

FILED JAN 14 2009

HUMAN RESOURCES

SENATE FILE 2009  
BY TINSMAN

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

**A BILL FOR**

1 An Act relating to the medical assistance and state supplementary  
2 assistance programs, providing an effective date, and  
3 providing for retroactive applicability.

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

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SF 2009  
HUMAN RESOURCES

1 Section 1. Section 135C.1, subsection 17, Code Supplement  
2 2003, is amended to read as follows:

3 17. "Residential care facility" means any institution,  
4 place, building, or agency providing for a period exceeding  
5 twenty-four consecutive hours accommodation, board, personal  
6 assistance and other essential daily living activities to  
7 three or more individuals, not related to the administrator or  
8 owner thereof within the third degree of consanguinity, who by  
9 reason of illness, disease, or physical or mental infirmity  
10 are unable to sufficiently or properly care for themselves but  
11 who do not require the services of a registered or licensed  
12 practical nurse except on an emergency basis or who by reason  
13 of illness, disease, or physical or mental infirmity are  
14 unable to sufficiently or properly care for themselves but who  
15 do not require the services of a registered or licensed  
16 practical nurse except on an emergency basis if home and  
17 community-based services, other than nursing services, of the  
18 type and within the cost limits included under the medical  
19 assistance program pursuant to chapter 249A are provided.

20 Sec. 2. Section 135C.4, Code 2003, is amended to read as  
21 follows:

22 135C.4 RESIDENTIAL CARE FACILITIES.

23 Each facility licensed as a residential care facility shall  
24 provide an organized continuous twenty-four-hour program of  
25 care commensurate with the needs of the residents of the home  
26 and under the immediate direction of a person approved and  
27 certified by the department whose combined training and  
28 supervised experience is such as to ensure adequate and  
29 competent care. All admissions to residential care facilities  
30 shall be based on an order written by a physician certifying  
31 that the individual being admitted does not require nursing  
32 services or that the individual's need for nursing services  
33 can be avoided if home and community-based services, other  
34 than nursing services, of the type and within the cost limits  
35 included under the medical assistance program pursuant to

1 chapter 249A are provided to the individual.

2 Sec. 3. NEW SECTION. 222.60A COST OF ASSESSMENT.

3 Notwithstanding any provision of this chapter to the  
4 contrary, any amount attributable to any fee assessed pursuant  
5 to section 249A.21 that would otherwise be the liability of  
6 any county shall be paid by the state. The department may  
7 transfer funds from the appropriation for medical assistance  
8 to pay any amount attributable to any fee assessed pursuant to  
9 section 249A.21 that is a liability of the state.

10 Sec. 4. Section 249.3, Code 2003, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 4. At the discretion of the department,  
13 persons who meet the criteria listed in all of the following  
14 paragraphs:

15 a. Are either of the following:

16 (1) Sixty-five years of age or older.

17 (2) Disabled as defined by 42 U.S.C. § 1382c(a)(3), except  
18 that being engaged in substantial gainful activity shall not  
19 preclude a determination of disability for the purpose of this  
20 subparagraph.

21 b. Live in one of the following:

22 (1) The individual's own home.

23 (2) The home of another individual.

24 (3) A group living arrangement.

25 (4) A medical facility.

26 c. Would be eligible for supplemental security income  
27 benefits but for having excess income or but for being engaged  
28 in substantial gainful activity and having excess income.

29 d. Are not eligible for another state supplementary  
30 assistance group.

31 e. Receive medical assistance under chapter 249A and are  
32 not required to meet a spend-down or pay a premium to be  
33 eligible for such benefits.

34 f. Is currently eligible for Medicare part B.

35 g. Have income exceeding one hundred thirty-five percent

1 of the federal poverty level but not exceeding the medical  
2 assistance income limit for the eligibility group for the  
3 individual person's living arrangement.

4 Sec. 5. Section 249.4, Code 2003, is amended to read as  
5 follows:

6 249.4 APPLICATION -- AMOUNT OF GRANT.

7 1. Applications for state supplementary assistance shall  
8 be made in the form and manner prescribed by the director or  
9 the director's designee, with the approval of the council on  
10 human services, pursuant to chapter 17A. Each person who so  
11 applies and is found eligible under section 249.3 shall, so  
12 long as the person's eligibility continues, receive state  
13 supplementary assistance on a monthly basis, from funds  
14 appropriated to the department for the purpose.

15 2. Any person who applies within fifteen months from the  
16 date of implementation of eligibility pursuant to section  
17 249.3, subsection 4, and who would have been eligible under  
18 that subsection for any period on or after October 1, 2003,  
19 may be granted benefits retroactive to October 1, 2003.

20 Sec. 6. Section 249A.21, subsection 1, Code 2003, is  
21 amended to read as follows:

22 1. The department may assess intermediate care facilities  
23 for persons with mental retardation, as defined in section  
24 135C.1, ~~that-are-not-operated-by-the-state,~~ a fee in an amount  
25 not to exceed six percent of the total annual revenue of the  
26 facility for the preceding fiscal year.

27 Sec. 7. Section 249A.21, Code 2003, is amended by adding  
28 the following new subsection:

29 NEW SUBSECTION. 6. The department may adopt  
30 administrative rules under section 17A.4, subsection 2, and  
31 section 17A.5, subsection 2, paragraph "b", to implement this  
32 section, and any fee assessed pursuant to this section against  
33 an intermediate care facility for persons with mental  
34 retardation that is operated by the state may be made  
35 retroactive to October 1, 2003.

1 Sec. 8. 2003 Iowa Acts, chapter 112, section 4, subsection  
2 9, is amended to read as follows:

3 9. The department may adopt administrative rules under  
4 section 17A.4, subsection 2, and section 17A.5, subsection 2,  
5 paragraph "b", to implement this section, and any assessment  
6 made pursuant to this section may be made retroactive to  
7 October 1, 2003.

8 Sec. 9. RETROACTIVE APPLICABILITY. The following  
9 provisions of this Act are retroactively applicable to October  
10 1, 2003:

11 1. The provision creating section 222.60A, relating to the  
12 costs of the assessment for intermediate care facilities for  
13 persons with mental retardation.

14 2. The provision creating section 249.3, subsection 4,  
15 relating to state supplementary assistance eligibility.

16 3. The provision amending section 249.4, relating to  
17 applications and amounts of grants for state supplementary  
18 assistance.

19 4. The provision amending section 249A.21, subsection 1,  
20 and the provision creating section 249A.21, subsection 6,  
21 relating to the nursing facility quality assurance assessment.

22 5. The provision amending 2003 Iowa Acts, chapter 112,  
23 section 4, subsection 9, relating to the adoption of  
24 administrative rules relating to the nursing facility quality  
25 assurance assessment.

26 Sec. 10. EFFECTIVE DATE. This Act, being deemed of  
27 immediate importance, takes effect upon enactment.

28 EXPLANATION

29 This bill makes changes relative to the medical assistance  
30 and state supplementary assistance (SSA) programs.

31 The bill changes the definition of residential care  
32 facility for the purposes of providing Medicaid waiver  
33 services in these facilities.

34 The bill expands the assessment on intermediate care  
35 facilities for persons with mental retardation to include

1 those operated by the state and provides for the transfer of  
2 funds from the medical assistance appropriation to cover  
3 payment of the amounts attributable to the assessment. These  
4 provisions are retroactively applicable to October 1, 2003.

5 The bill amends the eligibility provisions for state  
6 supplementary assistance to cover additional persons. This  
7 provision is retroactively applicable to October 1, 2003.

8 The bill also provides that the nursing facility quality  
9 assurance assessment is retroactively applicable to October 1,  
10 2003.

11 The bill takes effect upon enactment.

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