

# Senate Study Bill 3035 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT ON  
AGING BILL)

## A BILL FOR

1 An Act relating to the powers and duties of the department on  
2 aging.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 22.7, subsection 62, Code Supplement  
2 2011, is amended to read as follows:

3 62. Records of the department on aging pertaining to clients  
4 served by the prevention of elder abuse prevention initiative,  
5 neglect, and exploitation program.

6 Sec. 2. Section 231.4, subsection 1, paragraph n, Code  
7 Supplement 2011, is amended to read as follows:

8 n. "*Unit of general purpose local government*" means the  
9 governing body of a city, county, township, metropolitan area,  
10 or region within the state that has a population of one hundred  
11 thousand or more, that is recognized for areawide planning, and  
12 that functions as a political subdivision of the state whose  
13 authority is general and not limited to only one function or  
14 combination of related functions, or a tribal organization.

15 Sec. 3. Section 231.4, subsection 2, Code Supplement 2011,  
16 is amended to read as follows:

17 2. For the purposes of this chapter, "aging and disability  
18 resource center", "area agency on aging", "focal point",  
19 "greatest economic need", and "greatest social need", "planning  
20 and service area", and "tribal organization" mean as those terms  
21 are defined in the federal Act.

22 Sec. 4. Section 231.14, subsection 1, paragraphs e, g, and  
23 h, Code 2011, are amended to read as follows:

24 e. Designate for each planning and service area a public or  
25 private nonprofit agency or organization as the area agency on  
26 aging for that area. The commission may revoke the designation  
27 of an area agency on aging pursuant to section 231.32.

28 g. Adopt a formula for the distribution of federal Act, and  
29 state services for older individuals, and senior living program  
30 funds taking into account, to the maximum extent feasible, the  
31 best available data on the geographic distribution of older  
32 individuals in the state, and publish the formula for review  
33 and comment.

34 h. Adopt policies and measures to assure that preference  
35 will be given to providing services to older individuals

1 with the greatest economic or social needs, with particular  
2 attention to low-income minority older individuals, older  
3 individuals with limited English proficiency, and older  
4 individuals residing in rural areas.

5 Sec. 5. Section 231.22, Code 2011, is amended to read as  
6 follows:

7 **231.22 Director — assistant director.**

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

17 2. The director shall have the following qualifications and  
18 training:

19 a. Training in the field of gerontology, social work, public  
20 health, public administration, or other related fields.

21 b. Direct experience or extensive knowledge of programs and  
22 services related to older individuals.

23 c. Demonstrated understanding and concern for the welfare of  
24 older individuals.

25 d. Demonstrated competency and recent working experience in  
26 an administrative, supervisory, or management position.

27 3. The director may appoint an assistant director who shall  
28 be in charge of the department in the absence of the director.  
29 The appointment shall be based on the appointee's training,  
30 experience, and capabilities.

31 Sec. 6. Section 231.23, Code 2011, is amended to read as  
32 follows:

33 **231.23 Department on aging — duties and authority.**

34 The department on aging director shall:

35 1. Develop and administer a state plan on aging.

1     2. Assist the commission in the review and approval of area  
2 plans.

3     3. Pursuant to commission policy, coordinate state  
4 activities related to the purposes of this chapter and all  
5 other chapters under the department's jurisdiction.

6     4. Advocate for older individuals by reviewing and  
7 commenting upon all state plans, budgets, laws, rules,  
8 regulations, and policies which affect older individuals and  
9 by providing technical assistance to any agency, organization,  
10 association, or individual representing the needs of older  
11 individuals.

12    5. Assist the commission in dividing the state into distinct  
13 planning and service areas.

14    6. Assist the commission in designating for each area a  
15 public or private nonprofit agency or organization as the area  
16 agency on aging for that area.

17    7. Pursuant to commission policy, take into account the  
18 views of older Iowans.

19    8. Assist the commission in adopting a formula for the  
20 distribution of funds available from the federal Act and state  
21 appropriations and allocations.

22    9. Assist the commission in assuring that preference will  
23 be given to providing services to older individuals with the  
24 greatest economic or social needs, with particular attention to  
25 low-income minority older individuals, older individuals with  
26 limited English proficiency, and older individuals residing in  
27 rural areas.

28    10. Assist the commission in developing, adopting, and  
29 enforcing administrative rules, by issuing necessary forms and  
30 procedures.

31    11. Apply for, receive, and administer grants, devises,  
32 donations, gifts, or bequests of real or personal property from  
33 any source to conduct projects consistent with the purposes of  
34 the department. Notwithstanding section 8.33, moneys received  
35 by the department pursuant to this section are not subject to

1 reversion to the general fund of the state.

2 12. Administer state authorized programs.

3 ~~13. Provide annual training for area agency on aging board~~  
4 ~~of directors members.~~

5 ~~14.~~ 13. Establish a procedure for an area agency on  
6 aging to use in selection of members of the agency's board of  
7 directors. The selection procedure shall be incorporated into  
8 the bylaws of the board of directors.

9 ~~15. Provide oversight to ensure that the composition of the~~  
10 ~~area agency on aging board of directors complies with the rules~~  
11 ~~of the department.~~

12 Sec. 7. Section 231.23A, unnumbered paragraph 1, Code 2011,  
13 is amended to read as follows:

14 The department on aging shall provide or administer, but is  
15 not limited to providing or administering, all of the following  
16 programs and services to the extent required by law and subject  
17 to the availability of funding:

18 Sec. 8. Section 231.23A, subsections 1 and 6, Code 2011, are  
19 amended to read as follows:

20 1. Services for older individuals including but not limited  
21 to home and community-based services such as adult day,  
22 assessment and intervention, transportation, chore, counseling,  
23 homemaker, material aid, personal care, reassurance, respite,  
24 visitation, caregiver support, emergency response system,  
25 mental health outreach, and home repair as defined by the  
26 department in the most current version of the department's  
27 reporting manual and pursuant to the federal Act and  
28 regulations.

29 6. The nutrition and health promotion program.

30 Sec. 9. Section 231.33, subsections 7 and 11, Code 2011, are  
31 amended to read as follows:

32 7. Give preference in the delivery of services under the  
33 area plan to older individuals with the greatest economic or  
34 social need, with particular attention to low-income minority  
35 older individuals, older individuals with limited English

1 proficiency, and older individuals residing in rural areas.

2 11. ~~Contact~~ Conduct outreach efforts, ~~with special emphasis~~  
3 ~~on rural older individuals,~~ to identify older individuals  
4 with the greatest economic or social needs, with particular  
5 attention to low-income minority older individuals, older  
6 individuals with limited English proficiency, and older  
7 individuals residing in rural areas, and inform them of the  
8 availability of services under the area plan.

9 Sec. 10. Section 231.52, subsection 3, Code 2011, is amended  
10 to read as follows:

11 3. The department shall require such uniform reporting  
12 and financial accounting by ~~contractors~~ subgrantees as may be  
13 necessary to fulfill the purposes of this section.

14 Sec. 11. Section 231.56, Code 2011, is amended to read as  
15 follows:

16 **231.56 Services and programs.**

17 The department shall administer services and programs ~~to~~  
18 ~~reduce institutionalization and encourage community involvement~~  
19 ~~to help older individuals remain in their own homes~~ that allow  
20 older individuals to secure and maintain maximum independence  
21 and dignity in a home environment that provides for self-care  
22 with appropriate supportive services, assist in removing  
23 individual and social barriers to economic and personal  
24 independence for older individuals, provide a continuum of care  
25 for older individuals and individuals with disabilities, and  
26 secure the opportunity for older individuals to receive managed  
27 in-home and community-based long-term care services. Funds  
28 appropriated for this purpose shall be instituted based on  
29 administrative rules adopted by the commission. The department  
30 shall require such records as needed to administer this  
31 section.

32 Sec. 12. Section 231.56A, Code 2011, is amended to read as  
33 follows:

34 **231.56A Elder Prevention of elder abuse initiative,** ~~emergency~~  
35 ~~shelter, and support services projects, neglect, and exploitation~~

1 program.

2 1. ~~Through the state's service contract process adopted~~  
3 ~~pursuant to section 8.47, the department shall identify~~  
4 ~~entities that have demonstrated the ability to provide~~  
5 ~~a collaborative response to the immediate needs of older~~  
6 ~~individuals for the purpose of implementing elder abuse~~  
7 ~~initiative, emergency shelter, and support services projects.~~  
8 ~~The projects shall be coordinated in service areas that have~~  
9 ~~a multidisciplinary team established pursuant to section~~  
10 ~~235B.1, where available. The department shall administer~~  
11 ~~the prevention of elder abuse, neglect, and exploitation~~  
12 ~~program in accordance with the requirements of the federal~~  
13 ~~Act. The purpose of the program is to carry out activities for~~  
14 ~~intervention in, investigation of, and response to elder abuse,~~  
15 ~~neglect, and exploitation including financial exploitation.~~

16 2. The target population of the projects program shall  
17 be any older individual residing in Iowa who is at risk of  
18 or who is experiencing abuse, neglect, or exploitation ~~which~~  
19 ~~may include but is not limited to an older individual who is~~  
20 ~~the subject of a report of suspected dependent adult abuse~~  
21 ~~pursuant to chapter 235B. This subsection shall not apply to~~  
22 ~~an older individual who is receiving assistance under a county~~  
23 ~~management plan approved pursuant to section 331.439 including~~  
24 financial exploitation.

25 3. The contractor implementing the projects program shall  
26 identify allowable emergency shelter and support services,  
27 state funding, outcomes, reporting requirements, and approved  
28 community resources from which services may be obtained ~~under~~  
29 ~~the projects.~~

30 4. The contractor shall implement the projects program  
31 and shall coordinate the provider network through the use of  
32 referrals or other engagement of community resources to provide  
33 services to older individuals.

34 5. ~~The department shall award funds to the contractor~~  
35 ~~in accordance with the state's service contract process and~~

1 ~~department rule. Receipt and expenditures of moneys under the~~  
2 ~~projects are subject to examination, including audit, by the~~  
3 ~~department. The department shall adopt rules to implement this~~  
4 ~~section.~~

5 ~~6. This section shall not be construed and is not intended~~  
6 ~~as, and shall not imply, a grant of entitlement for services to~~  
7 ~~individuals who are not otherwise eligible for the services or~~  
8 ~~for utilization of services that do not currently exist or are~~  
9 ~~not otherwise available.~~

10 Sec. 13. Section 231.62, Code Supplement 2011, is amended  
11 by striking the section and inserting in lieu thereof the  
12 following:

13 **231.62 Alzheimer's disease services and assistance.**

14 Pursuant to the federal Act, the department shall direct  
15 the area agencies on aging to use outreach efforts to identify  
16 older individuals with Alzheimer's disease and related  
17 disorders and to establish supportive services for those  
18 individuals and their families. The department shall regularly  
19 review trends and initiatives to address the long-term living  
20 needs of Iowans to determine how the needs of persons with  
21 Alzheimer's disease and related disorders can be appropriately  
22 met.

23 Sec. 14. Section 231.66, Code 2011, is amended to read as  
24 follows:

25 **231.66 Nutrition and health promotion program.**

26 A nutrition and health promotion program shall be  
27 administered by the department, in accordance with the  
28 requirements of the federal Act, including congregate and  
29 home-delivered nutrition programs, nutrition screening,  
30 nutrition education, nutrition counseling, and evidence-based  
31 health promotion programs to promote health and well-being,  
32 reduce food insecurity, promote socialization, and maximize  
33 independence of older individuals.

34 Sec. 15. REPEAL. Sections 231.24 and 231.63, Code 2011,  
35 are repealed.

1 EXPLANATION

2 This bill relates to the department on aging.

3 The bill includes amendments to definitions based on the  
4 federal Older Americans Act and state practice.

5 The bill provides explicit authority to the commission on  
6 aging to not only designate but to also revoke the designation  
7 of an area agency on aging with the assistance of the  
8 department and to adopt a formula to distribute federal and  
9 state funds. The bill authorizes the director to appoint an  
10 assistant director to be in charge of the department in the  
11 absence of the director. The appointment is to be based on the  
12 appointee's training, experience, and capabilities.

13 The bill includes as a basis for preference in the provision  
14 of services, older individuals with the greatest economic  
15 need, with particular attention to low-income minority  
16 older individuals, older individuals with limited English  
17 proficiency, and older individuals residing in rural areas.

18 The bill specifies the programs and services that the  
19 department shall provide to the extent required by law and  
20 subject to the availability of funding, and provides a basis  
21 for the services and programs the department administers.

22 The bill changes the elder abuse projects to a prevention of  
23 elder abuse, neglect, and exploitation program.

24 The bill repeals the Code sections relating to certified  
25 retirement communities and end-of-life care information.