
State of Iowa
Executive Department

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF IOWA

EXECUTIVE ORDER NUMBER TWENTY-FOUR

WHEREAS, the Federal Older Americans Act requires each state to establish an Office of the State Long-Term Care Ombudsman with a level of independence and autonomy; and

WHEREAS, the Commission on Aging has the statutory responsibility to adopt and administer all policies related to the Older Americans Act; and

WHEREAS, the Federal Older Americans Act requires the State Long-Term Care Ombudsman and the Office of the State Long-Term Care Ombudsman to provide independent analysis and input on Federal, State, and local laws, regulations, and other governmental policies related to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care facilities and services in the State; and

WHEREAS, the State of Iowa receives over seventeen million dollars of Federal funds annually to assist Iowans through the Federal Older Americans Act programs; and

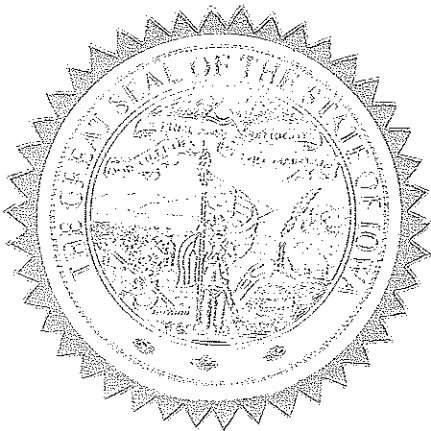
WHEREAS, the Department on Aging was advised on April 26, 2010 by the United States Administration on Aging that the Office of the State Long-Term Care Ombudsman shall be allowed to independently advocate on public policy to meet Federal requirements; and

WHEREAS, given the reasonableness of the public's expectations, Federal requirements, and substantial benefit to older Iowans of an independent Office of the State Long-Term Care Ombudsman:

NOW, THEREFORE, I, Chester J. Culver, Governor of the State of Iowa, by virtue of the power and authority vested in me by the Constitution and statutes of the State of Iowa, do hereby ORDER and DIRECT:

1. The Director of the Department of Administrative Services shall assist the Office of the State Long-Term Care Ombudsman in the following:
 - A. Obtain office space separate from the Department on Aging and relocate the Office of the State Long-Term Care Ombudsman to such space; and
 - B. Coordinate a search and appointment process, under the leadership of the Commission on Aging, for a new State Long-Term Care Ombudsman, which process shall allow for the input of stakeholders, shall establish a selection committee whose membership shall include the Chairperson of the Commission on Aging and experts outside of the Iowa Department on Aging, shall develop an accurate job description and determine an applicable classification for salary purposes, shall provide notice to and search for potential candidates for the position, shall create interviewing processes for qualifying applicants, and shall make a hiring recommendation.
2. The Director of the Department of Management shall immediately assist the Department on Aging and the Office of the State Long-Term Care Ombudsman in the following:

- A. Separate the Office of the State Long-Term Care Ombudsman's budgets and funds from those of the Department on Aging to the extent possible and allow for maximum independence of the two entities beginning on July 1, 2010; and
- B. Make any intradepartmental or interdepartmental transfers, pursuant to statute, as may be necessary to implement this Order.
3. The Director of the Department on Aging and the Commission on Aging shall negotiate and execute an agreement, pursuant to Iowa Code Chapter 28E, effective no later than July 1, 2010, to provide for the independence of the Office of the State Long-Term Care Ombudsman in such a manner that fully complies with the Federal Older Americans Act and that ensures its autonomy.
 4. The Office of the State Long-Term Care Ombudsman shall develop, in coordination with the Commission on Aging, a legislative proposal to ensure the independence of the Office, as required under the Older Americans Act; the Department on Aging shall pre-file the proposal for the 2011 Session of the Iowa General Assembly.
 5. The Department on Aging shall provide necessary support services, including, but not limited to, human resources and fiscal services, to the Office of the State Long-Term Care Ombudsman.
 6. The Director of the Department on Aging shall immediately designate the State Long-Term Care Ombudsman as a lobbyist before both the Executive and Legislative Branches of Iowa government.



IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of Iowa to be affixed. Done at Des Moines this 28th day of May, in the year of our Lord two thousand ten.

Chester J. Culver

CHESTER J. CULVER
GOVERNOR

ATTEST:

Michael A. Mauro (PKC)

MICHAEL A. MAURO
SECRETARY OF STATE