

House File 170 - Introduced

HOUSE FILE 170

BY H. MILLER, STECKMAN,
OURTH, BERRY, T. TAYLOR,
STAED, FORBES, RUFF,
JACOBY, KELLEY, THEDE,
BROWN-POWERS, FINKENAUER,
WINCKLER, SMITH, GASKILL,
KEARNS, McCONKEY, HANSON,
ABDUL-SAMAD, ANDERSON,
STUTSMAN, and KRESSIG

A BILL FOR

1 An Act relating to elderly persons with aggressive or
2 psychiatric behaviors in long-term care facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. FACILITY FOR ELDERLY PERSONS WITH AGGRESSIVE OR
2 PSYCHIATRIC BEHAVIORS — COMMITTEE — REPORT.

3 1. The department of inspections and appeals, in
4 conjunction with the department of human services, shall
5 establish and facilitate a committee of stakeholders to examine
6 options for designating a facility to provide care for elderly
7 persons in this state who are sexually aggressive, combative,
8 or have unmet geropsychiatric needs.

9 2. The membership of the committee shall include but is not
10 limited to the following:

11 a. Representatives of the departments of corrections,
12 inspections and appeals, human services, public health, and
13 aging, the state public defender, the office of ombudsman, the
14 office of long-term care ombudsman, the department of justice,
15 and the judicial branch.

16 b. Consumers of services provided by long-term care
17 facilities and family members of consumers.

18 c. Long-term care facility administrators or owners.

19 d. Direct care workers employed by long-term care
20 facilities.

21 e. Representatives from Iowa legal aid.

22 f. Representatives from AARP Iowa.

23 g. Representatives from the Iowa civil liberties union.

24 h. Other stakeholders as the department of inspections and
25 appeals and the department of human services deem appropriate.

26 3. The committee shall discuss whether a long-term care
27 facility, as defined in section 142D.2, should have the
28 ability to refuse admission to, or discharge, residents who are
29 sexually aggressive, combative, or have unmet geropsychiatric
30 needs. The committee shall consider options for establishment
31 of a facility to provide care for persons who are sexually
32 aggressive, combative, or have unmet geropsychiatric needs.
33 The committee shall identify the characteristics of residents
34 for such a facility, options for creating a new facility to
35 house such residents, options for the expansion of an existing

1 facility to house such residents, options for using any
2 alternative facilities for such residents, the workforce and
3 training necessary for the workforce in such facility, the use
4 of protective restraints at such facility, options to qualify a
5 facility for Medicaid reimbursement, cost projections for any
6 recommendations, any possible benefits of the implementation
7 of the federal Patient Protection and Affordable Care Act,
8 and other information deemed relevant by the department of
9 inspections and appeals.

10 4. The committee shall provide a report detailing its
11 findings and recommendations to the governor and the general
12 assembly by December 15, 2015.

13 EXPLANATION

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

16 This bill relates to housing of elderly persons who
17 are sexually aggressive or combative or who have unmet
18 geropsychiatric needs. The bill directs the department of
19 inspections and appeals, in conjunction with the department
20 of human services, to establish and facilitate a committee
21 to address the placement or housing of such persons. The
22 committee must identify the residents to be served; the
23 need for a facility; options for creating a new facility,
24 expanding an existing facility, or using any alternative
25 facility for the purpose of housing the identified persons; the
26 workforce and training needs for such a facility; the use of
27 protective restraints at such facility; options to qualify a
28 facility for Medicaid reimbursement; cost projections for the
29 recommendations; any possible benefits of the implementation
30 of the federal Patient Protection and Affordable Care Act,
31 and other information deemed relevant by the department of
32 inspections and appeals.

33 The committee must provide a report of findings and
34 recommendations to the governor and general assembly by
35 December 15, 2015.