

SENATE FILE 2132

BY BOLKCOM

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for transfer of the administration of programs
2 for the elderly to the department of elder affairs.

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

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

SF 2132 GOVERNMENT OVERSIGHT

1 Section 1. Section 231.23A, Code Supplement 2003, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 6A. Programs transferred in accordance
4 with section 231.25.

5 Sec. 2 NEW SECTION. 231.25 CONSOLIDATION OF PROGRAMS FOR
6 THE ELDERLY.

7 The departments and agencies listed in this section shall
8 enter into a chapter 28E agreement with the department of
9 elder affairs to transfer to the department of elder affairs
10 the administration of the programs referenced in this section
11 and other programs serving elderly persons. The chapter 28E
12 agreement shall also provide for transfer of the funding
13 associated with a transferred program. A program shall be
14 exempted from transfer under this section if transfer of the
15 program is prohibited by federal law, expressly prohibited by
16 state law, or the department of elder affairs determines that
17 transfer of the program would be impractical or not beneficial
18 to elderly persons. The transfer of the program
19 administration shall be completed during the fiscal year
20 beginning July 1, 2004, and ending June 30, 2005. The
21 departments to which this section is applicable and programs
22 that may be subject to transfer shall include all of the
23 following:

24 1. Department of human services programs, including but
25 not limited to the following:

26 a. Medical assistance services such as nursing facility
27 care, assisted living, elderly waiver and other applicable
28 home and community-based waiver services, and other community-
29 based services directed primarily toward the elderly.

30 b. Dependent adult abuse.

31 2. Iowa department of public health programs, including
32 but not limited to home care aide and chore services.

33 3. Other state departments and agencies that administer a
34 program identified by the department of elder affairs as
35 serving the elderly.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

EXPLANATION

This bill provides for transfer of administration of programs for the elderly to the department of elder affairs. The term "elderly" is defined in Code chapter 231 to mean individuals who are 60 years of age or older.

The bill requires state departments to enter into a Code chapter 28E agreement with the department of elder affairs to transfer administration and the associated funding of programs that are directed to elderly persons. Code chapter 28E provides a mechanism for joint exercise of public agency powers, privileges, or authority. A program shall be exempted from the transfer if the transfer is prohibited by federal law, expressly prohibited by state law, or the department determines that the transfer of the program would be impractical or not beneficial to elderly persons. The bill lists certain programs administered by the departments of human services and public health as possibilities for transfer. The transfers are to be completed during fiscal year 2004-2005.