

**Senate File 2066 - Introduced**

SENATE FILE 2066

BY COURTNEY

**A BILL FOR**

1 An Act relating to providers of medical assistance program  
2 consumer-directed attendant care and consumer choices  
3 option services, including effective date and retroactive  
4 applicability provisions.

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

1 Section 1. MEDICAL ASSISTANCE PROGRAM — PROVIDERS OF  
2 CONSUMER-DIRECTED ATTENDANT CARE AND CONSUMER CHOICES OPTION  
3 SERVICES.

4 1. The department of human services shall adopt  
5 rules pursuant to chapter 17A to provide for all of the  
6 following regarding providers of medical assistance program  
7 consumer-directed attendant care and consumer choices option  
8 services:

9 a. That an individual who serves as a member's legal  
10 representative and also provided services to the member under  
11 a home and community-based services waiver consumer-directed  
12 attendant care agreement or under a community choices option  
13 employment agreement in effect on December 31, 2013, may  
14 continue to act as a provider under the agreement and payment  
15 to such provider is not considered funds incorrectly paid under  
16 the medical assistance program.

17 b. Beginning July 1, 2014, the department shall require  
18 transition of individual providers under the consumer-directed  
19 attendant care option to agency-provided services and shall  
20 retain the consumer choices option for those individuals able  
21 and desiring to self-direct services. However, an individual  
22 providing services to a member under a home and community-based  
23 services consumer-directed attendant care agreement in effect  
24 on December 31, 2013, may continue to act as an individual  
25 provider under the agreement and payment to such provider  
26 is not considered funds incorrectly paid under the medical  
27 assistance program.

28 c. Beginning July 1, 2014, a provider of agency-provided  
29 services under the consumer-directed attendant care option or a  
30 provider of services under the consumer choices option may also  
31 serve as the member's legal representative.

32 d. Any provider of consumer-directed attendant care or  
33 consumer choices option services shall certify in writing that  
34 the provider has the necessary skills and meets the necessary  
35 requirements to be able to perform the services the provider is

1 hired to perform.

2 2. For the purposes of this section, "legal representative"  
3 means a person, including an attorney, who is authorized by  
4 law to act on behalf of the medical assistance program member.  
5 "Legal representative" does not include the spouse of a member  
6 or the parent or stepparent of a member aged seventeen or  
7 under.

8 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
9 immediate importance, takes effect upon enactment.

10 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies  
11 retroactively to December 31, 2013.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with  
14 the explanation's substance by the members of the general assembly.

15 This bill relates to providers of medical assistance  
16 (Medicaid) consumer-directed attendant care (CDAC) and consumer  
17 choices option (CCO) services.

18 The bill directs the department of human services (DHS) to  
19 adopt rules pursuant to Code chapter 17A to:

20 1. Provide that an individual who also serves as the  
21 Medicaid member's legal representative and provided services to  
22 the member under a CDAC agreement or CCO employment agreement  
23 in effect on December 31, 2013, may continue to act as a  
24 provider under the agreement and payment to such provider  
25 is not considered funds incorrectly paid under the medical  
26 assistance program.

27 2. Provide that beginning July 1, 2014, DHS will  
28 require transition of individual providers under CDAC  
29 to agency-provided services and retain the CCO for those  
30 individuals able and desiring to self-direct services.  
31 However, an individual providing services to a Medicaid  
32 member under a CDAC agreement in effect on December 31,  
33 2013, may continue to act as an individual provider under the  
34 agreement and payment to such provider is not considered funds  
35 incorrectly paid under the medical assistance program.

1 3. Provide that beginning July 1, 2014, a provider of  
2 agency-provided services under CDAC or the CCO may also serve  
3 as the member's legal representative.

4 4. Require any provider of services under CDAC or the CCO to  
5 certify in writing that the provider has the necessary skills  
6 and meets the necessary requirements to be able to perform the  
7 services the provider is hired to perform.

8 Under the bill, "legal representative" means a person,  
9 including an attorney, who is authorized by law to act on  
10 behalf of the medical assistance program member. "Legal  
11 representative" does not include the spouse of a member or the  
12 parent or stepparent of a member aged 17 or under.

13 The bill takes effect upon enactment and is retroactively  
14 applicable to December 31, 2013.