

House File 403 - Introduced

HOUSE FILE _____
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 146)

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

A BILL FOR

1 An Act relating to the department of elder affairs and services
2 provided to older Iowans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1339HV 83
5 rh/nh/5

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1 1 Section 1. Section 7E.5, subsection 1, paragraph k, Code
1 2 2009, is amended to read as follows:
1 3 k. The department ~~of elder affairs on aging~~, created in
1 4 section 231.21, which has primary responsibility for
1 5 leadership and program management for programs which serve the
1 6 ~~senior citizens~~ older individuals of the state.
1 7 Sec. 2. Section 10A.402, subsection 5, Code 2009, is
1 8 amended to read as follows:
1 9 5. Investigations relative to the operations of the
1 10 department ~~of elder affairs on aging~~.
1 11 Sec. 3. Section 16.100, subsection 8, Code 2009, is
1 12 amended to read as follows:
1 13 8. A homelessness advisory committee is created consisting
1 14 of the executive director or the executive director's
1 15 designee, the directors or their designees from the
1 16 departments of economic development, ~~elder affairs~~, human
1 17 services, and human rights, the director of the department on
1 18 aging or the director's designee, and at least three
1 19 individuals from the private sector to be selected by the
1 20 executive director. The advisory committee shall advise the
1 21 authority in coordinating programs that provide for the
1 22 homeless.
1 23 Sec. 4. Section 16.100A, subsection 2, paragraph b,
1 24 subparagraph (7), Code 2009, is amended to read as follows:
1 25 (7) The director of the department ~~of elder affairs on~~
1 26 aging or the director's designee.
1 27 Sec. 5. Section 16.183, subsection 3, Code 2009, is
1 28 amended to read as follows:
1 29 3. The authority, in cooperation with the department ~~of~~
1 30 ~~elder affairs on aging~~, shall annually allocate moneys
1 31 available in the home and community-based services revolving
1 32 loan program fund to develop and expand facilities and
1 33 infrastructure that provide adult day services, respite
1 34 services, congregate meals, and programming space for health
1 35 and wellness, health screening, and nutritional assessments
2 1 that address the needs of persons with low incomes.
2 2 Sec. 6. Section 22.7, Code 2009, is amended by adding the
2 3 following new subsections:
2 4 NEW SUBSECTION. 62. Records of the department on aging
2 5 pertaining to clients served by the office of substitute
2 6 decision maker.
2 7 NEW SUBSECTION. 63. Records of the department on aging
2 8 pertaining to clients served by the elder abuse prevention
2 9 initiative.
2 10 Sec. 7. Section 84B.1, unnumbered paragraph 1, Code 2009,
2 11 is amended to read as follows:
2 12 The department of workforce development, in consultation
2 13 with the departments of economic development, education, ~~elder~~
2 14 ~~affairs~~, human services, and human rights, the department on
2 15 aging, and the department for the blind, shall establish
2 16 guidelines for colocating state and federal employment and
2 17 training programs in centers providing services at the local

2 18 level. The centers shall be known as workforce development
2 19 centers. The departments shall also jointly establish an
2 20 integrated management information system for linking the
2 21 programs within a local center to the same programs within
2 22 other local centers and to the state. The guidelines shall
2 23 provide for local design and operation within the guidelines.
2 24 The core services available at a center shall include but are
2 25 not limited to all of the following:

2 26 Sec. 8. Section 135.27A, subsection 1, Code 2009, is
2 27 amended to read as follows:

2 28 1. A governor's council on physical fitness and nutrition
2 29 is established consisting of twelve members appointed by the
2 30 governor who have expertise in physical activity, physical
2 31 fitness, nutrition, and promoting healthy behaviors. At least
2 32 one member shall be a representative of elementary and
2 33 secondary physical education professionals, at least one
2 34 member shall be a health care professional, at least one
2 35 member shall be a registered dietician, at least one member
3 1 shall be recommended by the department of ~~elder affairs~~ on
3 2 aging, and at least one member shall be an active nutrition or
3 3 fitness professional. In addition, at least one member shall
3 4 be a member of a racial or ethnic minority. The governor
3 5 shall select a chairperson for the council. Members shall
3 6 serve terms of three years beginning and ending as provided in
3 7 section 69.19. Appointments are subject to sections 69.16 and
3 8 69.16A. Members are entitled to receive reimbursement for
3 9 actual expenses incurred while engaged in the performance of
3 10 official duties. A member of the council may also be eligible
3 11 to receive compensation as provided in section 7E.6.

3 12 Sec. 9. Section 135C.20A, subsection 2, Code 2009, is
3 13 amended to read as follows:

3 14 2. The report card form shall be developed by the
3 15 department in cooperation with representatives of the
3 16 department of ~~elder affairs~~ on aging, the state long-term care
3 17 resident's advocate, representatives of resident advocate
3 18 committees, representatives of protection and advocacy
3 19 entities, consumers, and other interested persons.

3 20 Sec. 10. Section 135C.25, subsection 1, Code 2009, is
3 21 amended to read as follows:

3 22 1. Each health care facility shall have a resident
3 23 advocate committee whose members shall be appointed by the
3 24 director of the department of ~~elder affairs~~ on aging or the
3 25 director's designee. A person shall not be appointed a member
3 26 of a resident advocate committee for a health care facility
3 27 unless the person is a resident of the service area where the
3 28 facility is located. The resident advocate committee for any
3 29 facility caring primarily for persons with mental illness,
3 30 mental retardation, or a developmental disability shall only
3 31 be appointed after consultation with the administrator of the
3 32 division of mental health and disability services of the
3 33 department of human services on the proposed appointments.
3 34 Recommendations to the director or the director's designee for
3 35 membership on resident advocate committees are encouraged from
4 1 any agency, organization, or individual. The administrator of
4 2 the facility shall not be appointed to the resident advocate
4 3 committee and shall not be present at committee meetings
4 4 except upon request of the committee.

4 5 Sec. 11. Section 227.2, subsection 2, Code 2009, is
4 6 amended to read as follows:

4 7 2. A copy of the written report prescribed by subsection 1
4 8 shall be furnished to the county board of supervisors, to the
4 9 county mental health and mental retardation coordinating board
4 10 or to its advisory board if the county board of supervisors
4 11 constitutes ex officio the coordinating board, to the
4 12 administrator of the county care facility inspected and to its
4 13 resident advocate committee, and to the department of ~~elder~~
4 14 affairs on aging.

4 15 Sec. 12. Section 231.1, Code 2009, is amended to read as
4 16 follows:

4 17 231.1 SHORT TITLE.

4 18 This chapter, entitled the "~~Elder~~ Older Iowans Act", sets
4 19 forth the state's commitment to its ~~elders~~ older individuals,
4 20 their dignity, independence, and rights.

4 21 Sec. 13. Section 231.2, Code 2009, is amended to read as
4 22 follows:

4 23 231.2 LEGISLATIVE FINDINGS AND DECLARATION.

4 24 The general assembly finds and declares that:

4 25 1. Iowa's ~~elders~~ older individuals constitute a
4 26 fundamental resource which has been undervalued, and the means
4 27 must be found to recognize and use the competence, wisdom, and
4 28 experience of ~~our elders~~ such older individuals for the

4 29 benefit of all Iowans.

4 30 2. The number of persons in this state age sixty and older
4 31 is increasing rapidly, and of these ~~elders~~ older individuals,
4 32 the number of women, minorities, and persons eighty-five years
4 33 of age or older is increasing at an even greater rate.

4 34 3. The social and health problems of older ~~people~~
4 35 individuals and their caregivers are compounded by a lack of
5 1 access to existing services and by the unavailability of a
5 2 complete range of services in all areas of the state.

5 3 4. The ability of older ~~people~~ individuals to maintain
5 4 self-sufficiency and to live their lives with dignity,
5 5 productivity, and creativity is a matter of profound
5 6 importance and concern for this state.

5 7 Sec. 14. Section 231.3, Code 2009, is amended to read as
5 8 follows:

5 9 231.3 STATE POLICY AND OBJECTIVES.

5 10 The general assembly declares that it is the policy of the
5 11 state to work toward attainment of the following objectives
5 12 for Iowa's ~~elders~~ older individuals:

5 13 1. An adequate income.

5 14 2. Access to physical and mental health care without
5 15 regard to economic status.

5 16 3. Suitable housing that reflects the needs of older
5 17 people.

5 18 4. Full restorative services for those who require
5 19 institutional care, and a comprehensive array of home and
5 20 community-based, long-term care services adequate to sustain
5 21 older people in their communities and, whenever possible, in
5 22 their homes, including support for caregivers.

5 23 5. Pursuit of meaningful activity within the widest range
5 24 of civic, cultural, educational, recreational, and employment
5 25 opportunities.

5 26 6. Suitable community transportation systems to assist in
5 27 the attainment of independent movement.

5 28 7. Freedom, independence, and the free exercise of
5 29 individual initiative in planning and managing their own
5 30 lives.

5 31 8. Freedom from abuse, neglect, and exploitation.

5 32 Sec. 15. Section 231.4, subsections 2, 3, 4, 5, and 10,
5 33 Code 2009, are amended to read as follows:

5 34 2. "Commission" means the commission ~~of elder affairs on~~
5 35 aging.

6 1 3. "Department" means the department ~~of elder affairs on~~
6 2 aging.

6 3 4. "Director" means the director of the department ~~of~~
6 4 elder affairs on aging.

6 5 5. ~~"Elder"~~ "Older individual" means an individual who is
6 6 sixty years of age or older.

6 7 10. "Resident's advocate program" means the state
6 8 long-term care resident's advocate program ~~operated~~
6 9 administered by the department ~~of elder affairs and~~
6 10 administered by the long-term care resident's advocate on
6 11 aging.

6 12 Sec. 16. Section 231.11, Code 2009, is amended to read as
6 13 follows:

6 14 231.11 COMMISSION ESTABLISHED.

6 15 The commission ~~of elder affairs on aging~~ is established
6 16 which shall consist of eleven members. One member each shall
6 17 be appointed by the president of the senate, after
6 18 consultation with the majority leader of the senate, and by
6 19 the minority leader of the senate, from the members of the
6 20 senate to serve as ex officio, nonvoting members. One member
6 21 each shall be appointed by the speaker of the house of
6 22 representatives and by the minority leader of the house of
6 23 representatives, from the members of the house of
6 24 representatives to serve as ex officio, nonvoting members.
6 25 Seven members shall be appointed by the governor subject to
6 26 confirmation by the senate. Not more than a simple majority
6 27 of the governor's appointees shall belong to the same
6 28 political party. At least four of the seven members appointed
6 29 by the governor shall be fifty-five years of age or older when
6 30 appointed.

6 31 Sec. 17. Section 231.14, subsections 3, 4, 6, 7, and 8,
6 32 Code 2009, are amended to read as follows:

6 33 3. Serve as an effective and visible advocate for ~~elders~~
6 34 older individuals by establishing policies for reviewing and
6 35 commenting upon all state plans, budgets, and policies which
7 1 affect ~~elders~~ older individuals and for providing technical
7 2 assistance to any agency, organization, association, or
7 3 individual representing the needs of ~~elders~~ older individuals.

7 4 4. Divide the state into distinct planning and service

7 5 areas after considering the geographical distribution of
7 6 ~~elders~~ older individuals in the state, the incidence of the
7 7 need for supportive services, nutrition services, multipurpose
7 8 senior centers, and legal services, the distribution of ~~elders~~
7 9 older individuals who have low incomes residing in such areas,
7 10 the distribution of resources available to provide such
7 11 services or centers, the boundaries of existing areas within
7 12 the state which are drawn for the planning or administration
7 13 of supportive services programs, the location of units of
7 14 general purpose, local government within the state, and any
7 15 other relevant factors.

7 16 6. Adopt policies to assure that the department will take
7 17 into account the views of ~~elders~~ older individuals in the
7 18 development of policy.

7 19 7. Adopt a formula for the distribution of federal Act,
7 20 state ~~elder~~ services for older individuals, and senior living
7 21 program funds taking into account, to the maximum extent
7 22 feasible, the best available data on the geographic
7 23 distribution of ~~elders~~ older individuals in the state, and
7 24 publish the formula for review and comment.

7 25 8. Adopt policies and measures to assure that preference
7 26 will be given to providing services to ~~elders~~ older
7 27 individuals with the greatest economic or social needs, with
7 28 particular attention to low-income minority ~~elders~~ older
7 29 individuals.

7 30 Sec. 18. Section 231.21, Code 2009, is amended to read as
7 31 follows:

7 32 231.21 DEPARTMENT OF ~~ELDER AFFAIRS~~ ON AGING.

7 33 An Iowa department of ~~elder affairs~~ on aging is established
7 34 which shall administer this chapter under the policy direction
7 35 of the commission of ~~elder affairs~~ on aging. The department
8 1 of ~~elder affairs~~ on aging shall be administered by a director.

8 2 Sec. 19. Section 231.22, Code 2009, is amended to read as
8 3 follows:

8 4 231.22 DIRECTOR.

8 5 1. The governor, subject to confirmation by the senate,
8 6 shall appoint a director of the department of ~~elder affairs~~ on
8 7 aging who shall, subject to chapter 8A, subchapter IV, employ
8 8 and direct staff as necessary to carry out the powers and
8 9 duties created by this chapter. The director shall serve at
8 10 the pleasure of the governor. However, the director is
8 11 subject to reconfirmation by the senate as provided in section
8 12 2.32, subsection 4. The governor shall set the salary for the
8 13 director within the range set by the general assembly.

8 14 2. The director shall have the following qualifications
8 15 and training:

8 16 a. Training in the field of gerontology, social work,
8 17 public health, public administration, or other related fields.

8 18 b. Direct experience or extensive knowledge of programs
8 19 and services related to ~~elders~~ older individuals.

8 20 c. Demonstrated understanding and concern for the welfare
8 21 of ~~elders~~ older individuals.

8 22 d. Demonstrated competency and recent working experience
8 23 in an administrative, supervisory, or management position.

8 24 Sec. 20. Section 231.23, unnumbered paragraph 1, Code
8 25 2009, is amended to read as follows:

8 26 The department of ~~elder affairs~~ on aging director shall:

8 27 Sec. 21. Section 231.23, subsections 4, 7, 9, and 11, Code
8 28 2009, are amended to read as follows:

8 29 4. Advocate for ~~elders~~ older individuals by reviewing and
8 30 commenting upon all state plans, budgets, laws, rules,
8 31 regulations, and policies which affect ~~elders~~ older
8 32 individuals and by providing technical assistance to any
8 33 agency, organization, association, or individual representing
8 34 the needs of ~~the elders~~ older individuals.

8 35 7. Pursuant to commission policy, take into account the
9 1 views of ~~elder~~ older Iowans.

9 2 9. Assist the commission in assuring that preference will
9 3 be given to providing services to ~~elders~~ older individuals
9 4 with the greatest economic or social needs, with particular
9 5 attention to low-income minority ~~elders~~ older individuals.

9 6 11. Apply for, receive, and administer grants ~~and,~~
9 7 ~~devises, donations, gifts, or bequests of real or personal~~
9 8 ~~property from any source~~ to conduct projects consistent with
9 9 the purposes of ~~this chapter~~ the department. Notwithstanding
9 10 section 8.33, moneys received by the department pursuant to
9 11 this section are not subject to reversion to the general fund
9 12 of the state.

9 13 Sec. 22. Section 231.23A, Code 2009, is amended to read as
9 14 follows:

9 15 231.23A PROGRAMS AND SERVICES.

9 16 The department of ~~elder affairs on aging~~ shall provide or
9 17 administer, but is not limited to providing or administering,
9 18 all of the following programs and services:
9 19 1. ~~Elder services~~ Services for older individuals including
9 20 but not limited to home and community-based services such as
9 21 adult day, assessment and intervention, transportation, chore,
9 22 counseling, homemaker, material aid, personal care,
9 23 reassurance, respite, visitation, caregiver support, emergency
9 24 response system, mental health outreach, and home repair,
9 25 ~~meals, and nutrition counseling.~~
9 26 2. The senior internship program.
9 27 3. The case management program for frail elders.
9 28 4. The aging and disability resource center program.
9 29 5. The legal assistance development program.
9 30 6. The nutrition program.
9 31 ~~4- 7.~~ Administration relating to the long-term care
9 32 resident's advocate program and training for resident advocate
9 33 committees.
9 34 ~~5- 8.~~ Administration relating to the area agencies on
9 35 aging.
10 1 9. Elder abuse prevention, detection, intervention, and
10 2 awareness including neglect and exploitation.
10 3 ~~6- 10.~~ Other programs and services authorized by law.
10 4 Sec. 23. Section 231.31, Code 2009, is amended to read as
10 5 follows:
10 6 231.31 STATE PLAN ON AGING.
10 7 The department of ~~elder affairs on aging~~ shall develop, and
10 8 submit to the commission of ~~elder affairs on aging~~ for
10 9 approval, a multiyear state plan on aging. The state plan on
10 10 aging shall meet all applicable federal requirements.
10 11 Sec. 24. Section 231.32, subsection 2, paragraph d,
10 12 unnumbered paragraph 1, Code 2009, is amended to read as
10 13 follows:
10 14 Any public or nonprofit private agency in a planning and
10 15 service area or any separate organizational unit within such
10 16 agency which is under the supervision or direction for this
10 17 purpose of the department of ~~elder affairs on aging~~ and which
10 18 can engage in the planning or provision of a broad range of
10 19 supportive services or nutrition services within the planning
10 20 and service area.
10 21 Sec. 25. Section 231.33, subsections 2, 7, 8, 9, 11, 14,
10 22 15, 16, 17, 18, 19, and 21, Code 2009, are amended to read as
10 23 follows:
10 24 2. Assess the types and levels of services needed by older
10 25 ~~persons~~ individuals and their caregivers in the planning and
10 26 service area, and the effectiveness of other public or private
10 27 programs serving those needs.
10 28 7. Give preference in the delivery of services under the
10 29 area plan to ~~elders~~ older individuals with the greatest
10 30 economic or social need.
10 31 8. Assure that ~~elders~~ older individuals and their
10 32 caregivers in the planning and service area have reasonably
10 33 convenient access to information and assistance services.
10 34 9. Provide adequate and effective opportunities for ~~elders~~
10 35 older individuals to express their views to the area agency on
11 1 policy development and program implementation under the area
11 2 plan.
11 3 11. Contact outreach efforts, with special emphasis on
11 4 rural ~~elders~~ older individuals, to identify ~~elders~~ older
11 5 individuals with greatest economic or social needs and inform
11 6 them of the availability of services under the area plan.
11 7 14. Monitor, evaluate, and comment on laws, rules,
11 8 regulations, policies, programs, hearings, levies, and
11 9 community actions which significantly affect the lives of
11 10 ~~elders~~ older individuals.
11 11 15. Conduct public hearings on the needs of ~~elders~~ older
11 12 individuals and their caregivers.
11 13 16. Represent the interests of ~~elders~~ older individuals
11 14 and their caregivers to public officials, public and private
11 15 agencies, or organizations.
11 16 17. Coordinate planning with other agencies and
11 17 organizations to promote new or expanded benefits and
11 18 opportunities for ~~elders~~ older individuals.
11 19 18. Coordinate planning with other agencies for assuring
11 20 the safety of ~~elders~~ older individuals in a natural disaster
11 21 or other safety threatening situation.
11 22 19. Require the completion by board of directors members,
11 23 annually, of four hours of training, provided by the
11 24 department of ~~elder affairs on aging~~.
11 25 21. Provide the opportunity for ~~elders~~ older individuals
11 26 residing in the planning and service area to offer substantive

11 27 suggestions regarding the employment practices of the area
11 28 agency on aging.
11 29 Sec. 26. Section 231.41, Code 2009, is amended to read as
11 30 follows:

11 31 231.41 PURPOSE.

11 32 The purpose of this subchapter is to establish the
11 33 long-term care resident's advocate program operated by the
11 34 Iowa commission ~~of elder affairs on aging~~ in accordance with
11 35 the requirements of the federal Act, and to adopt the
12 1 supporting federal regulations and guidelines for its
12 2 implementation. In accordance with chapter 17A, the
12 3 commission ~~of elder affairs on aging~~ shall adopt and enforce
12 4 rules for the implementation of this subchapter.

12 5 Sec. 27. Section 231.42, unnumbered paragraph 1, Code
12 6 2009, is amended to read as follows:

12 7 The Iowa commission ~~of elder affairs on aging~~, in
12 8 accordance with section 712 of the federal Act, as codified at
12 9 42 U.S.C. } 3058g, shall establish the office of long-term
12 10 care resident's advocate within the department. ~~The long-term~~
12 11 ~~care resident's advocate shall administer and monitor local~~
12 12 ~~long-term care resident's advocate programs.~~ The long-term
12 13 care resident's advocate ~~and local long-term care resident's~~
12 14 ~~advocates~~ shall:

12 15 Sec. 28. Section 231.42, subsection 6, Code 2009, is
12 16 amended to read as follows:

12 17 6. Administer the resident advocate committee ~~volunteer~~
12 18 program.

12 19 Sec. 29. Section 231.42, unnumbered paragraph 2, Code
12 20 2009, is amended to read as follows:

12 21 The ~~long-term care~~ resident's advocate ~~and local long-term~~
12 22 ~~care resident's advocates~~ shall have access to long-term care
12 23 facilities, private access to residents, access to residents'
12 24 personal and medical records, and access to other records
12 25 maintained by the facilities or governmental agencies
12 26 pertaining only to the person on whose behalf a complaint is
12 27 being investigated.

12 28 Sec. 30. Section 231.43, Code 2009, is amended to read as
12 29 follows:

12 30 231.43 AUTHORITY AND RESPONSIBILITIES OF THE COMMISSION.

12 31 To ensure compliance with the federal Act the commission ~~of~~
12 32 ~~elder affairs on aging~~ shall establish the following:

12 33 1. Procedures to protect the confidentiality of a
12 34 resident's records and files.

12 35 2. A statewide uniform reporting system.

13 1 3. Procedures to enable the long-term care resident's
13 2 advocate to elicit, receive, and process complaints regarding
13 3 administrative actions which may adversely affect the health,
13 4 safety, welfare, or rights of ~~elders~~ older individuals in
13 5 long-term care facilities.

13 6 Sec. 31. Section 231.44, subsections 1 and 4, Code 2009,
13 7 are amended to read as follows:

13 8 1. The resident advocate committee ~~volunteer~~ program is
13 9 administered by the long-term care resident's advocate
13 10 program.

13 11 4. The state, any resident advocate committee member, and
13 12 any ~~resident advocate coordinator~~ local long-term care
13 13 resident's advocate are not liable for an action undertaken by
13 14 a resident advocate committee member or a ~~resident advocate~~
13 15 ~~committee coordinator~~ local long-term care resident's advocate
13 16 in the performance of duty, if the action is undertaken and
13 17 carried out reasonably and in good faith.

13 18 Sec. 32. Section 231.52, subsections 1 and 3, Code 2009,
13 19 are amended to read as follows:

13 20 1. The department shall ~~establish~~ administer the senior
13 21 internship program in ~~coordination~~ consultation with the
13 22 department of workforce development to encourage and promote
13 23 ~~the meaningful employment of older Iowans~~ work training
13 24 programs leading to the employment of older individuals.

13 25 3. The department shall require such uniform reporting and
13 26 financial accounting by ~~area agencies on aging and local~~
13 27 ~~projects~~ contractors as may be necessary to fulfill the
13 28 purposes of this section.

13 29 Sec. 33. Section 231.53, Code 2009, is amended to read as
13 30 follows:

13 31 231.53 COORDINATION WITH WORKFORCE INVESTMENT ACT.

13 32 The ~~employment and training program administered by the~~
13 33 ~~department senior internship program~~ shall be coordinated with
13 34 the ~~training program for older individuals~~ federal Workforce
13 35 Investment Act administered by the department of workforce
14 1 development ~~under the federal Workforce Investment Act.~~

14 2 Sec. 34. Section 231.56, Code 2009, is amended to read as

14 3 follows:

14 4 231.56 ~~Elder Services Program and Programs.~~

14 5 The department shall administer ~~an elder services program~~
14 6 ~~and programs~~ to reduce institutionalization and encourage
14 7 community involvement to help ~~elders older individuals~~ remain
14 8 in their own homes. Funds appropriated for this purpose shall
14 9 be instituted based on administrative rules adopted by the
14 10 commission. The department shall require such records as
14 11 needed to administer this section.

14 12 Sec. 35. Section 231.56A, subsections 1 through 5, Code
14 13 2009, are amended to read as follows:

14 14 1. Through the state's service contract process adopted
14 15 pursuant to section 8.47, the department shall identify ~~area~~
14 16 ~~agencies on aging entities~~ that have demonstrated the ability
14 17 to provide a collaborative response to the immediate needs of
14 18 ~~elders in the area agency on aging service area older~~
14 19 ~~individuals~~ for the purpose of implementing elder abuse
14 20 initiative, emergency shelter, and support services projects.
14 21 The projects shall be ~~implemented only in the counties within~~
14 22 ~~an area agency on aging coordinated in service area areas~~ that
14 23 have a multidisciplinary team established pursuant to section
14 24 235B.1, ~~where available.~~

14 25 2. The target population of the projects shall be any
14 26 ~~elder older individual~~ residing in the ~~service area of an area~~
14 27 ~~agency on aging Iowa~~ who meets both of the following
14 28 conditions:

14 29 a. ~~Is is at risk of or who is experiencing abuse, neglect,~~
14 30 ~~or exploitation which may include but is not limited to an~~
14 31 ~~older individual who is~~ the subject of a report of suspected
14 32 dependent adult abuse pursuant to chapter 235B. ~~This~~
14 33 ~~subsection shall not apply to an older individual who is~~
14 34 ~~receiving assistance under a county management plan approved~~
14 35 ~~pursuant to section 331.439.~~

15 1 b. ~~Is not receiving assistance under a county management~~
15 2 ~~plan approved pursuant to section 331.439.~~

15 3 3. The ~~area agencies on aging contractor~~ implementing the
15 4 projects shall identify allowable emergency shelter and
15 5 support services, state funding, outcomes, reporting
15 6 requirements, and approved community resources from which
15 7 services may be obtained under the projects. ~~The area agency~~
15 8 ~~on aging shall identify at least one provider of case~~
15 9 ~~management services for the project area.~~

15 10 4. The ~~area agencies on aging contractor~~ shall implement
15 11 the projects and shall coordinate the provider network through
15 12 the use of referrals or other engagement of community
15 13 resources to provide services to ~~elders older individuals.~~

15 14 5. The department shall award funds to the ~~area agencies~~
15 15 ~~on aging contractor~~ in accordance with the state's service
15 16 contract process ~~and department rule.~~ Receipt and
15 17 expenditures of moneys under the projects are subject to
15 18 examination, including audit, by the department.

15 19 Sec. 36. Section 231.57, Code 2009, is amended to read as
15 20 follows:

15 21 231.57 COORDINATION OF ADVOCACY.

15 22 The department shall ~~establish~~ ~~administer~~ a program for the
15 23 coordination of information and assistance provided within the
15 24 state to assist ~~elders older individuals and their caregivers~~
15 25 in obtaining and protecting their rights and benefits. State
15 26 and local agencies providing information and assistance to
15 27 ~~elders older individuals and their caregivers~~ in seeking their
15 28 rights and benefits shall cooperate with the department in
15 29 ~~developing and implementing~~ ~~administering~~ this program.

15 30 Sec. 37. Section 231.58, subsection 1, Code 2009, is
15 31 amended to read as follows:

15 32 1. A senior living coordinating unit is created within the
15 33 department ~~of elder affairs on aging.~~ The membership of the
15 34 coordinating unit consists of:

15 35 a. The director of human services.

16 1 b. The director of the department ~~of elder affairs on~~
16 2 ~~aging.~~

16 3 c. The director of public health.

16 4 d. The director of the department of inspections and
16 5 appeals.

16 6 e. Two members appointed by the governor.

16 7 f. Four members of the general assembly, as ex officio,
16 8 nonvoting members.

16 9 Sec. 38. Section 231.58, subsection 4, paragraphs b and i,
16 10 Code 2009, are amended to read as follows:

16 11 b. Develop common intake and release procedures for the
16 12 purpose of determining eligibility at one point of intake and
16 13 determining eligibility for programs administered by the

16 14 departments of human services, and public health, and elder
~~16 15 affairs the department on aging, such as the medical~~
16 16 assistance program, federal food stamp program, homemaker=home
16 17 health aide programs, and the case management program for
16 18 frail elders administered by the department ~~of elder affairs~~
16 19 on aging.

16 20 i. Consult with the state universities and other
16 21 institutions with expertise in the area of ~~elder issues~~ older
~~16 22 Iowans and the long-term care continua.~~

16 23 Sec. 39. NEW SECTION. 231.64 AGING AND DISABILITY
16 24 RESOURCE CENTER PROGRAM.

16 25 The aging and disability resource center program shall be
16 26 administered by the department in accordance with the
16 27 requirements of the federal Act. The purpose of the program
16 28 is to provide a coordinated local system of information and
16 29 access in order to minimize confusion, enhance individual
16 30 choice, and support informed decision making for older
16 31 individuals, persons with disabilities age eighteen or older,
16 32 and people who inquire about, or request assistance on behalf
16 33 of, members of these groups as they seek long-term care
16 34 services and supports.

16 35 Sec. 40. NEW SECTION. 231.65 LEGAL ASSISTANCE
17 1 DEVELOPMENT PROGRAM.

17 2 A legal assistance development program shall be
17 3 administered by the department in accordance with the
17 4 requirements of the federal Act. The purpose of the program
17 5 is to provide leadership for improving the quality and
17 6 quantity of legal advocacy assistance as a means of ensuring a
17 7 comprehensive elder rights system for Iowa's older
17 8 individuals. The extent of implementation of this program
17 9 shall be based on available resources.

17 10 Sec. 41. NEW SECTION. 231.66 NUTRITION PROGRAM.

17 11 A nutrition program shall be administered by the
17 12 department, in accordance with the requirements of the federal
17 13 Act, including congregate and home-delivered nutrition
17 14 programs, nutrition education, nutrition counseling, and
17 15 evidence-based health promotion programs to promote health and
17 16 well-being, reduce food insecurity, promote socialization, and
17 17 maximize independence of older individuals.

17 18 Sec. 42. Section 231B.19, Code 2009, is amended to read as
17 19 follows:

17 20 231B.19 RESIDENT ADVOCATE COMMITTEES.

17 21 The commission ~~of elder affairs on aging~~ shall adopt by
17 22 rule procedures for appointing members of resident advocate
17 23 committees for elder group homes.

17 24 Sec. 43. Section 231E.3, subsections 2, 6, and 7, Code
17 25 2009, are amended to read as follows:

17 26 2. "Commission" means the commission ~~of elder affairs on~~
17 27 aging.

17 28 6. "Department" means the department ~~of elder affairs on~~
17 29 aging established in section 231.21.

17 30 7. "Director" means the director of the department ~~of~~
17 31 elder affairs on aging.

17 32 Sec. 44. Section 231E.4, subsection 2, Code 2009, is
17 33 amended to read as follows:

17 34 2. The director shall appoint an administrator of the
17 35 state office who shall serve as the state substitute decision
18 1 maker. The state substitute decision maker shall be qualified
18 2 for the position by training and expertise in substitute
18 3 decision-making law and shall be licensed to practice law in
18 4 Iowa. The state substitute decision maker shall also have
18 5 knowledge of social services available to meet the needs of
18 6 persons adjudicated incompetent or in need of substitute
18 7 decision making.

18 8 Sec. 45. Section 231E.4, subsection 3, paragraph j, Code
18 9 2009, is amended to read as follows:

18 10 j. Develop, in cooperation with the judicial council as
18 11 established in section 602.1202, a substitute decision-maker
18 12 education and training program. The program may be offered to
18 13 both public and private substitute decision makers. The state
18 14 office shall establish a curriculum committee, which includes
18 15 but is not limited to probate judges, to develop the education
18 16 and training program. The state office shall be the sole
18 17 authority for certifying additional curriculum trainers.

18 18 Sec. 46. Section 231E.4, subsection 4, paragraphs a and b,
18 19 Code 2009, are amended to read as follows:

18 20 a. Accept and receive gifts, grants, or donations from any
18 21 public or private entity in support of the state office. Such
18 22 gifts, grants, or donations shall be appropriated pursuant to
18 23 section 231E.9. Notwithstanding section 8.33, moneys retained
18 24 by the department pursuant to this section shall not be

18 25 subject to reversion to the general fund of the state.

18 26 b. Accept the services of individual volunteers and
18 27 volunteer organizations. Volunteers and volunteer
18 28 organizations utilized by the state office shall not provide
18 29 direct substitute decision-making services.

18 30 Sec. 47. Section 231E.6, Code 2009, is amended to read as
18 31 follows:

18 32 231E.6 COURT=INITIATED OR PETITION=INITIATED APPOINTMENT
18 33 OF STATE OR LOCAL SUBSTITUTE DECISION MAKER == GUARDIANSHIP OR
18 34 CONSERVATORSHIP == DISCHARGE.

18 35 1. The court may appoint on its own motion or upon
19 1 petition of any person, the state office or local office of
19 2 substitute decision maker, to serve as guardian or conservator
19 3 for any proposed ward in cases in which the court determines
19 4 that the proceeding will establish the least restrictive form
19 5 of substitute decision making suitable for the proposed ward
19 6 and if the proposed ward meets all of the following criteria:

19 7 ~~1-~~ a. Is a resident of the planning and service area in
19 8 which the local office is located from which services would be
19 9 provided or is a resident of the state, if the state office
19 10 would provide the services.

19 11 ~~2-~~ b. Is eighteen years of age or older.

19 12 ~~3-~~ c. Does not have suitable family or another
19 13 appropriate entity willing and able to serve as guardian or
19 14 conservator.

19 15 ~~4-~~ d. Is incompetent.

19 16 ~~5-~~ e. Is an individual for whom guardianship or
19 17 conservatorship services are the least restrictive means of
19 18 meeting the individual's needs.

19 19 2. For all appointments made pursuant to this section,
19 20 notice shall be provided to the state office or local office
19 21 of substitute decision maker prior to appointment. For
19 22 appointments made pursuant to this section, the state office
19 23 or local office of substitute decision maker shall only accept
19 24 appointments made pursuant to the filing of an involuntary
19 25 petition for appointment of a conservator or guardianship
19 26 pursuant to chapter 633.

19 27 Sec. 48. Section 231E.7, Code 2009, is amended to read as
19 28 follows:

19 29 231E.7 SUBSTITUTE DECISION MAKER=INITIATED APPOINTMENT ==
19 30 INTERVENTIONS.

19 31 The state office or local office may on its own motion or
19 32 at the request of the court intervene in a guardianship or
19 33 conservatorship proceeding if the state office or local office
19 34 or the court considers the intervention to be justified
19 35 because of any of the following:

20 1 1. An appointed guardian or conservator is not fulfilling
20 2 prescribed duties or is subject to removal under section
20 3 633.65.

20 4 2. A willing and qualified guardian or conservator is not
20 5 available.

20 6 3. The best interests of the ward require the
20 7 intervention.

20 8 Sec. 49. Section 231E.8, Code 2009, is amended by adding
20 9 the following new subsections:

20 10 NEW SUBSECTION. 6. The state or a local substitute
20 11 decision maker may petition to be removed as guardian or
20 12 conservator. A petition for removal shall be granted for any
20 13 of the following reasons:

20 14 a. The ward displays assaultive or aggressive behavior
20 15 that causes the substitute decision maker to fear for their
20 16 personal safety.

20 17 b. The ward refuses the services of the substitute
20 18 decision maker.

20 19 c. The ward refuses to have contact with the substitute
20 20 decision maker.

20 21 d. The ward moves out of Iowa.

20 22 NEW SUBSECTION. 7. An appointment nominating the state
20 23 office or a local office under a power of attorney shall not
20 24 take effect unless the nominated state or local office has
20 25 consented to the appointment in writing.

20 26 Sec. 50. Section 235B.1, subsection 4, paragraph b,
20 27 subparagraph (1), Code 2009, is amended to read as follows:

20 28 (1) The advisory council shall consist of twelve members.

20 29 Six members shall be appointed by and serve at the pleasure of
20 30 the governor. Four of the members appointed shall be
20 31 appointed on the basis of knowledge and skill related to
20 32 expertise in the area of dependent adult abuse including
20 33 professionals practicing in the disciplines of medicine,
20 34 public health, mental health, long-term care, social work,
20 35 law, and law enforcement. Two of the members appointed shall

21 1 be members of the general public with an interest in the area
21 2 of dependent adult abuse and two of the members appointed
21 3 shall be members of the Iowa caregivers association. In
21 4 addition, the membership of the council shall include the
21 5 director or the director's designee of the department of human
21 6 services, the department of ~~elder affairs on aging~~, the Iowa
21 7 department of public health, and the department of inspections
21 8 and appeals.

21 9 Sec. 51. Section 235B.6, subsection 2, paragraph e,
21 10 subparagraph (11), Code 2009, is amended to read as follows:

21 11 (11) The state office or a local office of substitute
21 12 decision maker as defined in section 231E.3, ~~appointed by the~~
~~21 13 court as a guardian or conservator of the adult named in a~~
~~21 14 report as the victim of abuse or the person designated to be~~
~~21 15 responsible for performing or obtaining protective services on~~
~~21 16 behalf of a dependent adult pursuant to section 235B.18 if the~~
~~21 17 information relates to the provision of legal services for a~~
~~21 18 client served by the state or local office of substitute~~
21 19 decision maker.

21 20 Sec. 52. Section 235B.6, subsection 2, paragraph e, Code
21 21 2009, is amended by adding the following new subparagraph:

21 22 NEW SUBPARAGRAPH. (14) The department on aging for the
21 23 purposes of conducting background checks of applicants for
21 24 employment with the department on aging.

21 25 Sec. 53. Section 235B.16, subsections 1 and 2, Code 2009,
21 26 are amended to read as follows:

21 27 1. The department of ~~elder affairs on aging~~, in
21 28 cooperation with the department, shall conduct a public
21 29 information and education program. The elements and goals of
21 30 the program include but are not limited to:

21 31 a. Informing the public regarding the laws governing
21 32 dependent adult abuse and the reporting requirements for
21 33 dependent adult abuse.

21 34 b. Providing caretakers with information regarding
21 35 services to alleviate the emotional, psychological, physical,
22 1 or financial stress associated with the caretaker and
22 2 dependent adult relationship.

22 3 c. Affecting public attitudes regarding the role of a
22 4 dependent adult in society.

22 5 2. The department, in cooperation with the department of
~~22 6 elder affairs on aging~~ and the department of inspections and
22 7 appeals, shall institute a program of education and training
22 8 for persons, including members of provider groups and family
22 9 members, who may come in contact with dependent adult abuse.
22 10 The program shall include but is not limited to instruction
22 11 regarding recognition of dependent adult abuse and the
22 12 procedure for the reporting of suspected abuse.

22 13 Sec. 54. Section 235B.16, subsection 5, paragraph d,
22 14 subparagraph (3), Code 2009, is amended to read as follows:

22 15 (3) A training program using such an approved curriculum
22 16 offered by the department of human services, the department of
~~22 17 elder affairs on aging~~, the department of inspections and
22 18 appeals, the Iowa law enforcement academy, or a similar public
22 19 agency.

22 20 Sec. 55. Section 249A.4B, subsection 2, paragraph d, Code
22 21 2009, is amended to read as follows:

22 22 d. The director of the department of ~~elder affairs on~~
~~22 23 aging~~, or the director's designee.

22 24 Sec. 56. Section 249H.3, subsections 1 and 12, Code 2009,
22 25 are amended to read as follows:

22 26 1. "Affordable" means rates for payment of services which
22 27 do not exceed the rates established for providers of medical
22 28 and health services under the medical assistance program with
22 29 eligibility for an individual equal to the eligibility for
22 30 medical assistance pursuant to section 249A.3. In relation to
22 31 services provided by a provider of services under a home and
22 32 community-based services waiver, "affordable" means that the
22 33 total monthly cost of the services provided under the home and
22 34 community-based services waiver does not exceed the cost for
22 35 that level of care as established by rule by the department of
23 1 human services, pursuant to chapter 17A, in consultation with
23 2 the department of ~~elder affairs on aging~~.

23 3 12. "Senior living coordinating unit" means the senior
23 4 living coordinating unit created within the department of
~~23 5 elder affairs on aging~~ pursuant to section 231.58, or its
23 6 designee.

23 7 Sec. 57. Section 249H.5, subsection 1, Code 2009, is
23 8 amended to read as follows:

23 9 1. Moneys deposited in the senior living trust fund
23 10 created in section 249H.4 shall be used only as provided in
23 11 appropriations from the trust fund to the department of human

23 12 services and the department of ~~elder affairs on aging~~, and for
23 13 purposes, including the awarding of grants, as specified in
23 14 this chapter.

23 15 Sec. 58. Section 249H.5, subsection 2, paragraph b, Code
23 16 2009, is amended to read as follows:

23 17 b. To the department of ~~elder affairs on aging~~, an amount
23 18 necessary, annually, for expenses incurred in implementation
23 19 and administration of the long-term care alternatives programs
23 20 and for delivery of long-term care services to seniors with
23 21 low or moderate incomes.

23 22 Sec. 59. Section 249H.7, Code 2009, is amended to read as
23 23 follows:

23 24 249H.7 HOME AND COMMUNITY-BASED SERVICES FOR SENIORS.

23 25 1. Beginning October 1, 2000, the department of ~~elder~~
23 26 ~~affairs on aging~~, in consultation with the senior living
23 27 coordinating unit, shall use funds appropriated from the
23 28 senior living trust fund for activities related to the design,
23 29 maintenance, or expansion of home and community-based services
23 30 for seniors, including but not limited to adult day services,
23 31 personal care, respite, homemaker, chore, and transportation
23 32 services designed to promote the independence of and to delay
23 33 the use of institutional care by seniors with low and moderate
23 34 incomes. At any time that moneys are appropriated, the
23 35 department of ~~elder affairs on aging~~, in consultation with the
24 1 senior living coordinating unit, shall disburse the funds to
24 2 the area agencies on aging.

24 3 2. The department of ~~elder affairs on aging~~ shall adopt
24 4 rules, in consultation with the senior living coordinating
24 5 unit and the area agencies on aging, pursuant to chapter 17A,
24 6 to provide all of the following:

24 7 a. (1) The criteria and process for disbursement of
24 8 funds, appropriated in accordance with subsection 1, to area
24 9 agencies on aging.

24 10 (2) The criteria shall include, at a minimum, all of the
24 11 following:

24 12 (a) A distribution formula that triple weights all of the
24 13 following:

24 14 (i) Individuals seventy-five years of age and older.

24 15 (ii) Individuals aged sixty and older who are members of a
24 16 racial minority.

24 17 (iii) Individuals sixty years of age and older who reside
24 18 in rural areas as defined in the federal Older Americans Act.

24 19 (iv) Individuals who are sixty years of age and older who
24 20 have incomes at or below the poverty level as defined in the
24 21 federal Older Americans Act.

24 22 (b) A distribution formula that single weights individuals
24 23 sixty years of age and older who do not meet the criteria
24 24 specified in subparagraph ~~subdivision~~ division (a).

24 25 b. The criteria for long-term care providers to receive
24 26 funding as subcontractors of the area agencies on aging.

24 27 c. Other procedures the department of ~~elder affairs on~~
24 28 ~~aging~~ deems necessary for the proper administration of this
24 29 section, including but not limited to the submission of
24 30 progress reports, on a bimonthly basis, to the senior living
24 31 coordinating unit.

24 32 3. This section does not create an entitlement to any
24 33 funds available for disbursement under this section and the
24 34 department of ~~elder affairs on aging~~ may only disburse moneys
24 35 to the extent funds are available and, within its discretion,
25 1 to the extent requests for funding are approved.

25 2 4. Long-term care providers that receive funding under
25 3 this section shall submit annual reports to the appropriate
25 4 area agency on aging. The department of ~~elder affairs on~~
25 5 ~~aging~~ shall develop the report to be submitted, which shall
25 6 include, but is not limited to, units of service provided, the
25 7 number of service recipients, costs, and the number of units
25 8 of service identified as necessitated but not provided.

25 9 5. The department of ~~elder affairs on aging~~, in
25 10 cooperation with the department of human services, shall
25 11 provide annual reports to the governor and the general
25 12 assembly concerning the impact of moneys disbursed under this
25 13 section on the availability of long-term care services in
25 14 Iowa. The reports shall include the types of services funded,
25 15 the outcome of those services, and the number of individuals
25 16 receiving those services.

25 17 Sec. 60. Section 249H.9, Code 2009, is amended to read as
25 18 follows:

25 19 249H.9 SENIOR LIVING PROGRAM INFORMATION == ELECTRONIC
25 20 ACCESS == EDUCATION == ADVISORY COUNCIL.

25 21 1. The department of ~~elder affairs on aging~~ and the area
25 22 agencies on aging, in consultation with the senior living

25 23 coordinating unit, shall create, on a county basis, a database
25 24 directory of all health care and support services available to
25 25 seniors. The department of ~~elder affairs~~ on aging shall make
25 26 the database electronically available to the public, and shall
25 27 update the database on at least a monthly basis.

25 28 2. The department of ~~elder affairs~~ on aging shall seek
25 29 foundation funding to develop and provide an educational
25 30 program for individuals aged twenty-one and older which
25 31 assists participants in planning for and financing health care
25 32 services and other supports in their senior years.

25 33 3. The department of human services shall develop and
25 34 distribute an informational packet to the public that
25 35 explains, in layperson terms, the law, regulations, and rules
26 1 under the medical assistance program relative to health care
26 2 services options for seniors, including but not limited to
26 3 those relating to transfer of assets, prepaid funeral
26 4 expenses, and life insurance policies.

26 5 4. The director of human services, the director of the
26 6 department of ~~elder affairs~~ on aging, the director of public
26 7 health, the director of the department of inspections and
26 8 appeals, the director of revenue, and the commissioner of
26 9 insurance shall constitute a senior advisory council to
26 10 provide oversight in the development and operation of all
26 11 informational aspects of the senior living program under this
26 12 section.

26 13 Sec. 61. Section 249H.10, Code 2009, is amended to read as
26 14 follows:

26 15 249H.10 CAREGIVER SUPPORT == ACCESS AND EDUCATION
26 16 PROGRAMS.

26 17 The department of human services and the department of
26 18 ~~elder affairs~~ on aging, in consultation with the senior living
26 19 coordinating unit, shall implement a caregiver support program
26 20 to provide access to respite care and to provide education to
26 21 caregivers in providing appropriate care to seniors and
26 22 persons with disabilities. The program shall be provided
26 23 through the area agencies on aging or other appropriate
26 24 agencies.

26 25 Sec. 62. Section 324A.4, subsection 2, unnumbered
26 26 paragraph 1, Code 2009, is amended to read as follows:

26 27 Upon request, the department shall provide assistance to
26 28 political subdivisions, state agencies, and organizations
26 29 affected by this chapter for federal aid applications for
26 30 urban and rural transit system program aid. The department,
26 31 in cooperation with the regional planning agencies, shall
26 32 maintain current information reflecting the amount of federal,
26 33 state, and local aid received by the public and private
26 34 nonprofit organizations providing public transit services and
26 35 the purpose for which the aid is received. The department
27 1 shall annually prepare a report to be submitted to the general
27 2 assembly, the department of management, and to the governor,
27 3 prior to February 1 of each year, stating the receipts and
27 4 disbursements made during the preceding fiscal year and the
27 5 adequacy of programs financed by federal, state, local, and
27 6 private aid in the state. The department shall analyze the
27 7 programs financed and recommend methods of avoiding
27 8 duplication and increasing the efficacy of programs financed.
27 9 The department shall receive comments from the department of
27 10 human services, department of ~~elder affairs~~ on aging, and the
27 11 officers and agents of the other affected state and local
27 12 government units relative to the department's analysis. The
27 13 department shall use the following criteria to adopt rules to
27 14 determine compliance with and exceptions to subsection 1:

27 15 Sec. 63. Section 324A.5, unnumbered paragraph 1, Code
27 16 2009, is amended to read as follows:

27 17 The department of human services, department of ~~elder~~
27 18 ~~affairs~~ on aging, and the officers and agents of other state
27 19 and local governmental units shall assist the department in
27 20 carrying out section 324A.4, subsections 1 and 2, insofar as
27 21 the functions of these respective officers and departments are
27 22 concerned with the health, welfare and safety of any recipient
27 23 of transportation services.

27 24 EXPLANATION

27 25 This bill relates to the department of elder affairs and
27 26 services for older Iowans.

27 27 The bill changes references to the "department of elder
27 28 affairs", "the commission of elder affairs", and "elders" to
27 29 the "department on aging" (department), the "commission on
27 30 aging", and "older individuals", respectively, in Code chapter
27 31 231 (department of elder affairs), and makes conforming
27 32 changes to these terms throughout the Code.

27 33 The bill provides that records of the department pertaining

27 34 to clients served by the office of substitute decision maker
27 35 and the elder abuse initiative shall be confidential unless
28 1 otherwise ordered by a court, by the lawful custodian, or by
28 2 another authorized person pursuant to Iowa's open records law
28 3 (Code chapter 22).

28 4 The bill expands the state's policies and objectives in
28 5 regard to older individuals to include freedom from abuse,
28 6 neglect, and exploitation.

28 7 The bill expands the duties and authority of the department
28 8 to apply for, receive, and administer, in addition to grants,
28 9 gifts, and devises, bequests of real and personal property
28 10 from any source. Moneys received by the department from such
28 11 sources are not subject to reversion to the general fund of
28 12 the state.

28 13 The bill authorizes the department to administer local
28 14 long-term care resident's advocate programs and allows local
28 15 long-term care resident's advocates to carry out the same
28 16 duties as the state long-term care resident's advocate,
28 17 including but not limited to investigating and resolving
28 18 complaints, monitoring and developing laws and regulations,
28 19 and providing certain information to other agencies. Local
28 20 long-term care resident's advocates are also allowed access to
28 21 long-term care facilities, private access to residents, access
28 22 to residents' personal and medical records, and access to
28 23 other records maintained by the facilities or governmental
28 24 agencies pertaining only to the person on whose behalf a
28 25 complaint is investigated. The bill provides that a local
28 26 long-term care resident's advocate is not liable for any
28 27 actions taken by the local long-term care resident's advocate
28 28 in the performance of duties if undertaken reasonably and in
28 29 good faith.

28 30 The bill provides that, in accordance with the state's
28 31 service contract process, the department shall identify and
28 32 award funds to contractors, in addition to area agencies on
28 33 aging, that have demonstrated the ability to provide a
28 34 collaborative response to the immediate needs of older
28 35 individuals at risk of or experiencing abuse, neglect, or
29 1 exploitation, for the purpose of implementing elder abuse
29 2 initiative, emergency shelter, and support service projects.

29 3 The bill provides that the department shall administer the
29 4 aging and disability resource center program, the legal
29 5 assistance development program, and the nutrition program.
29 6 The purpose of the aging and disability resource center
29 7 program is to provide a coordinated local system of
29 8 information access for older individuals, persons with
29 9 disabilities aged 18 and older, and people who inquire about,
29 10 or request assistance on behalf of, members of these groups
29 11 who seek long-term care and support. The purpose of the legal
29 12 assistance development program is to provide leadership for
29 13 improving legal advocacy assistance for Iowa's older
29 14 individuals. The purpose of the nutrition program is to
29 15 administer the federal Older Americans Act in regard to
29 16 congregate and home-delivered nutrition programs, nutrition
29 17 education, nutrition counseling, and health programs to
29 18 promote health and well-being, reduce food insecurity, promote
29 19 socialization, and maximize independence of older individuals.

29 20 The bill requires the area agencies on aging to consider an
29 21 older individual's caregiver in assessing the types, levels,
29 22 and delivery of services available to older individuals.

29 23 The bill provides that the state substitute decision maker
29 24 shall be licensed to practice law in Iowa and shall be the
29 25 sole authority for certifying additional curriculum trainers.
29 26 Volunteers and volunteer organizations shall not provide
29 27 direct substitute decision-making services. Gifts, grants, or
29 28 donations received by the office of the substitute decision
29 29 maker shall be deposited in the general fund of the state and
29 30 the amounts received are appropriated to the department.
29 31 Moneys retained by the department pursuant to these gifts,
29 32 grants, or donations shall not be subject to reversion to the
29 33 general fund of the state.

29 34 The bill provides that for all state office or local office
29 35 of substitute decision maker appointments by the court, notice
30 1 shall be provided to the state office or local substitute
30 2 decision maker prior to appointment. For such appointments,
30 3 the state office or local substitute office of substitute
30 4 decision maker shall only accept appointments made in
30 5 circumstances where an involuntary petition for guardianship
30 6 or conservatorship is filed.

30 7 The bill provides that the state or local substitute
30 8 decision maker may petition to be removed as guardian or
30 9 conservator under certain circumstances, including if the ward

30 10 displays assaultive or aggressive behavior that causes the
30 11 substitute decision maker to fear for their personal safety,
30 12 if the ward refuses the services of the substitute decision
30 13 maker or refuses to have contact with the substitute decision
30 14 maker, and if the ward moves out of Iowa. An appointment
30 15 nominating the state office or a local office under a power of
30 16 attorney will not be effective unless the nominated state or
30 17 local office has consented to the appointment in writing.
30 18 The bill authorizes the department access to dependent
30 19 adult abuse information, other than unfounded dependent adult
30 20 abuse information, for the purposes of conducting background
30 21 checks of applicants for employment with the department.
30 22 LSB 1339HV 83
30 23 rh/nh/5