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# IOWA COMMISSION ON THE AGING

**seventh annual**

OLDER IOWANS' LEGISLATURE

**Bills &  
Resolutions**

SEPTEMBER, 1984

STATE LIBRARY OF IOWA  
Historical Building  
DES MOINES, IOWA 50319



PRIORITY NO.	O.I.L. NO.	TITLE
10	84-7	INSTALLMENT PAYMENT OF PROPERTY TAXES An Act to allow receipt of property taxes in installments from blind, handicapped, disabled, senior citizens or low income persons.
11	84-12	EXPANSION OF MEDICALLY NEEDY PROGRAM An Act to extend eligibility guidelines in the "medically needy" program to include Iowans age 65 or older whose incomes are above the income level set for Medicaid but whose medical expenses cause them to fall below those standards.
12	84-11	GRANDPARENT'S VISITATION RIGHTS An Act to create a new section of law providing grandparents with adequate rights to petition the state court for privileges to visit grandchildren following dissolution (by divorce, separation, or death) of the marriage of the grandchildren's parents, and ensures such rights extend to cases which, after such dissolution, such parents remarry and step-parents adopt such grandchildren.
13	84-20	ELDERLY LEGAL SERVICES An Act to improve availability and quality of legal services to the elderly by an appropriation of state funds to the State of Iowa Commission on the Aging.
14	84-21	HANDICAPPED IDENTIFICATION ACT An Act relating to carrying proper identification as a handicapped person.
15	84-22	IOWA DEPARTMENT OF ELDER AFFAIRS An Act creating the Iowa Department of Elder Affairs.

#### LIST OF RESOLUTIONS PASSED

Res. #1	RESOLUTION SUPPORTING THE HISTORICAL MUSEUM AND LIBRARY CONSTRUCTION
Res. #2	"SWING BEDS" AND SKILLED CARE RESOLUTION
Res. #3	RESOLUTION MANDATING GERIATRIC COURSES FOR MEDICAL PROFESSIONALS
Res. #4	RESOLUTION SUPPORTING SJR #2 of JANUARY, 1983
Res. #5	SOCIAL SECURITY TRUST FUND RESOLUTION
Res. #6	A RESOLUTION REGARDING PROPERTY TAX RELIEF FOR WIDOWED PERSONS THROUGH REVISED COMPUTATION OF THE TAX
Res. #7	IOWA WORLD TRADE CENTER REFERENDUM RESOLUTION
Res. #8	NATIONAL SILVER HAired CONGRESS RESOLUTION
Res. #9	RESOLUTION REGARDING THE IMPACT OF NEW MEDICARE REGULATIONS
Res. #10	RESOLUTION REGARDING AREA AGENCIES ON AGING SERVICE TO AMERICAN INDIAN POPULATIONS
Res. #11	RESOLUTION REGARDING PRESERVATION OF ENVIRONMENTAL AND AGRICULTURAL LAND RESOURCES
Res. #12	RESOLUTION FOR DOCTORS AND HOSPITALS TO ACCEPT MEDICARE ASSIGNMENTS
Res. #13	COURTESY RESOLUTION

COMMITTEE: Human Resources

O.I.L. BILL NO. 84-1

SPONSORS:

Area I: Burr, Corlett, Mahoney, Pisny  
Area X: Bell, Bernstorff, Burrichter, Churchill, Cochran, Evans,  
Jungjohan, Ransom, Thomas, Whipple  
Area XI: J. Becker, Carolus, Gates, Hunt, R. Johnson, Melcher, Overdyk,  
Pray, Schneider, Skarda, Syphrit, Tett, Tuinstra, Wilcox,  
Wilkin, Willits  
Area XIII: Berlin, Dahlheimer, Garrison, Pritchard, Schmitz, Stockstad,  
Van Fosson  
Area XIV: Mertes, Miller, Morrow

## A BILL FOR

1 An Act establishing a comprehensive long-term care and community based  
2 services program for the elderly within the commission on the aging  
3 and making an appropriation.

4 BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE:

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1 Section 1. Section 249B.35, Code Supplement 1983, is amended by  
2 adding the following new subsection:

3 NEW SUBSECTION. 3. The area agencies on aging shall coordinate the  
4 care review committee program in their areas in accordance with rules  
5 promulgated by the Iowa commission on the aging.

6 Sec. 2. Sections 249B.41 through 249B.45 are created as a new division  
7 in Chapter 249B entitled "comprehensive long-term care program".

8 Sec. 3. PURPOSE. In establishing the comprehensive long-term care  
9 program, the General Assembly's purpose is to promote the development of a  
10 coordinated, cost-effective, continuum of care for institutionalized and  
11 home-based elderly. This system of care is intended to provide quality  
12 services to improve, maintain, or restore the basic physical, emotional,  
13 and social functioning of an elderly individual at the highest level of  
14 independent action possible, and to promote and safeguard the rights of  
15 these individuals. The comprehensive long-term care program will elimi-  
16 nate the fragmented approaches to services, provide an assessment of the  
17 person to determine the services and care needed, coordinate and simplify  
18 funding requirements, and administer services which permit an older  
19 person to remain in a home environment as long as reasonably possible.

20 Sec. 4. NEW SECTION. 249B.41 COMPREHENSIVE LONG-TERM CARE PROGRAM.  
21 A comprehensive long-term care program is created within the commission  
22 on the aging to implement the purposes of this division. The commission  
23 shall:

24 1. Establish an interagency coordinating mechanism for long-term care  
25 policies affecting functionally dependent adults, including the elderly,  
26 at home or in institutions.

27 2. Develop and establish in each area a coordinating mechanism for  
28 public, private, and volunteer long-term care services for older adults.

29 3. Create a common data base which will assist policymakers in long-

1 range planning and policy development relating to the program.

2 4. Provide training and technical assistance to increase the capacity  
3 of care givers and advocates, both public and private.

4 Sec. 5. NEW SECTION. 249B.42 PROGRAM APPROACH. The long-term care  
5 program shall take a holistic approach to the development of a services  
6 delivery system by assessing the needs of individuals, identifying the  
7 continuum of services available in the community, monitoring service  
8 delivery and appropriateness through case management techniques, coordi-  
9 nating statewide policy planning, and advocating for the rights of long-  
10 term care consumers.

11 Sec. 6. NEW SECTION. 249B.43 DUTIES OF COMPREHENSIVE LONG-TERM CARE  
12 PROGRAM. The comprehensive long-term care program shall:

13 1. Plan and coordinate health promotion and prevention of disease  
14 programs. Available community programs of disease prevention, public  
15 sanitation, immunization, and community health information shall be  
16 utilized when possible. Health diagnosis and treatment shall be monitored  
17 through local assessment teams who shall utilize local primary care, acute  
18 health care programs and community health support systems of nutrition,  
19 pharmacy and health aide services.

20 2. Annually plan for continuing education programs in local communi-  
21 ties to train local individuals for the provision of respite care,  
22 custodial care in the home, homemaker-home health aides and chore services,  
23 and other personal aid services, necessary to enable clients to remain  
24 in their own homes, and to train local persons for care review committee  
25 advocacy for the functionally dependent adults in institutions.

26 3. Utilize existing manpower development and placement programs to  
27 assist low income persons to use the training to obtain local employment.

28 4. Provide the counseling and support programs necessary to enable  
29 the client to remain as independent as possible in the least restrictive

1 environment.

2 5. Coordinate ombudsman programs pursuant to section 249B.32 to  
3 improve linkages between community based and institutional long-term care.

4 Sec. 7. There is appropriated from the general fund of the state to  
5 the commission on the aging for the fiscal year beginning July 1, 1985  
6 and ending June 30, 1986 the following amounts, or so much thereof as is  
7 necessary, for the purposes designated:

8 a. Partial support of individual  
9 needs assessments and case management ..... \$ 1,890,000

10 b. Area agency on aging coordination  
11 of the care review committees ..... 320,000

12 c. Statewide program management, training,  
13 and coordination of the long-term care program ..... 120,000  
14 \$ 2,330,000

15 EXPLANATION

16 This bill creates a long-term care program in the commission on the  
17 aging to coordinate services being provided for the elderly and to assess  
18 the needs of the elderly.

19 The bill appropriates \$2,330,000 for the 1985-1986 fiscal year to the  
20 commission on the aging to implement the program and to provide assistance  
21 to the care review committees.

22 This bill takes effect July 1 following its enactment.

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Passed

COMMITTEE: Human Resources

O.I.L. BILL NO. 84-6

Area III	Freeman, Fries, Henrich, Lange, Mallett, Vermeer	SPONSORS:
Area IV	Carroll, Hedum, Newendorp, Rohr, Rowse, Skidmore	
Area VI	Bear, Burnham, Hill, Hulsebus, Plowman	
Area VII	V. Becker, Dufel, Ham, Hibbs, W. Nelson, Schmidt	
Area VIII	Watters	
Area X	Bell, Bernstorff, Burrichter, Churchill, Cochran, Evans Jungjohan, Ransom, Thomas, Whipple	
Area XII	Considine, Crabb, Rothmeyer, Wulf	
Area XV	Carlton, Gallup, Gantz, M. Johnson, Harsh, McCauley, Rogers	

## A BILL FOR

1 An Act permitting an adult to execute a directive to order the withholding  
2 or withdrawal of life-sustaining procedures during a terminal condition  
3 including notification of brain function death.

4 BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE:

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1 Section 1. NEW SECTION. 144A.1 DEFINITIONS. As used in sections  
2 1 through 10 of this Act, unless the context otherwise requires:

3 1. "Adult" means an individual eighteen years of age or older.

4 2. "Attending physician" means the physician selected by or assigned  
5 to the declarant and having primary responsibility for the treatment and  
6 care of the patient.

7 3. "Declarant" means an adult who executes a directive.

8 4. "Directive" means a document voluntarily executed in accordance  
9 with section 2 of this Act.

10 5. "Life-sustaining procedure" means a medical procedure or inter-  
11 vention which utilizes mechanical or other artificial means to sustain,  
12 restore, or supplant a vital function and which, when applied to a  
13 qualified patient, would serve only to artificailly postpone the moment  
14 of death when, in the judgment of the attending physician, death is  
15 imminent if the procedure is not utilized. "Life-sustaining procedure"  
16 does not include an attempt to alleviate pain by the administration of  
17 medication or the performance of a medical procedure deemed necessary to  
18 alleviate pain.

19 6. "Physician" means a person licensed by this state to practice  
20 medicine and surgery, osteopathy, or osteopathic medicine and surgery.

21 7. "Qualified patient" means a declarant afflicted with a terminal  
22 condition diagnosed and certified in writing by two physicians, one of  
23 whom must be the attending physician, who have personally examined the  
24 declarant.

25 8. "Agent's medical witness" means an attorney or physician of the  
26 agent's choice.

27 9. "Terminal condition" means an incurable injury, disease, or  
28 illness, which, regardless of the application of life-sustaining  
29 procedures would, based on ordinary standards of medical practice,



1 produce death.

2 10. "Brain function death" means an irreversible cessation of  
3 of spontaneous brain functions.

4 Sec. 2. NEW SECTION. 144A.2 EXECUTING A DIRECTIVE FOR TERMINAL  
5 CONDITIONS. An adult may execute a directive at any time to require  
6 the withholding or withdrawal of life-sustaining procedures when the  
7 adult becomes a qualified patient, and may appoint an agent to act in  
8 the adult's behalf if the adult becomes incompetent. The directive  
9 shall be signed by the declarant in the presence of two competent,  
10 adult, qualified witnesses not related to the declarant by blood or  
11 marriage and, at the time of the directive, not entitled to any portion  
12 of the estate of the declarant upon the declarant's death under a will  
13 or of a health facility in which the declarant is a patient, or a person  
14 who, at the time of execution of the directive, has a potential claim  
15 against a portion of the estate of the declarant is not qualified to  
16 witness the directive. A directive is void if the declarant is a  
17 patient in a health care facility as defined in section 135C.1,  
18 subsection 4, at the time the directive is executed unless one of the  
19 two witnesses to the directive is a patient advocate designated by the  
20 department of social services. The patient advocate shall have the  
21 same qualifications as a qualified witness under this section. Upon  
22 execution, a copy of the directive must be given to the declarant's  
23 medical record the time, date, and place of execution, if known, and  
24 the time, date, and place, if different, when notification of the  
25 execution was received.

26 The directive shall include the declarant's desire to not have the  
27 declarant's life artificially prolonged if the declarant:

28 1. Has a terminal condition as certified by two physicians and if  
29 the attending physician, with concurrence of a second physician,

1 determines that death is imminent if life-sustaining procedures are not  
2 used. The certification shall be in writing and available to the agent  
3 and the agent's medical witness.

4 2. Does not have the ability to give directions regarding the use  
5 of life-sustaining procedures.

6 However, if the declarant is pregnant and the pregnancy is known to  
7 the attending physician, the directive is void during the course of  
8 pregnancy.

9 The attending physician may administer medical treatment which  
10 promotes comfort or eases pain when withholding or withdrawing life-  
11 sustaining procedures pursuant to this section.

12 Sec. 3. NEW SECTION. 144A.3. NOTIFICATION OF BRAIN FUNCTION  
13 DEATH. When the attending physician and one other physician have  
14 diagnosed brain function death, the family members or agent in attendance  
15 shall be notified in writing that brain function death has occurred,  
16 whether or not there is a directive. The written notice shall also  
17 indicate that life-sustaining procedures may be withheld. If there is  
18 not a living spouse or other living relatives available to receive the  
19 written notification, life-sustaining procedures may be withheld only  
20 after consultation with the agent's medical witness representing the  
21 patient.

22 Sec. 4. NEW SECTION. 144A.4 REVOCATION. A directive may be  
23 revoked permanently at any time by the person executing the directive  
24 without regard to the person's mental state of competency, by being  
25 canceled or destroyed by the act or direction of the person executing  
26 the directive, with the intention of revoking it. If done by  
27 cancellation, the revocation shall be witnessed in the same manner as  
28 the making of a directive. When the person is incapable of revoking  
29 the directive in writing, the person's agent appointed, pursuant to

1 section 144A.2 shall execute the revocation which the person shall  
2 acknowledge and approve by a written marking.

3 Sec. 5. NEW SECTION. 144A.5 NONEXPIRATION OF DIRECTIVE. A directive  
4 is effective from the date of execution and for the life of the declarant  
5 unless revoked as prescribed in section 144A.4. A declarant may reexecute  
6 a directive at any time in accordance with section 144A.2, including  
7 reexecution subsequent to a diagnosis of a terminal condition.

8 Sec. 6. NEW SECTION. 144A.6 NONLIABILITY. A physician or health  
9 facility acting in accordance with a directive and causing the with-  
10 holding or withdrawal of life-sustaining procedures from a qualified  
11 patient or a patient experiencing brain function death is not subject  
12 to civil liability for that action. A licensed health professional  
13 acting under the direction of a physician and participating in the  
14 withholding or withdrawal of life-sustaining procedures in accordance  
15 with a directive is not subject to civil liability for that participation.  
16 A physician or licensed health professional acting under the direction  
17 of a physician, participating in the withholding or withdrawal of life-  
18 sustaining procedures in accordance with a directive is not guilty of  
19 a criminal act or unprofessional conduct.

20 Sec. 7. NEW SECTION. 144A.7 PHYSICIAN RESTRICTIONS. 1. Prior to  
21 withholding or withdrawal of life-sustaining procedures from a qualified  
22 patient or a patient experiencing brain function death pursuant to a  
23 directive, the attending physician shall determine that the directive  
24 on its fact complies with section 144A.2. If the patient is mentally  
25 competent, the attending physician shall determine that the directive  
26 and all steps proposed by the attending physician to be undertaken are  
27 in accord with the desires of the patient. If the patient is not  
28 mentally competent, the attending physician shall determine that such  
29 actions are in accord with the desires of the agent after consultation

1 with the agent's medical witness.

2 2. Failure by a physician to effectuate the directive of a patient  
3 is unprofessional conduct if the physician fails or refuses to make the  
4 necessary arrangements for transfer of the patient to another physician  
5 who will carry out the directive of the patient.

6 Sec. 8. NEW SECTION. 144A.8 INSURANCE.

7 1. The withholding or withdrawal of life-sustaining procedures  
8 from a qualified patient or a patient experiencing brain function death  
9 in accordance with a directive is not a suicide.

10 2. The making of a directive under section 144A.2 shall not restrict,  
11 inhibit, or impair the sale, procurement, or issuance of any policy of  
12 life insurance and it shall not be deemed to modify the terms of an  
13 existing policy of life insurance. A policy of life insurance shall  
14 not be legally impaired or invalidated in any manner because of the  
15 withholding or withdrawal of life-sustaining procedures from an insured  
16 qualified patient or a patient experiencing brain function death, not-  
17 withstanding a contrary term of the policy.

18 3. A physician, health facility, other health provider, health care  
19 service plan, insurer issuing disability insurance, self-insured  
20 employee welfare benefit plan, or nonprofit hospital service plan, shall  
21 not require a person to execute a directive as a condition for being  
22 insured for or receiving health care services.

23 Sec. 9. NEW SECTION. 144A.9 PROTECTION OF THE DIRECTIVES FOR  
24 TERMINAL CONDITIONS AND FOR BRAIN DEATH TERMINATIONS. A person who  
25 willfully conceals, cancels, defaces, obliterates, or damages the  
26 directive of another without the declarant's consent is guilty of a  
27 simple misdemeanor. A person who falsified or forges the directive  
28 of another, or wilfully conceals or withholds personal knowledge or a  
29 revocation under section 144A.4, with the intent to cause a withholding

1 or withdrawal of life-sustaining procedures contrary to the wishes of  
2 the declarant and, by such act, directly causes life-sustaining procedures  
3 to be withheld or withdrawn and death to be hastened, is guilty of murder  
4 under chapter 707.

5 Sec. 10. NEW SECTION. 144A.10 RESTRICTIONS. Sections 144A.1  
6 through 144A.8 do not condone, authorize, approve or permit an affirmative  
7 or deliberate act or omission to end life other than to permit the  
8 natural process of dying.

9 EXPLANATION

10 This bill allows and provides a process by which an adult may execute  
11 a directive providing that life-sustaining procedures should be withheld  
12 or withdrawn if that person becomes terminally ill and the procedures  
13 would serve only to postpone the moment of death. It does not prohibit  
14 medical treatment which promotes comfort or eases pain.

15 This bill requires the attending physician and one other physician to  
16 notify the family in writing of a patient who has experienced brain  
17 function death.

18 This bill creates a new chapter 144A and refers to several of the new  
19 sections.

20 This bill takes effect July 1 following its enactment.  
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COMMITTEE: Commerce

O.I.L. BILL NO. 84-2

SPONSORS:

Area I Burr, Corlett, Mahoney, Pisny  
Area VI Bear, Burnham, Hill, Hulsebus, Plowman  
Area VII V. Becker, Dufel, Ham, Hibbs, W. Nelson, Schmidt  
Area IX Baugh, Haut, Jensen, Maynard, Mordhorst, Peterson, Wilson  
Area XI J. Becker, Carolus, Gates, Hunt, R. Johnson, Melcher, Overdyk  
Pray, Schneider, Skarda, Syphrit, Tett, Tuinstra, Wilcox,  
Wilkin, Willits  
Area XIV Mertes, Miller, Morrow  
Area XV Carlton, Gallup, Gantz, Harsh, M. Johnson, McCauley, Rogers  
Area XVI Hedemann, Lee, Parsons, Stafford

## A BILL FOR

1 An Act relating to public utilities making civil penalties applicable  
2 and including an appropriation.

3 BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE:

4 Section 1. NEW SECTION. 474.11 OPERATIONS REVIEW DIVISION  
5 PUBLICATIONS. The operations review division of the Iowa state  
6 commerce commission shall make available to the public a list of reports  
7 completed by that division each year. Copies of each original report  
8 shall be made available to the public at a cost which covers the expense  
9 of reproducing the report. Each report shall be made available by the  
10 division whether or not the commerce commission has approved the report.

11 Sec. 2. Section 476.6, subsection 1, unnumbered paragraph 1, Code  
12 Supplement 1983, is amended to read as follows:

13 A public utility subject to rate regulation shall not make effective  
14 a new or changed rate, charge, schedule or regulation until the rate,  
15 charge, schedule, or regulation has been approved by the commission,  
16 except as provided in subsection 11 and no such request for an increase  
17 in rate, charge, schedule, or regulation shall be filed which exceeds  
18 the percentage of increase occurring in the Consumer Price Index of the  
19 year immediately preceeding the filing.

1     Sec. 3. Section 476.6, subsection 7, Code Supplement 1983, is  
2     amended to read as follows:

3     7. Hearing set. After the filing of an application for new or  
4     changed rates, charges, schedules, or regulations by a public utility  
5     subject to rate regulation, the commission, prior to the expiration  
6     of thirty days after the filing date, shall docket the case as a formal  
7     proceeding and set the case for hearing unless the new or changed rates,  
8     charges, schedules, or regulations are approved by the commission. In  
9     the case of a rural electric cooperative, the commission may docket  
10    the case as a formal proceeding and set the case for hearing prior to  
11    the proposed effective date of the tariff. The commission shall give  
12    notice of formal proceedings as it deems appropriate. The docketing  
13    of a case as a formal proceeding suspends the effective date of the  
14    new or changed rates, charges, schedules, or regulations until the  
15    rates, charges, schedules, or regulations are approved by the commission.

16    Sec. 4. Section 476.6, subsection 13, unnumbered paragraph 1, Code  
17    Supplement 1983, is amended by striking the paragraph.

18    Sec. 5. Section 476.6, subsection 13, unnumbered paragraph 2, Code  
19    Supplement 1983, is amended to read as follows:

20    If the commission finds that an extension of the ten-month period  
21    provided under section 476.33 is necessary to permit the accumulation  
22    of necessary data with respect to the operation of a newly constructed  
23    electric generating facility that has a capacity of one hundred  
24    megawatts or more of electricity and that is proposed to be included  
25    in the rate base for the first time, the commission may extend the ten-  
26    month period up to a maximum extension of six months, but only with  
27    respect to that portion of the suspended rates, charges, schedules or  
28    regulations that are necessarily connected with the inclusion of the  
29    generating facility in the rate base. If a utility is proposing to



1 include in its rate base for the first time a newly constructed electric  
2 generating facility that has a capacity of one hundred megawatts or more  
3 of electricity, the filing date of new or changed rates, charges,  
4 schedules or regulations, for purposes of computing the ten-month  
5 limitation, is the date as determined by the commission that the new  
6 plant went into service, but only with respect to that portion of the  
7 suspended rates, charges, schedules or regulations that are necessarily  
8 connected with the inclusion of the generating facility in the rate  
9 base.

10 Sec. 6. Section 476.33, subsection 3, Code Supplement 1983, is  
11 amended by striking the subsection.

12 Sec. 7. Section 476.53, unnumbered paragraph 1, Code Supplement  
13 1983, is amended to read as follows:

14 It is the intent of the general assembly of the state of Iowa to provide  
15 for the development of a fair resolution concerning the allocation of  
16 costs associated with excess electric generating capacity. It is the  
17 policy of this state that it is in the public interest that public  
18 utilities subject to rate regulation, at a minimum, be prohibited from  
19 including either directly or indirectly in their charges or rates to  
20 customers the return on common equity associated with excess electric  
21 generating capacity, however this does not apply to rural electric  
22 cooperatives. The commerce commission shall not allow a return on common  
23 equity on that portion of a public utility's electric generating  
24 capacity which is determined to be excess generating capacity. In  
25 determining the amount of common equity investment associated with  
26 excess electric generating capacity, the commission shall use the cost  
27 of the most recent electric generating units constructed but shall  
28 not include electric generating units primarily fueled by gas or oil.  
29 Excess electric generating capacity is that portion of the public

1 utility's electric generating capacity which exceeds one hundred fifteen  
2 percent of the utility's peak electrical demand during the applicable  
3 test period. However, upon petition by a public utility the commission  
4 may in extenuating circumstances grant a public utility a variance to  
5 have additional excess electric generating capacity, not to exceed five  
6 percent, for a period not to exceed one year. After the lapse of the  
7 variance, a public utility may petition for another variance. The  
8 commission shall by rule adopt standards for extenuating circumstances  
9 that the commission shall use in determining whether to grant a variance  
10 or an extension to the time period of the variance.

11 Sec. 8. NEW SECTION. 476.56 ENERGY CONSERVATION LOAN FUND.

12 There is created the energy conservation loan fund to which there is  
13 appropriated from the general fund of the state the sum of two million  
14 dollars. Moneys appropriated to the energy conservation loan fund  
15 shall be made available by the Iowa state commerce commission for  
16 energy conservation loans. The loans shall be provided interest-free  
17 for a period of five years, with interest established by the commerce  
18 commission for that portion of the loan which extends beyond five years.  
19 The commerce commission shall by rule develop a plan to allocate loans  
20 from the energy conservation loan fund to those people which have the  
21 most need for the loans. However, the allocation plan shall also take  
22 into consideration the amount of energy which would be conserved by  
23 each borrower.

24 Sec. 9. NEW SECTION. 476.57 CENTRAL CONTROL CENTER. It is the  
25 policy of this state that energy should be scheduled and dispatched  
26 in a manner which provides the lowest cost energy available. The  
27 public utilities in the state which furnish electricity shall establish  
28 a central control center for the dispatch of electrical energy by  
29 July 1, 1986. However, a central control center shall not be required

1 if the affected public utilities implement a plan for the scheduling  
2 and dispatch of electrical energy which is less expensive to the  
3 utilities' customers. This section applies to regulated electric public  
4 utilities, to municipally-owned electric utilities, to unincorporated  
5 villages which own their own electric distribution systems, and to  
6 rural electric cooperatives.

7     Sec. 10. The Iowa state commerce commission shall conduct a cost  
8 analysis study of the use of low interest loans to be given by public  
9 utilities for the purpose of promoting energy efficiency in lieu of  
10 public utilities incurring costs for further electric generating plant  
11 expansion. The commerce commission shall report its findings to the  
12 Seventy-first General Assembly during January, 1984.

13     Sec. 11. Sections 2 through 7 of this Act apply to applications for  
14 new or changed rates, charges, schedules, or regulations filed on  
15 or after July 1, 1984.

16     Sec. 12. The Iowa state commerce commission shall set a maximum  
17 utility deposit as a means of customers gaining access for service  
18 renewal, set a maximum penalty for late payment of utility bills, and  
19 a minimum rate for hardship usage. In the event of refunds on fees  
20 collected but disallowed, users should receive the refund amount with  
21 the current prime rate of interest added thereto.

22                                   EXPLANATION

23     This bill required the operations review division of the Iowa state  
24 commerce commission to make available a list of its completed reports  
25 each year and requires the division to provide copies of the reports  
26 at cost whether or not the reports were approved by the commission  
27 itself.

28     The bill also eliminates interim rates for public utilities for applica-  
29 tions for new or changed rates which occur on or after July 1, 1984.

1       The bill creates the energy conservation loan fund for energy  
2 conservation loans which are made available by the Iowa state commerce  
3 commission. The bill appropriates two million dollars to the fund.

4       The bill requires the establishment of a central control center for  
5 the dispatch and scheduling of electrical energy by July 1, 1986.  
6 However, the center is not required if the utilities implement a plan  
7 which is less expensive to the utilities' customers.

8       The bill requires public utilities to submit for bids purchases which  
9 exceed five thousand dollars. A public utility is required to accept  
10 the lowest bid unless the utility proves to the satisfaction of the  
11 commission that another bid was more beneficial to the utility's  
12 customers.

13       Finally, the bill requires the Iowa state commerce commission to  
14 conduct a cost analysis study on the use of low interest loans for the  
15 purpose of promoting energy efficiency and to report its findings to  
16 the Seventy-first General Assembly.

17       The bill creates new sections 474.11 and 476.56 through 476.58,  
18 and, except as otherwise noted, takes effect July 1 following its  
19 enactment.

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Area II: Elling, Fietz, Johannsen, Sheldon, Trout, Truhlar  
Area V: Bedford, Larson, Millward, M. Nelson, Osterman  
Area X: Bell, Bernstorff, Burrichter, Churchill, Cochran, Evans,  
Jungjohan, Ransom, Thomas, Whipple  
Area XI: Considine, Crabb, Rothmeyer, Wulf

## A BILL FOR

1 An Act relating to the establishment of well-elderly clinics in each  
2 county of the state.

3 BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE:  
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1     Section 1. NEW SECTION. 135.16 WELL-ELDERLY CLINICS. The department  
2 shall establish a program to extend well-elderly clinics to each county  
3 in order to provide low cost health screening and other preventive health  
4 care to elderly Iowans. Funds appropriated to the department for well-  
5 elderly clinics shall only be awarded and distributed to local clinics  
6 which match every three dollars of state funds with one dollar of local  
7 funds.

8     Sec. 2. It is the intent of this general assembly that funds be  
9 appropriated to the state department of health to enable the expansion  
10 of well-elderly clinics to ten additional counties each year until a  
11 well-elderly clinic exists in each county. The increase in funding shall  
12 approximate ten thousand dollars per additional county provided with a  
13 well-elderly clinic and shall include funds for the purchase of health  
14 screening equipment. Funding shall also be made available to the depart-  
15 ment for the coordination and monitoring of existing health screening  
16 programs of public health nurses, hospitals, long-term care facilities,  
17 and other qualified health care providers.

18     These funds are to be in addition to the current appropriation to the  
19 department of health for well-elderly clinics. The additional appropri-  
20 ations of each year are to be added to the annual appropriations of the  
21 department of health until all counties of the state are covered.

22                                   EXPLANATION

23     This bill requires the state department of health to establish a  
24 program to extend well-elderly clinics to each county in the state.  
25 State funding is to be matched locally. Intent language is included  
26 recommending the funding of ten new county well-elderly clinics per  
27 year. The bill takes effect July 1 following enactment.

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COMMITTEE: Ways and Means

O.I.L. BILL NO. 84-13

SPONSORS:

Area VIII: Bickford, Mc Dermott, and Watters

Area IX: Baugh, Haut, Jensen, Maynard, Mordhorst, Petersen, and Wilson

## **A BILL FOR**

1 An Act to exempt the amount of social security benefits received from  
2 state income taxation.

3 BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE:

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1       Section 1. Section 422.7, Code Supplement 1983, is amended by adding  
2       the following new subsection:

3        NEW SUBSECTION. 19. Subtract the amount of any social security  
4        benefit received under Title II of the federal Social Security Act as  
5        amended to January 1, 1984 and included in the adjusted gross income  
6        computed for federal income tax purposes.

7            Sec. 2. This Act is retroactive to January 1, 1984.

8	EXPLANATION
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9        This bill exempts the amount of any social security benefit or which  
10    is taxable for federal income tax purposes.

11        This bill takes effect July 1 following its enactment, but it is  
12        retroactive to January 1, 1984.

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COMMITTEE: Ways and Means

O.I.L. BILL NO. 84-10

SPONSORS:

Area VI: Bear, Burnham, Hill Hulsebus, Plowman

Area VII: V. Becker, Dufel, Ham, Hibbs, W. Nelson, Schmidt

## A BILL FOR

1 An Act relating to lotteries by providing for a state lottery, a state  
2 lottery board and an agency to oversee lottery operations, a state  
3 lottery fund for the deposit of receipts and for the payment of  
4 prizes and expenses, licensing of lottery ticket sales agents,  
5 administrative procedures necessary in carrying out the intent of  
6 the act, making certain acts illegal, providing a penalty, providing  
7 that revenue generated shall be distributed to the general fund for  
8 provision of medical care for medically indigent Iowans, creating  
9 an economic development initiatives advisory board, providing for  
10 repeal of the Act, and providing an effective date.

11 BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE:  
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1 Section 1. NEW SECTION. 99E.1 TITLE. This chapter may be cited  
2 as the "Iowa Lottery Act".

3 Sec. 2. NEW SECTION. 99E.2 DEFINITIONS. As used in this chapter,  
4 unless the context otherwise requires:

5 1. "Commissioner" means the commissioner of the lottery.

6 2. "Director" means the director of each of the three divisions of  
7 the lottery operating under the commissioner.

8 3. "Lottery" means the lottery created and operated under this chapter.

9 4. "Board" means the Iowa lottery board.

10 5. "Licensee" means the person issued a license by the commissioner to  
11 sell lottery tickets or shares. The licensee is responsible for the  
12 licensee's employees' conduct which is within the scope of this chapter.

13 Sec. 3. NEW SECTION. 99E.3 ESTABLISHMENT OF LOTTERY--APPOINTMENT OF  
14 COMMISSIONER--OTHER EMPLOYEES.

15 1. A state agency is established to be known as the Iowa lottery agency.  
16 The Iowa lottery agency is subject to chapter 17A. It is a separate agency  
17 of state government whose head is the commissioner.

18 2. The commissioner shall be qualified by training and experience to  
19 direct the lottery. The commissioner shall be appointed by the governor  
20 within thirty days after the effective date of this Act subject to confirma-  
21 tion by the senate, and shall serve at the pleasure of the governor. A  
22 vacancy occurring in the office of the commissioner shall be filled in the  
23 same manner as the original appointment. The provisions of section 2.32  
24 apply to the appointment of the commissioner. The commissioner shall devote  
25 time and attention solely to the duties of the office and shall not be engaged  
26 in any other profession or occupation. The commissioner shall receive a  
27 salary determined by the governor within salary range five as set by the  
28 general assembly.

29 3. The commissioner may employ clerks, stenographers, inspectors,

1 agents, and other employees pursuant to chapter 19A as necessary to carry  
2 out this chapter.

3 Sec. 4. NEW SECTION. 99E.4 COMMISSIONER'S OATH--BOND--EMPLOYEES--  
4 BONDING OF EMPLOYEES.

5 1. Before taking office, the commissioner shall take an oath to  
6 faithfully execute the duties of the office according to the laws of the  
7 state, and shall give bond with sufficient surety to be approved by the  
8 governor in the sum of not less than twenty-five thousand dollars,  
9 conditioned upon faithful execution and performance of the duties of the  
10 office. The bond when fully executed and approved shall be filed in the  
11 office of the secretary of state. When in the governor's opinion the bond  
12 has become or is likely to become invalid or insufficient, the governor  
13 shall require the commissioner to renew the bond in an amount approved by  
14 the governor but not less than twenty-five thousand dollars. The cost of  
15 a bond given shall be part of the necessary expenses of the lottery.

16 2. The commissioner shall employ personnel necessary to implement  
17 this chapter. All personnel shall be fingerprinted. Notwithstanding a  
18 statutory provision to the contrary, employees in the security and licensing  
19 division may be required to take a polygraph examination whenever probable  
20 cause is established.

21 3. The commissioner shall require lottery employees to give bond in  
22 an amount the commissioner determines. Each bond when fully executed and  
23 approved shall be filed in the office of the secretary of state. The cost  
24 of each bond given shall be part of the necessary expenses of the lottery.

25 Sec. 5. NEW SECTION. 99E.5 LOTTERY BOARD.

26 1. There is created an Iowa lottery board to consist of five members,  
27 not more than three of whom shall be from the same political party, and who  
28 shall be appointed by the governor subject to confirmation by the senate.  
29 A vacancy on the commission shall be filled in the same manner as regular

1 appointments are made and the term shall be for the unexpired portion of  
2 the regular term.

3 Sec. 6. NEW SECTION. 99E.6 BOARD QUALIFICATIONS--CONFLICT OF INTEREST.

4 1. Board members shall be residents of this state. At least one member  
5 of the board shall be a person who has been a law enforcement officer for not  
6 less than five years, one member shall be an attorney admitted to the practice  
7 of law in Iowa for not less than five years, and one member shall be a certi-  
8 fied public accountant who has practiced accountancy in Iowa for at least  
9 five years.

10 2. A person shall not serve as a member of the board who directly or  
11 indirectly, individually, or as a member of a partnership, or as a share-  
12 holder of a corporation has an interest in dealing in a lottery or in the  
13 ownership or leasing of property used by or for a lottery. A member of the  
14 board who accepts employment or acquires stock, bonds or other interest in  
15 a company, partnership, or corporation doing business with a lottery shall  
16 be disqualified from remaining a member of the board.

17 Sec. 7. NEW SECTION. 99E.7 BOARD MEETINGS. The board shall hold at  
18 least one meeting each month and as often as necessary. The board shall  
19 select a chairperson from its membership at the first regular meeting of  
20 the board and shall thereafter select a chairperson at the first regular  
21 meeting of each fiscal year. Written notice of the time and place of each  
22 meeting shall be given to each member of the board. A majority of the  
23 board constitutes a quorum.

24 Sec. 8. NEW SECTION. 99E.8 EXPENSES--SALARY. Members of the board  
25 shall be compensated at a rate of forty dollars per diem while on official  
26 business of the board. Members shall also be allowed the actual and  
27 necessary expenses incurred in the performance of their duties. The expenses  
28 incurred by members of the board and the salaries paid to members of the  
29 board are part of the necessary expenses of the lottery.

1     Sec. 9. NEW SECTION. 99E.9 DUTIES OF THE BOARD--COMMISSIONER.

2     1. Subject to the approval of the board, the commissioner shall initiate  
3 and operate a lottery at the earliest possible time. The board and the commis-  
4 sioner shall supervise the lottery in order to produce the maximum amount of  
5 net revenues for the state in a manner which maintains the dignity of the state  
6 and the general welfare of the people.

7     2. The commissioner shall make rules which are subject to the approval  
8 of the board and in accordance with chapter 17A for implementing and preventing  
9 violations of this chapter. The rules shall include but are not limited to the  
10 following subject matters:

11     a. The fees charged for a license to sell lottery tickets or shares. The  
12 commissioner shall determine the cost incurred in processing applications for a  
13 license and set the license fee to cover that cost except a license fee shall  
14 not be less than fifty dollars per year. Revenue received by the lottery from  
15 license fees shall be transferred to the lottery fund immediately after the  
16 cost of processing license applications is deducted.

17     b. The types of lottery games to be conducted. Video lottery games  
18 shall be prohibited. In any other type of game utilizing instant tickets  
19 or other tangible evidence of participation, each ticket in the game shall  
20 bear a unique consecutive serial number distinguishing it from every other  
21 ticket in the game, and each lottery number or symbol shall be accompanied  
22 by a confirming caption consisting of a repetition of a symbol or a  
23 description of the symbol in words.

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1 c. The price of tickets or shares in the lottery, including but not  
2 limited to authorization of sales of tickets or shares at a discount for  
3 marketing purposes.

4 d. The number and size of the prizes on the winning tickets or shares,  
5 including but not limited to prizes of free tickets in lottery games conducted  
6 by the lottery and merchandise prizes. The lottery shall maintain and make  
7 available for public inspection at its offices during regular business hours  
8 a detailed listing of the estimated number of prizes of each particular  
9 denomination that are expected to be awarded in any game that is on sale and,  
10 after the end of the claim period, shall maintain and make available a listing  
11 of the total number of tickets or shares sold in a game and the number of  
12 prizes of each denomination which were awarded.

13 e. The method of selecting the winning tickets and the manner of  
14 payment of prizes to the holders of winning tickets. The rules may provide  
15 for payment by the purchase of annuities in the case of prizes payable in  
16 installments. Lottery employees shall examine claims and shall not pay  
17 any prize for altered, stolen, or counterfeit tickets nor tickets which fail  
18 to meet validation rules established for a lottery game. A prize shall not  
19 be paid more than once. If the commissioner determines that more than one  
20 person is entitled to a prize, the sole remedy of the claimants is to re-  
21 ceive an equal share in the single prize. The rules may provide for payment  
22 of prizes up to five hundred dollars directly by the licensee.

23 f. The frequency of selection of winning tickets. Drawings shall be  
24 held in public, and the actual selection of winning tickets shall not be  
25 performed by an employee of the lottery. Drawings shall be witnessed by  
26 an independent certified public accountant. Equipment used to select winning  
27 prizes or participants for prizes shall be examined prior to and after each  
28 public drawing by lottery employees and an independent certified public  
29 accountant.

1 g. Requirements for eligibility for participation in runoff drawings,  
2 including but not limited to requirements for submission of evidence of  
3 eligibility.

4 h. The locations at which tickets may be sold. Tickets shall not  
5 be sold in establishments that serve alcoholic beverages.

6 i. The method to be used in printing and selling tickets. An elected  
7 official's name shall not be printed on the tickets. The overall estimated  
8 odds of winning a prize in a given game shall be printed on each ticket.

9 j. The issuing of licenses to sell tickets or shares. In addition  
10 to any rules made regarding the qualifications of an applicant for a license,  
11 a person shall not be issued a license if one or more of the following  
12 applies:

13 (1) The person is under the age of eighteen.

14 (2) The person has been convicted of fraud or a felony.

15 (3) The person has not been a licensee and has been convicted or found  
16 to have committed a violation of this chapter.

17 (4) The person has previously been issued a license under this chapter  
18 and the license was revoked.

19 k. The compensation to be paid licensees including but not limited to  
20 provision for variable compensation based on sales volume or incentive  
21 considerations.

22 l. The form and type of marketing, informational and educational  
23 material to be permitted. The form and type of material permitted by the  
24 Iowa lottery agency shall be constructed and distributed in a manner which is  
25 primarily educational and informational in nature. Marketing materials shall  
26 be limited in nature to marketing the concept of investing in Iowa through  
27 the lottery or showing economic development initiatives in the state that  
28 have been funded from lottery revenue. The material shall not promote the  
29 notion that a lottery winner will obtain sudden wealth. The rules adopted

1 under this paragraph shall be designed to protect the welfare of the people  
2 and the dignity of the state. Educational and marketing material shall not  
3 be designed or distributed in a manner which attempts to entice persons to  
4 participate in a lottery game.

5 m. Subject to section 99E.10, the apportionment of the annual revenues  
6 accruing from the sale of lottery tickets and from other sources for the  
7 payment of prizes to the holders of winning tickets and for the following:

8 (1) The payment of costs incurred in the operation and administration  
9 of the lottery, including the expenses of the lottery and the cost resulting  
10 from contracts entered into for consulting or operational services, or for  
11 marketing.

12 (2) Independent audits which shall be performed annually in addition  
13 to the audits required by section 99E.20, subsection 3.

14 (3) Incentive programs for lottery licensees and lottery employees.

15 (4) Payment of compensation to licensees necessary to provide for the  
16 adequate availability of tickets or services to prospective buyers and for  
17 the convenience of the public.

18 (5) The purchase or lease of lottery equipment, tickets, and materials.

19 n. Requirements that the odds of winning each lottery prize shall be  
20 prominently displayed in all marketing, educational and informational material  
21 associated with each lottery game.

22 Sec 10. NEW SECTION. 99E.10 ALLOCATION OF FUNDS GENERATED--ADVISORY  
23 BOARD CREATED.

24 1. As nearly as is practicable, forty-five percent of the annual  
25 revenue computed on a year-round average basis for each type of lottery  
26 game accruing from the sale of tickets is appropriated for payment of prizes  
27 to the holders of winning tickets. The prizes shall not be paid out in a  
28 particular lottery game in excess of the total revenues from sales of that  
29 game. After the payment of prizes, the expenses of conducting the lottery



1 shall be determined. Lottery agency expenses for marketing, educational  
2 and informational material shall not exceed four percent of the lottery  
3 revenue. Revenue remaining after expenses are determined shall be trans-  
4 ferred to the general fund on a quarterly basis. Prior to the quarterly  
5 transfer to the general fund, the commissioner may direct that lottery  
6 revenue be deposited in interest bearing accounts designated by the treasurer  
7 of state in the financial institutions of this state. Interest paid on the  
8 deposits is considered lottery revenue and shall be transferred to the general  
9 fund in the same manner as other lottery revenue.

10 2. Ten percent of all funds transferred to the general fund shall be  
11 used to provide medical care for medically indigent Iowans under the admin-  
12 istration of the department of human services.

13 3. Funds equal to any initial appropriation from the general fund to  
14 the lottery shall be returned to the general fund from the receipts of the  
15 sale of tickets not later than July 1, 1986. The comptroller shall not  
16 include lottery revenues in the comptroller's fiscal year estimates.

17 Sec. 11. NEW SECTION. 99E.11 REPORTS.

18 1. The commissioner shall report quarterly to the governor, the  
19 treasurer of state, and the general assembly. The quarterly report shall  
20 include the total lottery revenue, prize disbursements, and other expenses  
21 for the preceding quarter. The fourth quarter report shall be included in  
22 the annual report made pursuant to subsection 2.

23 2. The commissioner also shall report annually to the governor, the  
24 treasurer of state, and the general assembly. The annual report shall in-  
25 clude a complete statement of lottery revenues, prize disbursements, and  
26 other expenses, and recommendations for changes in the law which the com-  
27 missioner deems necessary or desirable. The annual report shall be submitted  
28 within ninety days after the close of a fiscal year.

29 3. The commissioner shall report immediately to the governor, the

1 treasurer of state, and the general assembly any matters that require  
2 immediate changes in the law in order to prevent abuses or evasions of this  
3 chapter or rules adopted or to rectify undesirable conditions in connection  
4 with the administration or operation of the lottery.

5 Sec. 12. NEW SECTION. 99E.12 STUDIES.

6 1. The commissioner shall make a continuous study of the lottery to  
7 ascertain any defects of this chapter or in the rules which could result in  
8 abuses in the administration and operation of the lottery or in any evasion  
9 of this chapter or the rules of the commissioner and make recommendations  
10 for improvement in this chapter.

11 2. The commissioner shall make a continuous study of the operation  
12 and the administration of similar laws which may be in effect in other states,  
13 any written material on the subject which is published or available, any  
14 federal laws which may affect the operation of the lottery, and the reaction,  
15 of citizens to existing and potential features of the lottery in order to  
16 recommend changes that will serve the purposes of this chapter.

17 3. The commissioner shall make a demographic study of lottery players.  
18 This information shall not be used in lottery marketing.

19 Sec. 13. NEW SECTION. 99E.13 CONFLICT OF INTEREST--PENALTY

20 1. The commissioner, the directors, and the employees of the lottery  
21 shall not directly or indirectly, individually, or as a member of a partner-  
22 ship, or as a shareholder of a corporation have an interest in dealing in a  
23 lottery or in the ownership or leasing of property used by or for a lottery.

24 2. A member of the board, the commissioner, an employee of the lottery,  
25 or a member of their immediate families shall not ask for, offer to accept,  
26 or receive any gift, gratuity, or other thing of value from any person,  
27 corporation, association, or firm contracting or seeking to contract with  
28 the state to supply gaming equipment or materials for use in the operation  
29 of a lottery or from an applicant for a license to sell tickets or shares in

1 the lottery or from a licensee.

2 3. A person, corporation, association, or firm contracting or seeking  
3 to contract with the state to supply gaming equipment or materials for use  
4 in the operation of a lottery, an applicant for a license to sell tickets  
5 or shares in the lottery or a licensee shall not offer a member of the board,  
6 the commissioner, an employee of the lottery, or a member of their immediate  
7 families any gift, gratuity, or other thing of value.

8 4. Any commissioner or employee of the lottery who violates this  
9 section shall be immediately removed from their position. Violation of  
10 this section is a serious misdemeanor.

11 Sec. 14. NEW SECTION. 99E.14 LOTTERY DIVISIONS--DIRECTORS.

12 1. There shall be three division of the state lottery:

13 a. A security and licensing division.

14 b. A personnel, data processing, and accounting division.

15 c. A marketing, education, and information division.

16 2. Each division shall be under the supervision of a director appointed  
17 by the commissioner and each director shall have expertise in the functions  
18 of the division. The commissioner shall designate one of the directors to  
19 serve as acting commissioner during the commissioner's absence.

20 3. Departments, boards, commissions, or other agencies of this state  
21 at their discretion may provide assistance to the lottery upon the request of  
22 the commissioner.

23 Sec. 15. NEW SECTION. 99E.15 POWER TO ADMINISTER OATHS AND TAKE  
24 TESTIMONY--SUBPOENA. The commissioner or the commissioner's designee  
25 authorized to conduct an inquiry, investigation, or hearing under this chap-  
26 ter may administer oaths and take testimony under oath relative to the matter  
27 of inquiry or investigation. An inquiry, investigation or hearing under this  
28 section is not a contested case under the Iowa administrative procedure Act,  
29 chapter 17A. At a hearing ordered by the commissioner, the commissioner or

1 the designee may subpoena witnesses and require the production of records,  
2 papers, and documents pertinent to the inquiry.

3 Sec. 16. NEW SECTION. 99E.16 LICENSING--BONDS.

4 1. The commissioner shall license persons to sell lottery tickets to  
5 best serve public convenience. A licensee shall not engage in business  
6 exclusively to sell lottery tickets. A business' profits from the sale of  
7 lottery tickets shall not exceed ten percent of the profits of the business.  
8 Before issuing a license the commissioner shall consider the financial  
9 responsibility and security of the applicant, the applicant's business or  
10 activity, the accessibility of the applicant's place of business or activity  
11 to the public, the sufficiency of existing licenses to serve the public  
12 convenience, and the volume of expected sales. A licensee shall cooperate  
13 with the lottery by using point-of-purchase materials, posters, and other  
14 educational and marketing materials when requested to do so by the lottery.  
15 Lack of cooperation is sufficient cause for revocation of a person's  
16 license.

17 2. A licensee shall sell tickets only on the premise stated in the  
18 license. A licensee shall display the license or a copy of the license  
19 together with the lottery rules wherever tickets are sold. A license is  
20 not assignable or transferable. The commissioner may issue a temporary  
21 license when deemed necessary.

22 3. The commissioner shall require a bond from a licensee in an  
23 amount as provided in the rules graduated according to the volume of  
24 expected sales of lottery tickets by the licensee, or may require a licensee  
25 to furnish evidence of financial responsibility.

26 4. A bond shall not be canceled by a surety on less than thirty days  
27 notice in writing to the commissioner. If a bond is canceled and the  
28 licensee fails to file a new bond with the commissioner in the required  
29 amount on or before the effective date of cancellation, the licensee's

1 license to sell tickets shall be automatically suspended. A suspended  
2 license shall be revoked if the requirements of this subsection are not  
3 met within thirty days of the license suspension. The total and aggregate  
4 liability of the surety on the bond is limited to the amount specified in  
5 the bond.

6 5. Subject to the approval of the board, the commissioner may authorize  
7 and subject to the limitations the commissioner determines if the commissioner  
8 finds that compensation is necessary to assure adequate availability of lottery  
9 tickets.

10 6. A license shall not be granted to an applicant if there is substantial  
11 evidence that the applicant for a license:

12 a. Has had a license to sell lottery tickets or shares suspended or  
13 revoked in another jurisdiction by the authority regulating a lottery or  
14 a court of that jurisdiction.

15 b. Has not demonstrated financial responsibility sufficient to adequately  
16 meet the requirements of the proposed enterprise.

17 c. Is not the true owner of the proposed enterprise.

18 d. Is not the sole owner, and other persons have ownership in the  
19 enterprise, which fact has not been disclosed.

20 e. Has knowingly made a false statement of material fact to the  
21 commissioner.

22 7. The commissioner shall revoke the license of a licensee who violates  
23 any condition listed in this section.

24 Sec. 17. NEW SECTION. 99E.17 REVOCATION OF LICENSE--HEARINGS--HEARING  
25 BOARD.

26 1. The commissioner may suspend or revoke the license of a licensee  
27 who violates a provision of this chapter or a rule adopted pursuant to this  
28 chapter. If the commissioner suspends or revokes a license, or refuses to  
29 grant a license, the aggrieved party is entitled to a hearing by filing a

1 Written request with the commissioner. Upon receipt of the request for hearing,  
2 the commissioner shall set a hearing date within thirty days of receipt of the  
3 request, and shall notify the aggrieved party, in writing, at least seven days  
4 in advance of the hearing date. The commissioner may stay the revocation or  
5 suspension of a license pending the outcome of the hearing, when a stay is  
6 requested with the request for hearing.

7 2. A three-member hearing board for the purpose of conducting hearings  
8 relating to controversies concerning the issuance, suspension, or revocation  
9 of licenses is created. One member shall be a designee of the board, one  
10 member shall be the treasurer of state or a designee of the treasurer of  
11 state, and one member shall be the commissioner of public safety or a designee  
12 of the commissioner of public safety. The hearing board shall adopt rules and  
13 procedures for conducting departmental hearings.

14 3. A license shall not be suspended for less than one hundred twenty  
15 days. A former licensee whose license is revoked shall not be eligible to  
16 receive another license.

17 4. Section 17A.18 does not apply to a revocation or suspension under  
18 this section and a hearing held under this section is not a contested case  
19 under the Iowa administrative procedure Act.

20 Sec. 18. NEW SECTION. 99E.18 PROHIBITED SALES OF TICKETS--FORGERY OF  
21 TICKET.

22 1. A ticket shall not be sold at a price greater than that fixed by  
23 the board and the commissioner and a sale shall not be made other than by  
24 a licensee or an employee of the licensee who is authorized by the licensee  
25 to sell tickets. A person who violates a provision of this subsection is  
26 guilty of a simple misdemeanor.

27 2. A ticket shall not be sold to a person defined as a minor in section  
28 599.1. This does not prohibit the lawful purchase of a ticket for the purpose  
29 of making a gift to a person who has not yet reached the age of majority. A

1 licensee or a licensee's employee who knowingly sells or offers to sell a  
2 lottery ticket or share to a person who has not reached the age of majority  
3 is guilty of a simple misdemeanor. A prize won by a person who has not  
4 reached the age of majority but who purchases a winning ticket in violation  
5 of this subsection shall be forfeited.

6 3. A ticket shall not be purchased by and a prize shall not be paid  
7 to the commissioner, board member or employee of the lottery or to any  
8 spouse, child, stepchild, brother, brother-in-law, stepbrother, sister,  
9 sister-in-law, stepsister, parent, parent-in-law, or stepparent residing  
10 as a member of the same household in the principal residence of the commis-  
11 sioner, board member or employee.

12 4. A person who, with intent to defraud, falsely makes, alters, forges,  
13 utters, passes, or counterfeits a lottery ticket or share is guilty of a  
14 class D felony.

15 Sec. 19. NEW SECTION. 99E.19 DISTRIBUTION OF PRIZES--UNCLAIMED  
16 PRIZES--PRIZES OR MINORS--NONASSIGNABILITY OF PRIZE RIGHT.

17 1. The commissioner shall award the designated prize to the ticket  
18 holder upon presentation of the winning ticket.

19 All cash prizes are considered Iowa earned income. Before a prize of  
20 six hundred dollars or more is awarded the commissioner or the commissioner's  
21 designee shall deduct an amount equal to that amount necessary to pay the  
22 state and the federal taxes on the prize. An amount deducted from the prize  
23 for payment of a federal tax shall be transferred by the commissioner to the  
24 federal department of revenue on behalf of the prize winner. An amount de-  
25 ducted from the prize for payment of a state tax shall be transferred by the  
26 commissioner to the state department of revenue on behalf of the prize winner.  
27 Unclaimed prize money for the prize on a winning ticket or share shall be  
28 retained by the commissioner for ninety days after the drawing in which the  
29 prize was won in the case of a drawing prize and for ninety days after the

1 announced end of the game in the case of a prize determined in a manner other  
2 than by drawing. If a valid claim is not made for the money within the  
3 applicable period, the prize money shall be added to future prize pools and  
4 given to holders of winning tickets in addition to amounts already allocated.

5 2. If the person entitled to a prize is under the age of eighteen, and  
6 the prize is more than one thousand dollars, the commissioner shall direct  
7 payment of the prize by transfer to the parent or guardian of the minor of a  
8 check payable to the order of the parent or guardian. If less than one  
9 thousand dollars, the commissioner may direct payment of the prize to the  
10 parent or guardian of the minor. The commissioner shall be discharged of  
11 all further liability upon payment of a prize to a minor pursuant to this  
12 subsection.

13 3. The right of a person to a prize drawn is not assignable, except  
14 that payment of a prize may be made to the estate of a deceased prize winner  
15 or to another person pursuant to an appropriate judicial order. The commis-  
16 sioner shall be discharged of all further liability upon payment of a prize  
17 pursuant to this subsection.

18 Sec. 20. NEW SECTION. 99E.20 DEPOSIT OF RECEIPTS FROM TICKET SALES--  
19 LOTTERY FUND--QUARTERLY AUDITS.

20 1. Subject to the approval of the board, the commissioner may require  
21 licensees to deposit to the credit of the lottery in financial institutions  
22 designated by the commissioner, money received by licensees from sale of  
23 tickets, less the amount of compensation, if any, authorized under section  
24 99E.16, subsection 5, and to file with the commissioner reports of receipts  
25 and transactions in the sale of tickets in the form and containing the info-  
26 mation the commissioner requires.

27 2. A lottery fund is created. The fund consists of all revenues received  
28 from the sale of lottery tickets and all other moneys lawfully credited or  
29 transferred to the fund. Interest earnings of the fund shall be considered



1 additional profits of the lottery. The commissioner shall certify quarterly  
2 that portion of the fund that is transferred to the general fund under  
3 section 99E.10 and shall cause that portion to be transferred to the general  
4 fund of the state. Moneys transferred to the general fund shall include  
5 moneys necessary for repayment of moneys appropriated as initial funding  
6 of the lottery.

7 3. The auditor of state or a certified public accounting firm  
8 appointed by the auditor shall conduct quarterly audits of all accounts  
9 and transactions of the lottery and other special audits as the auditor of  
10 state, the general assembly, or the governor deems necessary. The auditor  
11 or a designee conducting an audit under this chapter shall have access and  
12 authority to examine any and all records of licensed agents and licensees.

13 Sec. 21. NEW SECTION. 99E.21 LIABILITY AND FUNDING. The board and  
14 the commissioner shall operate the lottery so that after the initial state  
15 appropriation, it shall be self-sustaining and self-funded. A claim for  
16 the payment of any expense of the lottery and the payment of any lottery  
17 prize shall not be made unless it is against the lottery fund or money  
18 collected from the sale of lottery tickets or shares. Except for the initial  
19 appropriation to the lottery, funds of the state shall not be used or obli-  
20 gated to pay the expenses of the lottery or prizes of the lottery.

21 Sec. 22. Section 537A.4, unnumbered paragraph 2, Code Supplement 1983,  
22 is amended to read as follows:

23 This section does not apply to a contract for the operation of or for  
24 the sale or rental of equipment for games of skill or games of chance, if  
25 both the contract and the games are in compliance with chapter 99B. This  
26 section does not apply to wagering under the pari-mutuel method of  
27 wagering authorized by chapter 99D. This section does not apply to the  
28 purchase or redemption of a ticket in the state lottery in compliance  
29 with chapter 99E.

1        Sec. 23. Section 725.15, Code 1983, is amended to read as follows:

2        725.15 EXCEPTIONS FOR LEGAL GAMBLING. Sections 725.5 to 725.10 and  
3 section 725.12 do not apply to a game, activity or device when lawfully  
4 possessed, used, conducted or participated in pursuant to chapter 99B  
5 or chapter 99E.

6        Sec. 24. It is the intent of the general assembly that this Act shall  
7 have temporary effect only, that chapter 99E is repealed on July 1, 1988  
8 other than to implement the winding down of the operations of the Iowa  
9 lottery board, and that sections 537A.4, Code Supplement 1983, and 725.15,  
10 Code 1983, as they existed prior to amendment by this Act shall be the law  
11 of this state on or after July 1, 1988.

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COMMITTEE: Human Resources

Passed

O.I.L. BILL NO. 84-18

SPONSORS:

Area XVI: Hedemann, Lee, Parsons, and Stafford

## **A BILL FOR**

1 An Act to provide a ten percent (10%) increased appropriation for homemaker-  
2 home health aide and chore services to the elderly of Iowa through the  
3 elderly services appropriation to the Iowa commission on the aging.

4 BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE:

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1 Section 1. There shall be appropriated from the general fund of the  
2 state of Iowa to the commission on the aging for each year of the biennium  
3 beginning July 1, 1985 through June 30, 1987, the sum of eighty (80)  
4 thousand dollars in supplementation of the annual elderly services program  
5 appropriation, or so much as may be necessary, for expansion of in-home  
6 services including homemaker-home health aide and household chore for  
7 persons sixty-five (65) years of age or older.

8 Section 2. It is the intent of the legislature that the services  
9 enumerated in section one are necessary and shall not be subjected to  
10 budget cuts or percentage revision during the biennium.

11 EXPLANATION

12 During FY '84, the number of clients supplied with homemaker-home  
13 health services increased by eight percent over the prior year. Units of  
14 chore services increased during the same period by twelve percent.  
15 While area agencies on aging, which receive elderly services funds to  
16 provide local services, have been able to accommodate the increased  
17 requests for service by cost efficient operation in FY '84, FY '85  
18 requests are such that it is impossible to provide the level of service  
19 required with the current level of funding.

20 The target population for these services is sixty-five years of age or  
21 over and low income. This target population has increased by approximately  
22 one percent per year which accounts for the continued escalation in  
23 requests for service. Also, with the new incentives for early release of  
24 patients from hospital care and for out-patient services, there is new  
25 importance and need for services to people in their own homes. Projections  
26 are that there will be a 25% increase in demand for in-home services as  
27 a result of this current Medicare policy.

28 As a result of past experience and current projections, a ten percent  
29 increase in elderly services funds to the Iowa commission on the aging for

1 homemaker-home health aide and chore services is justified.

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COMMITTEE: Health and Education

O.I.L. BILL NO. 84-5

SPONSORS:

Area II: Elling, Fietz, Johannsen, Sheldon, Trout, Truhler

## A BILL FOR

1 An Act providing standards and regulating the delivery of home care services,  
2 providing penalties for violation of regulatory provisions and establishing  
3 licensure processes.

4 BE IT ENACTED BY THE OLDER IOWANS LEGISLATURE:

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1     Sec. 1. NEW SECTION. Purpose.

2     1. The purpose of this chapter is to promote and encourage consistent high  
3     quality of home care services to residents of this state, making the services  
4     available throughout the state as a viable part of the health care system and  
5     as an alternative to institutional care, by both public and private agencies,  
6     by providing for the adoption and enforcement of rules and standards:

7     a. For the assistance, care and treatment of individuals at home, and

8     b. For the licensing and regulation of home care services agencies.

9     2. Rules and standards prescribed, promulgated and enforced under this  
10    chapter shall not be arbitrary, unreasonable or confiscatory and the department  
11    or governmental unit prescribing, promulgating or enforcing such rules or  
12    standards shall have the burden of proof to establish that such rules or  
13    standards meet such requirements and are consistent with the economic problems  
14    and conditions involved in the assistance, care and treatment of individuals  
15    at home by home care services agencies.

16    Section 2. NEW SECTION. DEFINITIONS. For the purposes of this chapter,  
17    unless otherwise defined or unless the context requires a different meaning:

18    1. "Home care services agency" means a person, group of persons, or  
19    governmental unit, hospital, or health care facility, or any subdivision  
20    thereof, primarily engaged in providing home health services and other  
21    supplemental home care services at home to three or more individuals not  
22    related to the administrator or owner thereof within the third degree of  
23    consanguinity.

24    2. "Home care services" means one or more of the following services:

25    a. Long term home health care services;

26    b. Home health services;

27    c. Home health aide services;

28    d. Personal care services;

29    e. Homemaker services; or



1 f. Chore services.

2 g. Services to children or adults to alleviate a situation involving  
3 abuse or neglect. (470-80.2 (IAC)).

4 3. "Long term home health care services" means a supervised plan of  
5 home health services and other supplemental home care services provided at home  
6 to an individual who would otherwise require placement in a hospital or  
7 health care facility for an extended period of time.

8 4. "Home health services" means the following items or services furnished  
9 to an individual, who is or reasonably should be under the care of a physician  
10 and under a plan established and periodically reviewed by a physician, which  
11 items and services are, except as provided in paragraphs f and g, provided  
12 at home.

13 a. Part-time or intermittent physician or nursing care provided by or  
14 under the supervision of a physician or licensed registered nurse;

15 b. Physical, occupational, or speech therapy;

16 c. Medical social services;

17 d. Medical supplies, other than drugs or biologicals, and the use of  
18 medical appliances;

19 e. Medical services provided by an intern or resident-in-training under  
20 a hospital teaching program; or

21 f. Any of the foregoing items and services provided on an outpatient  
22 basis where the items or services involve the use of equipment of a nature  
23 that cannot readily be made available to the individual at home, but not  
24 including transportation of the individual in connection with the items  
25 or services.

26 g. Any of the foregoing items and services provided at home or on an  
27 outpatient basis where the items or services involve the use of equipment  
28 of a nature that cannot readily be made available to the individual at  
29 home, but not including transportation of the individual in connection

1 with the items or services, to an individual diagnosed by a physician as  
2 terminally ill with a prognosis of six months or less to live.

3 5. Homemaker/Home Health Aide. Homemaker-Home Health service means  
4 services intended to; enhance the capacity of eligible household members to  
5 attain, or maintain the independence of the eligible household members,  
6 and provided and trained and supervised workers to individuals, or families,  
7 who, due to the absence, incapacity, or limitations of the usual homemaker,  
8 are experiencing stress or crisis, the services include but are not limited  
9 to essential shopping, housekeeping, meal preparation, child care, respite  
10 care, money, management and consumer education, family management, personal  
11 services, transportation and providing information, assistance, household  
12 management and learning experiences.

13 6. "Personal care services" means services to assist with personal  
14 hygiene, dressing, feeding and household tasks, provided at home and essential  
15 to an individual's health, which are or reasonably should be prescribed by  
16 a physician in accordance with a plan of home care supervised by a licensed  
17 registered nurse.

18 7. "Chore services" means services provided to eligible individuals or  
19 families, who, due to absence, incapacity, or illness, are unable to  
20 perform certain home maintenance functions. Services include but are not  
21 limited to yard work such as mowing lawns and shoveling walks; window and  
22 door maintenance, replacing window panes, and washing windows; and minor repairs.

23 8. "Person" means any individual, firm, partnership, corporation,  
24 company association or joint stock association, and includes trustee,  
25 receiver, assignee or other similar representative thereof.

26 9. "Physician" means physician as defined in section 135.1, subsection 5.

27 10. "Home" means the permanent residence of an individual or the  
28 temporary residence of the individual if in the home of a responsible  
29 relative or other reasonable adult, but not in any type of health care

1 facility as defined in 135C.1, or proprietary convalescent home.

2 11. "Hospital" means a hospital as defined in section 135B.1.

3 12. "Health care facility" means a licensed health care facility as  
4 defined in section 135C.1.

5 13. "Commissioner" means the commissioner of public health appointed  
6 pursuant to section 135.2, or his or her designee.

7 14. "Department" means the state department of health.

8 15. "Licensee" means the holder of a license issued for the operation of  
9 a home care services agency, pursuant to this chapter.

10 16. "Agency" means a home care services agency as defined in this  
11 section.

12 17. "Recipient" means a recipient of home care services.

13 18. "Medical social services" means services rendered, under the direction  
14 of a physician or licensed registered nurse, by a qualified social worker  
15 holding a bachelor's or master's degree from an accredited school of social  
16 work, including but not limited to:

17 a. Assessment of the social, psychological and family problems related  
18 to or arising out of an individual's illness and treatment;

19 b. Appropriate action and utilization of community resources to assist  
20 in resolving those problems; and

21 c. Participation in the development of the overall plan of care.

22 Sec 3. NEW SECTION. NATURE OF SERVICES. Each agency licensed as a  
23 home care services agency may provide long term home health care services,  
24 home health services, home health aide services, personal care services,  
25 and services to children or adults necessary to alleviate neglect or abuse.  
26 The agency may provide homemaker services or chore services. The agency will  
27 clearly identify which of the levels of service it will provide. Agencies  
28 providing homemaker and chore services only shall not require license under  
29 this action.

1     Sec. 4. NEW SECTION. LICENSE REQUIRED.

2     1. No person or governmental unit, hospital or health care facility,  
3     or any subdivision thereof, acting severally or jointly with any other person  
4     or governmental unit, shall establish or operate a home care services agency  
5     in this state without a license from the state department of health under  
6     this chapter.

7     2. No change in a home care services agency, its operation, program,  
8     or level of services offered, of a degree or character affecting continuing  
9     licensability shall be made without prior approval by the department. The  
10    department may by rule specify the types of changes which shall not be made  
11    without its prior approval.

12    3. No department, governmental unit, or officer of this state or of  
13    any of its political subdivisions shall pay or approve for payment from  
14    public funds any amount or amounts to a home care services agency under any  
15    program of state aid in connection with services provided or to be provided  
16    to an actual or prospective recipient of home care services, unless the  
17    agency has a current license and meets other requirements as may be in  
18    effect pursuant to law.

19    Sec. 5. NEW SECTION. APPLICATION -- FEES. Licenses shall be obtained  
20    from the department. Applications shall be upon such forms and shall include  
21    such information as the department may reasonably require, which may include  
22    affirmative evidence of compliance with such other statutes and local ordinances  
23    as may be applicable. Each application for license shall be accompanied  
24    by the annual license fee prescribed by this section, subject to refund to  
25    the applicant if the license is denied, which shall be paid over into the  
26    state treasury and credited to the general fund if the license is issued.  
27    The annual license fee shall be three hundred-fifty dollars for agencies  
28    providing the mandatory services and four hundred dollars for agencies  
29    additionally providing the optional services.

1     Sec. 6. NEW SECTION. SCOPE OF LICENSE. Licenses for home care services  
2 agencies shall not be transferable or assignable except with the written  
3 approval of the department. Licenses shall be posted in a conspicuous place  
4 as prescribed by the department. Licenses, unless sooner suspended or revoked,  
5 shall expire one year after the date of issuance and shall be renewed annually  
6 upon an application by the licensee. Applications for renewal shall be made  
7 in writing to the department, accompanied by the required fee, no less than  
8 thirty days prior to expiration of a license, in accordance with regulations  
9 promulgated by the department. Home care services agencies which have allowed  
10 their licenses to lapse through failure to make timely application for renewal  
11 shall pay an additional fee of twenty-five percent of the annual license fee  
12 prescribed in section 5 of this Act.

13     Sec. 7. NEW SECTION. REVIEW AND APPROVAL BEFORE ISSUANCE.

14     1. The department shall not issue a license to a home care services  
15 agency applicant until:

16     a. The applicant has established that the staff and equipment of the  
17 applicant is adequate to provide the care and services of a home care services  
18 agency as required by law. Prior to the review and approval of plans and  
19 programs of a new home care services agency and the initial licensing under  
20 a new licensee, the agency will meet standards in 470-80., IAC, and submit  
21 a resume of the programs and services to be furnished and of the means  
22 available to the applicant for providing the same and for meeting requirements  
23 for staffing, equipment, and operation of the home care services agency, with  
24 particular reference to the professional requirements for services to be  
25 rendered, shall be submitted in writing to the department for review and  
26 approval. The resume shall be reviewed by the department within ten working  
27 days of its receipt and shall immediately be returned to the applicant with  
28 the department's approval, disapproval, or request for revisions in the  
29 resume. The resume shall, upon the department's request, be revised as

1 appropriate by the agency from time to time after the issuance of a license.

2 b. The applicant has established that the home care services has qualified  
3 or will qualify to participate as a home health agency under the provisions of  
4 title XVIII of the federal Social Security Act.

5 c. The applicant has drafted and the department has approved, within the  
6 guidelines of section 21 of this Act, home care services contracts, written  
7 and maintained by a group of associated professional personnel, and one or  
8 more licensed registered nurses, to govern all home care services and to  
9 provide for supervision of all home care services by a physician or licensed  
10 registered nurse;

11 d. The home health services contracts require compliance with standards  
12 and requirements of Title XVIII and Title XIX of the Social Security Act.  
13 A written report is required by the supervising licensed registered nurse  
14 every two months, reviewing the present and future need for home care  
15 services for each recipient.

16 e. The applicant has established a system to maintain clinical records  
17 on all recipients of home care services.

18 Sec. 8. NEW SECTION. DENIAL, SUSPENSION OR REVOCATION. The department  
19 shall have the authority to deny, suspend, or revoke a license for any of  
20 the following reasons:

21 1. Cruelty or indifference to recipients of home care services.

22 2. Appropriation or conversion of the property of a recipient of home care  
23 services without his or her written consent or the written consent of his  
24 or her legal guardian.

25 3. Permitting, aiding, or abetting the commission of any illegal act  
26 in providing home care services.

27 4. Repeated failure on the part of the home care services agency to  
28 comply with the requirements of any applicable section of the Code, of this  
29 chapter or the rules or minimum standards promulgated thereto.

1     5. Inability to operate and conduct the home care services agency in  
2 accordance with the requirements of any applicable section of the Code, of  
3 this chapter or the rules or minimum standards promulgated thereto.

4     6. Obtaining or attempting to obtain or retain a license by fraudulent  
5 means, misrepresentation, or by submitting false information.

6     7. Habitual intoxication or addiction to the use of drugs by the applicant,  
7 manager, supervisor, or aides of the home care services agency which results in the  
8 repeated failure or inability to operate and conduct the home care services  
9 agency in accordance with the requirements of this chapter or the rules or  
10 minimum standards promulgated thereto.

11    8. Securing the devise or bequest of the property of a recipient of  
12 home care services by undue influence.

13    9. Willful failure or neglect to maintain a continuing in-service  
14 education and training program for all personnel employed by the home care  
15 services agency identified in 470.80, IAC, or elsewhere.

16    10. In the case of an application by an existing licensee for a new or  
17 newly acquired home care services agency, continuing or repeated failure  
18 of the licensee to operate any previously licenses agency or agencies in  
19 compliance with the requirements of this chapter or the rules or minimum  
20 standards promulgated thereto.

21    Sec. 9. NEW SECTION.   NOTICE -- HEARINGS.

22    1. The denial, suspension, or revocation of a license shall be effected  
23 by delivering to the applicant or licensee by certified mail or by personal  
24 service of a notice setting forth the particular reasons for such action.  
25 Such denial, suspension, or revocation shall become effective thirty  
26 days after the mailing or service of the notice, unless the applicant or  
27 licensee, within such thirty-day period, shall give written notice to the  
28 department requesting a hearing, in which case the notice shall be deemed  
29 to be suspended. If a hearing has been requested, the applicant or

1 licensee shall be given an opportunity for a prompt and fair hearing before the  
2 department. At any time or prior to the hearing the department may rescind  
3 the notice of the denial, suspension or revocation upon being satisfied  
4 that the reasons for the denial, suspension or revocation have been or will  
5 be removed. On the basis of any such hearing, or upon default of the  
6 applicant or licensee, the determination involved in the notice may be  
7 affirmed, modified, or set aside by the department. A copy of such decision  
8 shall be sent by certified mail, or served personally upon the applicant or  
9 licensee. The applicant or licensee may seek judicial review pursuant to  
10 section 11 of this Act.

11 2. The procedure governing hearings authorized by this section shall  
12 be in accordance with the rules promulgated by the department. A full and  
13 complete record shall be kept of all proceedings, and all testimony shall  
14 be reported but need not be transcribed unless judicial review is sought  
15 pursuant to section 11 of this Act. A copy or copies of the transcript  
16 may be obtained by an interested party upon payment of the cost of preparing  
17 such a copy or copies. Witnesses may be subpoenaed by either party and  
18 shall be allowed fees at a rate prescribed by the aforesaid rules. The  
19 commissioner may, with the advice and consent of the care review committee  
20 established pursuant to section 23 of this Act, suspend the license or  
21 licenses of any home care services agency, prior to a hearing, when the  
22 commissioner finds that the health or safety of recipients of home care  
23 services requires such action on an emergency basis.

24 Sec. 10. NEW SECTION. CONDITIONAL OPERATION. In any case where the  
25 department shall have the authority to deny, suspend or revoke a license,  
26 the department shall have the authority to conditionally issue or continue  
27 a license dependent upon the performance by the licensee of such reasonable  
28 conditions within such reasonable period of time as may be set by the  
29 department so as to permit the licensee to commence or continue the



1 operation of the home care services agency pending the agency's full compliance  
2 with this chapter or any regulations issued hereunder. In such cases, if  
3 the licensee does not make diligent efforts to comply with such conditions  
4 as prescribed, the department may, under the proceedings hereinbefore  
5 prescribed, suspend or revoke the license. No home care agency shall operate  
6 with a conditional license for more than one year. The department, in  
7 evaluating corrections of deficiencies in an agency, may determine what  
8 is satisfactory compliance, provided that in so doing it shall employ  
9 established criteria which shall be uniformly applied to all home care  
10 service agencies.

11 Sec. 11. NEW SECTION. JUDICIAL REVIEW. Judicial review of any action  
12 of the commissioner may be sought in accordance with the terms of the  
13 Iowa administrative procedure Act. Notwithstanding the terms of said  
14 Act, petitions for judicial review may be filed in the district court of  
15 the county where the agency or proposed agency is located or providing home  
16 care services, and pending final disposition of the matter the status quo  
17 of the applicant or licensee shall be preserved except when the commissioner,  
18 with the advice and consent of the care review committee established  
19 pursuant to section 23 of this Act, determines that the health, safety,  
20 or welfare of the recipients of the home care agency are in immediate danger,  
21 in which case the commissioner may order the immediate cessation of agency  
22 services.

23 Sec. 12. NEW SECTION. SETTING STANDARDS. The department, shall enforce  
24 rules setting minimum standards, requirements and criteria for home care  
25 servicing agencies. The rules pertaining to homemaker-home health aide  
26 services in 470 Chapter 80, IAC, shall prevail, and must include, but not  
27 be limited to the following:

28 1. Number and qualifications of all personnel, including management,  
29 having responsibility for any part of the care provided to recipients.

1     2. All sanitary conditions, including health services, food handling, and  
2 general hygiene, related to the health and comfort of recipients.

3     3. Diet related to the needs of each recipient and based on good nutritional  
4 practice and on recommendations made by the attending physician.

5     4. Equipment essential to the health and welfare of the recipient.

6     5. Requirements that a minimum number of registered or licensed practical  
7 nurses, home health aides, homemakers and chore service workers relative to the  
8 number of recipients, be employed by each licensed agency.

9     6. Social services and rehabilitative services provided for the  
10 recipients.

11     Sec. 13. NEW SECTION. TIME TO COMPLY.

12     1. Any home care services agency which is in operation at the time of  
13 adoption or promulgation of any applicable rules or minimum standards under  
14 this chapter shall be given reasonable time from the date of such promulgation  
15 to comply with such rules and minimum standards as provided by the department.  
16 The commissioner may grant successive thirty-day extensions of the time for  
17 compliance where evidence of a good faith attempt to achieve compliance is  
18 furnished, if the extensions will not place in undue jeopardy the recipients  
19 of agency services to which the extensions are granted.

20     Sec. 14. NEW SECTION. REVIEWS.

21     In addition to the reviews required by sections 7 and 27 of this Act  
22 the department shall make or cause to be made further unannounced reviews  
23 as it may deem necessary to adequately enforce this chapter, including at  
24 least one general review in each year of every licensed home care services  
25 agency in the state made without providing advance notice of any kind to  
26 the agency being reviewed. The reviewer shall identify himself or herself  
27 before beginning the review. Any employee of the department who gives  
28 unauthorized advance notice of a review made or planned to be made under  
29 this subsection or section 27 of this Act shall be disciplined as determined

1 by the commissioner, except that if the employee is employed pursuant to  
2 chapter 19A the discipline shall not exceed that authorized pursuant to that  
3 chapter.

4 2. A reviewer of the department may enter any licensed agency's headquarters  
5 without a warrant, and may examine all records pertaining to the care provided  
6 to recipients. An inspector of the department of social services shall have  
7 the same right with respect to any agency headquarters when one or more agency  
8 recipients are cared for entirely or partially at public expense. If any  
9 reviewer or inspector has probable cause to believe that any agency not  
10 licensed as a home care services agency is in fact a home care services  
11 agency as defined by this chapter, and upon properly identifying himself  
12 or herself he or she is denied entry thereto for the purpose of making a  
13 review or inspection, he or she may, with the assistance of the county  
14 attorney of the county in which the purported home care services agency  
15 headquarters is located, apply to the district court for an order requiring  
16 the owner or occupant to permit entry and review or inspection of the  
17 headquarters to determine whether there have been any violations of this  
18 chapter.

19 Sec. 15. NEW SECTION. DUTIES OF OTHER DEPARTMENTS. It shall be the  
20 duty of the department of social services and the officers and agents of  
21 other state and local governmental units to assist the department in carrying  
22 out the provisions of this chapter, insofar as the functions of these  
23 respective offices and departments are concerned with the health, welfare,  
24 and safety of any recipient of home care services.

25 Sec. 16. NEW SECTION. EMPLOYEES.

26 The department may employ, pursuant to chapter 19A, such assistants  
27 and reviewers as may be necessary to administer and enforce the provisions  
28 of this chapter.

29 Sec. 17. NEW SECTION. PUBLIC DISCLOSURE OF REVIEW FINDINGS --

1 POSTING OF CITATIONS.

2 1. Following any review of a home care services agency by the department,  
3 the findings of the review with respect to compliance by the agency with  
4 requirements for licensing under this chapter shall be made public in a  
5 readily available form and place forty-five days after the findings are  
6 made available to the applicant or licensee. However, if the applicant or  
7 licensee requests a hearing pursuant to section 9 of this Act, the findings  
8 of the review shall not be made public until the hearing has been completed.  
9 When the findings are made public, they shall include no reference to any  
10 cited violation which has been corrected to the department's satisfaction  
11 unless the same reference also clearly notes that the violation has been  
12 corrected. Other information relating to any home care services agency,  
13 obtained by the department through reports, investigations, complaints or as  
14 otherwise authorized by this chapter, which is not a part of the department's  
15 findings from a review of the agency, shall not be disclosed publicly  
16 except in proceedings involving the citation of an emergency for a violation,  
17 in the manner prescribed by section 29 of this Act, or the denial, suspension  
18 or revocation of a license under this chapter.

19 2. Each citation for a violation which is issued to a home care services  
20 agency and which has become final, or a copy or copies thereof, shall be  
21 prominently posted as prescribed in rules to be adopted by this department,  
22 until the violation is corrected to the department's satisfaction. The  
23 citation or copy shall be posted in a place or places in plain view in the  
24 headquarters of the agency cited.

25 3. A copy of each citation required to be posted by this subsection  
26 shall be sent by the department to the department of social services. If  
27 the agency cited subsequently advises the department of social services that  
28 the violation has been corrected to the satisfaction of the department of  
29 health, the department of social services must maintain this advisory in

1 the same file with a copy of the citation. The department of social services  
2 shall not disseminate to the public any information regarding citations issued  
3 by the department of health, but shall forward or refer such inquiries to the  
4 department of health.

5 Sec. 18. NEW SECTION. INFORMATION DISTRIBUTED. The department shall  
6 prepare, publish and send to licensed home care services agencies an annual  
7 report of the department's activities and operations under this chapter and  
8 other bulletins containing fundamental health and home care principles and  
9 data as may be deemed essential to assure proper operation of home care  
10 services agencies, and publish for public distribution copies of the laws,  
11 standards and rules pertaining to their operation.

12 Sec. 19. NEW SECTION. PENALTIES.

13 1. Any person establishing, conducting, managing, or operating a home  
14 care services agency without a license shall be guilty of a misdemeanor,  
15 and, upon conviction thereof, shall be fined not less than one hundred  
16 dollars nor more than one thousand dollars or be imprisoned in the county  
17 jail for not more than six months or both. Each day of continuing violation  
18 after conviction or notice from the department by certified mail of a violation  
19 shall be considered a separate offense or chargeable offense. Any person  
20 establishing, conducting, managing or operating any home care services  
21 agency without a license may be by any court of competent jurisdiction  
22 temporarily or permanently restrained therefrom in any action brought by the  
23 state.

24 2. Any person who prevents or interferes with or attempts to impede  
25 in any way any duly authorized representative of the department or of any  
26 of the agencies referred to in section 15 of this Act in the lawful enforcement  
27 of this chapter or of the rules adopted pursuant to it is guilty of a misdemeanor  
28 and, upon conviction, shall be subject to a fine of not less than fifty nor  
29 more than five hundred dollars or imprisonment in the county jail for not more

1 than ninety days or both. As used in this subsection, lawful enforcement  
2 includes, but is not limited to:

- 3 a. Contacting or interviewing any recipient of home care services in  
4 private at any reasonable hour and without advance notice.
- 5 b. Examining any relevant books or records of an agency.
- 6 c. Preserving evidence of any violation of this chapter or of the rules  
7 adopted pursuant thereto.

8 Sec. 20. NEW SECTION. APPLICABILITY TO GOVERNMENTAL UNITS.

9 The provisions of this chapter shall be applicable to institutions operated  
10 by or under the control of the department of social services, the state  
11 board of regents, or any other governmental unit.

12 Sec. 21. NEW SECTION. EXPRESS REQUIREMENTS FOR PROVISION OF HOME  
13 CARE SERVICES. No individual shall be provided home care services, except  
14 in accordance with the requirements of this section or other applicable  
15 sections of The Code.

16 1. Each recipient shall be covered by a contract executed at the time  
17 of the provision of services by the recipient or his or her legal representative,  
18 and by the agency. Each party to the contract shall be entitled to a  
19 duplicate of the original contract and the agency shall keep on file all  
20 contracts and other contracts for at least one year after their expiration.

21 Each contract shall expressly set forth:

- 22 a. The terms of the contract.
- 23 b. The services and accommodations to be provided by the home care  
24 services agency and the rates or charges therefor.
- 25 c. Specific descriptions of any duties and obligations of the parties  
26 in addition to those required by operation of law.
- 27 d. Any other matters deemed appropriate by the parties to the contract.

28 No contract or any provision thereof shall be drawn or construed so as to  
29 relieve any home care services agency of any requirement or obligation

1 imposed upon it by this chapter or any standards or rules in force pursuant  
2 to this chapter, nor contain any disclaimer of responsibility for injury to  
3 the recipient or to relatives or other persons visiting the recipient, which  
4 occurs while the recipient is under the supervision of any employee of the  
5 agency.

6 2. No home care services agency shall knowingly care for or treat  
7 a recipient:

8 a. Who is dangerous to himself or herself or to others.

9 b. Who is in an active or acute stage of alcoholism, drug addiction,  
10 mental illness, or communicable disease.

11 c. Who is in immediate need of medical procedures, as determined by  
12 a physician, or services which cannot be or are not being carried out by  
13 the agency.

14 3. Except in emergencies, such as, but not limited to, victims of abuse  
15 or neglect, a recipient who is not essentially capable of managing his or  
16 her own affairs shall continue to be provided home care services until prior  
17 notification to the next of kin, legal representative, or others acting  
18 on the recipient's behalf is given that services will be terminated. When  
19 the next of kin, legal representative, or others cannot be reached or refuses  
20 to cooperate, proper arrangements shall be made by the agency for the welfare  
21 of the recipient before his termination of services.

22 4. No owner, administrator, employee, or representative of an agency  
23 shall pay any commission, bonus, or gratuity in any form whatsoever,  
24 directly or indirectly, to any person for recipients referred to the agency,  
25 nor accept any commission, bonus, or gratuity in any form whatsoever, directly  
26 or indirectly, for professional or other services or supplies purchased by  
27 the agency or by recipients; or by any third party on behalf of recipients.

28 Sec. 22. NEW SECTION. PERSONAL PROPERTY OR AFFAIRS OF RECIPIENTS.

29 The provision of home care services to recipients shall not in and of

1 itself confer on an agency, its owner, administrator, employees, or  
2 representatives any authority to manage, use, or dispose of any property  
3 of the recipients of services.

4 1. No agency, and no owner, administrator, employee, or representa-  
5 tive thereof shall act as guardian, trustee, or conservator for any  
6 recipient or for any of the recipient's property, unless the recipient  
7 is related to the owner, administrator, employee, or representative  
8 within the third degree of consanguinity.

9 2. No agency shall provide for the safekeeping of personal effects,  
10 funds, or other property of its recipients, unless the recipient is  
11 related to the owner, administrator, employee or representative of the  
12 agency within the third degree of consanguinity and the owner, adminis-  
13 trator, employee, or representative is acting as guardian, trustee, or  
14 conservator.

15 Sec. 23. NEW SECTION. COMMISSIONER NOTIFIED OF CASUALTIES. The  
16 commissioner shall be notified by any agency currently providing home care  
17 services to a recipient within twenty-four hours, by the most expeditious  
18 means available, if an employee causes any accident resulting in major  
19 injury or death to the recipient, and of any fire or natural or other  
20 disaster occurring in the home of the recipient.

21 Sec. 24. NEW SECTION. FEDERAL FUNDS TO IMPLEMENT PROGRAM. If the  
22 department's services are necessary in order to assist another govern-  
23 mental unit to implement a federal program, the department may accept in  
24 compensation for such services federal funds initially available from the  
25 federal government to such other governmental unit for such purpose. Any  
26 governmental unit is authorized to transfer to the department for such  
27 services any federal funds available to such governmental unit, in  
28 accordance with applicable federal laws and regulations.

29 Sec. 25. NEW SECTION. VIOLATIONS CLASSIFIED. Every violation by a



1 home care services agency of any provision of this chapter or of the rules  
2 adopted pursuant to it shall be classified by the department in accordance  
3 with this section. The department shall adopt and may from time to time  
4 modify, in accordance with chapter 17A rules setting forth so far as feasible  
5 the specific violations included in each classification and stating criteria  
6 for the classification of any violation not so listed.

7 1. A Class I violation is one which presents an imminent danger or  
8 a substantial probability of resultant death or physical harm to the  
9 recipient of home care services. A physical condition in the recipient's  
10 home or one or more practices by the agency may constitute a Class I  
11 violation. A Class I violation shall be abated or eliminated immediately  
12 unless the department determines that a stated period of time, specified  
13 in the citation issued under section 135C.40, is required to correct the  
14 violation. A licensee shall be subject to a penalty of not less than five  
15 hundred nor more than five thousand dollars for each Class I violation for  
16 which the licensee's agency is cited.

17 2. A Class II violation is one which has a direct or immediate  
18 relationship to the health, safety or security of recipients of home  
19 care services, but which presents no imminent danger nor substantial  
20 probability of death or physical harm to them. A physical condition in  
21 the recipient's home or one or more practices by the agency, including  
22 either physical abuse of any recipient or failure to treat any recipient  
23 with consideration, respect and full recognition of the recipient's  
24 dignity and individuality, in violation of a specific rule adopted by  
25 the department, may constitute a Class I violation. A Class II violation  
26 shall be corrected within a stated period of time determined by the  
27 department and specified in the citation issued under section 135C.40.  
28 The stated period of time specified in the citation may subsequently be  
29 modified by the department for good cause shown. A licensee shall be

1 subject to a penalty of not less than one hundred nor more than five  
2 hundred dollars for each Class II violation for which the licensee's  
3 agency is cited, however the commissioner may waive the penalty if the  
4 violation is corrected within the time specified in the citation.

5 3. A Class III violation is any violation of this chapter or of the  
6 rules adopted pursuant to it which violation is not classified in the  
7 department's rules nor classifiable under the criteria stated in those  
8 rules as a Class I or a Class II violation. A licensee shall not be  
9 subject to a penalty for a Class III violation, except as provided by  
10 section 135C.40, subsection 1 for failure to correct the violation within  
11 a reasonable time specified by the department in the notice of the  
12 violation.

13 Sec. 26. NEW SECTION. COMPLAINTS ALLEGING VIOLATIONS. Any person  
14 may request a review of any agency by filing with the department a  
15 complaint of an alleged violation of applicable requirements of this  
16 chapter or the rules adopted pursuant to it. The complaint shall state  
17 in a reasonably specific manner the basis of the complaint, and a copy  
18 thereof shall be forwarded to the agency involved within twenty-four  
19 hours of receipt of the complaint

20 Sec. 27. NEW SECTION. REVIEWS UPON COMPLAINTS.

21 1. Upon receipt of a complaint made in accordance with section 27  
22 of this Act, the department shall make a preliminary review of the com-  
23 plaint. Unless the department or committee concludes that the complaint  
24 is intended to harass an agency or a licensee or is without reasonable  
25 basis, it shall within twenty working days of receipt of the complaint  
26 make or cause to be made a review of the agency which is the subject of  
27 the complaint. The complainant shall be promptly informed of the result  
28 of any action taken by the department or committee in the matter.

29 2. A review made pursuant to a complaint file under section 27 of

1 this Act shall be limited to the matter or matters complained of, and shall  
2 not be a general review. Upon review of any agency the reviewer shall  
3 identify himself or herself to an employee of the agency and state that  
4 a review is to be made, before beginning the review. Upon request of  
5 either the complainant or the department, the complainant or his or her  
6 representative or both may be allowed the privilege of accompanying the  
7 reviewer during any review made pursuant to this section. The reviewer  
8 may cancel the privilege at any time if the reviewer determines that the  
9 privacy of any recipient of the agency to be reviewed would otherwise be  
10 violated. The dignity of the recipient shall be given first priority by  
11 the reviewer and others.

12 Sec. 28. NEW SECTION. NO ADVANCE NOTICE OF REVIEW--EXCEPTION. No  
13 advance notice of a review made pursuant to section 28 of this Act shall  
14 be given the agency or the licensee thereof unless previously and specif-  
15 ically authorized in writing by the commissioner or required by federal  
16 law. The person in charge of the agency shall be informed the substance  
17 of the complaint at the commencement of the review.

18 Sec. 29. NEW SECTION. CITATIONS WHEN VIOLATIONS FOUND--EXCEPTION

19 1. When any review or investigation of home care services agency made  
20 pursuant to this chapter finds the agency in violation of any applicable  
21 requirement of this chapter or the rules adopted pursuant to it, the  
22 commissioner shall within five working days after a finding of a Class I  
23 violation is made, and within ten working days after a finding of a Class  
24 II or Class III violation is made, issue a written citation to the agency.  
25 The citation shall be served upon the agency personally or by certified  
26 mail, except that a citation for a Class III violation may be sent by  
27 ordinary mail. Each citation shall specifically describe the nature of  
28 the violation, identifying the Code section or subsection or the rule or  
29 standard violated, and the classification of the violation under section

1 25 of this Act. Where appropriate, the citation shall also state the  
2 period of time allowed the correction of the violation, which shall in  
3 each case be the shortest period of time the department deems feasible.  
4 Failure to correct a violation within the time specified, unless the  
5 agency shows that the failure was due to circumstances beyond the agency's  
6 control, shall subject the agency to a further penalty of fifty dollars  
7 for each day that the violation continues after the time specified for  
8 correction.

9 2. If a citation was issued pursuant to a review resulting from a  
10 complaint filed under section 26 of this Act, a copy of the citation  
11 shall be sent to the complainant at the earliest time permitted by  
12 section 17 of this Act.

13 3. No home care services agency shall be cited for any violation  
14 caused by any practitioner licensed pursuant to chapters 148, 150 or  
15 150A if that practitioner is not the licensee of and is not otherwise  
16 financially interested in the agency, and the licensee or the agency  
17 presents evidence that reasonable care and diligence have been exercised  
18 in notifying the practitioner of his or her duty to the recipients of  
19 the agency.

20 Sec. 30. NEW SECTION. AGENCY'S RESPONSE TO CITATION. Within twenty  
21 business days after service of a citation under section 29 of this Act,  
22 an agency shall either:

23 1. If it does not desire to contest the citation:

24 a. Remit to the department the amount specified by the department  
25 pursuant to section 25 of this Act as a penalty for each Class I violation  
26 cited, and for each Class II violation unless the citation specifically  
27 waives the penalty, which funds shall be paid by the department into the  
28 state treasury and credited to the general fund; or

29 b. In the case of a Class II violation for which the penalty has been

1 waived in accordance with the standards prescribed in section 25, subsection  
2 2, of this Act, or a Class III violation, send to the department a written  
3 response acknowledging that the citation has been received and stating  
4 that the violation will be corrected within the specific period of time  
5 allowed by the citation; or

6 2. Notify the commissioner that the agency desires to contest the  
7 citation and, in the case of citations for Class II or Class III viola-  
8 tions, request an informal conference with a representative of the depart-  
9 ment.

10 Sec. 31. NEW SECTION. INFORMAL CONFERENCE ON CONTESTED CITATION.

11 The commissioner shall assign a representative of the department, other  
12 than the reviewer upon whose review the contested citation is based, to  
13 hold an informal conference with the agency within ten working days after  
14 receipt of a request made under section 30, subsection 2, of this Act.  
15 At the conclusion of the conference the representative may affirm or may  
16 modify or dismiss the citation. In the latter case, the representative  
17 shall state in writing the specific reasons for the modification or dismis-  
18 sal and immediately transmit copies of the statement to the commissioner,  
19 and to the agency. If the agency does not desire to further contest  
20 an affirmed or modified citation, it shall within five working days after  
21 the informal conference, or after receipt of the written explanation of  
22 the representative, as the case may be, comply with section 30, subsection  
23 1, of this Act.

24 Sec. 32. NEW SECTION. FORMAL CONTEST--JUDICIAL REVIEW.

25 1. An agency which desires to contest a citation for a Class I  
26 violation, or to further contest an affirmed or modified citation for a  
27 Class I or Class III violation, may do so in the manner provided by  
28 chapter 17A for contested cases. Notice of intent to formally contest a  
29 citation shall be given the department in writing within five days after

1 service of a citation for a Class I violation, or within five days after  
2 the informal conference or after receipt of the written explanation of  
3 the representative delegated to hold the informal conference, whichever  
4 is applicable, in the case of an affirmed or modified citation for a  
5 Class II or Class III violation. An agency which has exhausted all ade-  
6 quate administrative remedies and is aggrieved by the final action of the  
7 department may petition for judicial review in the manner provided by  
8 chapter 17A.

9 2. Hearings on petitions for judicial review brought under this  
10 section shall be set for trial at the earliest possible date and shall  
11 take precedence on the court calendar over all other cases except matters  
12 to which equal or superior precedence is specifically granted by law.  
13 The times for pleadings and for hearings in such actions shall be set  
14 by the judge of the court with the object of securing a decision in the  
15 matter at the earliest possible time.

16 Sec. 33. NEW SECTION. TREBLE FINES FOR REPEATED VIOLATIONS. The  
17 penalties authorized by section 35 of this Act shall be trebled for a  
18 second or subsequent Class I or Class II violation occurring within any  
19 twelve-month period if a citation was issued for the same Class I or  
20 Class II violation occurring within that period and a penalty was  
21 assessed therefore.

22 Sec. 34. NEW SECTION. REFUND OF PENALTY. If at any time a contest  
23 or appeal of any citation issued a home care services agency under this  
24 chapter results in an order or determination that a penalty previously  
25 paid to or collected by the department must be refunded to the agency,  
26 the refund shall be made from any money in the state general fund not  
27 otherwise appropriated.

28 Sec. 35. NEW SECTION. RETALIATION BY AGENCY PROHIBITED.

29 1. An agency shall not discriminate or retaliate in any way against

1 a recipient or an employee of the agency who has initiated or participated  
2 in any proceeding authorized by this chapter. An agency which violated  
3 this section is subject to a penalty of not less than two hundred fifty  
4 nor more than five thousand dollars, to be assessed and collected by the  
5 commissioner in substantially the manner prescribed by sections 29 to 32  
6 of this Act and paid into the state treasury to be credited to the general  
7 fund, or to immediate revocation of the agency's license.

8 2. Any attempt to terminate home care services to a recipient by whom  
9 or upon whose behalf a complaint has been submitted to the department  
10 under section 26 of this Act within ninety days after the filing of the  
11 complaint or the conclusion of any proceeding resulting from the complaint,  
12 shall raise a rebuttable presumption that the action was taken by the  
13 licensee in retaliation for the filing of the complaint.

14 Sec. 36. NEW SECTION. REPORT LISTING AGENCIES AND CITATIONS. The  
15 state department shall annually prepare and make available in its office  
16 at the seat of government a report listing all agencies, by name and  
17 address, indicating:

18 1. The number of citations and the nature of each citation issued to  
19 each agency during the previous twelve-month period and the status of  
20 any action taken pursuant to each citation, including penalties assessed;  
21 and

22 2. The nature and status of action taken with respect to each uncor-  
23 rected violation for which a citation is outstanding.

24 Sec. 37. NEW SECTION. INFORMATION ABOUT COMPLAINT PROCEDURE. The  
25 state department shall make a continuing effort to inform the general  
26 public of the appropriate procedure to be followed by any person who  
27 believes that a complaint against a home care services agency is justified  
28 and should be made under section 26 of this Act.





Passed

COMMITTEE: \_\_\_\_\_

O.I.L. BILL NO. 84-19

SPONSORS:

Transportation and  
Employment

## A BILL FOR

1 An Act to eliminate the payback provisions of the  
2 \$1 million dollar public transit loan program  
3 and to provide \$11 million to maintain existing  
4 services and purchase necessary capitol equipment  
5 over the next five years.

6 BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE:  
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1        SECTION 1. That the payback provisions of the \$1  
2 million public transit loan program (83 Acts, ch. 198,  
3 section 31) is hereby eliminated.

4        SECTION 2. That the Legislature shall appropriate  
5 \$11 million on a prorated basis to be allocated over  
6 the next five years to maintain existing public transit  
7 services and to purchase necessary capital equipment.  
8 Such appropriation shall be a dedicated appropriation  
9 from funds diverted from the road use taxes prior to  
10 the placement of such money in the road use tax fund.  
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COMMITTEE: Ways and Means

O.I.L. BILL NO. 84-7

SPONSORS:

Area III: Freeman, Fries, Henrich, Lange, Mallett, Vermeer

Area IV: Carroll, Hedum, Newendorp, Rohr, Rowse, Skidmore

## A BILL FOR

1 An Act relating to allowance of receipt of property taxes in installment  
2 from blind, handicapped, disabled, senior citizens or low income persons.

3 BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE:

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1 That Section 445.5, Code, 1983, is amended to read as follows:

2 445.5 Receipt. The Treasurer shall in all cases make out and  
3 deliver to the taxpayer a receipt, stating the time of payment,  
4 the description and assessed value of each parcel of land, and the  
5 assessed value of personal property, the amount of each kind of tax,  
6 the interest on each and costs, if any, giving a separate receipt  
7 for each year; and he shall make the proper entries of such payments  
8 on the books or other records approved by the state auditor or his  
9 office. Such receipt shall be in full of the first or second half  
10 or all of such person's taxes for that year, but the treasurer shall  
11 receive the full amount of any county, state, or school tax whenever  
12 the same is tendered, and give a separate receipt therefor. The  
13 treasurer, however, shall receipt quarterly installment of a  
14 person's taxes where the person tendering payment is blind,  
15 handicapped, disabled, over the age of 62 years, or has an  
16 income at or below 150 percent of Federal C.S.A. poverty  
17 guidelines. Quarterly payments shall be applied to the person's  
18 oldest installment of taxes due.

19 EXPLANATION

20 This Bill provides for more than semi-annual payment by persons who  
21 are blind, handicapped, disabled, or over the age of 65 years, or have an  
22 income at or below 150 percent of Federal C. S. A. poverty guidelines of  
23 their real estate property taxes. It is sometimes difficult for low income  
24 persons to raise enough money at one time to make a full one-half payment  
25 of their taxes. This Bill would make it easier for these persons to make  
26 those payments by allowing smaller payments at more frequent intervals.

COMMITTEE: Health and Education

O.I.L. BILL NO. 84-12

SPONSORS:

Area VI: Bear, Burnham, Hill, Hulsebus, and Plowman

Area VII: V. Becker, Dufel, Ham, Hibbs, W. Nelson, Schmidt

Area VIII: McDermott

## A BILL FOR

1 An Act to expand coverage under the medically needy program so that all  
2 medically needy groups would be provided with current Title XIX  
3 services.

4 BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE:

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1       Section 1. The Department of Human Services shall establish a  
2 medically needy program for the provision of medical assistance, including  
3 reimbursement for all covered services except for services in institutions  
4 for mental disease or intermediate care facilities for the mentally  
5 retarded, to persons eligible in all ways, except income, for supplemental  
6 security income. The program shall be effective July 1, 1985, shall pro-  
7 vide for a six month recertification period, and shall provide that the  
8 income of the potential recipient is reduced by allowable medical expenses  
9 to one hundred thirty three and one-third percent of the assistance that  
10 would be payable to a similarly situated person under the aid to dependent  
11 children program.

12       Section 2. There is appropriated from the general fund of the state  
13 to the Department of Human Services for purposes implementing section 1  
14 of this act the amount of \$1,700,000.

15       Section 3. This act is effective only if the mandatory provisions  
16 of federal law relating to the medically needy program are met.

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COMMITTEE: Human Resources

O.I.L. BILL NO. 84-11

SPONSORS:

Area VI: Bear, Burnham, Hill, Hulsebus, Plowman

Area VII: V. Becker, Dufel, Ham, Hibbs, W. Nelson, Schmidt

## **A BILL FOR**

1 An Act relating to the rights of grandparents.

2 BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE:

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1 Section 1. Section 232.111, subsection 3, paragraph b, Code Supplement  
2 1983, is amended by adding the following new subparagraph:

3 NEW SUBPARAGRAPH. (7) Living grandparents of the child.

4 Sec. 2. Section 232.117, subsection 3, unnumbered paragraph 1,  
5 Code Supplement 1983, is amended to read as follows:

6 If the court concludes that facts sufficient to sustain the petition  
7 have been established by clear and convincing evidence, the court may order  
8 parental rights terminated. However, the rights of the natural grandparents  
9 are not terminated if a petition pursuant to section 600A.10 is filed and  
10 granted. If the court terminates the parental rights of the child's  
11 natural or adoptive parents, the court shall transfer the guardianship and  
12 custody of the child to one of the following:

13 Sec. 3. Section 598.35, subsection 4, Code of Iowa 1983, is amended  
14 to be renumbered 6 and subsections 4 and 5 are added to read as follows:

15 NEW SUBSECTION. 4. The parent of the child has died, the other  
16 parent has remarried and the spouse of the parent has been issued a final  
17 decree pursuant to 600.13.

18 NEW SUBSECTION. 5. The parent of the child is divorced and has  
19 legal custody of the child, this parent has remarried and the spouse of  
20 this parent has been issued a final adoption decree pursuant to section  
21 600.13.

22 Sec. 4. Section 600.13, subsection 4, Code 1983, is amended to read as  
23 follows:

24 4. A final adoption decree terminates any parental rights, except those  
25 of a spouse of the adoption petitioner, existing at the time of its issuance  
26 and establishes the parent-child relationship between the adoption petitioner  
27 and the person petitioned to be adopted. Unless otherwise specified by law,  
28 such parent-child relationship shall be deemed to have been created at the  
29 birth of the child. However, the rights of the natural grandparents are not



1 terminated if a petition pursuant to section 600A.10 is filed and granted.

2 Sec. 5. Section 600.13, Code 1983, is amended by adding the following  
3 new subsection:

4 NEW SUBSECTION. 6. The court has jurisdiction to determine the grand-  
5 child visitation rights of the natural grandparents of a child if the grand-  
6 parents have filed a petition pursuant to section 600A.10.

7 Sec. 6. Section 600A.9, subsection 1, paragraph b, Code 1983, is  
8 amended to read as follows:

9 b. Order the petition granted. The juvenile court shall appoint a  
10 guardian and a custodian or a guardian only. An order issued under this  
11 paragraph shall include the finding of facts. The finding shall specify  
12 the factual basis for terminating the parent-child relationship and shall  
13 specify the ground or grounds upon which the termination is ordered. The  
14 rights of the natural grandparents shall not be terminated when the petition  
15 is granted if a petition pursuant to section 600A.10 is filed and granted.

16 Sec. 7. NEW SECTION. 600A.10 GRANDPARENT RIGHTS. The natural  
17 grandparents of a child may petition the district court for grandchild  
18 visitation rights when a parent's rights are terminated pursuant to section  
19 232.117, 600.13, or 600A.9.

20 A petition for grandchild visitation rights shall be granted only upon  
21 a finding that visitation is in the best interest of the child and the best  
22 interests of the person with custody of the child, including an adoptive  
23 parent.

24 A grandparent may also file a petition pursuant to this section if a  
25 parent's rights have been terminated before July 1, 1984.

26 Sec. 8. Section 232, 600, 600A, and 598 shall be amended  
27 to show that when parents' rights are terminated or the marriage  
28 is dissolved, the grandparents shall be informed so that they  
29 may petition to continue to enjoy grandparent visitation rights.

## EXPLANATION

This bill permits a natural grandparent to petition the district court for grandchild visitation rights when a parents' rights are terminated. The bill stipulates that a grandparents' rights are not terminated upon the termination of a parents' rights if the petition is filed and granted.

The bill creates a new section 600A.10 and refers to that section within the bill.

The bill takes effect July 1 following its enactment.

COMMITTEE: \_\_\_\_\_

O.I.L. BILL NO. 84-20

SPONSORS:

Ways and Means

## A BILL FOR

1 An Act to improve the availability and quality of  
2 legal services to the elderly by an appropriation  
3 of state funds to the State of Iowa Commission  
4 on the Aging:

5 BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE

6 AS FOLLOWS:  
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1           PURPOSE. Access to the legal system is of vital  
2 importance to Iowa's expanding elderly population.  
3 The Iowa Commission on the Aging can serve a leading  
4 role in assisting in the professional training of law  
5 students and practicing attorneys in developing resource  
6 materials for law students and practicing attorneys  
7 in areas of the law that are of particular applicability  
8 to the elderly population, and, in general, improving  
9 the delivery of quality legal services to the elderly.

10           Section 1. There shall be appropriated from the  
11 general fund of the State of Iowa on an annual basis  
12 the sum of \$500,000 to be administered by the State of  
13 Iowa Commission on the Aging to achieve the purposes of  
14 this legislation.

15           Section 2. The State Commission on the Aging shall  
16 use the funds appropriated for this program in the various  
17 forms and programs for the delivery of legal services  
18 to the elderly, including, but not limited to, law  
19 school clinical programs providing senior citizens legal  
20 services.

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Passed

COMMITTEE: \_\_\_\_\_

O.I.L. BILL NO 84-21

SPONSORS:

Employment & Transportation

## A BILL FOR

An Act relating to carrying proper identification as  
a handicapped person.

BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE of  
the State of Iowa:

1           Section 1. Section 601E.8, subsection 3, 1983  
2 Interim Supplement to the 1983 Iowa Code is amended  
3 by adding the following paragraph as Paragraph e.

4       NEW PARAGRAPH e. Any handicapped person who has  
5 been granted a handicapped identification device,  
6 either plates or for display in the passenger compartment,  
7 shall also have issued to them by the department an  
8 identification card which shall include the number of  
9 the device issued to the purchaser. This identification  
10 card shall be carried or be readily available and shall  
11 be shown when asked to do so by law enforcement personnel  
12 checking handicapped parking spaces.

13                           EXPLANATION

14       This bill creates a new paragraph which emphasizes  
15 that handicapped identification devices permit parking  
16 in handicapped parking spaces only when the handicapped  
17 person is the driver or passenger in the automobile as  
18 the current law states. Able bodied persons have used  
19 a handicapped person's automobile to park in handicapped  
20 parking spaces as if the privilege is for the car and  
21 not the person. Personal identification cards separate  
22 from drivers licenses can be used to identify people  
23 suspected of taking advantage of someone else's handicapped  
24 identification devices.  
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COMMITTEE: \_\_\_\_\_

O.I.L. BILL NO. 84-22

*Replacement 84-9*

SPONSORS:

Government Committee

## A BILL FOR

1 An Act creating the Iowa Department of Elder Affairs.

2 BE IT ENACTED BY THE OLDER IOWANS' LEGISLATURE:

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1           Section 1. The 1985 Legislature shall designate  
2 the current Commission on the Aging as the Iowa Department  
3 of Elder Affairs, with the intent to increase the visibility  
4 of state advocacy, public information, and other programs  
5 and thereby enhance the state agency's role in state  
6 government. This will benefit elder persons through  
7 changes in state policies affecting elder persons' rights,  
8 legal responsibilities and benefits, and service programs.

9           The structure of this new department will remain  
10 the same with an Executive Director appointed by the  
11 Governor.

12           This change to be effective on July 1 following  
13 enactment.

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OLDER IOWANS' LEGISLATURE RESOLUTION

RESOLUTION NO. 1

1 WHEREAS,

2 the history of the Great State of Iowa must be kept  
3 in order to preserve and interpret the facts of the  
4 past, present and future for all persons, and for the  
5 whole world alike;

6 THEREFORE BE IT RESOLVED THAT:

7 The Older Iowans' Legislature does hereby go on  
8 record in full support of the HISTORICAL MUSEUM AND  
9 LIBRARY being constructed in Des Moines, Iowa.

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OLDER IOWANS' LEGISLATURE RESOLUTION

RESOLUTION NO. 2

1     WHEREAS,

2             the Congress of the United States enacted legislation  
3             creating the "swing bed" program; and

4     WHEREAS,

5             this program was implemented to eradicate the  
6             shortage of nursing home beds in rural communities;  
7             and

8     WHEREAS,

9             the "swing bed" program is restricted to rural  
10            hospitals of fewer than fifty (50) inpatient beds;  
11            and

12    WHEREAS,

13            the availability of skilled nursing beds is very  
14            limited in Iowa; and

15    WHEREAS,

16            participating hospitals are allowed to use their  
17            beds interchangeably as either Hospital, Skilled  
18            Nursing Facility (SNF), or Intermediate Care  
19            Facility (ICF) beds; and

20    WHEREAS,

21            the new DRG concept results in a financial  
22            incentive for early discharge from hospitals; and

23    WHEREAS,

24            the limited availability of skilled level care beds  
25            in Iowa results in longer stays in higher cost

1 hospital beds or inappropriate placements in  
2 other levels of long-term care beds; and

3 WHEREAS,

4 the unmet demand for skilled level care beds  
5 exist in both urban and rural communities; and

6 WHEREAS,

7 all of Iowa's licensed Skilled Nursing Facilities  
8 are located in the Eastern half of the state;

9 NOW THEREFORE, BE IT RESOLVED

10 by the 1984 Older Iowans' Legislature, that the  
11 Iowa General Assembly urge the Congress of the  
12 United States to expeditiously amend section 904  
13 of Public Law 96-499, the Omnibus Reconciliation  
14 Act of 1980, to include any hospital irrespective  
15 of bed size or geographic designation (urban or  
16 rural); and

17 BE IT FURTHER RESOLVED,

18 that the Iowa General Assembly urges the Congress  
19 of the United States to expeditiously amend section  
20 904 of Public Law 96-499, Omnibus Reconciliation  
21 Act of 1980, to require that each hospital partici-  
22 pating in the "swing bed" program meets and abides  
23 by all Federal and State statutes and regulations  
24 governing the SNF or ICF level of care for which  
25 the "swing beds" are used; and

26 BE IT FURTHER RESOLVED,

27 that copies of this resolution be sent to the  
28 President of the United States Senate and to the  
29 Speaker of the United States House of Representatives,

1 and to all members of the Iowa congressional  
2 delegation; and

3 BE IT FURTHER RESOLVED,

4 that there be an immediate re-examination of the  
5 long-term bed care formula in Iowa.

OLDER IOWANS' LEGISLATURE RESOLUTION

RESOLUTION NO. 3

1     WHEREAS,

2           Iowa is one of the states leading in percentage  
3           of population 65+, and

4     WHEREAS,

5           older persons consistently require more medical  
6           care than others, and

7     WHEREAS,

8           high quality medical treatment of older patients  
9           requires specialized knowledge and training, and

10    WHEREAS,

11          the State of Iowa has very few physicians who have  
12          specialized in geriatric medicine;

13    THEREFORE, BE IT RESOLVED

14          by the Older Iowans' Legislature that the University  
15          of Iowa require every student who receives a degree  
16          in medicine complete courses in "Geriatric Medicine"  
17          and that the University of Iowa develop a special  
18          advanced degree in this discipline.

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OLDER IOWANS' LEGISLATURE RESOLUTION

RESOLUTION NO. 4

1       A Resolution encouraging the Iowa General Assembly  
2       to adopt Senate Joint Resolution #2 from the January,  
3       1983 session of the 70th General Assembly. The Senate  
4       Joint Resolution proposes that the Constitution of the  
5       State of Iowa be amended to allow motor vehicle registration  
6       fees, licenses, and motor fuel excise taxes to be spent  
7       on public transit systems. The Older Iowans' Legislature  
8       resolution also encourages the General Assembly to take  
9       appropriate legislative measures to ensure that: one-half  
10      of one cent of the gasoline fuel tax collected by the  
11      state be allocated to fund public transportation systems.

12      WHEREAS,

13           the elderly population is particularly dependent on  
14           public transportation to gain access to medical care,  
15           food stores, social activities, etc.; and

16      WHEREAS,

17           both the federal and state level of funding for public  
18           transportation has declined in recent years; and

19      WHEREAS,

20           this shortfall in funding is placing a heavy demand  
21           for replacement funding on local governments whose  
22           budgets are equally as strained as other levels of  
23           government;

24      NOW THEREFORE, BE IT RESOLVED

25           by the Older Iowans' Legislature that the Iowa General

1 Assembly be encouraged to adopt Senate Joint  
2 Resolution number 2 from the January 1983 session  
3 of the Iowa Legislature which proposes that the  
4 Constitution of the State of Iowa be amended to  
5 allow motor vehicle registration fees, licenses,  
6 and motor fuel excise taxes be spent on public  
7 transit systems.

8 FURTHER, BE IT RESOLVED,

9 by the Older Iowans' Legislature that the General  
10 Assembly dedicate one-half of one cent of the  
11 gasoline fuel tax to fund public transportation systems.  
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OLDER IOWANS' LEGISLATURE RESOLUTION

RESOLUTION NO. 5

1     WHEREAS,

2             the Social Security Trust funds are funds established  
3             by payment by employees and self employed, and

4     WHEREAS,

5             general confusion and partisan political bickering  
6             has been generated by the inclusion of these funds  
7             in the general budgeting process;

8     NOW THEREFORE BE IT RESOLVED,

9             by the 1984 Older Iowans' Legislature that prompt  
10            action be taken by the Congress to remove the Social  
11            Security Trust Funds from the general fund to a  
12            special fund of its own.

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OLDER IOWANS' LEGISLATURE RESOLUTION

RESOLUTION NO. 6

1 WHEREAS,

2 property tax relief for persons age 62 and over,  
3 whose income earning spouse has died within the  
4 past 12 months, is based on the previous year's  
5 income;

6 NOW THEREFORE BE IT RESOLVED,

7 by the 1984 Older Iowans' Legislature, that  
8 property tax relief for persons age 62 and over be  
9 based on the income for the year in which the spouse  
10 died.

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OLDER IOWANS' LEGISLATURE RESOLUTION

RESOLUTION NO. 7

1        WHEREAS,

2            the Senior Citizens of Iowa in general support the  
3            concept of an Iowa World Trade Center; However,

4        WHEREAS,

5            there is considerable disagreement as to the  
6            appropriateness of using state funds for the  
7            constructing of such a center;

8        THEREFORE, BE IT RESOLVED

9            by the 1984 Older Iowans' Legislature that question  
10           of state funding for the Iowa World Trade Center be  
11           put to a referendum vote.

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OLDER IOWANS' LEGISLATURE RESOLUTION

RESOLUTION NO. 8

1        PURPOSE:

2            to develop an awareness and to provide education,  
3            serving as a national forum or sounding board, and  
4            to advocate important issues and concerns of Older  
5            Americans through a grass roots, non-partisan body  
6            comprised of seniors elected by their peers. Men  
7            and women coming from diverse areas of the nation  
8            representing a multitude of backgrounds will deal  
9            today with the problems that a larger, older  
10           population will face tomorrow.

11        WHEREAS,

12           the Older Iowans' Legislature of 1983 ratified the  
13           concept of the National Silver Haired Congress; and

14        NOW, THEREFORE, BE IT RESOLVED

15           that the Older Iowans' Legislature of 1984 urge  
16           the House of Representatives and the Senate to  
17           support the formal adoption of the National Silver  
18           Haired Congress; and

19        BE IT FURTHER RESOLVED

20           that the House of Representatives and Senate be  
21           requested to approve the use of the national  
22           legislative chambers for the convening of the  
23           National Silver Haired Congress.

OLDER IOWANS' LEGISLATURE RESOLUTION

RESOLUTION NO. 9

1     WHEREAS,

2         Medicare has devised a new system of hospital payments  
3         which limits hospital days of care; and

4     WHEREAS,

5         it is precluded that a larger percentage of individuals,  
6         particularly Senior Citizens, will be released before  
7         they are strong enough to care for themselves; and

8     WHEREAS,

9         more men and women will require either temporary  
10        nursing home care or extended home health care; and

11    WHEREAS,

12        such expenses are not within the financial ability  
13        of most Senior Citizens.

14    NOW, THEREFORE, BE IT RESOLVED BY THE 1984 OLDER IOWANS'  
15    LEGISLATURE,

16        that the 1985 General Assembly assign a study committee  
17        to assess the actual amount of shortfall and to determine  
18        a manner of protective service to these people and a  
19        way of paying for it.

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OLDER IOWANS' LEGISLATURE RESOLUTION

RESOLUTION NO. 10

1     WHEREAS,

2           the Mesquakie Indian Settlement in Tama County has  
3           56 members who are 60 years of age or older and 34  
4           members age 55 to 60; and

5     WHEREAS,

6           the average life expectancy of the Native American  
7           Indian is 47 years of age and studies have shown a  
8           higher incidence of diabetes, hypertension, and heart  
9           problems than the white population among the Indian  
10          group; and

11    WHEREAS,

12          larger tribal groups are able to receive Older  
13          American Act grants directly under Title VI which  
14          allows a lower participation age guideline to be  
15          established for services;

16    NOW THEREFORE BE IT RESOLVED

17          by the 1984 Older Iowans' Legislature that the  
18          United States Congress be encouraged to amend the  
19          Older Americans Act to permit Area Agencies on  
20          Aging serving American Indian populations not  
21          receiving direct Title VI grants to establish  
22          lower age participation guidelines for that  
23          population.

OLDER IOWANS' LEGISLATURE RESOLUTION

RESOLUTION NO. 11

1     WHEREAS,

2             the Older Iowans' Legislature is deeply concerned with  
3             the preservation of environmental and agricultural  
4             land resources in Iowa; and

5     WHEREAS,

6             Chapter 93A, Code of Iowa, entitled Land Preservation  
7             and Use, already addresses these general concerns;

8     NOW THEREFORE, BE IT RESOLVED

9             by the 1984 Older Iowans' Legislature that the State  
10            of Iowa should actively pursue the preservation and  
11            enhancement of Iowa's environmental and agricultural  
12            land resources, and encourage the federal government  
13            to withhold benefit payments, in cases where good  
14            conservation practices are not followed.

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OLDER IOWANS' LEGISLATURE RESOLUTION

RESOLUTION NO. 12

1 A resolution acknowledging the skyrocketing cost of  
2 medical care and its harsh impact on the fixed income  
3 elderly, and proposing a study of the possibility of  
4 doctors and hospitals accepting the assignment of  
5 Medicare reimbursement as payment for their services.

6 WHEREAS,

7 it is readily acknowledged that health care costs  
8 are continually rising at an excessively high rate;  
9 and

10 WHEREAS,

11 the availability of affordable health care is a  
12 service of vital importance to the fixed income  
13 elderly; and

14 WHEREAS,

15 as the Medicare system covers only a portion of  
16 incurred health care costs which leaves many  
17 elderly Medicare users with burdensome personal  
18 health care debts;

19 NOW THEREFORE BE IT RESOLVED

20 by the Older Iowans' Legislature, that the Iowa  
21 General Assembly should urge the Congress of the  
22 United States to expeditiously begin to study the  
23 possibility of developing some type of Medicare  
24 reimbursement system whereby doctors and hospitals  
25 would accept the assignment of Medicare payments

1 as full reimbursement for their services; and

2 BE IT FURTHER RESOLVED

3 that copies of this resolution be sent to the  
4 President of the United States Senate and to the  
5 Speaker of the United States House of Representa-  
6 tives, and to all members of the Iowa congressional  
7 delegation.



OLDER IOWANS' LEGISLATURE RESOLUTION

RESOLUTION NO. 13

1 WHEREAS,

2 this is the seventh year that the Iowa General Assembly  
3 has provided an opportunity for older Iowans to meet  
4 together in legislative session to consider issues,  
5 concerns and problems of older Iowans; and

6 WHEREAS,

7 the results of the Older Iowans' Legislature have been  
8 used as a basis for legislation by the Iowa General  
9 Assembly, to the benefit of all; and

10 WHEREAS,

11 many persons and agencies have been most helpful in  
12 supporting the Older Iowans Legislature;

13 NOW THEREFORE, BE IT RESOLVED BY THE 1984 OLDER IOWANS'  
14 LEGISLATURE,

15 that we extend our grateful appreciation to Honorable  
16 Lowell L. Junkins, Majority Floor Leader, and David A.  
17 Oman, Executive Assistant to Governor Terry Branstad,  
18 who so graciously addressed the Older Iowans' Legislature  
19 on September 24, 1984 and for their kind remarks; and  
20 Governor Terry Branstad for his interest and support; and  
21 to Lieutenant Governor Robert T. Anderson who so  
22 graciously addressed the Older Iowans' Legislature on  
23 September 25, 1984 and for his kind remarks;

24 BE IT FURTHER RESOLVED

25 That we express our sincere gratitude to Karen Tynes,

1 Executive Director of the Commission on the Aging, and  
2 Paul Aardsma, her able assistant, and all of their staffs,  
3 as well as the entire Commission on the Aging, and the  
4 Directors of the various Area Agencies on Aging and their  
5 staffs; and

6 BE IT FURTHER RESOLVED,

7 that we thank the Iowa Legislature for the use of our  
8 beautiful capitol building, as well as Representative Al  
9 Sturgeon, for addressing our breakfast meeting Sept. 26,  
10 1984 and other members of the General Assembly for their  
11 help and support; and the Legislative Service Bureau for  
12 their help in drafting bills. Also for so ably assisting  
13 us, we thank the 12 pages from Urbandale High School,  
14 Urbandale, Iowa; and

15 BE IT FURTHER RESOLVED,

16 that we thank the General Assembly for providing support  
17 for the Older Iowans' Legislature, and we express our  
18 appreciation, in advance, for any consideration they may  
19 give the bills and resolutions passed in this 1984  
20 Session of the Older Iowans' Legislature.

21 BE IT FINALLY RESOLVED,

22 that all committee chairmen and all Older Iowan Legislature  
23 delegates be commended for their diligent work.  
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