



Special Edition: Legislative Session Wrap-Up

# Aging Watch

The link to policy affecting older Iowans

Volume 12, Issue 1

April 20, 2012

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## Welcome from Director Harvey

Welcome to the reintroduction of the Iowa Department on Aging legislative and policy update, now known as "Aging Watch." The Department is providing this update to better inform you about policy affecting older Iowans. In addition to policy updates from the state-house and the nation's capitol, you'll learn about Department programs and changes affecting the landscape.



As you'll learn reading this and future editions, big changes are coming for the Iowa Aging Network. Over the next year the Department will be reducing the number of local Area Agencies on Aging, as required by legislative action. Not surprisingly, this is a major change for everyone. As Director of the Department, I believe it's going to take all of us together to make this happen. Our goal is to make sure older Iowans are better served in the future and with comparable services no matter where they live in the state. We encourage you to stay informed and in touch with your local Area Agency on Aging throughout this process to ensure that consumers are engaged in the redesign process.

*(continued on page 2)*

## Take note: Older Iowans are Voting Iowans!

# 83%

Percentage of Iowans age 65 and older registered to vote in the 2009 presidential election, the highest rate of any age group. 76.2 percent of people in this age group reported actually casting a ballot.

*From the State Data Center of Iowa 'Older Iowans 2011'*

*(Director Harvey, continued)*

Through this redesign, designated Area Agencies on Aging are anticipated to establish Aging and Disability Resource Centers (ADRCs). The ADRC is a single-entry point for consumers and caregivers of any age seeking long-term community supports and services by providing information, assistance and planning for support needs. Look for a feature on ADRCs in a future edition of AgingWatch.

We hope you find this update informative and educational. We also hope you share it with anyone who has an interest in issues affecting older Iowans and their caregivers and persons with disabilities. AgingWatch will be published monthly with additional updates during the legislative session.

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As a subscriber, you will receive e-mail notifications for the latest edition that will link you to the AgingWatch newsletter on our website, at [www.aging.iowa.gov](http://www.aging.iowa.gov).

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## Sine Die

*From the Latin meaning  
"without day"*

With the final fall of the gavel of the 84th General Assembly, the Iowa legislative bodies will adjourn sine die, that is to say adjourn without appointing a day to reassemble.

We thank our citizen legislators for their work on behalf of older Iowans.

## 84th General Assembly: That's a wrap (almost)

The Legislature remains in session beyond the prescribed 100 days. Although still in session, most of the bills with significant impact on the Iowa Department on Aging have passed. This session has been game-changing for the Department and has paved the way for a period of major transition for the aging network.

The Department authored two bills and both were passed and signed into law. The Department would like to thank all members of Iowa's General Assembly for their hard work and diligence in addressing aging issues.

The bills summarized below are of special significance to the Department. A brief synopsis and the status of each bill are included in the summary.

In addition to the following legislative summary, the Department has a separate page for other legislation monitored during the session. Please see 'In the Legislature' on page 13 for a listing and status of those bills tracked by the Iowa Department on Aging.

## HF 2320

Reduction in the  
number of Area  
Agencies on Aging

### **House File 2320 (Iowa Department on Aging Bill)**

House File 2320 is the bill proposed by the Department to facilitate the legislative mandate put forth last year, which called for the Department to reduce the number of Area Agencies on Aging. The Department was unable to achieve the mandate due to a conflict in Iowa Code. Specifically, Iowa Code Section 231.32 requires thirteen Area Agencies on Aging. Until this provision was changed, the Department was unable to reduce the number of Area Agencies on Aging.

House File 2320 removes the requirement for 13 Area Agencies on Aging and instead allows the Commission on Aging to “designate an area agency on aging for each planning and service area.” (“Planning and service areas” are the geographic regions in which the State is divided for purposes of delivery of aging services. These regions are mandated by the federal Older Americans Act.) Click here to view the full history and language of [House File 2320](#).

During the course of the legislative session, there were discussions and debates about the planning and service area regions. These conversations, while important and productive, slowed the bill’s movement through the legislative process.

In March, it became clear that [House File 2320](#) would need to be amended to change the effective date to allow the Department and the aging network adequate time to complete the reduction. [House File 2320](#) was amended to move the effective date from July 1, 2012, to “no later than July 1, 2013.”

[House File 2320](#), in its amended form, passed both chambers and was signed by the Governor on March 29, 2012.

The Department and the Commission on Aging will now begin the task of reducing the number of area agencies on aging and reorganizing the aging network to create a more effective and efficient system.

*For further background on this legislative action, see Area Agency on Agency Redesign Update, page 7*

## HF 2305

Department  
technical bill

### **House File 2305 (Iowa Department on Aging Bill)**

During the session, the Department was also successful in passing a technical bill. A technical bill is legislation used by executive branch agencies to clean-up the agency's individual chapter(s) of the Code. Typically, the changes sought in a technical bill do not involve policy and are non-substantive changes. An example might be a spelling fix or the addition of a new definition.

The primary purpose of [House File 2305](#) was to align several provisions of Iowa Code with federal law. (Click here to view the full history and language of [House File 2305](#)). Other changes in the Department's technical bill include:

- Removing language referencing the Senior Living Trust Fund, which no longer exists.
- Allowing the Assistant Director to conduct Department business in the absence of the Director.
- Removing Sections 231.24 (Certified Retirement Communities) and 231.63 (End-of-Life Care Information). Both sections are unfunded programs that have not been implemented.

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### **House File 2387**

Representatives Heaton and Heddens introduced a bill that requires the Iowa Department on Aging to lead a work group to make findings and recommendations regarding an elder abuse law in Iowa. The bill passed both chambers and was signed into law on April 4, 2012.

The new law mandates that the findings and recommendations of the work group be reported to the Legislature and the Governor by December 15, 2012. The Department looks forward to a productive summer of discussion regarding elder abuse laws in Iowa. Please see the article in this edition titled 'Elder Abuse: Where From Here?', on pages 9 and 10, for more information on the Department's plans to achieve the goals of [House File 2387](#).

## HF 2387

Work group for  
elder abuse law



## Appropriations: The Final Business of the Legislative Session

One of the last pieces of legislation to pass at the end of session typically includes legislation addressing appropriations. This year is no exception and the budget bill that contains funding for aging programs in Iowa, known as the health and human services budget bill, is still being negotiated.

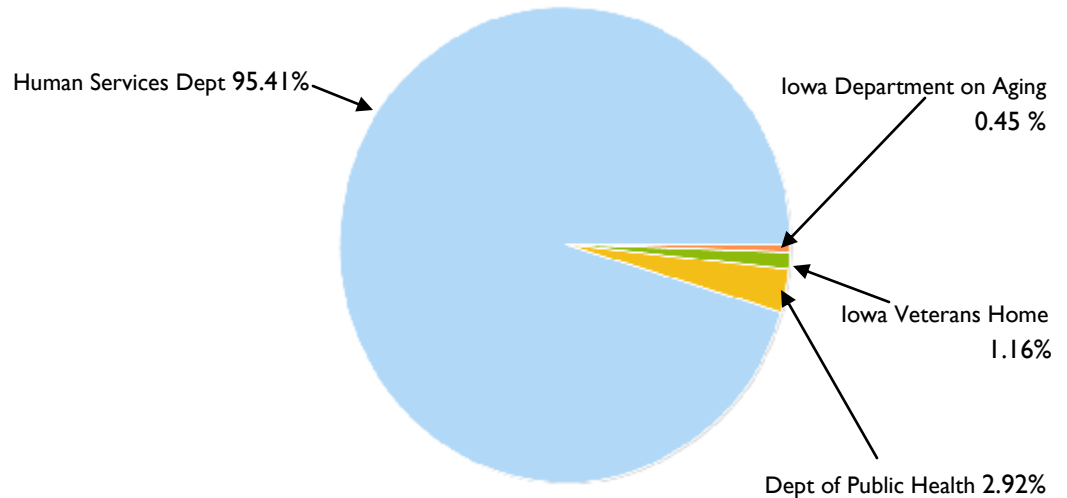
The House and Senate each introduced a budget bill. The Senate version is [Senate File 2336](#). The House has been working off of the Senate version with a replace and strike amendment. The amendment, [H-8464](#), makes many changes to Senate File 2336. There is a brief break-down of the Senate and House versions of Senate File 2336 on the next page. The health and human services budget bill moves quickly. Readers are encouraged to click on the link to Senate File 2336 for the most up-to-date information.

It is anticipated that the bill will be assigned to a conference committee. Information regarding state funding for the Department on Aging is included below.

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### FY 2012 Health & Human Services Expenditures by Specific Department

The graph below shows the percentage of summed expenditures from the State's central accounting system associated with each special department within the Health and Human Services function during fiscal year 2012 (July 1, 2011 - June 30, 2012). The state fiscal year runs from July 1 to the following June 30 and is numbered for the calendar year in which it ends. The State of Iowa operates on a modified accrual basis which provides that encumbrances on June 30 must be paid within 60 days after fiscal year end. Special departments are typically associated with state agencies.



## **Appropriations: As of Publishing Date April 20, 2012**

The following is a comparison between [Senate File 2336](#) and the House Amendment of **Senate File 2336 (H-8464)**:

### **Similarities in the House and Senate versions include:**

- Proposes the Department of Human Services uses funds received through the balancing incentive program to comply with the requirements of the program. (see box at left)
- Proposes to increase the total state funding for the nursing facility budget. The Senate is increasing the amount by approximately \$14 million and the House is increasing the amount by just under \$12 million.
- Proposes that the Department of Human Services review and make recommendations regarding reimbursement rates for home health agency and home and community-based service providers.

### **Differences in the House and Senate versions include:**

#### **House Amendment H-8464**

Allocates \$10,242,086 to the Iowa Department on Aging. This includes a reduction of \$60,491.

Proposes the Department develop recommendations for implementation of the Office of Substitute Decision Maker.

Strikes language that appropriates funding for the direct care worker task force.

#### **Senate File 2336**

Allocates \$10,402,577 to the Iowa Department on Aging. This includes an increase of \$100,000 to fund an additional local long-term care resident's advocate .

Includes an allocation of \$145,100 for an independent statewide direct care worker association and an allocation of \$337,440 to create a board of direct care worker professionals.

Proposes a 2% increase in reimbursement rates for home health agencies and home and community-based service providers (waiver services).

Proposes increase in the monthly reimbursement cap for the medical assistance and home and community-based services waiver for the elderly to \$1,400 per month.

Proposes a new subsection to establish a certified volunteer long-term care resident's advocate program.

The balancing incentive program is a federal grant available to States to increase access to home and community-based services.

See [Medicaid.gov](http://Medicaid.gov) for additional Information.

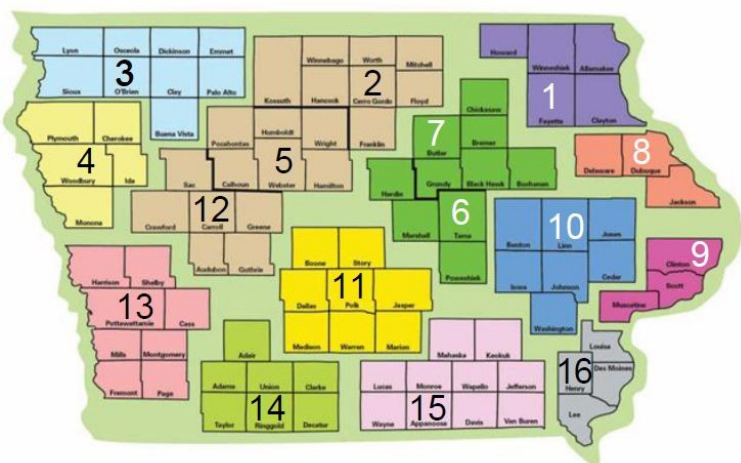
## **Area Agency on Aging Redesign Update**

With the passage of [House File 2320](#), the Department can now move forward with the modernization of Iowa's aging network. The Department has worked over the past year to build the framework for the redesign. Some of the steps completed by the Department include:

- Hosted 16 community forums across the State to talk with Iowans about their concerns and the future of the Department and the aging network.
- Revised the Department's administrative rules, Chapter 4, to ensure that there are clear administrative procedures to govern the reduction of Area Agencies on Aging.
- Published notice of the plan to reduce the number of area agencies on aging in a newspaper in each county in the State.
- Hosted a public hearing to receive comment regarding the Department's plan to reduce the number of Area Agencies on Aging.
- Sponsored [House File 2320](#) which facilitates reduction of the number of Area Agencies on Aging.
- Proposed planning and service area options to the Commission on Aging

The following map shows the current 16 service regions, called planning and service areas. The Area Agencies on Aging provide services and assistance within the planning and service areas. Some Area Agencies on Aging serve more than one planning and service area.

The planning and service areas and Area Agencies on Aging are mandated and governed by the federal Older Americans Act.



The only way to make sense out of change is to plunge into it, move with it, and join the dance.

~ Alan Watts

**Upcoming  
Commission  
Meeting:**

April 27, 2012  
10:00 a.m.

Region XII Council  
of Governments

1009 E. Anthony  
St.  
Carroll,  
Iowa  
51401

The Iowa Commission on Aging will be meeting on April 27 to further discuss the designation of service areas for the State. Please go to the Iowa Department on Aging website, [www.aging.iowa.org](http://www.aging.iowa.org), for additional details.

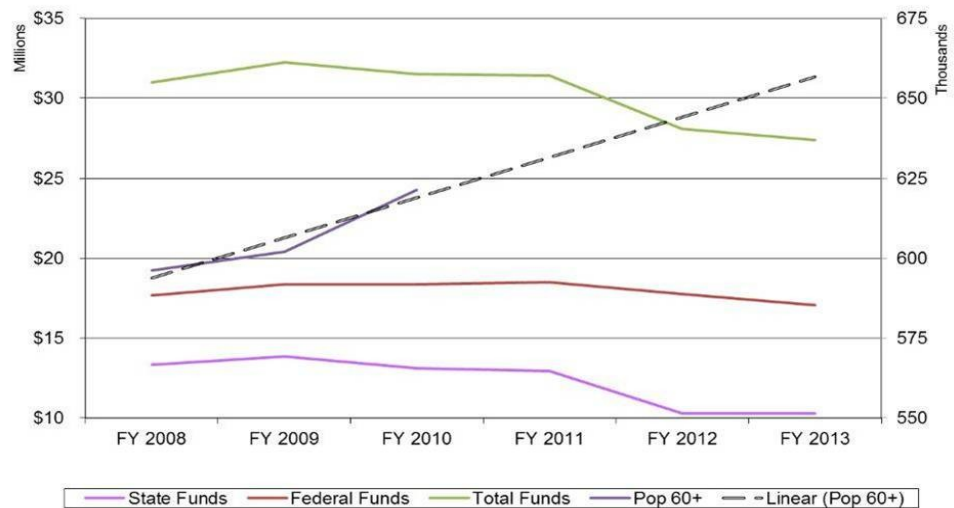
**Agenda**

- |  |  |  |
|--|--|--|
| 10:00  | Call to Order  | Chairman Ernst                         |
| 10:00  | Roll Call  | Recording Sec'y                        |
| <p>There will be an opportunity for comment from the general public. It is not a question and answer period. Those interested in providing comment shall sign in and will speak in that order. Speakers are asked to identify themselves and the organizations they represent at the start of their oral comment period. Oral comments will be limited to three minutes.</p> |  |  |
| 10:05  | Public Comment   |  |
| 10:25  | Approve Agenda (Action Item)   | Voting Members                         |
| 10:25  | Approve Minutes (Action Item)<br>January 13, 2012  | Voting Members                         |
| 10:30  | Planning and Service Area Designation<br>Effective July 1, 2013 (Action Item)                            | Director Harvey                        |
| 10:45  | Election of Officers (Action Item)-<br>Term effective through June 2013                                  |  |
| 11:00  | Director's Report  | Director Harvey                        |
| 11:20  | Policy Update  | Kimberly Murphy/Deanna Clingan-Fischer |
| 11:40  | Announcements from the Commission and/or Dept Staff<br>Next Commission mtg recommendations (Action Item) |  |
| 12:00  | Adjournment  |  |

Track the Department's redesign progress in future editions of Aging Watch and on the Department's website, [www.aging.iowa.org](http://www.aging.iowa.org)



## Federal and State Funds vs. Population 60+



## Elder Abuse: Where From Here?

[House File 2387](#), signed by Governor Branstad on April 4, 2012, mandates the Iowa Department on Aging work with the Department of Inspections and Appeals, the Department of Human Services, the Office of the Attorney General and other stakeholders to conduct a review of occurrences of and laws relating to the abuse, neglect or exploitation of individuals in the state who are 60 years of age or older. The law further states that the Department on Aging must submit a report of the findings and recommendations to the Governor and General Assembly by December 15, 2012.

The Department has fielded a number of questions concerning elder abuse since [HF 2387](#) was introduced. Common questions include: “Doesn’t Iowa already have an elder abuse prevention system?”; “What is the difference between dependent adult abuse and elder abuse?”; and “Why would the Department on Aging lead the elder abuse work group when other state agencies are involved with elder abuse detection and prevention?”

The following information will assist in explaining the answers to some of the questions:

- Iowa does not currently have an elder abuse law.
- Elder Abuse is defined by the Older Americans Act as the abuse, neglect or exploitation of an individual age 60+. Pursuant to the Older Americans Act and Iowa Code, the Department on Aging is responsible for implementation of an elder abuse, neglect and financial exploitation program.

HF 2387

Elder Abuse  
Report

## HF 2387

Elder Abuse  
Report  
continued

- Dependent Adult Abuse is defined by Iowa Code. The Department of Human Services is responsible for the program. Specific criteria must be met for an individual to receive assistance pursuant to Iowa's Dependent Adult Abuse laws. The criteria are:
  1. The individual must be "dependent", which means that the individual must be age 18 or older and unable to protect the person's own interests or unable to adequately perform or obtain services necessary to meet essential human needs as a result of a physical or mental condition which requires assistance from another;
  2. The perpetrator of the abuse must be the "caretaker", which means that the individual perpetrating the abuse has the responsibility for the protection, care or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court;
  3. The incident must be one of the specifically defined abuse categories outlined in Iowa Code Section 235B.2(5).
- Elder Abuse is simultaneously defined more narrowly and more broadly than Dependent Adult Abuse. The population targeted by elder abuse laws is narrower because it impacts individuals only age 60 and older. Dependent Adult Abuse impacts individuals age 18 and over. Elder abuse laws are broader because the victim of elder abuse does not have to be dependent or have a caretaker. Anyone sixty or older who is the victim of abuse, regardless of mental capacity or relationship to the perpetrator, may be eligible for assistance. For these reasons, elder abuse laws are often helpful in filling some of the gaps left by dependent adult abuse laws.

The Department will spend the next few months planning for implementation of House File 2387.

Stay tuned to AgingWatch and the Department website [www.aging.iowa.gov](http://www.aging.iowa.gov) for additional information and developments regarding the Elder Abuse Report

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### **Next Month in AgingWatch:**

- Update on the Reduction of Area Agencies on Aging
- Update on the final legislative actions of the 84th General Assembly
- Older Americans Month
- Reauthorization of the Older Americans Act
- Farewell to Commissioners Ralph Wolf and Linda Larken
- And much more

**Commission  
On Aging**  
by the numbers

11

total  
commissioners

7

appointed by  
the governor

4

non-voting  
legislators

## Meet Commission on Aging Chairman Dan Ernst

*Each month Aging Watch will include a feature on a member of the Iowa Commission on Aging. For our inaugural reintroduction issue we focus on Commission Chairperson Dan Ernst.*

An attorney from Dubuque, Dan Ernst will enter his final year of his second four year term serving on the Commission on Aging this April. He has spent the last six years as the Chairperson of the Commission. Originally Ernst was appointed to the Commission by Governor Tom Vilsack. "I didn't really choose the Commission, they chose me," laughed Ernst. "Being a Democrat, when Governor Vilsack got elected I felt that I should volunteer. I'm retirement age and wanted a productive thing to do."



One of his first acts as a new commissioner was to staff a booth at the Iowa State Fair on behalf of the Iowa Department on Aging. "I would speak with older Iowans as they came past the booth and many of them didn't even know about the Department or the Iowa aging network. I knew we had some work to do to get the message out."

Along with delivering the message about assistance to older Iowans, Ernst also believes that the delivery of services and aligning the points of entry for those who need the services is extremely important for the Department and the Commission. "This may sound too simple in theory, but I would like to see the services that the Department provides aligned with mental health, social welfare and other programs so that the public can find what they need in an easier fashion." Ernst said. "As the Department and Commission work to restructure the Area Agencies on Aging perhaps that is when we can begin to work toward that realignment."

The Commission and the Department were required by House File 45 to reduce the number of Area Agencies on Aging from the current 13 to a smaller number determined by the Commission. The Commission at their January 2012 meeting approved a plan for 5 Area Agencies on Aging, but that idea has met with some push back from people across the state. "The redesign is going to be tough," said Ernst, "But if we can work with other departments and look at the differences between services and points of access, I think we can make it happen for the benefit of all Iowans."

*(continued on page 12)*

Ernst said the biggest thing he learned while he has served on the Commission is that keeping older Iowans in their own homes is the key to successful aging.” Cost is one of the biggest issues older people face. It’s expensive to go into a nursing home, so we all need to work to keep people in their own homes as long as possible to save money all the way around.” Ernst believes that supplemental programs that help with home repair, food, transportation and so on all help seniors maintain their independence while helping to keep the costs associated with growing older in check. “We need to make sure that more information is out there to help people know what services are available.”

Ernst is married to wife Ann, a child psychologist. The couple has three grown children and eight grandchildren. Oldest daughter Ellen works for Michigan State University, son Dan is a professor at Georgetown University and youngest daughter Ruth Ann is the Assistant General Counsel to the US Senate. Ernst’s term as a commissioner ends in April of 2013.

Sanctioned by the Iowa Code, the Iowa Commission on Aging is charged with serving as a visible advocate for older Iowans by establishing policies for reviewing and commenting upon all state plans, budgets, and policies which affect older individuals. The Commission is made up of 11 members, seven of whom are appointed by the Governor. At least four of the seven must be 55 years of age or older, and no more than four can belong to the same political party. The remaining four members are Senators or Representatives, appointed by their chamber of the legislature to serve as non-voting members. The Commission meets at least four times each year.

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*AgingWatch will be published regularly during the legislative session and monthly in the interim by the Iowa Department on Aging. Recipients of the e-mail notice of publication are encouraged to share it with others.*

*The current issue may be found on the Department’s website, [www.aging.iowa.gov](http://www.aging.iowa.gov). Past issues are archived in the “Publications/Information” section.*

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## In the Legislature

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

[HF 2058](#) An Act establishing a property tax exemption for certain care facilities. (Ways & Means)

[HF 2165](#) Physicians Orders / Scope of Treatment. Signed by the Governor.

[SF 2318](#) Iowa E-Health. Creates the Iowa Health Information Network. Makes legislative findings, authorizes collection of fees, sets responsibilities of DPH and creates a Health Information Technology System fund. Signed by the Governor.

[HF 2420](#) DPH Bill II. Nursing Home Administrators. Makes language corrections and changes to examination provisions. Gives the Board of Nursing Home Administrators the general duties of other health boards. Retains provisional licenses but allows them to be held for no more than 12 months. (Ways & Means)

[HF 2422](#) Sex Offenders in Nursing Homes. Requires clerk of courts to notify the DIA, a nursing home or similar facility that a sex offender is being committed to that facility. Requires the facilities to check the sex offender registry for all new residents, etc.

[SF 2032](#) An act relating to advocacy for long-term care residents and making an appropriation. (Appropriations)

[SF 2051](#) An Act relating to the Department on Aging and making appropriations. Increases the FY 2012 approps for frail elder case management from \$24.8 million to \$29.9 million. (Appropriations)

[SF 2086](#) Health Care Facility Inspections. Repeals the moratorium on regular state-licensed health care facility inspections. Signed by the Governor.

[SF 2160](#) Nursing Home Room Supplements. Requires the DHS to recommend to the Council on Human Services to adopt rules allowing families to pay a supplement to allow a Medicaid patient to stay in a private room. Signed by the Governor.

[SF 2163](#) Adult Day services. Exempts adult day service programs that are federally certified from having to be state certified. Signed by the Governor.

[SF 2164](#) Offender Employee Evaluations. Changes the exemption provisions that allow someone with a criminal or an abuse record to work at a nursing home, MH1 or similar facility. Removes requirements regarding a lapse in employment and repeat an evaluation if a record check does not show any new crime or founded abuse report. Retains the provisions on a new record check when changing employment. Signed by the Governor.

[SF 2247](#) MR References. Changes "Mentally retarded" to "intellectual disability" throughout the Code. Signed by the Governor.

[SF 2260](#) Non-Profit Corporations. Revises the Iowa Non-Profit Corporation Act. Signed by the Governor.

[SF 2315](#) An act relating to redesign of publicly funded mental health and disability services by requiring certain core services and addressing other services and providing for establishment of regions and including effective date and applicability provisions.

Final Action  
of the 84th  
General  
Assembly  
will be  
summarized in  
next month's  
edition of  
Aging Watch