

# Senate Study Bill 1181

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CO=CHAIRPERSON RAGAN)

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

## A BILL FOR

1 An Act relating to the creation of a consumer choice, support,  
2 and education program.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1607SC 81  
5 pf/pj/5

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1 1 Section 1. NEW SECTION. 217.45 CONSUMER CHOICE, SUPPORT,  
1 2 AND EDUCATION PROGRAM == CREATED == PURPOSE.  
1 3 1. A consumer choice, support, and education program is  
1 4 created within the department of human services to provide  
1 5 older Iowans and their families, and others with long-term  
1 6 care needs, with access to sufficient information, screening  
1 7 and assessment processes, and referral resources to age  
1 8 successfully and meet their long-term care needs in the most  
1 9 appropriate setting.  
1 10 2. The department of human services shall administer the  
1 11 consumer choice, support, and education program and shall  
1 12 consult with the senior living coordinating unit of the  
1 13 department of elder affairs regarding the development and  
1 14 implementation of the program.  
1 15 Sec. 2. NEW SECTION. 217.46 FUNCTIONS OF CONSUMER  
1 16 CHOICE, SUPPORT, AND EDUCATION PROGRAM.  
1 17 The functions of the consumer choice, support, and  
1 18 education program shall include but are not limited to all of  
1 19 the following:  
1 20 1. Providing access to sufficient informational and  
1 21 educational resources to assist individuals in making informed  
1 22 choices to address their long-term care needs.  
1 23 2. Utilizing a uniform screening process to determine if  
1 24 an individual requires the completion of the standardized  
1 25 assessment process developed pursuant to subsection 3.  
1 26 3. Developing a standardized assessment process to assess  
1 27 an individual's functional and cognitive capacity, health  
1 28 conditions, support services needs, environment needs, and  
1 29 preferences. If an individual is eligible for the medical  
1 30 assistance program, the standardized assessment process shall  
1 31 also be used to determine the individual's medical necessity  
1 32 and the appropriateness of provision of long-term care  
1 33 services to the individual.  
1 34 4. Developing a preliminary plan of care for an individual  
1 35 based upon the results of the standardized assessment process.  
2 1 5. Following development of a preliminary plan of care for  
2 2 an individual, referring the individual for care coordination.  
2 3 6. Establishing the mechanisms for implementing the  
2 4 various aspects of the consumer choice, support, and education  
2 5 program, including the standardized assessment process.  
2 6 7. Evaluating the consumer choice, support, and education  
2 7 program, including quality outcomes, consumer satisfaction,  
2 8 and fiscal impacts.  
2 9 8. Ensuring that the consumer choice, support, and  
2 10 education assessment process complies with all applicable  
2 11 federal and state requirements and programs.  
2 12 9. Ensuring that the consumer choice, support, and  
2 13 education program avoids duplication of and includes  
2 14 appropriate coordination with other informational,  
2 15 educational, and screening and assessment programs and  
2 16 processes available to the populations served by the consumer

2 17 choice, support, and education program. Such coordination  
2 18 shall include but is not limited to:  
2 19 a. Coordination with the functional screening and  
2 20 assessment process developed through the mental health, mental  
2 21 retardation, developmental disabilities, and brain injury  
2 22 commission's redesign of Iowa's disability services system.  
2 23 b. Coordination with the information and referral  
2 24 resources of Iowa's disability services system in order to  
2 25 maximize access to information about state and community  
2 26 supports that may be available to both older Iowans and Iowans  
2 27 with disabilities.

2 28 Sec. 3. NEW SECTION. 217.47 COMPLETION OF CONSUMER  
2 29 CHOICE, SUPPORT, AND EDUCATION ASSESSMENT PROCESS.

2 30 1. Beginning July 1, 2006, the consumer choice, support,  
2 31 and education assessment process shall be completed prior to  
2 32 admission of an individual to a licensed nursing facility or  
2 33 prior to an individual's participation in the home and  
2 34 community-based services waiver for the elderly under the  
2 35 medical assistance program.

3 1 2. Notwithstanding subsection 1:

3 2 a. If it is medically necessary for an individual to be  
3 3 admitted immediately to a licensed nursing facility, the  
3 4 assessment process shall be completed as soon after admission  
3 5 as possible but no later than five working days after  
3 6 admission.

3 7 b. If an individual's admission to a licensed nursing  
3 8 facility involves a Medicare-covered stay, the assessment  
3 9 process shall be completed only if the admission exceeds  
3 10 twenty days.

3 11 3. An individual shall complete a reassessment process as  
3 12 follows:

3 13 a. If the individual is admitted to a licensed nursing  
3 14 facility, on or about the ninetieth day following the initial  
3 15 assessment, and upon a change in the individual's needs.

3 16 b. If the individual is participating in the home and  
3 17 community-based services waiver for the elderly under the  
3 18 medical assistance program, annually, and upon a change in the  
3 19 individual's needs.

3 20 4. An individual sixty years of age or older may  
3 21 participate in the consumer choice, support, and education  
3 22 program to obtain information and education and may be  
3 23 referred for completion of the assessment process, following  
3 24 screening.

3 25 5. An individual under sixty years of age who has a  
3 26 medical need for long-term care services may be referred for  
3 27 completion of the assessment process, following screening.

3 28 6. Subject to available funding, the consumer choice,  
3 29 support, and education assessment process shall be available  
3 30 free of charge to any individual required or eligible to  
3 31 complete the process.

3 32 Sec. 4. NEW SECTION. 217.48 GUIDELINES FOR CONDUCTING  
3 33 CONSUMER CHOICE, SUPPORT, AND EDUCATION ASSESSMENT PROCESS.

3 34 1. The department of human services shall utilize a  
3 35 competitive procurement process to contract for the conducting  
4 1 of the consumer choice, support, and education assessment  
4 2 process. The procurement process shall ensure all of the  
4 3 following:

4 4 a. Older Iowans in every county of the state have access  
4 5 to the assessment process.

4 6 b. Any contractor selected is able to assure an objective  
4 7 and accurate evaluation of individuals' needs and is able to  
4 8 provide support to and educate individuals and their families  
4 9 about their choices for long-term care.

4 10 c. Any contractor selected completes minimum training  
4 11 requirements approved by the department of human services.

4 12 d. The consumer choice, support, and education assessment  
4 13 process is completed at the location of the individual  
4 14 requesting the assessment process, and the level of care  
4 15 determination and preliminary care plan for the individual are  
4 16 determined within five working days of referral of the  
4 17 individual's request to the contractor.

4 18 2. Any contractor who conducts the consumer choice,  
4 19 support, and education assessment process shall be independent  
4 20 from providers of long-term care services to the extent  
4 21 required by the centers for Medicare and Medicaid services of  
4 22 the United States department of health and human services.

4 23 EXPLANATION

4 24 This bill establishes a consumer choice, support, and  
4 25 education program within the department of human services to  
4 26 provide older Iowans and their families and others with long=  
4 27 term care needs with information, screening and assessment

4 28 processing, and referral resources to allow them to age  
4 29 successfully and meet their long-term care needs in the most  
4 30 appropriate setting. The bill specifies the functions of the  
4 31 program, including the development of a standardized process  
4 32 to identify an individual's functional and cognitive capacity,  
4 33 health conditions, supportive service needs, environment  
4 34 needs, and preferences. The bill requires that beginning July  
4 35 1, 2006, the consumer choice, support, and education process  
5 1 is to be completed prior to admission of an individual to any  
5 2 licensed nursing facility or prior to an individual's  
5 3 participation in the home and community-based services waiver  
5 4 for the elderly under the medical assistance program, with  
5 5 some exceptions. The process may also be completed by  
5 6 individuals 60 years of age or over or by individuals under 60  
5 7 years of age if the individual has a medical need for long-  
5 8 term care services. Subject to adequate funding, the process  
5 9 is free of charge to anyone required or eligible to complete  
5 10 the process. The bill also specifies guidelines for  
5 11 conducting the process, including that any contractor who  
5 12 conducts the process is to be independent from providers of  
5 13 long-term care services to the extent required by the centers  
5 14 for Medicare and Medicaid services.  
5 15 LSB 1607SC 81  
5 16 pf:nh/pj/5