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Governor Branstad signs new bills affecting older lowans into law

On March 5, Governor Terry Branstad signed into law two bills that impact the populations served by the lowa Department on Aging, including older lowans, adults with disabilities and veterans.

HF 159, a successor to HSB 44 and a companion bill to SF 149, amends existing law so a combined petition for a conservatorship and a guardianship can now be treated as one proceeding with one docket number. As a result of this legislation, court proceedings for conservatorships and guardianships will become more streamlined and efficient, potentially reducing court costs and making the petition process more accessible to lowans.

HF 166, a successor to HSB 40, amends eligibility criteria for the Disabled Veteran Homestead Tax Credit to enable additional categories of veterans with disabilities to qualify for the credit. Specifically, this legislation defines a "permanent and total disability rating based on individual unemployability" as:

...a condition under which a person has

either a permanent service-connected disability rating of 60 percent or two or more permanent service-connected disability conditions in which one of the conditions has at least a 40 percent rating and the combined rating for all the conditions is at least 70 percent, and the person has an administrative adjustment added to the service-connected disability rating, due to individual unemployability, such that the United States Department of Veterans Affairs rates the veteran permanently and totally disabled for purposes of disability compensation.

Both of these new laws originated in the lowa House of Representatives and were passed by both chambers before making their way to Gov. Branstad's desk.

Looking ahead, several bills that survived the March 6 funnel in their original or modified forms also have the potential to touch the lives of older lowans.

The lowa Department on Aging looks forward to bringing readers continued coverage of the 2015 Legislative Session.

POST-FUNNEL BILL BREAKDOWN: WHAT SURVIVED, WHAT DIED

The first funnel deadline of the 2015 Iowa Legislative Session occurred on March 6, effectively killing any bills in the House of Representatives and the Senate that were not reported out of committee.

In this issue of *AgingWatch*, Bill Tracker focuses on bills that are still active that have the potential to impact older lowans, adults with disabilities, veterans and their caregivers. These bills will now work their way over to the alternate chamber.

In addition to bills that survived the funnel by passing Committee, several bills remain active due to the fact that they were assigned to Ways and Means or Appropriations Committees and are thereby exempt from funnel regulations.

Bills that the lowa Department on Aging had been monitoring but that did not survive the funnel are listed beginning on page 5. However, as previously reported in *AgingWatch*, there is a possibility that bills that died will be resurrected in some form within a budget or standings bill moving forward.

As always, more information about any of the bills listed in "Bill Tracker" can be found by clicking on the bill number and following the hyperlink to the lowa Legislature's online BillBook (www.legis.iowa.gov/legislation/billTracking). This resource posts all versions of bills and amendments, resolutions, study bills, bill histories and fiscal notes and includes sponsor information.



CORRECTIONS & CLARIFICATIONS

AgingWatch welcomes comments and suggestions from readers. If errors are

brought to our attention, we will attempt to correct them. Messages can be emailed to kimberly.murphy@iowa.gov.

2015 Iowa Legislative Session timetable

(Session timetable is subject to change)

JANUARY 12:

First day of session lowa Code Sec. 2.1

FEBRUARY 13 (Friday of the 5th Week):

Final day for individual Senator and Representative requests for bill drafts to the Legislative Services Agency

Senate Rule 27 and House Rule 29

MARCH 6 (Friday of the 8th Week):

Final day for Senate bills to be reported out of Senate committees and House Bills out of House committees

Joint Rule 20

MARCH 16-20 (10th Week):

Senate only considers Senate bills and unfinished business; House only considers House bills and unfinished business

MARCH 23 - APRIL 3 (11th and 12th Weeks):

Debate not limited by rule

APRIL 3 (Friday of the 12th Week):

Final day for Senate bills to be reported out of House committees and House bills out of Senate committees

Joint Rule 20

APRIL 6-10 (13th Week):

Senate only considers House bills and unfinished business; House only considers Senate bills and unfinished business

Joint Rule 20

APRIL 13 (Beginning of the 14th Week):

Amendments need not be filed on the day preceding floor debate *House Rule 31.8*

Primarily, only the following bills are eligible for consideration:

- Bills passed by both Houses
- Ways and Means Bills
- Appropriations Bills
- Government Oversight Bills

Joint Rule 20

MAY 1 (110th Calendar Day of the Session):

Per diem expenses end

Iowa Code Sec. 2.10(1)

Iowa House of Representatives

- ## 173 Aging Appropriations. Appropriates an additional \$220,000 to the Office of the State Long-Term Care Ombudsman and an additional \$150,000 to the lowa Department on Aging to be used for the Office of Substitute Decision Maker.
- **HF 202 Retired Volunteer Dentists and Hygienists.** *Creates a retired volunteer license for dentists and dental hygienists who have retired within the last five years.*
- **HF 218 Iowa Telehealth Act.** Establishes the Iowa Telehealth Act with the intent to allow professionals to use telehealth technology.
- HF 247 Eligibility Verification Systems. Directs the lowa Department of Human Services (DHS) to establish a computerized income, asset and identity eligibility verification system and directs DHS to issue a request for proposal to contract with a third-party vendor to establish the system.
- HF 257 Wages Paid to Individuals With a Disability. (Ways and Means) Modifies the criteria for claiming the deduction from the individual income tax, corporate income tax and franchise tax of certain wages paid relating to the employment of an individual with a disability.
- HF 343 Disabled Parking Permit Fines. Under current law, improper use of a persons with disabilities parking permit is a misdemeanor subject to separate fines. This bill provides that a local authority may charge and collect upon a simple notice of a \$100 fine in lieu of a scheduled fine. (Companion to SF 272.)
- HF 381 Health Information Network. Provides for the administration and governance of an lowa health information network by a nonprofit designated entity. Creates new Code chapter and transitions current functions from the lowa Department of Public Health to a nonprofit entity designated pursuant to RFP process. (Companion to SF 229.)
- HF 468 Mental Health Advocates. Amends current law to eliminate court appointments of mental health advocates and mandates County Boards of Supervisors to assume responsibility for appointing mental health advocates in a patient's county of residence. If a county of residence cannot be established, the County Board of Supervisors of the county where the patient's hospital or facility is located will be mandated to appoint an

advocate. Makes changes to payment provisions for services provided by the advocate.

HF 585 Confidentiality Program for Abuse Victims.

Establishes an address confidentiality program in the office of the Secretary of State for a victim of domestic abuse, domestic abuse assault, sexual abuse or stalking, or for a person in fear of his/her safety or another person's safety.

HF 594 Tax Check-Off for Food Insecurity. Provides that taxpayers filing individual income tax returns will be allowed to designate \$1 or more to be paid to the lowa Check-Off Hunger Fund. Moneys in the fund will be appropriated to the lowa Department on Aging to provide grants to entities and other persons for the purpose of reducing food insecurity in lowa.

Iowa Senate

- SF 34 Disabled Veteran Homestead Tax Credit. (Ways and Means) Amends eligibility criteria for the Disabled Veteran Homestead Tax Credit to include additional categories of veterans with disabilities to qualify for the credit.
- SF 52 Senior Property Tax and Assessment Freeze. (Ways and Means) Provides a property assessment adjustment and a property tax adjustment for certain property of persons who have attained the age of 65.
- SF 83 Senior Property Tax and Assessment Freeze. (Ways and Means) Provides a property assessment adjustment and a property tax adjustment for certain property of persons who have attained the age of 70.
- Senior Property Assessment Freeze. (Ways and Means) Provides a property assessment adjustment for certain property of persons who have attained the age of 65.
- SF 103 Disabled Veteran Homestead Tax Credit. (Ways and Means) Modifies eligibility criteria for the Disabled Veteran Homestead Tax Credit by providing that the credit allowed on the homestead be a percentage of the tax levied on the homestead equivalent to the veteran's service-connected disability rating percentage.
- **SF 105 Inheritance Tax Repeal.** (Ways and Means) Repeals the state inheritance tax and the state qualified use inheritance tax.

- SF 178 Insurance Proceeds. Provides that a person convicted of certain felonies perpetrated against a decedent in the six months immediately prior to the decedent's death is not entitled, as a named beneficiary, to any benefit under a bond, policy or other contractual arrangement, and the benefits become payable as though the person causing death had predeceased the decedent. Exception by affidavit.
- **SF 189 Disabled Veteran Homestead Tax Credit.** (Ways and Means) Modifies eligibility criteria for the Disabled Veteran Homestead Tax Credit.
- **SF 229 Health Information Network.** Provides for the administration and governance of an lowa health information network by a designated non-profit entity. It creates a new lowa Code chapter and transitions current functions from the lowa Department of Public Health to a non-profit entity designated pursuant to an RFP process. (Companion to HF 381.)
- **SF 261 Tax Exemption for Older Iowans.** (Ways and Means) Exempts any individual who is at least 65 years of age from the individual income tax.
- **SF 272 Disabled Parking Permit Fines.** Under current law, improper use of a persons with disabilities parking permit is a misdemeanor subject to separate fines. This bill provides that a local authority may charge and collect upon a simple notice of a \$100 fine in lieu of a scheduled fine. (Companion to HF 343.)
- **SF 284 Disabled Veteran Homestead Tax Credit.** Amends eligibility criteria for the Disabled Veteran Homestead Tax Credit to include additional categories of veterans with disabilities to qualify for the credit.
- **SF 306 Ward Communication and Visitation.** *Permits a guardian to restrict an adult ward's communication or visitation only upon court approval and provides additional clarifications regarding the role of the guardian and the rights of the ward.*
- **SF 331 Electronic Voter Registration.** Permits electronic voter registration, electronic updating of voter registration information and electronic correction of voter registration information through the website of the State Commissioner of Elections.
- **SF 372 Durable Medical Equipment.** Establishes a licensing procedure and standards of practice for durable medical equipment providers.

SF 383 Confidentiality Program for Abuse Victims.

Establishes an address confidentiality program in the office of the Secretary of State for a victim of domestic abuse domestic abuse assault sexual abuse or stalking.

abuse, domestic abuse assault, sexual abuse or stalking, or for a person in fear of his/her safety or another person's safety.

- SF 386 Aggressive Elderly Persons. Directs the lowa
 Departments of Inspections and Appeals and Human
 Services to establish a committee to address the
 placement and housing of elderly persons who are
 sexually aggressive or combative or who have unmet
 geropsychiatric needs. The committee would include
 representatives from the lowa Department on Aging and
 the Office of the State Long-Term Care Ombudsman.
- I lowa Health Workforce Center. Establishes a lowa
 Health Workforce Center within the lowa Department of
 Public Health to coordinate public and private health and
 long-term care workforce efforts in the state.
- SF 452 Medicaid Transformation and Oversight. Establishes the Medicaid Transformation and Oversight Commission to provide for legislative involvement and oversight and ensure stakeholder input, consumer protection and quality assurance in the transformation of the Medicaid program.
- **SF 463 Mental Health and Disabilities Redesign.** *Makes conforming Code amendments relating to the redesign legislation.*
- **SF 464 Prevention of Disabilities Council.** Defines the activities of the Prevention of Disabilities Council and gives the council additional duties to coordinate disability prevention efforts and provide technical assistance with grant writing and other areas. Adds ex-officio members from the lowa Departments on Aging, Education, Public Health and Human Services. Requires the directors of these agencies to meet annually with the Council.
- **SF 465 Caregiver After-Care Assistance.** Requires a hospital to provide each patient with an opportunity to designate a caregiver, to notify the caregiver of the patient's discharge or transfer and to consult with and provide instructions to the caregiver regarding the patient's aftercare assistance.

Bills fall victim to March 6 funnel

Many bills in the Iowa House of Representatives and the Iowa Senate ended their journey to become law late last week with the March 6 funnel.

According to the 86th General Assembly Joint Rules, Rule 20, the Friday of the eighth week of the session was the final date for Senate bills to be reported out of Senate committees and House bills to be reported out of House committees.

Bills that failed to make it out of committee included bills related to abuse and financial exploitation of elders; bills that addressed aging in place and barriers to community living; bills that established a long-term care committee to review lowa's long-term care delivery system; bills to establish an evidence-based depression screening program; and bills to establish a taskforce to review the dementia workforce.

There are a few bills that did not survive funnel in one chamber, but are still alive and well in the opposite chamber. For example, HF 236 further defines the activities and membership of he Prevention of Disabilities Council. This bill, in an amended version, survived in the Senate as SF 464.

Following is a list of bills that AgingWatch had been monitoring that did not survive the funnel:



Iowa House of Representatives

the Department of Transportation, in consultation with the Department of Public Safety, to establish a certified driver safety education course to be offered throughout the state. A person who successfully completes the course shall be issued a certificate. The Commissioner of Insurance shall require insurers to provide a 10 percent automobile insurance premium reduction for persons 55 years of age or older who have obtained a certificate within the last three years.

HF 24 Camping Fees for Older Iowans. Directs the Natural Resources Commission to reduce fees for camping and other special privileges for residents who are 60 years of age or older.

HF 48 Absentee Voter Status. Allows an absentee voter to receive absentee ballots for all subsequent general elections without having to reapply.

HF 68 Veterans Courts. *Establishes a veterans treatment court in each judicial district.*

HF 85 Abuse of Elders. Eliminates a listing of persons who were exempt from the confidential relationship requirements under the elder abuse Code chapter.

HF 87 Elder Financial Exploitation. *Establishes the crime of financial exploitation of an older individual and provides penalties.*

HF 106 Health Workforce Center. Establishes a lowa Health Workforce Center within the lowa Department of Public Health to coordinate public and private health and long-term care workforce efforts in the state.

HF 113 Electronic Absentee Ballot. Allows registered voters to make application for absentee ballots through electronic means.

HF 119 Senior Farmers' Market. Expands eligibility for the Senior Farmers' Market Nutrition Program.

HF 170 Aggressive Elderly Persons. Directs the lowa
Departments of Inspections and Appeals and Human
Services to establish a committee to address the
placement and housing of elderly persons who are
sexually aggressive or combative or who have unmet
geropsychiatric needs. The committee would include
representatives from the lowa Department on Aging and
the Office of the State Long-Term Care Ombudsman.

HF 178 Aggressive Elderly Persons. Directs the lowa
Departments of Inspections and Appeals and Human
Services to establish a committee to address the
placement and housing of elderly persons who are
sexually aggressive or combative or who have unmet
geropsychiatric needs. The committee would include
representatives from the lowa Department on Aging and
the Office of the State Long-Term Care Ombudsman.

- Long-Term Care Committee. Establishes a long-term care committee to be comprised of members of the general public appointed by specific advocacy-based entities, representatives of those involved in long-term care delivery, members of the Senate and House of Representatives and representatives of state agencies, including the lowa Department on Aging and the Office of the State Long-Term Care Ombudsman. The bill outlines specific duties for the committee with the intent to perform a comprehensive review of the long-term care delivery system. (Companion to SF 160.)
- **HF 180 Evidence-Based Depression Screening.** Mandates the lowa Department on Aging to establish an evidence-based depression screening and treatment program for older individuals to be administered by each Area Agency on Aging. (Companion to SF 169.)
- HF 184 Abuse and Financial Exploitation of Elders.

 Eliminates a listing of persons who were exempt from the confidential relationship requirements under the Elder Abuse chapter in lowa Code. Establishes the crime of financial exploitation of an older individual and provides penalties. Further defines "substitute petitioner" and notice provisions. (Companion to SF 109.)
- HF 187

 Barriers to Community Living. Directs multiple state agencies to create a workgroup to identify and address barriers to community living for older individuals and individuals with disabilities. The workgroup must include representatives of the Olmstead consumer task force and the lowa Departments on Aging and Human Services and develop a plan to address identified barriers and make specific recommendations to ensure compliance with the Olmstead decision. (Companion to SF 156.)
- HF 236

 Prevention of Disabilities Council. Defines the activities of the Prevention of Disabilities Council and gives the council additional duties to coordinate disability prevention efforts and provide technical assistance with grant writing and other areas. Adds ex-officio members from the lowa Departments on Aging, Education, Public Health and Human Services. Requires the directors of these agencies to meet annually with the Council. Requires DHS to adopt rules to implement the bill, subject to approval from the Council. (Companion to SF 302.)
- HF 265 Involuntary Commitment Danger to Self or Others. Relates to the involuntary commitment of a person with an intellectual disability who presents a danger to self or others.

- HF 317 Mental Health Telehealth. Directs the lowa
 Department of Human Services to adopt rules to provide
 for coverage of telehealth services provided by a mental
 health professional under the Medicaid program.
- HF 328

 Abuse and Financial Exploitation of Elders.

 Eliminates a list of persons who are exempt from the confidential relationship requirements under the elder abuse Code chapter. Establishes the crime of financial exploitation of an older individual and provides penalties. Further defines "substitute petitioner" and notice provisions. Directs the lowa Departments on Aging, Human Services, Inspections and Appeals and Public Health, the Office of the State Long-Term Care Ombudsman and the Office of the Attorney General to draft legislation to develop an elder abuse prevention system for the State.
- **HF 399** Facilities for Sex Offenders. Requires the lowa
 Department of Human Services to establish one or more
 facilities by July 1, 2016, to house and care for tier II or tier
 Ill sex offenders.
- HF 404

 Telehealth. Provides that a health care professional licensed by a professional licensing board may employ the technology of telehealth; directs the lowa Department of Public Health to adopt rules to implement the requirements of the bill; and directs the lowa Department of Human Services to adopt rules to provide coverage for telehealth services under the Medicaid program.
- HSB 65 Food Assistance Eligibility. Directs the Department of Human Services (DHS) to eliminate categorical eligibility for the food assistance program and to instead implement income eligibility for the program at 130 percent of the federal poverty level and an asset test for eligibility consistent with federal supplemental nutrition assistance program (SNAP) requirements.
- **Medicaid HCBS Waiting Lists.** Directs the Department of Human Services (DHS) to develop a prioritization policy for openings under each of the Medicaid home and community-based services waivers. The openings historically have been awarded on a first-come, first-served basis.
- HSB 85 Protective and No-Contact Orders. Makes several changes related to the issuance of and violation of civil protective orders and criminal no-contact orders and modifies penalties. (Companion to SSB 1080.) Veterans

Iowa Senate

- SF 2 Home Eligibility. Provides additional eligibility to spouses of living veterans who are not members of the lowa Veterans Home. To be eligible, such a spouse is required to have been married to the veteran for at least 10 years, be disabled and meet the qualifications for nursing or residential levels of care.
- **SF 3 Parking for Persons with Disabilities.** Requires that an approved driver education course include classroom instruction relating to the rights, privileges and penalties associated with parking for persons with disabilities.
- **SF 23 Violent Habitual Offenders.** *Establishes a criminal penalty for a violent habitual offender and requires a violent habitual offender to be placed on parole or work release prior to the expiration of the sentence. Prohibits a person classified as a violent habitual offender from receiving a deferred judgment or a deferred or suspended sentence.*
- **SF 106 Medicaid HCBS Reimbursement.** Provides that reimbursement for providers of services and the individual monthly maximum cap under the Medicaid home and community-based services waiver for the elderly shall be increased by 3 percent over the amounts in effect on June 30, 2015.
- **SF 109** Abuse and Financial Exploitation of Elders.

Eliminates a listing of persons who were exempt from the confidential relationship requirements under the Elder Abuse chapter in Iowa Code. Establishes the crime of financial exploitation of an older individual and provides penalties. Further defines "substitute petitioner" and notice provisions. (Companion to HF 184.)

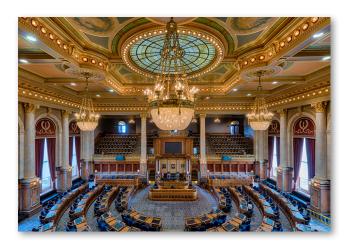
- SF 141 Aging in Place. Requires the lowa Finance Authority to convene a task force to address the barriers to aging in place for older lowans and lowans with disabilities and to facilitate the creation of additional multigenerational and sustainable housing in lowa communities. The task force shall consist of 16 members, with four being exofficio, nonvoting members of the General Assembly.
- SF 156
 Barriers to Community Living. Directs multiple state agencies to create a workgroup to identify and address barriers to community living for older individuals and individuals with disabilities. The workgroup must include representatives of the Olmstead consumer task force and the lowa Departments on Aging and Human Services and develop a plan to address identified barriers and make

specific recommendations to ensure compliance with the Olmstead decision. (Companion to HF 187.)

- SF 160 Long-Term Care Committee. Establishes a long-term care committee to be comprised of members of the general public appointed by specific advocacy-based entities, representatives of those involved in long-term care delivery, members of the Senate and House of Representatives and representatives of state agencies, including the lowa Department on Aging and the Office of the State Long-Term Care Ombudsman. The bill outlines specific duties for the committee with the intent to perform a comprehensive review of the long-term care delivery system. (Companion to HF 179.)
- **SF 169 Evidence-Based Depression Screening.** Mandates the lowa Department on Aging to establish an evidence-based depression screening and treatment program for older individuals to be administered by each Area Agency on Aging. (Companion to HF 180.)
- **SSB 1001** Dementia Proficient Workforce Task Force.

Requires the Departments of Public Health, Aging, Human Services and Inspections and Appeals to form a task force to review dementia curricula and training models. Report due in November 2015.

- SSB 1080 Protective and No-Contact Orders. Makes several changes related to the issuance of and violation of civil protective orders and criminal no-contact orders, and modifies penalties. (Companion to HSB 85.)
- **SSB 1149 Domestic Abuse.** Addresses several changes to lowa's domestic abuse laws, including payment of support and maintenance, mandatory risk assessment, electronic tracking and monitoring, mandatory minimum sentences and accumulation of earned time.



DHS adds more public meetings about Medicaid Modernization

On Feb. 16, the Iowa Department of Human Services (DHS) released a Request for Proposal (RFP) for Gov. Branstad's Medicaid Modernization initiative. The project looks to improve the coordination and quality of care while providing predictability and sustainability for taxpayers in Medicaid spending.

The Iowa High Quality Health Care Initiative RFP asks for bids from potential vendors as the state moves toward a risk-based managed care approach for Iowa's Medicaid program. In their bids, potential vendors must explain how they plan to meet the main objectives of Iowa's Medicaid Modernization, which include:

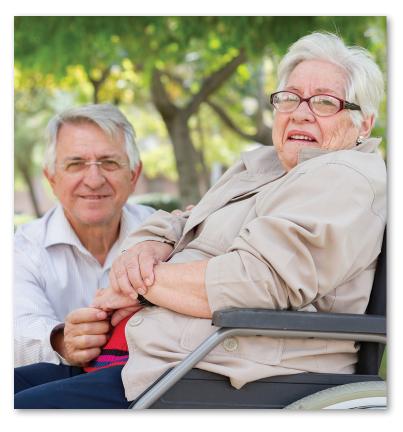
- Improving quality and access;
- Promoting accountability for outcomes; and
- Creating a more predictable and sustainable Medicaid budget.

In order to educate the public about Medicaid Modernization and engage statewide dialogue about the project, DHS will host a series of public meetings related to the RFP. Meetings in Cedar Rapids, Des Moines and Davenport have already taken place, but there are three additional meetings scheduled over the next few weeks, including one this afternoon in Council Bluffs.

Stakeholders and the public should submit questions and comments to: MedicaidModernization@dhs.state.ia.us. To access the RFP or learn more about the initiative, visit https://dhs.iowa. gov/ime/about/initiatives/MedicaidModernization.

COUNCIL BLUFFS

Monday, March 16, 2015 12:30-2 p.m. Iowa Western Community College, Auditorium 2700 College Rd. Council Bluffs, IA 51503 Phone access: 866.685.1580 Participant Code: 542-870-0217



MASON CITY

Wednesday, March 18, 2015 10-11:30 a.m. First Citizens National Bank, Heritage Room 2601 4th St. SW Mason City, IA 50401 Phone access: 866.685.1580 Participant Code: 542-870-0217

SIOUX CITY

Thursday, March 26, 2015 Noon-1:30 p.m. Stoney Creek Hotel and Conference Center, Salon C 300 3rd St. Sioux City, IA 51101 Phone access: 866.685.1580

Participant Code: 542-870-0217

AgingWatch is provided in the spirit of information and education. The opinions expressed by the contributors do not necessarily reflect those of the Iowa Department on Aging or its programs. The Iowa Department on Aging shall not be liable for any damages that may result from errors or omissions in information distributed in this publication.



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