

# House Study Bill 146

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
ELDER AFFAIRS BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, 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 1339XD 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 caretakers~~ 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 1339XD 83  
30 23 rh/nh/5.1