

CHAPTER 64
ADULT DAY SERVICES
H.F. 655

AN ACT relating to the establishment of a system of oversight for adult day services.

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

Section 1. Section 89.2, subsection 5, paragraph a, Code 2001, is amended to read as follows:

a. A building or structure primarily used as a theater, motion picture theater, museum, arena, exhibition hall, school, college, dormitory, bowling alley, physical fitness center, family entertainment center, lodge hall, union hall, pool hall, casino, place of worship, funeral home, institution of health and custodial care, hospital, or child care or adult day ~~care~~ services.

Sec. 2. Section 135C.1, subsection 1, Code 2001, is amended to read as follows:

1. ~~“Adult day care services” means an organized program of supportive care provided for sixteen hours or less in a twenty-four hour period to persons who require support and assistance on a regular or intermittent basis~~ adult day services as defined in section 231.61 that are provided in a licensed health care facility.

Sec. 3. Section 135C.2, subsection 6, paragraph a, Code 2001, is amended to read as follows:

a. This chapter shall not apply to adult day ~~care~~ services provided in a health care facility. However, adult day ~~care~~ services shall not be provided by a health care facility to persons requiring a level of care which is higher than the level of care the facility is licensed to provide.

Sec. 4. Section 135C.33, subsection 5, paragraph a, Code 2001, is amended to read as follows:

a. An employee of a homemaker, home-health aide, home-care aide, adult day ~~care~~ services, or other provider of in-home services if the employee provides direct services to consumers.

Sec. 5. Section 234.6, subsection 6, paragraph a, Code 2001, is amended to read as follows:

a. Child care for children or adult day care for adults services, in facilities which are licensed or are approved as meeting standards for licensure.

Sec. 6. NEW SECTION. 231.61 ADULT DAY SERVICES REQUIREMENTS — OVERSIGHT.

1. As used in this section, unless the context otherwise requires, “adult day services” means personal care services provided on a planned basis in a supervised, protective, congregate setting during some portion of the twenty-four hour day. Services offered as adult day services may include but are not limited to social, recreational, or health services, support services such as training and counseling, meals, medication assistance, rehabilitation services, and home health aide services. Adult day services provided in an existing facility, must have separate and distinct staff, hours of operation, and designated space.

2. The department shall establish, in cooperation with the department of inspections and appeals, the department of human services, the Iowa department of public health, the area agencies on aging, industry representatives, and consumers, a system of oversight for all adult day services in the state. The system shall address, but is not limited to, all of the following:

a. Requirements for the operation of adult day services.

b. Oversight measures including evaluation of adult day services and assessment of compliance with rules for adult day services.

c. A system for formal investigation of consumer complaints relating to adult day services.

d. Coordination of requirements and funding sources available to adult day services.

3. The department shall adopt rules pursuant to chapter 17A to implement the system.

Sec. 7. Section 235B.2, subsection 14, Code 2001, is amended to read as follows:

14. "Support services" includes but is not limited to community-based services including area agency on aging assistance, mental health services, fiscal management, home health services, housing-related services, counseling services, transportation services, adult day care services, respite services, legal services, and advocacy services.

Sec. 8. Section 249H.2, subsection 1, paragraph d, Code 2001, is amended to read as follows:

d. The supported development of long-term care alternatives, including assisted-living facility services, adult day care services, and home and community-based services, is critical in areas of the state where such alternatives otherwise are not likely to be developed.

Sec. 9. Section 249H.6, subsection 5, Code 2001, is amended to read as follows:

5. In addition to the types of grants described in subsection 1, the department of human services, at the direction of the senior living coordinating unit, may also use moneys appropriated to the department from the senior living trust fund to award grants, of not more than one hundred thousand dollars per grant, to licensed nursing facilities that are awarded nursing facility conversion grants and agree, as part of the nursing facility conversion, to also provide adult day care services, child care for children with special needs, safe shelter for victims of dependent adult abuse, or respite care.

Sec. 10. Section 249H.7, subsection 1, Code 2001, is amended to read as follows:

1. Beginning October 1, 2000, the department of elder affairs, in consultation with the senior living coordinating unit, shall use funds appropriated from the senior living trust fund for activities related to the design, maintenance, or expansion of home and community-based services for seniors, including but not limited to adult day care services, personal care, respite, homemaker, chore, and transportation services designed to promote the independence of and to delay the use of institutional care by seniors with low and moderate incomes. At any time that moneys are appropriated, the department of elder affairs, in consultation with the senior living coordinating unit, shall disburse the funds to the area agencies on aging.

Sec. 11. Section 422.45, subsection 22, paragraph c, Code 2001, is amended to read as follows:

c. Rehabilitation facilities that provide accredited rehabilitation services to persons with disabilities which are accredited by the commission on accreditation of rehabilitation facilities or the accreditation council for services for persons with mental retardation and other persons with developmental disabilities and adult day care services approved for reimbursement by the state department of human services.

Sec. 12. IMPLEMENTATION — CONTINGENCY. The department shall implement the adult day services system developed pursuant to section 231.61 on July 1, 2002, or at such time as the general assembly appropriates sufficient funding to implement the system.

Approved April 23, 2001