

Elder Group Home and Assisted Living Regulation Bill House File 675

Last Action:

House Floor

April 23, 2003

Executive Summary Only

An Act relating to the regulation of elder family homes, elder group homes, and assisted living programs, providing for fees, and providing penalties.



On Line At
staffweb.legis.state.ia.us/lfb/noba

LEGISLATIVE FISCAL BUREAU NOTES ON BILLS AND AMENDMENTS (NOBA)

LFB Contact: Lisa Burk (17942)

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**HOUSE FILE 675
ELDER GROUP HOMES AND ASSISTED LIVING BILL**

**SIGNIFICANT CHANGES TO THE
CODE OF IOWA**

House File 675 provides for changes to several sections of the Code of Iowa relating to the oversight of elder group homes and assisted living programs including, but not limited to, the following:

- Amends Section 100.1(6), Code of Iowa, to allow the Fire Marshal to designate a fee to be assessed to facilities required by law to have a plan reviewed for fire safety standards and requires the fees collected be deposited into the General Fund.
- Amends Section 231B.2(2)(c), Code of Iowa, to require an elder group home be staffed by an on-site manager 24 hours per day, seven days per week.
- Amends Section 231C.1, Code of Iowa, to specify it is the intent of the General Assembly that the Department of Elder Affairs establish policy for assisted living programs and that the Department of Inspections and Appeals enforce regulations.
- Amends Section 231C.3, Code of Iowa, to include the following:
 - Requires the Department of Elder Affairs to establish a system for the certification and monitoring of assisted living programs.
 - Requires the administrative rules include recognized accrediting entities and provisions related to dementia-specific programs.
 - Requires the Department of Inspections and Appeals to accept voluntary accreditation by a recognized accrediting entity as the basis for certification.
 - Permits services to be provided by individuals employed by the tenant, if the tenant agrees to assume the responsibility and risk associated with the contractual relationship.
 - Permits assisted living programs to enter into written agreements with Medicare-certified hospice programs for tenants that are terminally ill that elect to receive hospice services under the federal Medicare Program.
 - Permits the Department of Elder Affairs to establish special classifications for affordable assisted living programs.
 - Prohibits the approval of payment or reimbursement with public funds to any assisted living program that is not certified.

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**HOUSE FILE 675
ELDER GROUP HOMES AND ASSISTED LIVING BILL**

**SIGNIFICANT CHANGES TO THE
CODE OF IOWA (CONTINUED)**

- Amends Section 231C.4, Code of Iowa, to require the State Fire Marshal to adopt rules, in coordination with the Department of Inspections and Appeals, for the certification and monitoring of fire and safety standards for assisted living programs.
- Amends Section 231C.5, Code of Iowa, to prohibit an assisted living program from operating unless a written occupancy agreement is executed between the program and each tenant or tenant’s representative.
- Amends Section 231C.6, Code of Iowa, to provide for the procedure required to be followed by an assisted living program that initiates the involuntary transfer of a tenant.
- Repeals Chapter 231A, Code of Iowa, relating to elder family homes.
- Requires the Department of Elder Affairs to establish a complaint procedure for assisted living programs.
- Provides for the requirements to be followed when an assisted living program contests regulatory insufficiencies found as a result of a monitoring evaluation or complaint investigation.
- Requires the Department of Inspections and Appeals to provide certification compliance findings to the public in a readily available form and place.
- Permits the Department of Inspections and Appeals to deny, suspend, or revoke certification if there has been a substantial or repeated failure on the part of an assisted living program to comply with Chapter 231C, Code of Iowa.
- Permits the Department of Elder Affairs to establish civil penalties for noncompliance with regulatory requirements that present an imminent danger, substantial probability of death, or physical harm to a tenant.
- Permits a hospital licensed under Chapter 135B, Code of Iowa, or a health care facility licensed under Chapter 135C, Code of Iowa, to operate a certified assisted living program that is located in a distinct or separate structure in the hospital or facility.
- Prohibits a certified assisted living program from having to be licensed as a health care facility unless the program is represented to the public in such a manner.
- Requires the Department of Inspections and Appeals to collect assisted living program certification fees and requires the fees be deposited into the General Fund.
- Establishes monetary amounts for assisted living certification and related fees.

**COMPLAINTS AND INFORMAL
REVIEW**

PUBLIC DISCLOSURE OF FINDINGS

**CERTIFICATION DENIAL,
SUSPENSION, OR REVOCATION**

CIVIL PENALTIES

**LONG-TERM CARE TRANSITIONAL
PROVISIONS**

CERTIFICATION FEES

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**HOUSE FILE 675
ELDER GROUP HOMES AND ASSISTED LIVING BILL**

TRANSITION OF EMPLOYEES

- Requires all employees of the Department of Elder Affairs performing duties related to the certification, monitoring, or complaint investigation of assisted living programs as of June 30, 2003, become employees of the Department of Inspections and Appeals without loss of classification, pay, or benefits, and requires all employees of the Department of Elder Affairs performing duties related to affordable assisted living as of June 30, 2003, become employees of the Iowa Finance Authority without loss of classification, pay, or benefits, effective July 1, 2003.

FISCAL IMPACT

- House File 667 (FY 2004 Health and Human Services Appropriations Bill) appropriates \$800,000 and 6.0 FTE positions to the Department of Inspections and Appeals from the Senior Living Trust Fund for the oversight of assisted living and adult day services programs. The Department of Inspections and Appeals estimates that \$75,000 in assisted living program certification fees will be collected in FY 2004, which will be deposited into the General Fund. In addition, the Department of Inspections and Appeals estimates that up to \$120,000 in certification fees may carryover into FY 2004.