

Legislative Update

Volume 1, Issue 16

May 9, 2005

■-□-■ WEEK IN REVIEW ■-□-■

This Week:

- Week In Review
 - Key Legislation pending:
 - Uniform Assessment
 - Iowa Cares
 - HHS Budget Bill
 - Office of Substitute Decision Making
 - CMPFE
 - History of PACE
 - Nutrition Coordinator vs. PACE Position
 - Nutrition Program
 - Future Updates
- In the Legislature

Joel Wulf, DEA
Legislative Liaison
Joel.wulf@iowa.gov

Visit the Iowa
Department of Elder
Affairs online at
[www.state.ia.us/elder
affairs](http://www.state.ia.us/elderaffairs)

The end is near....maybe...

The Senate pushed through a number of comprehensive bills this week, including a number that will impact older Iowans. The House is scheduled to be back on Monday to act on bills moved by the Senate. Some say next week will be the end of the session, some say not. My response, stay tuned....

Legislation that DEA is Still Watching:

[SF 341](#) Uniform Assessment: This bill was deferred in the Senate. It is unlikely this bill will be revived this year, however, until the final gavel comes down, all things are possible.

[HF 841](#) Medicaid Reform (Iowa Cares): The department submitted an amendment to the bill (which was adopted on the Senate floor) further clarifying issues surrounding case management as a Medicaid service. The bill now moves back to the House. This is a significant and positive policy change and we believe it will be of great benefit to older Iowans.

HHS Budget Bill ([HF 825](#)): This bill moved out of the Senate on Wednesday with amendments and will move back to the house, where changes are again possible if not probable.

Office of Substitute Decision Making: Senate amendment 3259 adds language establishing section 231E of the Iowa Code related to the Office of Substitute Decision Making. Language related to implementation of 231E states that establishing this office is subject to the availability of funding as determined by the department. The department makes no guarantee at this point that dollars will be available in FY 06 to move forward with establishing this office and the issue is currently under review. In making its decision, the department must first give careful consideration to existing programs prior to the implementation of a new program.

Case Management Program for Frail Elders: **The \$500,000 for the Case Management Program for Frail Elders was not included in the Senate Amendment 3259.** Legislators believe that the additional draw down of federal dollars will provide the department with adequate revenue to fund this program. The department has agreed to disagree on this issue for the moment and the department will regroup to make its case for FY 07. Legislators did advise the department that if the provisions of [HF 841](#) are not approved by

the Centers for Medicare and Medicaid Services (CMS), there is a willingness to reconsider the department's FY 06 budget via a supplemental appropriation.

Nutrition Programs vs. Pace

Senate amendment 3259 also removed the department's nutrition position previously approved by the house. The amendment adds \$594 to fully fund a position at \$61,594, however, the Senate opted to provide a position for a statewide PACE (Program of All-inclusive Care for the Elderly) coordinator vs. the Governor's requested nutrition position. **The department strongly objects to this provision.** More below:

History of PACE

The Department of Elder Affairs wrote a grant for a [PACE feasibility study](#) in 2004 in collaboration with DHS, DPH and DIA as instructed by the Senior Living Coordinating Unit in January of 2004. The grant was awarded to DEA by CMS, in collaboration with the National Pace Association (NPA).

The feasibility study, completed in the summer of 2004, indicates that PACE programs are viable in Iowa. The report also indicates that executive branch agencies would need adequate resources to establish an upper payment limit (UPL), which ultimately would or would not motivate providers. Consideration would also need to be given to establishing a provider risk pool and the states involvement, if any, in this process.

The Department of Elder Affairs did include PACE as a budget offer for FY 06, however, PACE was not selected by the Governor's buying team and was not included in the Governor's FY 06 budget proposal.

[HF 341](#), deferred in the senate, required DHS and DEA to work in a collaborative manner to bring back to the general assembly cost estimates regarding the resources needed to establish a UPL (and therefore PACE) for consideration by the General Assembly in FY 07. DEA supports this collaboration.

Why DEA Objects to Senate Amendment 3259 Regarding PACE:

The result of this amendment is that the department's request for a statewide nutrition coordinator, authorized in [HF 825](#), is eliminated. While DEA enthusiastically supports the concept of PACE, we believe it is more prudent to stabilize existing programs with limited resources rather than to establish new programs.

Why DEA Places a Higher Priority on a Nutrition Coordinator than a PACE Coordinator at This Time:

1. The department has over 400 congregate meal sites.
2. The cost of these programs is \$9,352,906, with current oversight being provided by a .27 FTE.



3. Numerous studies link malnutrition and poor nutrition to a premature institutionalization and contribute significantly to multiple other chronic conditions.
4. Only one third of Older Iowans consume a diet rich in fruits and vegetables. Poor nutrition is an important modifiable risk factor for several chronic diseases, including cancers and cardiovascular disease. At least 20% of cancer incidences are preventable with appropriate diets.
5. The department's ability to leverage other dollars will be significantly impeded should resources be unavailable.

More Information on the DEA's Nutrition Programs:

This program is most noted for the congregate and home delivered meal program. These programs are under the Older Americans Act (OAA), administered by the US Department of Health and Human Services, Administration on Aging (AoA) and coordinated at the state level by the Iowa Department of Elder Affairs (DEA). A nutritious meal and socialization are provided for individuals 60 years of age and older. The meals along with nutrition screening, education and counseling provided by the program are important in keeping older adults as healthy as possible so that they can continue living independently in their own homes and community.

The nutrition programs are multi-funded with public funding (federal, state, local) and private (contributions from older adults, fund-raising, foundations, etc.). Total nutrition program resources for SFY 2004 were \$25,429,399. The federal funding provides 49% of the cost of a congregate meal and 41% of the cost of a home-delivered meal. Federal funding has remained flat for the past several years and has not reflected the increase in program costs. *The state of Iowa contribution is negligible (<1%). Financial considerations are leading to limitations in the number of meals available.*

To put the program in a context with other programs that serve older adults, the OAA Nutrition Program serves more older adults and provides greater benefits to participating older adults than the Food Stamp Program, CACFP, CSFP, TEFAP, etc. However, vulnerable older adults must cobble together assistance from multiple sources to help ensure adequate food intake, so that every single one of these programs helps meet the various needs of older adults.

The National Pilot Survey found that OAA Nutrition Programs serve very vulnerable older adults, and that despite participation in the programs about 11% of congregate and 25% of home-delivered participants indicated that they did not have enough money or food stamps to buy food. Approximately 83% of the Iowa congregate meal participants at below the

185% poverty level. The Elderly Nutrition Program is reaching the targeted audience. Adequate funding is needed to ensure this continues

What DEA is Requesting when [HF 825](#) Returns to the House Next Week:

The department is requesting that the nutrition position be restored within [HF 825](#) and that the department work with DHS in a collaborative manner to provide cost estimates to the Governor and General Assembly regarding PACE for inclusion in the FY 07 budget.

On Another Note – Future Legislative Updates:

The department will not post another legislative update until the legislature is adjourned and all bills have either been signed or vetoed by the Governor. This could very well be sometime in June, later still if the legislative session continues.

Regards,
Joel Wulf
DEA Legislative Liaison

■-□-■ **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 585](#) **Assisted Living Programs** An Act relating to assisted living programs, providing for application of a penalty, and providing for a fee. **Signed by the Governor – April 27, 2005.**

[HF 587](#) **Adult Day Care** An Act relating to adult day services regulation and providing penalties. **Signed by the Governor – April 27, 2005.**

[HF 710](#) **Elder Group Homes** An Act relating to the regulation of elder group homes and providing penalties. **Signed by the Governor – April 27, 2005.**

[HF 760](#) **Dependant Adult Abuse** A bill for an act relating to dependent adults and the provision of protective services. **Signed by the Governor – April 25, 2005.**

[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. **Passed House and Senate to Governor.**

[SF 304](#) **Elder Iowans Act** An Act relating to the provisions of the elder Iowans Act. **Signed by the Governor – April 25, 2005.**

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

Departmental Bills

Bills of Significant Interest

[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) **Signed by the Governor – May 2, 2005.**

[HF 478](#) **Retired & Senior Volunteers** A bill for an act relating to the Iowa commission on volunteer service. (Human Resources) (Successor to [HSB 103](#)) **Signed by the Governor – April 19, 2005.**

[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. **Signed by the Governor – May 3, 2005.**

[HF 781](#) **Direct Care Taskforce** A bill for an act relating to the establishment of a direct care worker task force. **Signed by the Governor – April 29, 2005.**

[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.**

[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 **Floor manager: Carroll. Deferred on April 14, 2005.**

[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 Senate back to House.**

[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 Senate back to House.**

[HF 862](#) **Tobacco Trust** A bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund. (Appropriations) (Formerly [HSB 299](#)) **Passed Senate w/amendment and returns to the House.**

[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. **Deferred on by Senate.**

[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. **Substituted for [HF 586](#). Amended and passed House to Senate.**



Monitored Bills

[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 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) **Signed by the Governor – May 5, 2005.**

[HF 461](#) **SS Income Phase Out** A bill for an act phasing out the state income tax on social security benefits and on pension and retirement income and including effective and applicability date provisions. (Formerly [HF 26](#)) (Ways and Means) Floor manager: Boal. **Placed on calendar under unfinished business.**

[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.**

[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 Senate to Governor.**

[HF 620](#) **Volunteer Health Care** A bill for an act relating to the volunteer health care provider program and providing an effective date. (Formerly [HF 217](#)) (Human Resources) **Signed by the Governor – May 5, 2005.**

[HF 724](#) **Prescription Drug Donations** A bill for an act creating a prescription drug donation and redispensing pilot program, and providing penalties. **Signed by the Governor – May 3, 2005.**

[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 and deferred.**

[HF 748](#) **Education Savings Plan** A bill for an act providing for state employee payroll deductions for qualified tuition program contributions. **Signed by the Governor – April 28, 2005.**

[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. **Passed House to Governor.**

Monitored Bills

[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. **Signed by the Governor – May 3, 2005.**

[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](#)) **Passed House, substituted for SF 412, passed Senate, and signed by the Governor – May 2, 2005.**

[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 Senate to Governor.**

[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 Senate to Governor.**

[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](#)) **Passed Senate to Governor.**

[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. **Passed House to Senate.** Committee members: Gronstal, Iverson, Kibbie, and Lamberti

[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.**

[HF 876](#) **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. (Formerly [HF 785](#)) (Formerly [HSB 223](#)) (Ways and Means) **Passed House to Senate.**

Monitored Bills

[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 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: Bolkom & Ziemann (C), Connolly, Zaun

[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. **Signed by the Governor – April 19, 2005.**

[SF 394](#) **Veteran Definition** 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** ■-□-■

This legislative update is provided in the spirit of information and education. The opinions expressed by the contributors do not necessarily reflect those of the department or its programs. The department shall not be liable for any damages that may result from errors or omissions in information distributed in this update.

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.

