

**CHAPTER 1191****SPEED LIMITS - CONSTRUCTION AREA SAFETY STUDY***S.F. 2140*

**AN ACT** increasing the speed limit on certain highways, requiring a report on safety in construction zones, and providing an effective date.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 321.285, subsection 6, Code 1995, is amended to read as follows:

6. Notwithstanding any other speed restrictions, the speed limit for all vehicular traffic on fully controlled-access, divided, multilaned highways including the national system of interstate highways ~~designated by the federal highway administration and this state (23 U.S.C. § 103 (e))~~ is sixty-five miles per hour. The department may establish a speed limit of sixty-five miles per hour on certain divided, multilaned highways. However, the department or cities with the approval of the department may establish a lower speed limit upon such highways located within the corporate limits of a city. For the purposes of this subsection a fully controlled-access highway is a highway that gives preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. A minimum speed of forty miles per hour, road conditions permitting, is established on the highways referred to in this subsection.

It is further provided that any kind of vehicle, implement, or conveyance incapable of attaining and maintaining a speed of forty miles per hour shall be prohibited from using the interstate system.

Sec. 2. **CONSTRUCTION AREA SAFETY STUDY.** The state department of transportation and the department of public safety shall study and prepare a joint report relating to vehicle speed management, enhanced speed limit enforcement, and work zone safety in construction areas. The departments shall confer with representatives of the private sector construction industry to develop guidelines to promote motorist and construction worker safety. The departments shall file the joint report with the general assembly by January 1, 1997.

Sec. 3. **EFFECTIVE DATE.** This bill being deemed of immediate importance is effective upon enactment.

Approved May 16, 1996

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**CHAPTER 1192****ASSISTED LIVING PROGRAM***S.F. 454*

**AN ACT** relating to the establishment of an assisted living program within the department of elder affairs, providing for implementation, and providing penalties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION. 231C.1 FINDINGS AND PURPOSE.**

1. The general assembly finds that assisted living is an important part of the long-term care system in this state. Assisted living emphasizes the independence and dignity of the individual while providing services in a cost-effective manner.

2. The purposes of establishing an assisted living program include all of the following:
  - a. To encourage the establishment and maintenance of a safe and homelike environment for individuals of all income levels who require assistance to live independently but who do not require health-related care on a continuous twenty-four-hour per day basis.
  - b. To establish standards for assisted living programs that allow flexibility in design which promotes a social model of service delivery by focusing on individual independence, individual needs and desires, and consumer-driven quality of service.
  - c. To encourage general public participation in the development of assisted living programs for individuals of all income levels.

Sec. 2. NEW SECTION. 231C.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Assisted living" means provision of housing with services which may include but are not limited to health-related care, personal care, and assistance with instrumental activities of daily living to six or more tenants in a physical structure which provides a homelike environment. "Assisted living" also includes encouragement of family involvement, tenant self-direction, and tenant participation in decisions that emphasize choice, dignity, privacy, individuality, shared risk, and independence. "Assisted living" does not include the provision of housing and assistance with instrumental activities of daily living which does not also include provision of personal care or health-related care.
2. "Department" means the department of elder affairs created in chapter 231 or the department's designee.
3. "Health-related care" means services provided by a registered nurse or a licensed practical nurse, on a part-time or intermittent basis, and services provided by other licensed health care professionals, on a part-time or intermittent basis, as defined by rule.
4. "Instrumental activities of daily living" means those activities that reflect the tenant's ability to perform household and other tasks necessary to meet the tenant's needs within the community, which may include but are not limited to shopping, cooking, housekeeping, chores, and traveling within the community.
5. "Personal care" means assistance with the essential activities of daily living which may include but are not limited to transferring, bathing, personal hygiene, dressing, grooming, housekeeping essential to the health and welfare of the tenant, and supervising of self-administered medications, but does not include the administration of medications.
6. "Tenant" means an individual who receives assisted living services through a certified or accredited assisted living program.

Sec. 3. NEW SECTION. 231C.3 CERTIFICATION OR VOLUNTARY ACCREDITATION OF ASSISTED LIVING PROGRAMS.

1. The department shall establish, by rule in accordance with chapter 17A, a program for certification and monitoring of assisted living programs. An assisted living program which is voluntarily accredited is not required to also be certified by the department and the department shall accept voluntary accreditation in lieu of certification by the department. An assisted living program certified or voluntarily accredited under this section is exempt from the requirements of section 135.63 relating to certificate of need requirements.
2. Each assisted living program operating in the state shall be certified with the department or shall be voluntarily accredited. The owner or manager of a certified assisted living program shall comply with the rules adopted by the department for an assisted living program. A person shall not represent an assisted living program to the public as a certified or voluntarily accredited program unless the program is certified or voluntarily accredited pursuant to this chapter.
3. Services provided by a certified or voluntarily accredited assisted living program may be provided directly by staff of the assisted living program, by individuals contracting with the assisted living program to provide services, or by individuals employed by the tenant or with whom the tenant contracts if the tenant agrees to assume the responsibility and risk of the employment or the contractual\* relationship.

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\*According to enrolled Act

4. The department may enter into contracts to provide certification and monitoring of assisted living programs. The department shall have full access to a program during certification and monitoring of programs seeking certification or currently certified. Upon the request of the department the entity providing accreditation of a program shall provide copies to the department of all materials related to the accreditation process.

Sec. 4. NEW SECTION. 231C.4 FIRE AND SAFETY STANDARDS.

The state fire marshal shall adopt rules, in coordination with the department, relating to the certification or voluntary accreditation and monitoring of the fire and safety of certified or voluntarily accredited assisted living programs.

Sec. 5. NEW SECTION. 231C.5 COORDINATION OF THE LONG-TERM CARE SYSTEM.

1. Any person representing a program to the public as an assisted living program prior to July 1, 1996, shall be granted a temporary certification by the department or shall be voluntarily accredited and shall meet the requirements of this chapter within one year of the issuance of the temporary certification or voluntary accreditation to receive subsequent certification or voluntary accreditation.

2. A hospital licensed pursuant to chapter 135B or a health care facility licensed pursuant to chapter 135C may operate an assisted living program, located in a distinct part of or separate structure under the control of the hospital or health care facility, if certified or voluntarily accredited pursuant to this chapter.

3. This chapter shall not be construed to require that a facility licensed as a different type of facility also comply with the requirements of this chapter, unless the facility is represented to the public as a certified or voluntarily accredited assisted living program.

Sec. 6. MEDICAL ASSISTANCE WAIVER. The department of human services shall take any actions necessary to allow a certified or voluntarily accredited assisted living program to be a provider of personal care services under the medical assistance home and community-based services waiver for the elderly.

Sec. 7. IMPLEMENTATION. It is the intent of the general assembly that sections 1 through 5 of this Act be implemented following the establishment of a funding source for implementation and administration of this Act.

Approved May 17, 1996

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## CHAPTER 1193

### INDIGENT DEFENSE, CRIMINAL SANCTIONS, AND RELATED MATTERS

*H.F. 2458*

**AN ACT** relating to criminal and juvenile justice, including criminal corrections sanctions and criminal intelligence data and the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, conducting a study on legal representation for indigents, and by restricting the right to counsel for certain parents in child in need of assistance cases.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 13B.1, subsection 3, Code Supplement 1995, is amended to read as follows: