

**House Study Bill 145 - Introduced**

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

**A BILL FOR**

1 An Act relating to the regulation of health care facilities,  
2 elder group homes, assisted living programs, and adult day  
3 services programs.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135C.10, subsection 9, Code 2015, is  
2 amended to read as follows:

3 9. In the case of an application ~~by an existing licensee~~  
4 for a new or newly acquired facility, continuing or repeated  
5 failure of the licensee to operate any previously licensed  
6 facility or facilities in compliance with the provisions of  
7 this chapter, the rules adopted pursuant to this chapter, or  
8 equivalent provisions that the facility is subject to in this  
9 state or any other state.

10 Sec. 2. Section 135C.19, Code 2015, is amended to read as  
11 follows:

12 **135C.19 ~~Public disclosure~~ Disclosure of inspection findings**  
13 **— posting of citations.**

14 1. Following an inspection of a health care facility by  
15 the department pursuant to this chapter, the department's  
16 final findings with respect to compliance by the facility  
17 with requirements for licensing shall be made available to  
18 the public in a readily available form and place. Other  
19 information relating to a health care facility obtained by the  
20 department which does not constitute the department's findings  
21 from an inspection of the facility shall not be made available  
22 to the public or to the health care facility except in formal  
23 administrative proceedings pursuant to chapter 17A involving  
24 the citation of a facility for a violation under section  
25 135C.40, or the denial, suspension, or revocation of a license  
26 under this chapter. The name of a person who files a complaint  
27 with the department shall be confidential.

28 2. a. A citation for a class I or class II violation  
29 which is issued to a health care facility and which has become  
30 final, or a copy of the citation, shall be prominently posted  
31 as prescribed in rules, until the violation is corrected to  
32 the department's satisfaction. The citation or copy shall  
33 be posted in a place in plain view of the residents of the  
34 facility cited, persons visiting the residents, and persons  
35 inquiring about placement in the facility.

1     *b.* A copy of each citation required to be posted by this  
2 subsection shall be sent by the department to the department  
3 of human services, to the designated protection and advocacy  
4 agency if the facility has one or more residents with  
5 developmental disabilities or mental illness, and to the office  
6 of long-term care ombudsman if the facility is a nursing  
7 facility or residential care facility.

8     3. If the facility cited subsequently advises the  
9 department of human services that the violation has been  
10 corrected to the satisfaction of the department of inspections  
11 and appeals, the department of human services shall maintain  
12 this advisory in the same file with the copy of the citation.  
13 The department of human services shall not disseminate to  
14 the public any information regarding citations issued by the  
15 department of inspections and appeals, but shall forward or  
16 refer inquiries to the department of inspections and appeals.

17     Sec. 3. Section 135C.36, subsection 4, Code 2015, is amended  
18 to read as follows:

19     4. Any state penalty, including a fine or citation, issued  
20 ~~as a result of the federal survey and certification process~~  
21 following a state licensure and federal certification survey or  
22 investigation shall be dismissed if the corresponding federal  
23 ~~deficiency or citation~~ is dismissed or removed. Any state  
24 penalty, including a fine or citation, shall be retained or  
25 reinstated if the federal deficiency is retained or reinstated.

26     Sec. 4. Section 135C.41, subsection 2, Code 2015, is amended  
27 to read as follows:

28     2. If the facility desires to contest the citation, notify  
29 the director that the facility desires to contest the citation  
30 and ~~request~~ do either of the following:

31     *a.* Request an informal conference with an independent  
32 reviewer pursuant to section 135C.42. Upon the conclusion of  
33 an informal conference, in the case of an affirmed or modified  
34 citation, the facility may request a contested case hearing  
35 in writing within five days after receipt of the written

1 explanation of the independent reviewer.

2 b. Request a contested case hearing in the manner provided  
3 by chapter 17A for contested cases. The formal hearing shall  
4 be conducted in accordance with chapter 17A and rules adopted  
5 by the department.

6 Sec. 5. Section 135C.42, subsection 1, Code 2015, is amended  
7 to read as follows:

8 1. The director shall provide an independent reviewer  
9 to hold an informal conference with the facility within ten  
10 working days after receipt of a request made under section  
11 135C.41, subsection 2, paragraph "a". At the conclusion of the  
12 conference the independent reviewer may affirm or may modify or  
13 dismiss the citation. The independent reviewer shall state in  
14 writing the specific reasons for the affirmation, modification,  
15 or dismissal and immediately transmit copies of the statement  
16 to the director, and to the facility. If the facility does not  
17 desire to further contest an affirmed or modified citation, it  
18 shall comply with section 135C.41, subsection 1, within five  
19 working days after ~~the informal conference, or after receipt~~  
20 of the written explanation of the independent reviewer, ~~as the~~  
21 ~~case may be, comply with section 135C.41, subsection 1.~~

22 Sec. 6. Section 135C.42, Code 2015, is amended by adding the  
23 following new subsection:

24 NEW SUBSECTION. 4. The following provisions shall apply to  
25 an informal conference:

26 a. Legal counsel shall not be permitted.

27 b. The health care facility shall not have access to  
28 department documents other than the department's final findings  
29 issued to the health care facility.

30 c. Testimony from witnesses employed outside of the health  
31 care facility, the entity that owns the facility, or the  
32 department shall not be permitted.

33 Sec. 7. Section 135C.43, Code 2015, is amended to read as  
34 follows:

35 **135C.43** ~~Formal contest — judicial~~ Judicial review.

1     1. ~~A facility that desires to further contest an affirmed~~  
2 ~~or modified citation for a class I, class II, or class III~~  
3 ~~violation may do so in the manner provided by chapter 17A~~  
4 ~~for contested cases. Notice of intent to formally contest a~~  
5 ~~citation shall be given the department in writing within five~~  
6 ~~days after the informal conference or after receipt of the~~  
7 ~~written explanation of the independent reviewer provided to~~  
8 ~~hold the informal conference, whichever is applicable, in the~~  
9 ~~case of an affirmed or modified citation. A facility which has~~  
10 exhausted all adequate administrative remedies and is aggrieved  
11 by the final action of the department may petition for judicial  
12 review in the manner provided by chapter 17A.

13     2. Hearings on petitions for judicial review brought under  
14 this section shall be set for trial at the earliest possible  
15 date and shall take precedence on the court calendar over  
16 all other cases except matters to which equal or superior  
17 precedence is specifically granted by law. The times for  
18 pleadings and for hearings in such actions shall be set by the  
19 judge of the court with the object of securing a decision in  
20 the matter at the earliest possible time.

21     Sec. 8. Section 135C.43A, Code 2015, is amended to read as  
22 follows:

23     **135C.43A Reduction of penalty amount.**

24     If a facility has been assessed a penalty, does not request a  
25 formal hearing pursuant to section ~~135C.43~~ 135C.41, subsection  
26 2, paragraph "b", or withdraws its request for a formal hearing  
27 within thirty days of the date that the penalty was assessed,  
28 and the penalty is paid within thirty days of the receipt of  
29 notice or service, the amount of the penalty shall be reduced  
30 by thirty-five percent. The citation which includes the civil  
31 penalty shall include a statement to this effect.

32     Sec. 9. Section 231B.9, Code 2015, is amended to read as  
33 follows:

34     **231B.9 ~~Public disclosure~~ Disclosure of findings.**

35     Upon completion of a monitoring evaluation or complaint

1 investigation of an elder group home by the department pursuant  
2 to this chapter, the department's final findings with respect  
3 to compliance by the elder group home with requirements for  
4 certification shall be made available to the public in a  
5 readily available form and place. Other information relating  
6 to an elder group home that is obtained by the department which  
7 does not constitute the department's final findings from a  
8 monitoring evaluation or complaint investigation of the elder  
9 group home shall not be made available to the public or to the  
10 elder group home except in formal administrative proceedings  
11 pursuant to chapter 17A involving the assessment of a civil  
12 penalty pursuant to section 231B.14 or the denial, suspension,  
13 or revocation of a certificate under this chapter.

14 Sec. 10. Section 231B.9A, Code 2015, is amended to read as  
15 follows:

16 **231B.9A Informal conference — formal contest — judicial**  
17 **review.**

18 1. Within twenty business days after issuance of the final  
19 findings, the elder group home shall notify the director if the  
20 home desires to contest the findings and request do either of  
21 the following:

22 a. Request an informal conference with an independent  
23 reviewer pursuant to subsection 2. Upon the conclusion of an  
24 informal conference, if the elder group home desires to further  
25 contest an affirmed or modified regulatory insufficiency,  
26 it may do so by giving notice of intent to formally contest  
27 the regulatory insufficiency, in writing, to the department  
28 within five days after receipt of the written decision of the  
29 independent reviewer.

30 b. Request a contested case hearing in the manner provided  
31 by chapter 17A for contested cases. The formal hearing shall  
32 be conducted in accordance with chapter 17A and rules adopted  
33 by the department.

34 2. a. The department shall provide an independent reviewer  
35 to hold an informal conference with an elder group home within

1 ten working days after receiving a request from the home  
2 pursuant to subsection 1, paragraph "a". At the conclusion of  
3 the informal conference, the independent reviewer may affirm,  
4 modify, or dismiss a contested regulatory insufficiency. The  
5 independent reviewer shall state in writing the specific  
6 reasons for the affirmation, modification, or dismissal and  
7 immediately transmit copies of the statement to the department  
8 and to the home.

9 ~~3.~~ b. An independent reviewer shall be licensed as an  
10 attorney in the state of Iowa and shall not be employed or have  
11 been employed by the department in the past eight years or have  
12 appeared in front of the department on behalf of an elder group  
13 home in the past eight years. Preference shall be given to an  
14 attorney with background knowledge, experience, or training  
15 in long-term care. The department may issue a request for  
16 proposals to enter into a contract for the purpose of providing  
17 one or more independent reviewers for informal conferences.

18 c. The following provisions shall apply to an informal  
19 conference:

20 (1) Legal counsel shall not be permitted.

21 (2) The elder group home shall not have access to department  
22 documents other than the department's final findings issued to  
23 the elder group home.

24 (3) Testimony from witnesses employed outside of the elder  
25 group home, the corporation that owns the elder group home, or  
26 the department shall not be permitted.

27 ~~4.~~ ~~An elder group home that desires to further contest an~~  
28 ~~affirmed or modified regulatory insufficiency may do so in the~~  
29 ~~manner provided by chapter 17A for contested cases. The home~~  
30 ~~shall give notice of intent to formally contest a regulatory~~  
31 ~~insufficiency, in writing, to the department within five days~~  
32 ~~after receipt of the written decision of the independent~~  
33 ~~reviewer. The formal hearing shall be conducted in accordance~~  
34 ~~with chapter 17A and rules adopted by the department.~~

35 ~~5.~~ 3. An elder group home that has exhausted all adequate

1 administrative remedies and is aggrieved by the final action of  
2 the department may petition for judicial review in the manner  
3 provided by chapter 17A.

4 Sec. 11. Section 231B.10, subsection 1, paragraphs f and i,  
5 Code 2015, are amended to read as follows:

6 *f.* Founded dependent adult abuse as defined in section  
7 ~~235B.2~~ 235E.1.

8 *i.* In the case of an application ~~by an existing certificate~~  
9 ~~holder~~ for a new or newly acquired elder group home, continuing  
10 or repeated failure of the certificate holder to operate any  
11 previously certified elder group home or homes in compliance  
12 with the provisions of this chapter, the rules adopted pursuant  
13 to this chapter, or equivalent provisions that the elder group  
14 home is subject to in this state or any other state.

15 Sec. 12. Section 231C.9, Code 2015, is amended to read as  
16 follows:

17 **231C.9 ~~Public disclosure~~ Disclosure of findings.**

18 Upon completion of a monitoring evaluation or complaint  
19 investigation of an assisted living program by the department  
20 pursuant to this chapter, the department's final findings  
21 with respect to compliance by the assisted living program  
22 with requirements for certification shall be made available  
23 to the public in a readily available form and place. Other  
24 information relating to an assisted living program that is  
25 obtained by the department which does not constitute the  
26 department's final findings from a monitoring evaluation or  
27 complaint investigation of the assisted living program shall  
28 not be made available to the public or to the assisted living  
29 program except in formal administrative proceedings pursuant  
30 to chapter 17A involving the assessment of a civil penalty  
31 pursuant to section 231C.14 or the denial, suspension, or  
32 revocation of a certificate under this chapter.

33 Sec. 13. Section 231C.9A, Code 2015, is amended to read as  
34 follows:

35 **231C.9A Informal conference — formal contest — judicial**



1 review.

2 1. Within twenty business days after issuance of the final  
3 findings, the assisted living program shall notify the director  
4 if the program desires to contest the findings and ~~request~~ do  
5 either of the following:

6 a. Request an informal conference with an independent  
7 reviewer pursuant to subsection 2. Upon the conclusion  
8 of an informal conference, if the assisted living program  
9 desires to further contest an affirmed or modified regulatory  
10 insufficiency, it may do so by giving notice of intent to  
11 formally contest the regulatory insufficiency, in writing, to  
12 the department within five days after receipt of the written  
13 decision of the independent reviewer.

14 b. Request a contested case hearing in the manner provided  
15 by chapter 17A for contested cases. The formal hearing shall  
16 be conducted in accordance with chapter 17A and rules adopted  
17 by the department.

18 2. a. The department shall provide an independent reviewer  
19 to hold an informal conference with an assisted living  
20 program within ten working days after receiving a request  
21 from the program pursuant to subsection 1, paragraph "a". At  
22 the conclusion of the informal conference, the independent  
23 reviewer may affirm, modify, or dismiss a contested regulatory  
24 insufficiency. The independent reviewer shall state in writing  
25 the specific reasons for the affirmation, modification, or  
26 dismissal and immediately transmit copies of the statement to  
27 the department and to the program.

28 ~~3.~~ b. An independent reviewer shall be licensed as an  
29 attorney in the state of Iowa and shall not be employed or have  
30 been employed by the department in the past eight years or have  
31 appeared in front of the department on behalf of an assisted  
32 living program in the past eight years. Preference shall be  
33 given to an attorney with background knowledge, experience,  
34 or training in long-term care. The department may issue a  
35 request for proposals to enter into a contract for the purpose

1 of providing one or more independent reviewers for informal  
2 conferences.

3 c. The following provisions shall apply to an informal  
4 conference:

5 (1) Legal counsel shall not be permitted.

6 (2) The assisted living program shall not have access to  
7 department documents other than the department's final findings  
8 issued to the assisted living program.

9 (3) Testimony from witnesses employed outside of the  
10 assisted living program, the corporation that owns the assisted  
11 living program, or the department shall not be permitted.

12 ~~4. An assisted living program that desires to further~~  
13 ~~contest an affirmed or modified regulatory insufficiency may do~~  
14 ~~so in the manner provided by chapter 17A for contested cases.~~  
15 ~~The program shall give notice of intent to formally contest~~  
16 ~~a regulatory insufficiency, in writing, to the department~~  
17 ~~within five days after receipt of the written decision of the~~  
18 ~~independent reviewer. The formal hearing shall be conducted~~  
19 ~~in accordance with chapter 17A and rules adopted by the~~  
20 ~~department.~~

21 ~~5.~~ 3. An assisted living program that has exhausted all  
22 adequate administrative remedies and is aggrieved by the final  
23 action of the department may petition for judicial review in  
24 the manner provided by chapter 17A.

25 Sec. 14. Section 231C.10, subsection 1, paragraph i, Code  
26 2015, is amended to read as follows:

27 i. In the case of an application ~~by an existing certificate~~  
28 ~~holder~~ for a new or newly acquired assisted living program,  
29 continuing or repeated failure of the certificate holder to  
30 operate any previously certified assisted living program or  
31 programs in compliance with the provisions of this chapter,  
32 the rules adopted pursuant to this chapter, or equivalent  
33 provisions that the assisted living program is subject to in  
34 this state or any other state.

35 Sec. 15. Section 231D.5, subsection 1, paragraphs g and k,

1 Code 2015, are amended to read as follows:

2 *g.* Founded dependent adult abuse as defined in section  
3 ~~235B.2~~ 235E.1.

4 *k.* In the case of an application ~~by an existing certificate~~  
5 ~~holder~~ for a new or newly acquired adult day services program,  
6 continuing or repeated failure of the certificate holder to  
7 operate any previously certified adult day services program or  
8 programs in compliance with the provisions of this chapter,  
9 the rules adopted pursuant to this chapter, or equivalent  
10 provisions that the adult day services program is subject to in  
11 this state or any other state.

12 Sec. 16. Section 231D.10, Code 2015, is amended to read as  
13 follows:

14 **231D.10 ~~Public disclosure~~ Disclosure of findings.**

15 Upon completion of a monitoring evaluation or complaint  
16 investigation of an adult day services program by the  
17 department pursuant to this chapter, the department's final  
18 findings with respect to compliance by the adult day services  
19 program with requirements for certification shall be made  
20 available to the public in a readily available form and place.  
21 Other information relating to an adult day services program  
22 that is obtained by the department which does not constitute  
23 the department's final findings from a monitoring evaluation  
24 or complaint investigation of the adult day services program  
25 shall not be made available to the public or to the adult day  
26 services program except in formal administrative proceedings  
27 pursuant to chapter 17A involving the assessment of a civil  
28 penalty pursuant to section 231D.11 or the denial, suspension,  
29 or revocation of a certificate under this chapter.

30 Sec. 17. Section 231D.10A, Code 2015, is amended to read as  
31 follows:

32 **231D.10A Informal conference — formal contest — judicial**  
33 **review.**

34 1. Within twenty business days after issuance of the final  
35 findings, the adult day services program shall notify the

1 director if the program desires to contest the findings and  
2 ~~request~~ do either of the following:

3 a. Request an informal conference with an independent  
4 reviewer pursuant to subsection 2. Upon the conclusion of  
5 an informal conference, if the adult day services program  
6 desires to further contest an affirmed or modified regulatory  
7 insufficiency, it may do so by giving notice of intent to  
8 formally contest the regulatory insufficiency, in writing, to  
9 the department within five days after receipt of the written  
10 decision of the independent reviewer.

11 b. Request a contested case hearing in the manner provided  
12 by chapter 17A for contested cases. The formal hearing shall  
13 be conducted in accordance with chapter 17A and rules adopted  
14 by the department.

15 2. a. The department shall provide an independent reviewer  
16 to hold an informal conference with an adult day services  
17 program within ten working days after receiving a request  
18 from the program pursuant to subsection 1, paragraph "a". At  
19 the conclusion of the informal conference, the independent  
20 reviewer may affirm, modify, or dismiss a contested regulatory  
21 insufficiency. The independent reviewer shall state in writing  
22 the specific reasons for the affirmation, modification, or  
23 dismissal and immediately transmit copies of the statement to  
24 the department and to the program.

25 ~~3.~~ b. An independent reviewer shall be licensed as an  
26 attorney in the state of Iowa and shall not be employed or have  
27 been employed by the department in the past eight years or have  
28 appeared in front of the department on behalf of an adult day  
29 services program in the past eight years. Preference shall be  
30 given to an attorney with background knowledge, experience,  
31 or training in long-term care. The department may issue a  
32 request for proposals to enter into a contract for the purpose  
33 of providing one or more independent reviewers for informal  
34 conferences.

35 c. The following provisions shall apply to an informal

1 conference:

2 (1) Legal counsel shall not be permitted.

3 (2) The adult day services program shall not have access to  
4 department documents other than the department's final findings  
5 issued to the adult day services program.

6 (3) Testimony from witnesses employed outside of the adult  
7 day services program, the corporation that owns the adult day  
8 services program, or the department shall not be permitted.

9 ~~4. An adult day services program that desires to further~~  
10 ~~contest an affirmed or modified regulatory insufficiency may do~~  
11 ~~so in the manner provided by chapter 17A for contested cases.~~  
12 ~~The program shall give notice of intent to formally contest~~  
13 ~~a regulatory insufficiency, in writing, to the department~~  
14 ~~within five days after receipt of the written decision of the~~  
15 ~~independent reviewer. The formal hearing shall be conducted~~  
16 ~~in accordance with chapter 17A and rules adopted by the~~  
17 ~~department.~~

18 ~~5.~~ 3. An adult day services program that has exhausted all  
19 adequate administrative remedies and is aggrieved by the final  
20 action of the department may petition for judicial review in  
21 the manner provided by chapter 17A.

22 Sec. 18. Section 235E.2, subsection 6, paragraph d, Code  
23 2015, is amended to read as follows:

24 *d.* In every case involving dependent adult abuse which is  
25 substantiated by the department and which results in a judicial  
26 proceeding on behalf of the dependent adult, legal counsel  
27 shall be appointed by the court to represent the dependent  
28 adult in the proceedings. The court may also appoint a  
29 guardian ad litem to represent the dependent adult if necessary  
30 to protect the dependent adult's best interests. The same  
31 attorney ~~may~~ shall not be appointed to serve both as legal  
32 counsel and as guardian ad litem. Before legal counsel or a  
33 guardian ad litem is appointed pursuant to this paragraph, the  
34 court shall require the dependent adult and any person legally  
35 responsible for the support of the dependent adult to complete

1 under oath a detailed financial statement. If, on the basis of  
2 that financial statement, the court deems that the dependent  
3 adult or the legally responsible person is able to bear all  
4 or a portion of the cost of the legal counsel or guardian ad  
5 litem, the court shall so order. In cases where the dependent  
6 adult or the legally responsible person is unable to bear the  
7 cost of the legal counsel or guardian ad litem, the expense  
8 shall be paid by the county.

9

EXPLANATION

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

12       This bill relates to the regulation of health care  
13 facilities, elder group homes, assisted living programs, and  
14 adult day services programs by the department of inspections  
15 and appeals.

16       LICENSE AND CERTIFICATE HOLDER APPLICATIONS. The bill  
17 provides that applications for a license or certificate for a  
18 new or newly acquired health care facility, elder group home,  
19 assisted living program, or adult day services program may be  
20 denied to any applicant for continuing or repeated failure  
21 to operate in compliance with applicable law and not just to  
22 existing licensees or certificate holders.

23       DISCLOSURE OF FINDINGS. The bill provides that information  
24 relating to a health care facility, an elder group home, an  
25 assisted living program, or an adult day services program  
26 obtained by the department which does not constitute  
27 the department's findings from an inspection, monitoring  
28 evaluation, or complaint investigation of the facility, home,  
29 or program shall not be made available to the facility, home,  
30 or program except pursuant to formal administrative proceedings  
31 involving the citation of a facility or the denial, suspension,  
32 or revocation of a facility, home, or program license or  
33 certificate.

34       HEALTH CARE FACILITY VIOLATIONS. The bill provides that  
35 any state penalty, including a fine or citation, issued as a

1 result of a state licensure and federal certification survey or  
2 investigation shall be dismissed if the corresponding federal  
3 deficiency is dismissed or removed. The bill specifies that  
4 any state penalty, including a fine or citation, shall be  
5 retained or reinstated if a federal deficiency is retained or  
6 reinstated.

7     CONTESTING REGULATORY INSUFFICIENCIES. The bill provides  
8 that if a health care facility, elder group home, assisted  
9 living program, or adult day services program desires to  
10 contest a regulatory insufficiency, the health care facility,  
11 elder group home, assisted living program, or adult day  
12 services program may either request an informal conference with  
13 an independent reviewer or request a contested case hearing in  
14 the manner provided by Code chapter 17A for contested cases.  
15 Upon the conclusion of an informal conference, if the facility,  
16 home, or program desires to further contest an affirmed or  
17 modified regulatory insufficiency, it may do so in the manner  
18 provided in Code chapter 17A. The bill provides that if the  
19 facility, home, or program does not desire to further contest  
20 an affirmed or modified citation after an informal conference,  
21 the facility, home, or program shall remit the appropriate  
22 penalties or correct the violation within five working days  
23 after receipt of the written explanation of the independent  
24 reviewer. A facility, home, or program that has exhausted all  
25 adequate administrative remedies may petition for judicial  
26 review pursuant to Code chapter 17A.

27     INFORMAL CONFERENCES. The bill specifies informal  
28 conference guidelines for health care facilities, elder  
29 group homes, assisted living programs, and adult day services  
30 programs contesting regulatory insufficiencies. Legal counsel  
31 is not allowed; the facility, home, or program shall not have  
32 access to department documents other than the department's  
33 final findings issued to the facility, home, or program; and  
34 testimony from certain witnesses is not allowed.

35     DEPENDENT ADULT ABUSE IN FACILITIES AND PROGRAMS. The bill

1 specifies that an attorney cannot be both legal counsel and a  
2 guardian ad litem representing a dependent adult in a dependent  
3 adult abuse case.

4 The bill amends a Code reference relating to dependent  
5 adult abuse that occurs in elder group homes and adult day  
6 services programs to refer to the definition of dependent adult  
7 abuse that occurs in facilities and programs rather than the  
8 definition of elder abuse that occurs outside facilities and  
9 programs.