homes that adequately protect tenants' rights and guarantee safety and sanitation, but that are not so restrictive as to discourage the development of elder group homes.

c. To establish standards for elder group homes that promote a social model of service delivery which focuses on tenant independence, individual need and preference, and customer-driven quality of service.

d. To encourage public participation in the development of elder group homes.

Sec. 2. NEW SECTION. 231B.1 DEFINITIONS.

1. "Ambulatory" means the condition of a person who immediately and without aid of another is physically and mentally capable of traveling a normal path to safety, including the ascent and descent of stairs.

2. "Department" means the department of elder affairs or the department's designee.

3. "Elder" means a person sixty years of age or older.

4. "Elder group home" means a single-family residence that is a residence of a person who is providing room, board, and personal care to three through five elders who are not related to the person providing the service within the third degree of consanguinity or affinity.

5. "Personal care" means assistance with the essential activities of daily living which the recipient can perform personally only with difficulty. "Personal care" may include bathing, personal hygiene, dressing, grooming, and the supervision of self-administered medications, but does not include the administration of medications.

Sec. 3. NEW SECTION. 231B.2 CERTIFICATION OF ELDER GROUP HOMES.

1. The department shall establish by rule in accordance with chapter 17A a special classification for elder group homes. An elder group home established pursuant to this subsection is exempt from the requirements of section 135.63.

2. The department shall adopt rules to establish requirements for certification of elder group homes. The requirements shall include but are not limited to all of the following:

a. Certification shall be for three years, unless revoked for good cause by the department.

b. An elder group home shall be inspected at the time of certification and subsequently upon receipt of a complaint.

c. An elder group home shall be owner-occupied, or owned by a nonprofit corporation and occupied by a resident manager. A resident manager shall reside in and provide services for no more than one elder group home.

d. An elder group home shall be located in an area zoned for single-family or multiple-family housing or in an unincorporated area and shall be constructed in compliance with applicable local housing codes and the rules adopted for the special classification by the state fire marshal. In the absence of local building codes, the facility shall comply with the state plumbing code established pursuant to section 135.11 and the state building code established pursuant to chapter 103A.

e. A minimum private space shall be required for each resident sufficient for sleeping and dressing.

f. A minimum level of training shall be required for persons providing personal care.

g. The commission of elder affairs shall adopt by rule procedures for appointing members of care review committees for elder group homes.

h. Notwithstanding any other requirements relating to performance of visitations or meetings of a care review committee, a care review committee appointed for an elder group home shall perform no more than four visitations, annually, to fulfill the duties of the care review committee in relation to the elder group home.

i. Elder group home tenants shall have reasonable access to community resources and shall have opportunities for integrated interaction with the community.

3. An elder group home established pursuant to this chapter shall be certified by the department.

4. A provider under the special classification shall comply with the rules adopted by the department for an elder group home.

5. Inspections and certification services shall be provided by the department. However, beginning July 1, 1994, the department may enter into contracts with the area agencies on aging to provide these services.

Sec. 4. NEW SECTION. 231B.3 REFERRAL TO UNCERTIFIED ELDER GROUP HOME PROHIBITED.

1. A person shall not place, refer, or recommend the placement of another person in an elder group home that is not certified pursuant to this chapter.

2. A person who has knowledge that an elder group home is operating without certification shall report the name and address of the home to the department. The department shall investigate a report made pursuant to this section.

Sec. 5. NEW SECTION. 231B.4 APPLICABILITY.

This chapter shall not be construed to require that a facility, currently licensed or licensed as a different type of facility and serving persons sixty years of age or older, also comply with the requirements of this chapter.

Sec. 6. Section 235B.3, subsection 2, Code 1993, is amended by adding the following new paragraph:

NEW PARAGRAPH. f. A person who performs inspections of elder group homes for the department of elder affairs and a care review committee member assigned to an elder group home pursuant to chapter 231B.

Sec. 7. NEW SECTION. 335.32 ELDER GROUP HOMES.

A county board of supervisors or county zoning commission shall consider an elder group home a family home, as defined in section 335.25, for purposes of zoning, in accordance with section 231B.2, and may establish limitations regarding the proximity of one proposed elder group home to another.

Sec. 8. NEW SECTION. 414.30 ELDER GROUP HOMES.

A city council or city zoning commission shall consider an elder family home a family home, as defined in section 414.22, for purposes of zoning, in accordance with section 231B.2, and may establish limitations regarding the proximity of one proposed elder group home to another.

LEONARD L. BOSWELL
President of the Senate

HAROLD VAN MAANEN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 3, Seventy-fifth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 3, 1993

TERRY E. BRANSTAD
Governor

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