# Senate File 2320 - Introduced

SENATE FILE 2320
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SF 2066)

## 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:

#### S.F. 2320

- 1 Section 1. MEDICAL ASSISTANCE PROGRAM PROVIDERS OF
- 2 CONSUMER-DIRECTED ATTENDANT CARE AND CONSUMER CHOICES OPTION
- 3 SERVICES.
- 4 l. a. 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 (1) That an individual who serves as a member's legal
- 10 representative and provides services to the member under a home
- 11 and community-based services waiver consumer-directed attendant
- 12 care agreement or under a community choices option employment
- 13 agreement in effect on or after December 31, 2013, may continue
- 14 to act as a provider under the agreement and payment to such
- 15 provider is not considered funds incorrectly paid under the
- 16 medical assistance program.
- 17 (2) Beginning July 1, 2016, the department may require
- 18 services through the consumer-directed attendant care option
- 19 to be provided through an agency but shall retain the consumer
- 20 choices option for those individuals able and desiring
- 21 to self-direct services. If the department does require
- 22 services through the consumer-directed attendant care option
- 23 to be provided through an agency beginning July 1, 2016, an
- 24 individual providing services to a member under a home and
- 25 community-based services consumer-directed attendant care
- 26 agreement in effect on June 30, 2016, may continue to act as
- 27 an individual provider under the agreement and payment to such
- 28 provider is not considered funds incorrectly paid under the
- 29 medical assistance program.
- 30 b. For the purposes of this subsection, "legal
- 31 representative" means a person, including an attorney, who is
- 32 authorized by law to act on behalf of the medical assistance
- 33 program member. "Legal representative" does not include the
- 34 spouse of a member or the parent or stepparent of a member aged
- 35 seventeen or under.

#### S.F. 2320

- Any person who provided or applies to provide services
- 2 under a home and community-based services consumer-directed
- 3 attendant care agreement or under a community choices option
- 4 employment agreement in effect on or after December 31,
- 5 2013, is subject to 441 IAC 79.2(3)(c) and (d) and 441 IAC
- 6 79.2(4)(c). For the purposes of this subsection, "person"
- 7 means any individual human being or any company, firm,
- 8 association, corporation, institution, or other legal entity.
- 9 "Person" includes but is not limited to a provider and any
- 10 affiliate of a provider.
- 11 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
- 12 immediate importance, takes effect upon enactment.
- 13 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
- 14 retroactively to December 31, 2013.
- 15 EXPLANATION
- 16 The inclusion of this explanation does not constitute agreement with
- 17 the explanation's substance by the members of the general assembly.
- 18 This bill relates to providers of medical assistance
- 19 (Medicaid) consumer-directed attendant care (CDAC) and consumer
- 20 choices option (CCO) services.
- 21 The bill directs the department of human services (DHS) to
- 22 adopt rules pursuant to Code chapter 17A to:
- 23 l. Provide that an individual who serves as a Medicaid
- 24 member's legal representative and also provided services to the
- 25 member under a CDAC agreement or CCO employment agreement in
- 26 effect on or after December 31, 2013, may continue to act as
- 27 a provider under the agreement and payment to such provider
- 28 is not considered funds incorrectly paid under the medical
- 29 assistance program.
- 30 2. Provide that beginning July 1, 2016, DHS may require
- 31 services through CDAC to be provided through an agency but
- 32 shall retain the CCO for those individuals able and desiring
- 33 to self-direct services. However, an individual providing
- 34 services to a Medicaid member under a CDAC agreement in effect
- 35 on June 30, 2016, may continue to act as an individual provider

### S.F. 2320

- 1 under the agreement and payment to such provider is not
- 2 considered funds incorrectly paid under the medical assistance
- 3 program.
- 4 Under the bill, "legal representative" means a person,
- 5 including an attorney, who is authorized by law to act on
- 6 behalf of the medical assistance program member. "Legal
- 7 representative" does not include the spouse of a member or the
- 8 parent or stepparent of a member aged 17 or under.
- 9 The bill provides that any provider of services under a CDAC
- 10 or CCO agreement in effect on or after December 31, 2013, is
- ll subject to rules for Medicaid providers relating to mandatory
- 12 suspensions and terminations and background checks.
- 13 The bill takes effect upon enactment and is retroactively
- 14 applicable to December 31, 2013.