

Legislative Update

Volume 1, Issue 13

April 15, 2005

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■ Week In Review

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- Day-by-Day

→ Program

Feature: Elder Affairs Website

■ In the Legislature

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Department of Elder
Affairs online at
www.state.ia.us/elderaffairs

Case Management and Office of Substitute Decision Making – Going Nowhere Fast....

The Department met this week with the Senate [Health and Human Services Appropriations](#) Co-chairs, [Senator Hatch](#) and [Senator Tinsman](#) to discuss our concerns related to the Case Management Programs for Frail Elders (CMPFE) and establishing an office of Substitute Decision Making (for more detailed information, please see the department's legislative update of [April 8, 2005](#)).

Senate Democrats are supportive of the need for additional funding for Case Management and have indicated a willingness to include funding to establish an Office of Substitute Decision Making.

Senate Republicans requested additional information related to establishing the Office of Substitute Decision Making, but were clear that budget targets have been set and it was unlikely either issue would be revisited. Comment to [Senator Tinsman](#) on these issues would be helpful. Her email address is: maggie.tinsman@legis.state.ia.us

What is Needed to Protect Frail and Vulnerable Older Iowans?

1. As the Governor requested in his budget, the CMPFE Program needs an additional \$500,000. Even with the \$500,000, with the impact of inflation, the program will remain below FY 98 levels of funding per participant per year.
2. The Department's rationales and good faith efforts for establishing an office of substitute decision-making are included in our [April 8, 2005 legislative update](#). Many older Iowans would benefit from this office if they have no family member or other competent adult to act on their behalf. With the implementation of Medicare Part D, on January 1, 2006, there will be older adults unable to make decisions that have no one to do so for them. Iowa is one of six states with no office of substitute decision-making. Senator Harkin was concerned enough to earmark dollars at the federal level to assist with this endeavor. Without state dollars in the amount of \$135,548 to make the required match, the department will not have the resources to establish this program and will decline the federal grant from the Administration on Aging in the amount of \$391,642.



What will it take to Fund These Departmental Priorities?

It is going to take a tobacco tax. The Governor has proposed a \$0.80 per pack increase (and has further stated he would be receptive of up to a \$1.00 per pack increase). The Senate Republicans stated on Thursday that they would be receptive to a \$0.36 per pack increase. An overwhelming majority of Iowans supports this measure. We strongly encourage you to contact your [local legislators](#) to support the Governors proposed \$0.80 tobacco tax. It is important that you contact [Senate leadership](#).

Who to Contact Regarding Support of a Tobacco Tax?

Senate Switchboard.....515-281-3371

- Senator Kibbie..... john.kibbie@legis.state.ia.us
- Senator Gronstal michael.gronstal@legis.state.ia.us
- Senator Iverson stewart.iverson@legis.state.ia.us
- Senator Lamberti jeff.lamberti@legis.state.ia.us

The Perfect Storm...More About the Case Management Program for Frail Elders:



Below please find the most recent numbers related to residents in nursing homes for FY 04. In comparison, for FY 04, there were 12,562 total unduplicated consumers served by CMPFE, 70% of whom were enrolled in Medicaid. To contrast, for FY 98, the CMPFE program served a total of 7,577 unduplicated consumers, 55% of whom were enrolled in Medicaid. The CMPFE program is funded below FY 98 levels of state general fund appropriations. The requested \$500,000 to restore funding to the CMPFE program continues to be a significant issue in stabilizing access to services in an elder’s own home.

In 1990 when the CMPFE program began, the Area Agencies on Aging (AAA) decided to voluntarily use Older Americans Act (OAA) dollars to fund both Medicaid and Non-Medicaid CMPFE participants. The reason being, there was no other choice. This was not so much an agreement, but the only option available at the time. Further, the only source of funding that could be used at the time was OAA Title IIIB dollars. Had the AAA’s not voluntarily used OAA dollars to help pay for case management services, thousands of seniors would have had no one to coordinate services in the community and likely would have been institutionalized in the most restrictive environment at the greatest cost for more than a decade.

Increases to the CMPFE program between FY 90 and FY 99 were to expand the CMPFE program statewide – these were not inflationary increases. Federal OAA dollars have been stagnant since 1995. Therefore, with the impact of inflation, flat funding since 1995 of the OAA, a decrease in state general fund appropriations to the CMPFE program of 46.47% between



FY 01 and FY 05, mostly flat provider rates under the HCBS waiver system and an explosion of growth in the CMPFE program, the system is under enormous stress. The restoration of \$500,000 from the Senior Living Trust (SLT) in FY 05 to CMPFE helped, but as discussed in the department's last legislative update, even with the \$500,000 in SLT dollars in FY 05 and the proposal for an additional \$500,000 in state general funds for FY 06, the program will remain below funding levels of FY 98 per person per year.

Waiting lists have begun in some counties, a trend that is likely to continue. As waiting lists defeat the purpose of CMPFE, an infusion of resources is necessary to stabilize CMPFE, thus keeping challenged older adults where they want to be – in their own homes and communities.

FY 2004 Nursing Home Statistics:

1st Qtr 2004

Total Residents - 27,303 Total # Medicaid - 13,719

2nd Qtr

Total Residents - 26,915 Total # Medicaid - 13,352

3rd Qtr

Total Residents - 26,791 Total # Medicaid - 13,324

4th Qtr

Total Residents - 26,943 Total # Medicaid - 13,463

Total Medicaid Residents as of 6/30/2004 - 14,754 of this:

- # Between 50 and 64 years - 1,285
- # Between 65 and 80 years - 4,556
- # Between 81 and 89 years - 5,368
- # Between 90 and 99 years - 2,805
- # 100 + years - 126

[HF 841](#) – Iowa Cares – Medicaid Redesign

This bill is on the fast track and moved out of three House committees this week (Human Resources, Ways and Means and Appropriations). It will be on the House Floor for debate, probably as early as Tuesday. This bill provides for the expansion of the Medicaid population; continues a movement toward rebalancing long term care (including changes in level of care); and makes a number of other changes in Iowa's Medicaid system. We encourage you to review this bill and if you have comment, to send this to your [local legislators](#) and to [leadership in the House](#):

- Representative Rants Christopher.Rants@legis.state.ia.us
- Representative Carroll Danny.Carroll@legis.state.ia.us
- Representative Gipp..... Chuck.Gipp@legis.state.ia.us
- Representative Jacobs Libby.Jacobs@legis.state.ia.us
- Representative Murphy Pat.Murphy@legis.state.ia.us
- Representative Mascher Mary.Mascher@legis.state.ia.us

Day-By-Day at the Capitol

Much of the week focused on Committee meetings related to [HF 841](#), as discussed above. Below are other issues and priorities of the Department.

Monday:

[HF 478](#), relating to the Retired Senior Volunteer Program was passed by the full Senate and now goes to the Governor. Should the Governor sign this bill, the department will transfer approximately \$174,000 of its FY 06 state general fund appropriation to the Iowa Commission on Volunteer Services.

Tuesday:

Much of Tuesday was devoted to committee meetings related to [HF 841](#)

Wednesday:

[SF 339](#) related to Regional Transit Districts passed the Senate and now goes to the Governor.

[HF 585](#) related to Assisted Living passed the Senate and now returns to the House to concur.

Thursday:

[SF 304](#) Elder Iowans Act passed the House and now goes to the Governor
[SF 335](#) related to dependent adult abuse passed the House and now goes to the Governor

[HF 836](#) Cemeteries bill passed the house and now goes to the Senate;

[HF 760](#) related to Dependent Adult Abuse passed the Senate and now goes to the Governor

[HF 587](#) related to adult day services passed the Senate and returns to the House to concur

[HF 617](#) related to Assisted Living Waiver passed the Senate and now returns to the House to concur

[HF 710](#) related to Elder Group Homes passed the Senate and now returns to the House to concur

Regards,

Joel Wulf

DEA Legislative Liaison

■-□-■ ELDER AFFAIRS FEATURE PROGRAM ■-□-■ Departmental Website

The Department of Elder Affairs website is the gateway to the information you need. Along with up-to-date information on the programs the department administers, you'll also find aging statistics, reports, conference information, Area Agency on Aging contact lists, and more. There is a "Hot Topics" section on the homepage which can take you directly to information on issues that are frequently requested. Currently in that section, you'll find links to the following and more:

- ✓ Advance Directives/Living Wills
- ✓ Medicare/Medicaid
- ✓ Assisted Living Information

The Department of Elder Affairs website is updated as needed, so the information provided is kept current.

Visit the Iowa Department of Elder Affairs online at www.state.ia.us/elderaffairs

■-□-■ IN THE LEGISLATURE ■-□-■

The following is a listing of the bills the department is supporting or monitoring. If you would like more information on a particular bill, click on its number and you will be directed to the Iowa General Assembly online bill book.

Departmental Bills:

[HF 505 Elder Iowans Act](#) A bill for an act relating to the provisions of the elder Iowans Act. (Human Resources) (Successor to [HSB 157](#)) ([SSB 1140](#)) **Withdrawn** – see [SF 304](#)

[HF 539 Medical Assistance Advisory Council](#) An Act relating to the membership of the council with which the director of human services consults regarding the medical assistance program. ([SSB 1042](#)) (Successor to [HSB 100](#)) (Human Resources) **Passed out of committee** Floor manager: Tomenga **Placed on calendar under unfinished business.**

[HF 585 Assisted Living Programs](#) An Act relating to assisted living programs, providing for application of a penalty, and providing for a fee. **Passed Senate (with amendment) to House.**

[HF 587 Adult Day Care](#) An Act relating to adult day services regulation and providing penalties. **Passed Senate (with amendment) to House.**

[HF 710 Elder Group Homes](#) An Act relating to the regulation of elder group homes and providing penalties. **Passed Senate (with amendment) to House.**

[HF 760 Dependant Adult Abuse](#) A bill for an act relating to dependent adults and the provision of protective services. **Passed Senate to Governor.**

For more information,
the Iowa Legislature
General Assembly
homepage is
www.legis.state.ia.us



Departmental Bills

[SF 272](#) **Medical Assistance Advisory Committee** An Act relating to the membership of the council with which the director of human services consults regarding the medical assistance program. **Placed on House calendar under unfinished business.**

[SF 304](#) **Elder Iowans Act** An Act relating to the provisions of the elder Iowans Act. **House substituted for [HF 505](#) and passed to Governor.**

Bills of Significant Interest to the Department:

Bills of Significant Interest

[HF 119](#) **Older Iowans Legislature** A bill for an act providing an appropriation for the older Iowans legislature. (Appropriations) Committee members: Watts (C), Horbach, and Smith

[HF 420](#) **Biological Mental Illness Coverage** A bill for an act relating to third-party payment of health care coverage costs for biologically based mental illness treatment services. (Formerly [HSB 117](#)) (Commerce) **Passed House to Senate; Floor manager: Warnstadt.**

[HF 478](#) **Retired & Senior Volunteers** A bill for an act relating to the Iowa commission on volunteer service. (Human Resources) (Successor to [HSB 103](#)) **Passed Senate to Governor.**

[HF 586](#) **Medicare Task Force** A bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date. (Human Resources) **Placed on calendar under unfinished business.**

[HF 617](#) **Assisted Living Waivers** A bill for an act relating to inclusion of assisted living services under the medical assistance home and community-based services waiver for the elderly. **Passed House to Senate; passed out of committee; Floor manager: Tinsman.**

[HF 706](#) **Adult Abuse Cases** A bill for an act relating to access to dependent adult abuse information and unemployment compensation claims. **Withdrawn, see [SF 335](#).**

[HF 781](#) **Direct Care Taskforce** A bill for an act relating to the establishment of a direct care worker task force. **Passed Senate to Governor.**

[HF 785](#) **MH/DD/MR/BI Services** A bill for an act relating to mental health, mental retardation, developmental disabilities, and brain injury service requirements and including an effective and applicability date. (Ways and Means) Committee members: Upmeyer (C), Kurtenbach, Winckler

[HF 786](#) **Health Facility Business** A bill for an act relating to the operating or providing of another business or activity in a health care facility. **Passed Senate to Governor.**

Bills of Significant Interest

[HF 788](#) **Nursing Facility Quality** A bill for an act relating to a nursing facility quality assurance assessment, providing a contingent effective date, providing for retroactive applicability, and providing an effective date. (second committee - Ways and Means) Committee members: Carroll (C), Upmeyer, Wilderdyke **Deferred on.**

[HF 825](#) **Health and Human Services Budget** A bill for an act relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates. (Formerly [HSB 284](#)) **Passed House to Senate** Committee members: Hatch and Tinsman (C), Angelo, Dvorsky (Appropriations)

[HF 841](#) **Iowa Care Act** A bill for an act relating to health care reform, including provisions relating to the medical assistance program, providing appropriations, providing effective dates, and providing for retroactive applicability. (Human Resources & Ways and Means) **Passed out of committees.**

[SF 29](#) **Long Term Care Alternatives** A bill for an act relating to the senior living trust fund, providing for appropriation of the moneys in the fund, and providing for a repeal. (Appropriations) Committee members: Angelo and Dvorsky (C)

[SF 34](#) **Older Iowans Legislature** An Act providing an appropriation for the older Iowans legislature. (Appropriations) Committee members: Angelo and Dvorsky (C)

[SF 157](#) **Older Iowans Legislature** A bill for an act making an appropriation for the older Iowans legislature. (Appropriations) Committee members: Angelo and Dvorsky (C)

[SF 341](#) **Long Term Living System** A bill for an act relating to the long-term living system in Iowa including establishment of the intent for Iowa's long-term living system. **Passed House to Senate; passed out of committee.**

[SF 355](#) **Medicare Task Force** A bill for an act relating to the creation of a task force to provide for the implementation of Medicare Part D and providing an effective date. **Passed Senate to House; placed under unfinished business.**

Monitored Bills

Bills the Department is monitoring:

[HF 2](#) **Pension Income Phase Out** An Act relating to the phase out of state income tax on pension income and providing a retroactive applicability date. (Ways & Means) Committee Members: Boal (C), Huser, Shoultz, Soderberg and Struyk.

[HF 24](#) **SS Income Phase Out** A bill for an act relating to a phase-out of the state income taxation of social security benefits and providing a retroactive applicability date. (Ways & Means) Committee members: Boal (C), Huser, Shoultz, Soderberg, Struyk



Monitored Bills

[HF 210](#) **Nursing Licensing Fund** A bill for an act providing for the retention of licensing and renewal fees received by the board of nursing, and providing an effective date. (Appropriations) Committee members: Jacobs (C), Heaton, Mascher

[HF 215](#) **Tobacco Tax** A bill for an act increasing the taxes imposed on cigarettes and tobacco products and providing for appropriation of the increased revenue generated to the medical assistance program and for tobacco control and prevention, and providing an effective date. (Ways & Means)

[HF 227](#) **Code Editor Bill** A bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions. (Formerly [HSB 118](#)) (Judiciary) Committee members: Boettger, Fraise, Schoenjahn, and Zaun **Signed by the Governor – April 6, 2005.**

[HF 237](#) **Cigarette Taxes** A bill for an act increasing the taxes imposed on cigarettes and providing for appropriation of the revenue generated to the medical assistance program and for tobacco control and prevention, and providing an effective date. (Ways & Means)

[HF 281](#) **Inheritance** A bill for an act relating to certain penalties for filing false affidavits and the time for examining and determining a correct return under the state inheritance tax and increasing the amount of property that may be transferred to minors under certain conditions and including a retroactive applicability date provision. (Formerly [HSB 10](#)) (Judiciary) **Signed by the Governor – March 21, 2005.**

[HF 339](#) **Tobacco Retailers** A bill for an act relating to the regulation of tobacco product retailers, and making penalties applicable. (Formerly [HF 167](#)) (Public Safety) **Passed Senate to Governor.**

[HF 455](#) **Death Certificate Fees** A bill for an act relating to fees imposed for certified copies of death certificates. (Ways and Means) Committee members: Tomenga, Boal, and Davitt

[HF 461](#) **SS Income Phase Out** (Ways and Means) **Passed out of committee**
Floor manager: Boal **Placed on calendar under unfinished business.**

[HF 519](#) **Expenditure Limitation** A bill for an act relating to the state general fund expenditure limitation and making appropriations to repay certain funds, and providing effective and applicability dates. (Appropriations)

[HF 536](#) **Dual Government Employment** A bill for an act relating to dual governmental employment by executive branch officials and state employees. (Formerly [HSB 123](#)) (State Government) **Passed House to Senate.**

Monitored Bills

[HF 589](#) **Nursing Home Property Taxes** A bill for an act relating to the property taxation of nursing facilities and including effective and applicability date provisions. **Passed House to Senate; passed subcommittee; Floor manager: Larson.**

[HF 715](#) **Charter Agencies/Reinvention Funds** A bill for an act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations. (Appropriations) Committee members: Roberts (C), Jacobs, Kuhn

[HF 724](#) **Prescription Drug Donations** A bill for an act creating a prescription drug donation and redispensing pilot program, and providing penalties. **Passed Senate to Governor.**

[HF 729](#) **Retirement Systems Change** A bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system. **Passed House to Senate; passed out of subcommittee.**

[HF 748](#) **Education Savings Plan** A bill for an act providing for state employee payroll deductions for qualified tuition program contributions. **Passed House to Senate; passed out of committee; Floor manager: Wood.**

[HF 770](#) **Food Code to DPH** A bill for an act providing for the Iowa department of public health to administer the hotel sanitation code, regulation of home food establishments, Iowa food code, and regulation of egg handlers in place of the department of inspections and appeals. (Human Resources) **Passed House to Senate, amended, Passed Senate to House; substituted for [SF 356](#)**

[HF 772](#) **Open Meetings Violations** A bill for an act relating to violations of the open meetings and open records law by a member of a governmental body, the lawful custodian of a public record, or any other appropriate person. **Passed House to Senate; passed Senate to House.**

[HF 819](#) **Asset Disregard** A bill for an act relating to asset disregard under the medical assistance program for the purchase of a certified long-term care insurance policy, providing for a repeal, providing a contingent effective date, and providing an appropriation. (Formerly [HF 736](#)) **Placed on calendar under unfinished business.**

[HF 821](#) **Prescription Drug Assistance** A bill for an act relating to the establishment of a prescription drug assistance clearinghouse program by the commissioner of insurance, and providing for a contingent appropriation. (Formerly [HF 709](#)) **Passed House to Senate.**

[HF 836](#) **Cemeteries Bill** A bill for an act relating to cemeteries and cemetery regulation, providing administration and enforcement procedures, establishing requirements for interment rights agreements and reporting, establishing and appropriating fees, and providing penalties. (Formerly [HF 763](#)) (Formerly [HSB 212](#)) **Passed House to Senate.**



Monitored Bills

[HF 837](#) **Charter Agencies** A bill for an act relating to state government financial matters concerning charter agencies, the state appeal board, and reinvention initiatives of the department of management, and making appropriations. (Formerly [HF 715](#)) (Formerly [HSB 191](#)) **Placed on calendar under unfinished business, Floor manager: Roberts.**

[HF 845](#) **Legislative Appointments** A bill for an act relating to appointments by members of the general assembly to statutory boards, commissions, councils, and committees, abolishing certain related entities, and including effective date and applicability provisions.

[HF 846](#) **State Gifts** A bill for an act relating to employment and improper influence ethics issues for executive branch officials and employees, and making penalties applicable. (Formerly [HF 486](#)) (State Government) **Passed out of subcommittee; Floor manager: Raeker.**

[HF 851](#) **Death Certificate Fees** A bill for an act relating to fees imposed for certified copies of death certificates. (Formerly [HF 455](#)) (Ways and Means) **Passed out of committee; Floor manager: Tomenga.**

[HF 852](#) **Inheritance Tax Credit** A bill for an act relating to an inheritance tax credit for transferring a portion of an inheritance to an entity for capital investment, programming, including education, performance, and access, in arts and culture and providing a penalty. (Formerly [HF 795](#)) (Formerly [HF 297](#)) (Ways and Means) **Passed out of committee; Floor manager: Soderberg.**

[SF 75](#) **Veterans Benefits** A bill for an act allocating funding appropriated to assist individuals assigned to active duty military service and providing effective and applicability date provisions. (Formerly [SF 30](#).) (Appropriations) **Signed by the Governor – March 10, 2003**

[SF 93](#) **Pensions and SS Exclusions** An Act reducing the amounts of pension income and social security benefits that are taxable by the state and including a retroactive applicability date provision. (Ways and Means) Committee members McKibben & Quirnbach (C), Connolly, Zaun

[SF 113](#) **Editor Code Bill** A bill for an act relating to non substantive Code corrections and including effective and retroactive applicability date provisions. (Judiciary) ([SSB 1088](#)) **Signed by the Governor – March 3, 2005**

[SF 130](#) **Tobacco Tax** A bill for an act relating to an increase in the taxes on cigarettes and tobacco products, creating a medical assistance and health promotion fund, providing for appropriations, and providing an effective date. (See [HF 215](#)) (Ways & Means) Committee members: Bolcom & Ziemann (C), Connolly, Zaun

[SF 136](#) **Child & Dependant Care Credit** A bill for an act increasing the child and dependent care credit under the individual income tax and including a retroactive applicability date provision. (Ways and Means) Committee members: McKinley & Quirnbach (C), Connolly, Zaun

Monitored Bills

[SF 156](#) **Health Center Programs** A bill for an act relating to health care by providing for increased health care access, developing a lay health workers network, and providing appropriations. (Appropriations) Committee members: Hatch & Tinsman (C), Angelo, and Dvorsky

[SF 376](#) **Pension Exemption** A bill for an act providing an additional exclusion from pension or retirement income for certain taxpayers for purposes of the state and individual income tax and providing a retroactive applicability date. (Ways and Means)

[SF 379](#) **Probate Code** A bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts. **Passed Senate to Governor**

[SF 394](#) **Transferring Tax/Credits** A bill for an act relating to veterans by providing for the establishment of a department of veterans affairs, and extending veterans' benefits, preferences, eligibility for appointments, and the military service tax credit and exemption to certain members of the reserve forces of the United States and the Iowa national guard and providing an effective date. (Formerly [SF 292](#) & 333) **Passed Senate to House**

■-□-■ **DISCLAIMER** ■-□-■

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The Legislative Update is distributed electronically during the legislative session by the Iowa Department of Elder Affairs for informational purposes only. Recipients of this update are encouraged to share it with others.

The current issue can also be found on the department's webpage, www.state.ia.us/elderaffairs/, under the "What's New at DEA" heading. Past issues are archived in the "Publications/Information" section.

If you are interested in receiving or discontinuing the legislative updates, contact Erin Haafke by email at erin.haafke@iowa.gov.

Our Mission:

To provide advocacy, educational, and prevention services to older Iowans so they can find Iowa a healthy, safe, productive, and enjoyable place to live and work.

