

CHAPTER 1068

MEDICAL ASSISTANCE — PROVIDERS OF CONSUMER-DIRECTED ATTENDANT CARE AND CONSUMER CHOICES OPTION SERVICES

S.F. 2320

AN ACT relating to providers of medical assistance program consumer-directed attendant care and consumer choices option services, including effective date and retroactive applicability provisions.

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

Section 1. MEDICAL ASSISTANCE PROGRAM — PROVIDERS OF CONSUMER-DIRECTED ATTENDANT CARE AND CONSUMER CHOICES OPTION SERVICES.

1. a. The department of human services shall adopt rules pursuant to chapter 17A to provide for all of the following regarding providers of medical assistance program consumer-directed attendant care and consumer choices option services:

(1) That an individual who serves as a member's legal representative and provides services to the member under a home and community-based services waiver consumer-directed attendant care agreement or under a community choices option employment agreement in effect on or after December 31, 2013, may continue to act as a provider under the agreement and payment to such provider is not considered funds incorrectly paid under the medical assistance program.

(2) Beginning July 1, 2016, the department may require services through the consumer-directed attendant care option to be provided through an agency but shall retain the consumer choices option for those individuals able and desiring to self-direct services. If the department does require services through the consumer-directed attendant care option to be provided through an agency beginning July 1, 2016, an individual providing services to a member under a home and community-based services consumer-directed attendant care agreement in effect on June 30, 2016, may continue to act as an individual provider under the agreement and payment to such provider is not considered funds incorrectly paid under the medical assistance program.

b. That if the legal representative of a member also acts as a provider under a consumer-directed attendant care agreement or under a community choices option employment agreement, the agreement shall include all of the following reasonable safeguards:

(1) That the payment rate for the legal representative acting as a provider is fair and reasonable based upon the skill level of the provider and may not exceed the median statewide reimbursement rate for the service unless the higher rate receives prior approval from the department.

(2) That the legal representative acting as a provider is not paid for more than forty hours of service per week.

(3) A contingency plan for provision of services provided by the legal representative acting as a provider in the event the legal representative is unable to provide the services due to illness or other unexpected event.

c. For the purposes of this subsection, "legal representative" means a person, including an attorney, who is authorized by law to act on behalf of the medical assistance program member. "Legal representative" does not include the spouse of a member or the parent or stepparent of a member aged seventeen or under.

2. The department of human services shall amend the medical assistance home and community-based services waivers to replace agency-provided consumer-directed attendant care services with personal care services.

Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 3. RETROACTIVE APPLICABILITY. This Act applies retroactively to December 31, 2013.

Approved April 3, 2014