

**House File 2132 - Introduced**

HOUSE FILE 2132

BY HEDDENS and MASCHER

**A BILL FOR**

1 An Act relating to services provided by assisted living  
2 programs and requiring the adoption of rules.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 231C.1, subsection 2, paragraph b, Code  
2 2011, is amended to read as follows:

3 b. To establish standards for assisted living programs that  
4 allow flexibility in design which promotes a social model of  
5 service delivery by focusing on independence, individual needs  
6 and desires, and consumer-driven quality of service, and that  
7 provide consumer protections to ensure program transparency,  
8 oversight, and accountability.

9 Sec. 2. Section 231C.1, subsection 3, Code 2011, is amended  
10 to read as follows:

11 3. It is the intent of the general assembly that the  
12 department promote a social model for assisted living programs,  
13 provide consistent standards and oversight to ensure protection  
14 of consumers, and utilize a consultative process to assist with  
15 compliance by assisted living programs.

16 Sec. 3. Section 231C.2, subsection 2, Code Supplement 2011,  
17 is amended to read as follows:

18 2. a. "Assisted living" means the provision to three or  
19 more tenants of a social model of housing with in a physical  
20 structure which provides a homelike environment and balances  
21 individual privacy with the benefits of social interaction and  
22 provides associated services which may.

23 b. The social model shall provide an environment that  
24 supports each tenant in maximizing the tenant's highest  
25 practicable level of well-being through individualized,  
26 stimulating, and purposeful activities, connections to and  
27 interaction with the outside community, and other interventions  
28 that assist a tenant in maintaining optimal independence while  
29 delaying further decline from any existing health, cognitive,  
30 mental health, or functional condition.

31 c. The services offered shall include but are not limited to  
32 health-related the following:

33 (1) Health-related care, or personal care, and assistance  
34 with instrumental activities of daily living to three or more  
35 tenants in a physical structure which provides a homelike

1 environment.

2     (2) ~~"Assisted living" also includes~~ The encouragement  
3 of family involvement, tenant self-direction, and tenant  
4 participation in decisions that emphasize choice, dignity,  
5 privacy, individuality, shared risk, and independence in a  
6 manner commensurate with the tenant's health, cognitive,  
7 mental health, and functional status. ~~"Assisted living"~~  
8 ~~includes the provision of housing and assistance with~~  
9 ~~instrumental activities of daily living only if personal care~~  
10 ~~or health-related care is also included.~~ ~~"Assisted living"~~  
11 ~~includes~~

12     (3) Access to awake staff twenty-four hours per day  
13 ~~response staff to meet a tenant's~~ scheduled and unscheduled  
14 or unpredictable needs commensurate with the tenant's health,  
15 cognitive, mental health, and functional status, in a manner  
16 that promotes maximum dignity and independence and provides  
17 supervision, safety, and security.

18     d. Services may include assistance with instrumental  
19 activities of daily living.

20     Sec. 4. Section 231C.3, subsection 1, paragraphs c and d,  
21 Code 2011, are amended to read as follows:

22     c. Standards for tenant evaluation or assessment, which  
23 evaluate each prospective tenant's health, cognitive, mental  
24 health, and functional status prior to the tenant's signing the  
25 occupancy agreement and taking occupancy of a dwelling unit  
26 in order to determine the tenant's eligibility for a program,  
27 including whether the personal or health-related services are  
28 available. The standards shall provide that each program shall  
29 use one or two of the standard assessment tools selected by the  
30 department.

31     d. Standards for tenant service plans, which may vary in  
32 accordance with the nature of the services provided or the  
33 status of the a tenant. The standards shall provide that daily  
34 activities based on a tenant's abilities, personal interests,  
35 and individual assessment shall be planned for a tenant who

1 is unable to plan the tenant's own activities. The standards  
2 shall state that a service plan must include the level of staff  
3 needed to provide personal or health-related care. When a  
4 tenant needs personal care or health-related care, the service  
5 plan shall be updated within thirty days of occupancy and as  
6 needed with significant change, but not less than annually.

7 ~~d.~~ e. Provisions for granting short-term waivers for  
8 tenants who exceed occupancy criteria.

9 Sec. 5. Section 231C.3, subsection 1, Code 2011, is amended  
10 by adding the following new paragraphs:

11 NEW PARAGRAPH. *f.* Standards for food service at a program  
12 that ensure that the nutritional needs of each tenant is met as  
13 reflected in the tenant's service plan. The standards shall  
14 state that the program shall provide, at minimum, one hot meal  
15 per day to all tenants and up to three meals per day for tenants  
16 who require the food service.

17 NEW PARAGRAPH. *g.* Standards for employment of a program  
18 manager. The standards shall provide that programs employing a  
19 new program manager on and after January 1, 2013, shall require  
20 the manager to have, at minimum, a combination of three years  
21 of study or experience related to older adults and to complete,  
22 within six months of initial employment as a program manager,  
23 an assisted living management class whose curriculum includes  
24 at least six hours of training specifically related to Iowa  
25 rules and laws on assisted living programs.

26 Sec. 6. Section 231C.5, subsection 2, paragraph a, Code  
27 Supplement 2011, is amended to read as follows:

28 *a.* A description of all fees, charges, and rates describing  
29 tenancy and basic services covered, and any additional and  
30 optional services and their related costs. The occupancy  
31 agreement shall also include the circumstances under which  
32 fees, charges, or rates are subject to change, and the process  
33 by which such change is made including but not limited to a  
34 provision of timely notice of such change.

35 Sec. 7. Section 231C.5, subsection 2, Code Supplement 2011,

1 is amended by adding the following new paragraph:

2 NEW PARAGRAPH. *g.* The specific type and level of services  
3 the program provides and the specific health, cognitive, mental  
4 health, or functional condition that, by law, prohibit initial  
5 occupancy or may necessitate subsequent transfer or involuntary  
6 transfer.

7 Sec. 8. RULES. The department of inspections and appeals  
8 shall adopt rules to implement the provisions of this Act.

9 Sec. 9. PRIOR PROGRAM MANAGER TRAINING. The training  
10 standards required by section 231C.3, subsection 1, paragraph  
11 "g", as enacted in this Act, shall provide that program  
12 managers who have completed similar training prior to January  
13 1, 2013, shall not be required to complete additional training  
14 to meet the requirement in section 231C.3, subsection 1,  
15 paragraph "g".

16 EXPLANATION

17 This bill amends Code sections related to assisted living  
18 programs. The bill adds that the purpose of establishing an  
19 assisted living program includes providing consumer protections  
20 to ensure program transparency, oversight, and accountability.  
21 The bill provides that it is the intent of the general assembly  
22 that the department of inspections and appeals provide  
23 consistent standards and oversight to ensure protection of  
24 consumers of assisted living programs.

25 The bill amends the definition of "assisted living" to  
26 mean the provision of a social model of housing in a physical  
27 structure with services to three or more tenants. The physical  
28 structure must balance individual privacy with the benefits  
29 of social interaction. The bill provides that the social  
30 model must create an environment that supports the tenant in  
31 maximizing the highest practicable level of well-being that  
32 assists the tenant in maintaining optimal independence and  
33 delaying further decline in any existing health, cognitive,  
34 mental health, or functional condition.

35 The bill amends the definition of "assisted living" to

1 include as required assisted living services, health-related  
2 care, the encouragement of family involvement, tenant  
3 self-direction, and tenant participation in a manner  
4 commensurate with the tenant's health, cognitive, mental  
5 health, and functional status, and access to awake staff 24  
6 hours per day to meet the tenant's needs commensurate with  
7 the tenant's health, cognitive, mental health, and functional  
8 status. The bill provides that assisted living services may  
9 include assistance with instrumental activities of daily  
10 living.

11 The bill requires the department of inspections and appeals  
12 (DIA) to establish rules regarding standards for tenant  
13 evaluation or assessment. The rules shall require that each  
14 prospective tenant's health, cognitive, mental health, and  
15 functional status be evaluated prior to the tenant's signing  
16 the occupancy agreement and taking occupancy of a dwelling  
17 unit. The evaluations must be completed using one or two of  
18 the standard assessment tools selected by the department.

19 The bill requires that the DIA's rules regarding tenant  
20 service plans provide that daily activities based on the  
21 tenant's abilities, personal interests, and individual  
22 assessment shall be planned for a tenant who is unable to  
23 plan the tenant's own activities. The rules regarding tenant  
24 service plans also must include the level of staff needed to  
25 provide care.

26 The bill requires the DIA to establish rules regarding  
27 standards for food service at an assisted living program to  
28 ensure that a program meets a tenant's nutritional needs.  
29 These standards shall require that the program, at minimum,  
30 provide one hot meal per day to all tenants and up to three  
31 meals per day for tenants requiring the service.

32 The bill requires the DIA to establish rules regarding  
33 standards for employment of program managers. The standards  
34 must require new program managers employed on or after  
35 January 1, 2013, to have a minimum of three years of study

1 or experience related to older adults and to complete an  
2 assisted living management class within six months of initial  
3 employment as a program manager. A program manager does not  
4 need to complete additional training if the program manager has  
5 completed similar training prior to January 1, 2013.

6 The bill provides that a written occupancy agreement  
7 shall include the circumstances under which fees, charges, or  
8 rates are subject to change and the process for making the  
9 changes including a provision for timely notice. The bill  
10 also requires a written occupancy agreement to include the  
11 specific type and level of services the program provides and  
12 the specific health, cognitive, mental health, or functional  
13 conditions that prohibit initial occupancy or may necessitate  
14 subsequent transfer.

15 The bill requires the DIA to adopt rules to implement the  
16 bill.