

MAR 9 2004  
Place On Calendar

HOUSE FILE 2514  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2421)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to a pilot project for dementia-specific care  
2 alternatives.

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

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HF 2514

1 Section 1. DEMENTIA-SPECIFIC CARE ALTERNATIVES -- PILOT  
2 PROJECT. The department of inspections and appeals, in  
3 cooperation with the department of elder affairs, shall  
4 implement a pilot project for dementia-specific alternative  
5 living. The department of inspections and appeals, in  
6 cooperation with the department of elder affairs, shall adopt  
7 rules for the pilot project which allow for an environment  
8 that is similar to group home living, but which, at a minimum,  
9 require compliance with life safety code requirements. The  
10 rules may limit the number and duration of the pilot projects.  
11 The projects shall be outcome-based and shall be subject to  
12 evaluation.

13 EXPLANATION

14 This bill directs the department of inspections and  
15 appeals, in cooperation with the department of elder affairs,  
16 to implement a pilot project for dementia-specific alternative  
17 living. The department of inspections and appeals is directed  
18 to adopt rules for the project which allow for an environment  
19 similar to group home living but which complies with life  
20 safety codes. The rules may limit the number and duration of  
21 the projects and the projects are to be outcome-based and  
22 subject to evaluation.

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## HOUSE FILE 2514

## H-8306

1 Amend House File 2514 as follows:

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

4 "Section 1. DEMENTIA-SPECIFIC CARE ALTERNATIVES --  
5 PILOT PROJECT.

6 1. The department of inspections and appeals, in  
7 cooperation with department of elder affairs in  
8 consultation with representatives of the affected  
9 industry, shall implement a pilot project for  
10 dementia-specific alternative living.

11 2. The department of inspections and appeals, in  
12 cooperation with department of elder affairs in  
13 consultation with representatives of the affected  
14 industry, shall adopt rules for the pilot project  
15 which allow for an environment that is similar to  
16 group home living, but which, at a minimum, require  
17 compliance with life safety code requirements  
18 commensurate with the level of care required for, and  
19 frailty of, the population being served.

20 3. The department of inspections and appeals shall  
21 limit the number of projects in the pilot project to  
22 two. The projects shall be based on measurable  
23 outcomes as defined by the department of inspections  
24 and appeals, in cooperation with the department of  
25 elder affairs in consultation with representatives of  
26 the affected industry. The projects shall be subject  
27 to an objective third-party evaluation and an  
28 institutional review board using the human services  
29 protocol.

30 4. The projects shall each be limited to three  
31 years in duration. Upon completion of the three-year  
32 period, the human services protocol review, and the  
33 third-party evaluation, the department of inspections  
34 and appeals, in cooperation with the department of  
35 elder affairs in consultation with representatives of  
36 the affected industry, shall submit a report to the  
37 general assembly, which shall include but is not  
38 limited to all of the following:

39 a. The results of the human services protocol  
40 review.

41 b. The conclusion of the third-party evaluation of  
42 the effectiveness of the dementia-specific care  
43 alternative.

44 c. Based upon the third-party evaluation, a  
45 comparison of the effectiveness of the dementia-  
46 specific care alternative to current dementia-specific  
47 assisted living and dementia-specific nursing  
48 facilities.

49 d. Recommendations for immediate and long-range  
50 steps to be taken.

H-8306

**H-8306**

Page 2

1 e. Any recommendations for legislation necessary  
2 to implement the work of the pilot project."

**By** UPMEYER of Hancock

**H-8306** FILED MARCH 23, 2004

**Fiscal Services Division**  
**Legislative Services Agency**  
**Fiscal Note**

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HF 2514 - Long Term Care Pilot Project (LSB 5646 HV)

Analyst: Douglas Wulf (Phone: (515) 281-3250) (douglas.wulf@legis.state.ia.us)

Fiscal Note Version - New

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**Description**

House File 2514 requires the Departments of Inspections and Appeals and Elder Affairs to adopt rules and implement a pilot project for dementia-specific alternative living. The Bill also requires the pilot project to be outcome-based and subject to evaluation.

**Assumptions**

- The Department of Elder Affairs estimates that with one pilot project, the cost would be approximately \$24,000 annually and would utilize 0.25 FTE position. The actual number of pilot projects is unknown.
- The Department of Inspections and Appeals is unable to determine the cost of HF 2514. Until the Department develops and adopts rules and the number and duration of pilot projects is identified, the level of staff support from the Department cannot be determined.

**Fiscal Impact**

Due to insufficient information regarding the impact to the Department of Inspections and Appeals, the increased cost of HF 2514 cannot be determined.

The estimated impact to the Department of Elder Affairs is an increase in General Fund expenditures of \$24,000 annually and 0.25 FTE position, however, the actual number of pilot projects is unknown.

**Sources**

Department of Inspections and Appeals  
Department of Elder Affairs

Dennis C Prouty

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March 24, 2004

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.

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HOUSE FILE 2514  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 2421)

(As Amended and Passed by the House March 24, 2004)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to a pilot project for dementia-specific care  
2 alternatives.

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

4

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All New Language

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1 Section 1. DEMENTIA-SPECIFIC CARE ALTERNATIVES -- PILOT  
2 PROJECT.

3 1. The department of inspections and appeals, in  
4 cooperation with department of elder affairs in consultation  
5 with representatives of the affected industry, shall implement  
6 a pilot project for dementia-specific alternative living.

7 2. The department of inspections and appeals, in  
8 cooperation with department of elder affairs in consultation  
9 with representatives of the affected industry, shall adopt  
10 rules for the pilot project which allow for an environment  
11 that is similar to group home living, but which, at a minimum,  
12 require compliance with life safety code requirements  
13 commensurate with the level of care required for, and frailty  
14 of, the population being served.

15 3. The department of inspections and appeals shall limit  
16 the number of projects in the pilot project to two. The  
17 projects shall be based on measurable outcomes as defined by  
18 the department of inspections and appeals, in cooperation with  
19 the department of elder affairs in consultation with  
20 representatives of the affected industry. The projects shall  
21 be subject to an objective third-party evaluation and an  
22 institutional review board using the human services protocol.

23 4. The projects shall each be limited to three years in  
24 duration. Upon completion of the three-year period, the human  
25 services protocol review, and the third-party evaluation, the  
26 department of inspections and appeals, in cooperation with the  
27 department of elder affairs in consultation with  
28 representatives of the affected industry, shall submit a  
29 report to the general assembly, which shall include but is not  
30 limited to all of the following:

31 a. The results of the human services protocol review.

32 b. The conclusion of the third-party evaluation of the  
33 effectiveness of the dementia-specific care alternative.

34 c. Based upon the third-party evaluation, a comparison of  
35 the effectiveness of the dementia-specific care alternative to

1 current dementia-specific assisted living and dementia-  
2 specific nursing facilities.

3 d. Recommendations for immediate and long-range steps to  
4 be taken.

5 e. Any recommendations for legislation necessary to  
6 implement the work of the pilot project.

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VETO

May 14, 2004

The Honorable Chester Culver  
Secretary of State  
State Capitol Building  
LOCAL

Dear Mr. Secretary:

I hereby transmit **House File 2514**, an Act relating to a pilot project for dementia-specific care alternatives. I am unable to approve House File 2514 for the following reasons.

House File 2514 requires the Department of Inspections and Appeals, in cooperation with the Department of Elder Affairs in consultation with representatives of the affected industry, to implement no more than two pilot projects for dementia-specific alternative living. Expanding alternative living arrangements under the guise of a pilot project places an Executive Branch regulatory agency in an advocacy role and provides state approval to programs that would otherwise be deemed unlicensed or uncertified.

Additionally, House File 2514 contains no specific standards or guidelines to those Executive Branch agencies involved in promulgating administrative rules for the pilot projects. Without adequate standards or guidelines, it is impossible to define dementia-specific alternative living, establish whether this category of alternative living is to be licensed or regulated, and set standards for the evaluation of the proposed pilot projects.

While I can appreciate the need to explore new and alternative living arrangements for Iowa's senior citizens, my overriding concern must be for the health, safety, and welfare of vulnerable individuals who would be impacted by a program of this kind. House File 2514 does not adequately address this concern.

For the above reasons, I hereby respectfully disapprove **House File 2514**.

Sincerely,

Thomas J. Vilsack  
Governor

TJV:jmc

cc: Secretary of the Senate  
Chief Clerk of the House

VETO

HOUSE FILE 2514

AN ACT

RELATING TO A PILOT PROJECT FOR DEMENTIA-SPECIFIC CARE  
ALTERNATIVES.

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

Section 1. DEMENTIA-SPECIFIC CARE ALTERNATIVES -- PILOT  
PROJECT.

1. The department of inspections and appeals, in cooperation with department of elder affairs in consultation with representatives of the affected industry, shall implement a pilot project for dementia-specific alternative living.

2. The department of inspections and appeals, in cooperation with department of elder affairs in consultation with representatives of the affected industry, shall adopt rules for the pilot project which allow for an environment that is similar to group home living, but which, at a minimum, require compliance with life safety code requirements commensurate with the level of care required for, and frailty of, the population being served.

3. The department of inspections and appeals shall limit the number of projects in the pilot project to two. The projects shall be based on measurable outcomes as defined by the department of inspections and appeals, in cooperation with the department of elder affairs in consultation with representatives of the affected industry. The projects shall be subject to an objective third-party evaluation and an institutional review board using the human services protocol.

4. The projects shall each be limited to three years in duration. Upon completion of the three-year period, the human services protocol review, and the third-party evaluation, the department of inspections and appeals, in cooperation with the department of elder affairs in consultation with representatives of the affected industry, shall submit a report to the general assembly, which shall include but is not limited to all of the following:

- a. The results of the human services protocol review.
- b. The conclusion of the third-party evaluation of the effectiveness of the dementia-specific care alternative.
- c. Based upon the third-party evaluation, a comparison of the effectiveness of the dementia-specific care alternative to current dementia-specific assisted living and dementia-specific nursing facilities.
- d. Recommendations for immediate and long-range steps to be taken.

e. Any recommendations for legislation necessary to implement the work of the pilot project.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JEFFREY M. LAMBERTI  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2514, Eightieth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2004

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THOMAS J. VILSACK  
Governor