

House File 2451 - Introduced

HOUSE FILE 2451
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HSB 664)

A BILL FOR

1 An Act relating to the programs and services under the purview
2 of the department on aging.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 231.3, subsections 2, 3, and 4, Code
2 2018, are amended to read as follows:

3 2. Access to physical and mental health care and long-term
4 living and community support services without regard to
5 economic status.

6 3. Suitable and affordable housing that reflects the needs
7 of older ~~people~~ individuals.

8 4. Full restorative services for those who require
9 institutional care, and a comprehensive array of ~~home and~~
10 ~~community-based~~, long-term care living and community support
11 services adequate to sustain older people in their communities
12 and, whenever possible, in their homes, including support for
13 caregivers.

14 Sec. 2. Section 231.3, Code 2018, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 3A. Access to comprehensive information
17 and a community navigation system providing all available
18 options related to long-term living and community support
19 services that assist older individuals in the preservation
20 of personal assets and the ability to entirely avoid or
21 significantly delay reliance on entitlement programs.

22 Sec. 3. Section 231.4, subsection 1, paragraphs j, k, and o,
23 Code 2018, are amended to read as follows:

24 *j.* "*Home and community-based services*" means a continua
25 of services available in an individual's home or community
26 which include but are not limited to case management services,
27 options counseling, family caregiving, homemaker services,
28 ~~home health aide~~, personal care services, adult day services,
29 respite services, congregate and home delivered meals,
30 nutrition counseling, nutrition education, and other medical
31 and social services which contribute to the health and
32 well-being of individuals and their ability to reside in a home
33 or community-based care setting.

34 *k.* "*Legal representative*" means a tenant's legal
35 representative as defined in section 231B.1 or 231C.2, or

1 a resident's guardian, conservator, or attorney in fact of
2 a resident representative payee, or agent under a power of
3 attorney.

4 o. "Options counseling" means a service involving an
5 interactive process, which may include a needs assessment,
6 directed by the recipient individual and which may include
7 other participants of the individual's choosing and the
8 individual's legal representative, in which the individual
9 receives guidance to make informed choices about long-term
10 living and community support services ~~and supports~~ in order to
11 sustain independent living.

12 Sec. 4. Section 231.14, subsection 1, paragraph g, Code
13 2018, is amended to read as follows:

14 g. Adopt a formula method for the distribution of federal
15 Act and state funds taking into account, to the maximum
16 extent feasible, the best available data on the geographic
17 distribution of older individuals in the state, and publish the
18 formula method for review and comment.

19 Sec. 5. Section 231.23, subsection 8, Code 2018, is amended
20 to read as follows:

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

24 Sec. 6. Section 231.23A, Code 2018, is amended to read as
25 follows:

26 **231.23A Programs and services.**

27 The department on aging shall provide or administer, but is
28 not limited to providing or administering, all of the following
29 programs and services:

30 1. Services for older individuals ~~including but not limited~~
31 ~~to home and community based services such as adult day,~~
32 ~~assessment and intervention, transportation, chore, counseling,~~
33 ~~homemaker, material aid, personal care, reassurance,~~
34 ~~respite, visitation, caregiver support, emergency response~~
35 ~~system, mental health outreach, and home repair, persons~~

1 with disabilities eighteen years of age and older, family
2 caregivers, and veterans as defined by the department in the
3 most current version of the department's reporting manual and
4 pursuant to the federal Act and regulations.

5 2. The older American community service employment program.

6 3. ~~The case~~ Case management ~~program for frail elders~~
7 services.

8 4. The aging and disability resource center.

9 5. The legal assistance development program.

10 6. The nutrition and health promotion program.

11 7. ~~Administration relating to the area agencies on aging~~ The
12 Iowa family caregiver program.

13 8. Elder abuse prevention, detection, intervention, and
14 awareness including neglect and exploitation.

15 9. Other programs and services authorized by law.

16 Sec. 7. Section 231.32, subsection 1, Code 2018, is amended
17 to read as follows:

18 1. The commission shall designate an area agency on
19 aging for each planning and service area. The commission
20 shall continue the designation until an area agency on
21 aging's designation is removed for cause as determined by the
22 commission, until the time of renewal or the annual update of
23 an area plan, until the agency voluntarily withdraws as an
24 area agency on aging, or until a change in the designation
25 of planning and service areas or area agencies on aging
26 is required by state or federal law. In that event, the
27 commission shall proceed in accordance with subsections 2, 3,
28 and 4. Designated area agencies on aging shall comply with the
29 requirements of the federal Act.

30 Sec. 8. Section 231.32, subsection 2, paragraph d, Code
31 2018, is amended to read as follows:

32 *d.* Any public or nonprofit private agency in a planning
33 and service area or any separate organizational unit within
34 such agency which is under the supervision or direction for
35 this purpose of the department on aging and which can and will

1 engage only in the planning or provision of a broad range of
2 ~~supportive~~ long-term living and community support services or
3 nutrition services within the planning and service area.

4 Sec. 9. Section 231.33, subsections 1 and 3, Code 2018, are
5 amended to read as follows:

6 1. Develop and administer an area plan on aging approved by
7 the commission.

8 3. Enter into ~~subgrants or~~ contracts to provide services
9 under the plan.

10 Sec. 10. Section 231.33, Code 2018, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 22. Encourage the development of public
13 and private partnerships, entrepreneurial activities, and other
14 mutually collaborative efforts.

15 Sec. 11. Section 231.42, subsection 4, paragraph a, Code
16 2018, is amended to read as follows:

17 a. If abuse, neglect, or exploitation of a resident or
18 tenant is suspected, the state or a local long-term care
19 ombudsman shall, with the permission of the resident or tenant
20 as applicable under federal law, make an immediate referral to
21 the department of inspections and appeals, the department of
22 human services, the department on aging, or the appropriate
23 law enforcement agency, as applicable. ~~The state or a local~~
24 ~~long-term care ombudsman shall cooperate, if requested, with~~
25 ~~the department of inspections and appeals, department of human~~
26 ~~services, department on aging, or any law enforcement agency~~
27 ~~pursuant to any investigation of such abuse, neglect, or~~
28 ~~exploitation.~~

29 Sec. 12. Section 231.42, subsection 6, paragraph a,
30 unnumbered paragraph 1, Code 2018, is amended to read as
31 follows:

32 The state or a local long-term care ombudsman or certified
33 volunteer long-term care ombudsman shall have access to the
34 medical and social records of a resident or tenant, if any of
35 the following applies:

1 Sec. 13. Section 231.42, subsection 6, paragraph b, Code
2 2018, is amended to read as follows:

3 *b.* Records may be reproduced by the state or a local
4 long-term care ombudsman or by a certified volunteer long-term
5 care ombudsman.

6 Sec. 14. Section 231.53, Code 2018, is amended to read as
7 follows:

8 **231.53 Coordination with Workforce Investment Innovation and**
9 **Opportunity Act.**

10 The older American community service employment program
11 shall be coordinated with the federal Workforce Investment
12 Innovation and Opportunity Act administered by the department
13 of workforce development.

14 Sec. 15. Section 231.56, Code 2018, is amended to read as
15 follows:

16 **231.56 Services and programs.**

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

31 Sec. 16. Section 231.56A, subsection 1, Code 2018, is
32 amended to read as follows:

33 1. The department shall administer the prevention of elder
34 abuse, neglect, and exploitation program in accordance with the
35 requirements of the federal Act. The purpose of the program

1 is to carry out activities for intervention in, ~~investigation~~
2 ~~of,~~ and response to elder abuse, neglect, and exploitation
3 including financial exploitation.

4 Sec. 17. Section 231.64, Code 2018, is amended to read as
5 follows:

6 **231.64 Aging and disability resource center.**

7 1. The aging and disability resource center shall be
8 administered by the department consistent with the federal
9 Act. The department shall designate area agencies on aging to
10 establish, in consultation with other stakeholders including
11 organizations representing the disability community, a
12 coordinated system for providing all of the following:

13 a. Comprehensive information, referral, and assistance
14 regarding the full range of available public and private
15 long-term ~~care programs~~ living and community support services,
16 options, service providers, and resources within a community,
17 including information on the availability of integrated
18 long-term care.

19 b. Options counseling to assist individuals in assessing
20 their existing or anticipated long-term care needs and
21 developing and implementing a plan for long-term care designed
22 to meet their specific needs and circumstances. The plan
23 for long-term ~~care~~ living and community support services may
24 include support with person-centered care transitions to assist
25 consumers and family caregivers with transitions between home
26 and care settings.

27 c. Consumer access to the range of publicly-supported
28 long-term ~~care programs~~ living and community support services
29 for which consumers may be eligible, by serving as a convenient
30 point of entry for such ~~programs~~ services. The aging and
31 disability resource center shall offer information online and
32 be available via a toll-free telephone number, electronic
33 communications, and in person.

34 2. The aging and disability resource center shall assist
35 older individuals, persons with disabilities age eighteen or

1 older, family caregivers, and people who inquire about or
2 request assistance on behalf of members of these groups, as
3 they seek long-term ~~care~~ living and community support services
4 ~~and community supports.~~

5 Sec. 18. REPEAL. Section 231.2, Code 2018, is repealed.

6 EXPLANATION

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

9 This bill amends provisions in Code chapter 231 (department
10 on aging — older Iowans) relating to programs and activities
11 under the purview of the department on aging.

12 The bill amends provisions relating to the state policy and
13 objectives for the department on aging by including statements
14 that it is the policy of the state to work toward the
15 objectives of attaining: access to physical and mental health
16 care and long-term living and community support services for
17 older individuals without regard to economic status; suitable
18 and affordable housing that reflects the needs of older
19 individuals; and access to comprehensive information and a
20 community navigation system that provides all available options
21 related to long-term living and community support services
22 that assist older individuals in the preservation of personal
23 assets and the ability to entirely avoid or significantly delay
24 reliance on entitlement programs.

25 The bill amends the definitions used in Code chapter
26 231 including "home and community-based services", "legal
27 representative", and "options counseling". The bill also
28 changes various references throughout the Code chapter relating
29 to "services" to instead refer to "long-term living and
30 community support services".

31 The bill directs the commission on aging to adopt a "method"
32 rather than a "formula" for distribution of funds available
33 under the federal Older Americans Act.

34 The bill clarifies that the department on aging shall
35 provide or administer: programs and services for older

1 individuals, persons with disabilities 18 years of age and
2 older, family caregivers, and veterans; case management
3 services; and the Iowa family caregiver program. The bill
4 eliminates from the programs and services to be provided or
5 administered by the department administration relating to the
6 area agencies on aging.

7 The bill provides that in addition to other bases, the
8 commission on aging shall continue a designation of an area
9 agency on aging until the time of a renewal or the annual
10 update of the area plan.

11 The bill clarifies that the area plan developed and
12 administered by an area agency on aging must be approved by
13 the commission on aging. The bill eliminates the authority
14 of area agencies on aging to enter into subgrants to provide
15 services under the agency plan, but retains their authority to
16 enter into contracts to do so. The bill directs area agencies
17 on aging to encourage the development of public and private
18 partnerships, entrepreneurial activities, and other mutually
19 collaborative efforts.

20 The bill eliminates the provision that directed the
21 state or a local long-term care ombudsman, if requested, to
22 cooperate with the department of inspections and appeals, the
23 department of human services, the department on aging, or any
24 law enforcement agency pursuant to any investigation of abuse,
25 neglect, or exploitation. The bill also provides that in
26 addition to the state or a local long-term care ombudsman, a
27 certified volunteer long-term care ombudsman is authorized to
28 have access to the medical and social records of a resident
29 or tenant under specific circumstances and to reproduce such
30 records.

31 The bill updates a reference by replacing the reference to
32 the federal Workforce Investment Act with the federal Workforce
33 Innovation and Opportunity Act.

34 The bill directs the department to administer long-term
35 living and community support services and programs but

1 eliminates the directive to the department to secure the
2 opportunity for older individuals to receive managed in-home
3 and community-based long-term care services.

4 The bill eliminates the requirement that, as part of
5 carrying out the prevention of elder abuse, neglect, and
6 exploitation program, the department carry out activities
7 for investigation of elder abuse, neglect, and exploitation
8 including financial exploitation, but retains the directive to
9 the department to carry out activities for intervention in and
10 response to elder abuse, neglect, and exploitation including
11 financial exploitation.

12 The bill specifically provides that an aging and disability
13 resource center is to provide consumer access to information
14 about long-term living and community support services online,
15 and be available via a toll-free telephone number, electronic
16 communications, and in person.

17 The bill repeals Code section 231.2 relating to legislative
18 findings and declarations.