

Senate Study Bill 1103 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to assisted living programs, including
2 voluntary cessation of program operations and
3 decertification, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

3 2. a. "*Assisted living*" means provision of housing
4 with services which may include but are not limited to
5 health-related care, personal care, and assistance with
6 instrumental activities of daily living to three or more
7 tenants in a physical structure which provides a homelike
8 environment.

9 b. "*Assisted living*" also includes encouragement of family
10 involvement, tenant self-direction, and tenant participation
11 in decisions that emphasize choice, dignity, privacy,
12 individuality, shared risk, and independence.

13 c. "*Assisted living*" includes the provision of housing and
14 assistance with instrumental activities of daily living only if
15 personal care or health-related care is also included.

16 d. "*Assisted living*" includes twenty-four hours per
17 day response staff to meet scheduled and unscheduled or
18 unpredictable needs in a manner that promotes maximum dignity
19 and independence and provides supervision, safety, and
20 security.

21 e. "*Assisted living*" includes any entity that meets the
22 definition of assisted living under this subsection, whether
23 or not the entity represents the entity to the public as an
24 assisted living program or as a certified assisted living
25 program, including an entity that decertifies a program
26 but continues to provide housing and continues to be or
27 subsequently becomes the sole provider of assistance with
28 instrumental activities of daily living, personal care, or
29 health-related care, by whatever means employed or contracted,
30 including through a subsidiary, parent, or related corporation.

31 Sec. 2. NEW SECTION. 231C.11A Voluntary cessation of
32 program operations — decertification.

33 1. The department shall adopt rules regarding the voluntary
34 cessation of program operations of an assisted living
35 program, including decertification. The rules shall address

1 notification of the tenants, tenant legal representatives, the
2 department, and the tenant advocate at least ninety days prior
3 to the anticipated date of cessation of program operations; the
4 requirements for the safe and orderly transfer or transition of
5 all tenants; and monitoring of the program during the process
6 and after cessation of program operations.

7 2. Within seven days following provision of notice of
8 cessation of program operations, the assisted living program
9 shall hold a meeting and invite all tenants, tenant legal
10 representatives, families of tenants, representatives of the
11 department, and the tenant advocate to discuss the pending
12 cessation of the program and to answer any questions. The
13 department and the tenant advocate shall have access to attend
14 the meeting and provide information to the tenants regarding
15 their legal rights.

16 3. The tenant advocate shall monitor the decertification
17 process and shall undertake any investigations necessary to
18 ensure that the rights of tenants are protected during the
19 process and after cessation of program operations. The tenant
20 advocate shall assist tenants during the transition, including
21 assisting tenants in finding necessary and appropriate service
22 providers if the assisted living program is unable to provide
23 such necessary and appropriate services during the transition
24 period. Under such circumstances, the assisted living program
25 shall cooperate with the tenant advocate by providing contact
26 information for service providers within a thirty mile radius
27 of the program.

28 4. Following cessation of program operations and
29 decertification, the department shall retain authority to
30 monitor the decertified program to ensure that the entity does
31 not continue to act as an uncertified assisted living program
32 or other unlicensed, uncertified, or unregistered entity
33 otherwise regulated by the state following decertification.
34 If a decertified assisted living program continues to or
35 subsequently acts in a manner that meets the definition of

1 assisted living pursuant to section 231C.2, the decertified
2 program is subject to the criminal penalties and injunctive
3 relief provisions of section 231C.15, and any other penalties
4 applicable by law.

5

EXPLANATION

6 This bill relates to assisted living programs.

7 The bill provides that the definition of "assisted living"
8 includes any entity that meets the definition of assisted
9 living whether or not the entity represents itself to the
10 public as an assisted living program or as a certified assisted
11 living program, including an entity that decertifies a program
12 but continues to provide housing and continues to be or
13 subsequently becomes the sole provider of assistance with
14 instrumental activities of daily living, personal care, or
15 health-related care, by whatever means employed or contracted,
16 including through a subsidiary, parent, or related corporation.

17 The bill directs the department of inspections and
18 appeals to adopt rules regarding the voluntary cessation of
19 program operations of an assisted living program, including
20 decertification. The rules specifically are to address
21 notification of the tenants, tenant legal representatives, the
22 department, and the tenant advocate at least 90 days prior to
23 the anticipated date of cessation of program operations; the
24 requirements for the safe and orderly transfer or transition of
25 all tenants; and monitoring of the program during the process
26 and after cessation of program operations. The bill requires
27 that within seven days following provision of notice, the
28 assisted living program shall hold a meeting and invite all
29 tenants, tenant legal representatives, families of tenants,
30 representatives of the department, and the tenant advocate to
31 discuss the pending cessation of the program and to answer
32 any questions. The department and the tenant advocate are
33 authorized to have access to attend the meeting and provide
34 information to the tenants regarding their legal rights.

35 The bill directs that the tenant advocate shall monitor the

1 decertification process and shall undertake any investigations
2 necessary to ensure that the rights of tenants are protected
3 during the process and after cessation of program operations.
4 The tenant advocate is also to assist tenants in finding
5 necessary and appropriate services during the transition if the
6 program is unable to provide services during the transition.
7 The assisted living program is required to cooperate with the
8 tenant advocate by providing contact information for service
9 providers within a 30-mile radius of the program.

10 Following cessation of program operations and
11 decertification, the department is authorized to retain
12 authority to monitor the decertified program to ensure
13 that the entity does not continue to act as an uncertified
14 assisted living program or other unlicensed, uncertified, or
15 unregistered entity otherwise regulated by the state following
16 decertification. If a decertified assisted living program
17 continues to or subsequently acts in a manner that meets
18 the definition of assisted living, the decertified program
19 is subject to the criminal penalties and injunctive relief
20 provisions of Code section 231C.15, and any other penalties
21 applicable by law.