

FILED FEB 9 1995

SENATE FILE 123
BY BOSWELL

(COMPANION TO LSB 1652HH BY
DAGGETT)

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

A BILL FOR

1 An Act relating to the establishment of area long-term care
2 resident's advocates in each of the area agencies on aging,
3 providing for an appropriation, and providing an effective
4 date.

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

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S.F. 123

1 Section 1. Section 231.42, Code 1995, is amended by adding
2 the following new subsection before unnumbered paragraph 2:

3 NEW SUBSECTION. 8. Establish an area long-term care
4 resident's advocate in each of the area agencies on aging
5 throughout the state, and establish a procedure for
6 certification of area resident's advocates. Neither the state
7 nor any area long-term care resident's advocate is liable for
8 an action undertaken by an area resident's advocate in the
9 performance of duty, if the action is undertaken and carried
10 out in good faith. The area resident's advocates shall assist
11 the state long-term care resident's advocate by doing all of
12 the following:

13 a. Investigating and resolving complaints and grievances
14 that may affect the health, safety, welfare, or rights of
15 elderly residents in long-term care facilities.

16 b. Providing information to other agencies and to the
17 public about the problems of elderly in long-term care
18 facilities.

19 c. Assisting care review committees in the performance of
20 their duties through recruitment, training, and publicity.

21 d. Assisting in the development of organizations to
22 participate in the long-term care resident's advocate program.

23 Sec. 2. Section 231.42, unnumbered paragraph 2, Code 1995,
24 is amended to read as follows:

25 The resident's advocate and the area resident's advocates
26 shall have access to long-term care facilities, private access
27 to residents, access to residents' personal and medical
28 records, and access to other records maintained by the
29 facilities or governmental agencies pertaining only to the
30 person on whose behalf a complaint is being investigated.

31 Sec. 3. Section 231.43, subsection 3, Code 1995, is
32 amended to read as follows:

33 3. Procedures to enable the long-term care resident's
34 advocate and area resident's advocates to elicit, receive, and
35 process complaints regarding administrative actions which may

1 adversely affect the health, safety, welfare, or rights of
2 elderly in long-term care facilities.

3 Sec. 4. AREA LONG-TERM CARE RESIDENT'S ADVOCATE PROGRAM --
4 PILOT PROJECT -- APPROPRIATION. There is appropriated from
5 the general fund of the state to the department of elder
6 affairs for the fiscal year beginning July 1, 1995, and ending
7 June 30, 1996, the following amount or so much thereof as is
8 necessary, to be used for the purpose designated:

9 For the establishment of a pilot program beginning July 1,
10 1995, and ending June 30, 1997, to create the position of area
11 long-term care resident's advocate in each of three area
12 agency on aging locations in the state to determine the
13 efficacy of establishing local advocates in all area agency on
14 aging planning and service area locations:

15 \$ 240,000

16 Notwithstanding section 8.33, the moneys appropriated in
17 this section that remain unencumbered and unobligated at the
18 end of any fiscal year shall not revert to the general fund
19 but shall remain available for expenditure during subsequent
20 fiscal years for the purposes for which originally
21 appropriated.

22 Sec. 5. EFFECTIVE DATE. Sections 1 through 3 of this Act
23 take effect July 1, 1997.

24 EXPLANATION

25 This bill provides for the establishment of area long-term
26 care resident's advocates in each of the area agency on aging
27 planning and service areas through the office of the state
28 long-term care resident's advocate, establishes the duties of
29 the local advocates, provides for immunity from liability for
30 actions of the advocates undertaken in good faith performance
31 of their duties, makes conforming changes, and establishes a
32 pilot program to determine the efficacy of establishing local
33 advocates in all areas. The bill provides for an
34 appropriation of \$240,000 for the pilot project and also
35 provides that the statutory provisions which establish the

1 local advocates are effective July 1, 1997, after completion
2 of the pilot program.

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