

Legislative Update

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

■-□-■ **SESSION IN REVIEW** ■-□-■

With Governor Vilsack's signature of [HF 825](#), (Health and Human Services Appropriations), this is a final wrap up of the 2005 session of the 81st General Assembly from the perspective of the Department of Elder Affairs.

On balance, it was a good year for older Iowans. According to the Census Bureau, in projecting population growth in Iowa between 2000 and 2030, Iowa's 65+ population will grow by 52% while its total population will grow by only 1%. Based on the data, issues germane to older adults will continue to impact state policy decisions. The Department of Elder Affairs enthusiastically continues its mission of providing advocacy, educational and prevention services to older Iowans so they can find Iowa a healthy, safe, productive and enjoyable place to live and work.

At the end of this update, please find predictions for the 2006 session.

Departmental Bills:

This was an intense year for the department as seven bills were pre-filed. The department was successful in moving all seven pieces of legislation, which were signed by the Governor. However, as is usually the case, some interesting twists and turns occurred along the way.

[HF 120](#) – Office of Substitute Decision Making

This bill died in the first funnel. However, the department worked to add the language to the Health and Human Services budget bill ([HF 825](#)). The language was added, but no appropriation was provided. The department was disappointed as Iowa is one of six states without such an office, yet ranks second per capita for the number of older adults aged 85 and older. [HF 825](#) does allow the department to make the decision to establish the program. The reality is that without an ongoing source of funding, the department does not have the resources to establish this office. We will regroup and work with stakeholders over the summer. The impact of the Iowa Cares Act

([HF 841](#)) and the implementation of Medicare Part D may influence policy in the future. [HF 825](#) was signed by Governor Vilsack on June 14, 2005, and will become effective on July 1.

[HF 585](#) – Assisted Living

A number of changes were made that helped clarify technical issues. There were also changes made related to the definition of assisted living and to the issue of medications within assisted living programs. The bill was signed by the Governor on April 27th and became effective upon enactment.

[HF 587](#) – Adult Day Services

The department moved this bill to address a number of technical issues and to the extent possible, create consistency in public policy by aligning Adult Day Services, in the Code of Iowa, with assisted living and elder group homes. Like assisted living, the administration of medication was clarified and language related to the content of consumer contracts were added. The bill was signed by the Governor on April 27th and became effective upon enactment.

[HF 710](#) – Elder Group Homes

State regulation of Elder Group Homes took a significant step forward by allowing the provision of health related care in elder group homes. Like assisted living and adult day services, consistency in long-term living policy was considered. Multiple consumer protections were added, including language related to consumer contracts. Medication administration was clarified as well. Like assisted living and adult day services, tenants of an elder group home who are Medicaid eligible may receive medically necessary services via consumer directed attendant care, a service under the Title XIX HCBS Elderly Waiver and Title XIX HCBS Ill and Handicapped Wavier. Medicaid will not cover the bed and board portion of an elder group home. The Governor signed this bill and it becomes effective on July 1.

[HF 760](#) – Dependent Adult Abuse

This bill provides for the provision of protective services and allows district court in which the dependent adult resides to be petitioned on their behalf. The Governor signed this bill and it becomes effective on July 1, 2005.

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.

[SF 304](#) – Elder Iowans Act

This was a technical bill. The definition of home and community based services was added to the Iowa Code and changes were made to align the state statute with the federal Older Americans Act. The Governor signed this bill and it will become effective on July 1.

Other Issues that came up....

[SF 341](#) – Universal/Uniform Assessment (Consumer Choice Support and Education Act)

This bill was not successful for a number of reasons: 1) Confusion related to the potential cost; 2) The reluctance of legislators to establish a mandatory assessment process; 3) A concern by legislators that existing systems had not been given consideration and the possibility of duplicating existing systems and 4) confusion regarding preliminary assessment, assessment and level of care evaluation. The final outcome is that legislative language was added to [HF 825](#) regarding the vision of the General Assembly for Long Term Care.

[HF 841](#) – Medicaid Reform (Iowa Cares Act)

This bill was drafted by DHS in collaboration with key legislators. The bill includes language related to rebalancing long-term care in Iowa, an initiative the Department of Elder Affairs has been leading for the past two years, with multiple town hall meetings and a report that is under review by Iowa's Senior Living Coordinating Unit (SLCU). An amendment was submitted in the House which instructed DHS and DEA to work in a collaborative manner to use existing state appropriations for the Case Management Program for Frail Elders (CMPFE) to draw down federal financial participation dollars to pay for ongoing case management services for older adults under Medicaid. Due to the changes the bill makes in increasing the level of care for accessing institutionalized care via Medicaid and easing level of care requirements for accessing home and community based services, this bill will have a significant impact on the CMPFE program (probably hitting full force in 2007). The department will continue to work with key legislators regarding the impact to the CMPFE program and possible unanticipated consequences. Legislators are aware fine tuning may be necessary and have noted their willingness to consider issues as they arise in the future. The bill was signed by the Governor on May 12th.

HF 478 – Retired Senior Volunteer Program (RSVP)

As of July 1, this volunteer program will move from DEA to the Iowa Commission for Volunteer Service. The approximately \$174,000 State General Fund appropriation received by DEA for this program will be transferred. This bill was signed by the Governor on April 19th.

HF 617 – Assisted Living Waivers

This bill instructs the DHS to include assisted living services under the medical assistance home and community based services waiver for elders. DEA is concerned with the ability of low to moderate income level elders to access assisted living as well as the dilemma seniors face when they spend down their assets to find they no longer have the resources to continue living in their home. It is important to note that the department continues to support building the capacity of the entire long-term care continua to meet the needs of seniors, including those who wish to remain in their existing homes with needed services.

HF 825 – Health and Human Services Appropriations

As requested in the Governor’s budget, the department received two additional FTE’s. These resources will benefit Iowa’s seniors by strengthening nutrition programs and meeting the requirements placed upon the department for maintaining policy related to long term care. The department did not receive the requested \$500,000 for its Case Management Program for Frail Elders, based on changes being made in [HF 841](#) related to Medicaid redesign. To that end, the department will work closely with key legislators, caucus staff and the legislative fiscal agency on the future needs of this program.

Program of All-inclusive Care for the Elderly (PACE)

DHS received a \$30,000 appropriation in [HF 825](#) to establish a provider upper payment limit (UPL). This was the result of the 2004 feasibility study that was directed by the Senior Living Coordinating Unit. DEA was the lead agency in the feasibility study in collaboration with DHS, DPH, IFA and DIA.

HCBS Provider Rate Increase

Providers receive a 3% across the board increase. However, the capitated rate of \$1052 for the Title XIX HCBS waiver remains unchanged.

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



Bills of Significant Interest

Bills of Significant Interest:

[HF 253](#) **Government Ethics** An act relating to governmental ethics and the duties of the Iowa ethics and campaign disclosure board. **Signed by the Governor – April 29, 2005.**

[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 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. **Signed by the Governor – May 12, 2005.**

[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 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.**

[HF 881](#) **Salary Bill** An act relating to the compensation and benefits for public officials and employees and members of the general assembly, providing for related matters, making appropriations, and including affective and retroactive applicability date provisions. **To Governor**

[SF 335](#) **Dependant Adult Abuse** An act relating to access to dependant adult abuse information and unemployment compensation claims. **Signed by the Governor – April 22, 2005.**

Bills of Significant Interest

[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.**

Concurrent Resolution

Concurrent Resolution

[Senate Concurrent Resolution 11](#) A concurrent resolution requesting the establishment of a planning group to develop a plan for unifying the state administration of services utilized by old Iowans age 60 or older.

Monitored Bills

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.**

Monitored Bills

[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. **Signed by the Governor – May 12, 2005.**

[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. Referred to State Government.**

[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. (Human Resources) **Vetoed by the Governor – June 10, 2005.**

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

Monitored Bills

[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](#)) **Signed by the Governor – June 10, 2005**

[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](#)) **Signed by the Governor –May 12, 2005.**

[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](#)) **Signed by the Governor –May 12, 2005.**

[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.**

Monitored Bills

[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.**

[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 & Zieman (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**



Predictions for 2006 (no promises – just a rub of our crystal ball)

- Building the capacity of the department’s Case Management Program for Frail Elders (CMPFE)
- Seeking necessary resources to establish an Office of Substitute Decision making
- Seeking necessary resources to maintain Project Seamless (aging network data system)
- Seeking resources necessary to bring the long-term care ombudsman’s office in compliance with federal recommendations
- Seeking resources necessary to stabilize existing programs such as the Senior Internship Program (SIP)

Commissioners Appointed/Confirmed in 2005:

Appointed by House/Senate Leadership:

Representative Dawn Pettengill

Senator Jeff Danielson

Confirmed by the Senate:

Lisa Carlson Bettendorf Term: 2005 - 2009

Robert Neuman Council Bluffs Term: 2005 - 2009

Yvonne Minton Des Moines Term: 2005 - 2009

Regards,

Joel Wulf

DEA Legislative Liaison

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