

JAN 29 2004
HUMAN RESOURCES

HOUSE FILE 2112
BY HEATON

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

A BILL FOR

1 An Act relating to the creation of resident advocate committees
2 for assisted living programs, and providing an appropriation.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2112

1 Section 1. NEW SECTION. 231C.5A RESIDENT ADVOCATE
2 COMMITTEE APPOINTMENTS -- DUTIES -- DISCLOSURE -- LIABILITY.

3 1. Each assisted living program shall have a resident
4 advocate committee whose members shall be appointed by the
5 director of the department of elder affairs or the director's
6 designee. A person shall not be appointed a member of a
7 resident advocate committee for an assisted living program
8 unless the person is a resident of the service area where the
9 program is located. Recommendations to the director or the
10 director's designee for membership on resident advocate
11 committees are encouraged from any agency, organization, or
12 individual. The administrator of an assisted living program
13 shall not be appointed to the resident advocate committee for
14 that program and shall not be present at committee meetings
15 except upon request of the committee.

16 2. Each resident advocate committee shall periodically
17 review the needs of each individual resident of the program.

18 3. An assisted living program shall disclose the names,
19 addresses, and phone numbers of a tenant's family members, if
20 requested, to a resident advocate committee member, unless
21 permission for this disclosure is refused in writing by the
22 family member. The program shall provide a form on which a
23 family member may indicate a refusal to grant this permission.

24 4. Neither the state or any resident advocate committee
25 member is liable for an action by a resident advocate
26 committee member in the performance of duty, if the action is
27 undertaken and carried out in good faith.

28 Sec. 2. Section 231.44, subsection 2, Code Supplement
29 2003, is amended to read as follows:

30 2. The responsibilities of the resident advocate committee
31 are in accordance with the rules adopted by the commission
32 pursuant to chapter 17A. When adopting the rules, the
33 commission shall consider the needs of residents of elder
34 group homes as defined in section 231B.1, the tenants of
35 assisted living programs as defined in section 231C.2, and

1 each category of licensed health care facility as defined in
2 section 135C.1, subsection 6, and the services each facility
3 may render. The commission shall coordinate the development
4 of rules with the mental health and developmental disabilities
5 commission created in section 225C.5 to the extent the rules
6 would apply to a facility primarily serving persons with
7 mental illness, mental retardation, or a developmental
8 disability. The commission shall coordinate the development
9 of appropriate rules with other state agencies.

10 Sec. 3. RESIDENT ADVOCATE COMMITTEE TRAINING -- SENIOR
11 LIVING TRUST FUND -- APPROPRIATION. There is appropriated
12 from the senior living trust fund created in section 249H.4 to
13 the department of elder affairs for the fiscal year beginning
14 July 1, 2004, and ending June 30, 2005, the following amount,
15 or so much thereof as is necessary, to be used for the purpose
16 designated:

17 For the provision of training to resident advocate
18 committees for elder group homes as defined in section 231B.1,
19 assisted living programs as defined in section 231C.2, and
20 licensed health care facilities as defined in section 135C.1:
21 \$ 160,000

22 EXPLANATION

23 This bill provides for a resident advocate committee for
24 each assisted living program. The bill provides that the
25 members of the committees are appointed by the director of the
26 department of elder affairs or the director's designee, that a
27 person shall not be appointed a member of a resident advocate
28 committee for an assisted living program unless the person is
29 a resident of the service area where the program is located,
30 that recommendations to the director or the director's
31 designee for membership on resident advocate committees are
32 encouraged from any agency, organization, or individual, and
33 that the administrator of the assisted living program is not
34 to be appointed to the resident advocate committee and is not
35 to be present at committee meetings except upon request of the

1 committee. A resident advocate committee is directed to
2 periodically review the needs of each individual resident of
3 the program.

4 The bill provides that an assisted living program is to
5 disclose the names, addresses, and phone numbers of a tenant's
6 family members, if requested, to a resident advocate committee
7 member, unless permission for this disclosure is refused in
8 writing by the family member. The program is to provide a
9 form on which a family member may indicate a refusal to grant
10 this permission.

11 The bill provides that neither the state nor any resident
12 advocate committee member is liable for an action by a
13 resident advocate committee member in the performance of duty,
14 if the action is undertaken and carried out in good faith.

15 The bill also directs the department of elder affairs, when
16 adopting rules for the resident advocate committees, to
17 consider the needs of the specific residents or tenants of the
18 various types of facilities, including those of the tenants of
19 assisted living programs.

20 The bill appropriates \$160,000 from the senior living trust
21 fund to the department of elder affairs for FY 2004-2005 for
22 the provision of training to resident advocate committees for
23 elder group homes as defined in Code section 231B.1, assisted
24 living programs as defined in Code section 231C.2, and
25 licensed health care facilities as defined in Code section
26 135C.1.

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