

agingWATCH



Legislation to reauthorize the Older Americans Act of 1965 moves forward

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2015 Iowa Legislative Session Timetable

Older Americans and their advocates are celebrating this week after legislation to reauthorize the Older Americans Act (OAA) of 1965 took a giant step forward.

Although repeated requests have been made to reauthorize the OAA since it first came due for review in 2011, it was only last week that members of the U.S. Senate Health, Education, Labor and Pensions (HELP) Committee were able to successfully propose a bill to reauthorize the act.

In a strong show of bipartisanship, Lamar Alexander (R-Tenn.), Patty Murray (D - Wash.), Richard Burr (R - N.C.) and Bernie Sanders (I - Vt.) introduced the Older Americans Act Reauthorization Act of 2015 and garnered enough support among HELP Committee members on Wednesday to enable the bill to move to the full Senate.

The proposed legislation, [S.192](#), provides for a three-year reauthorization with conservative changes to the OAA, including the modernization of the Prevention of Elder Abuse, Neglect, and Exploitation Program; strengthen the role of Long-Term Care Ombudsmen; and definitional changes related to Aging and Disability Resource Centers.

S.192 is similar to a bill introduced last session with one distinct exception: the bill addresses changes to the formula used to allocate OAA funding to the states. This controversial formula has been the reason past efforts for reauthorization have failed.

The debate surrounding the funding formula stems from a provision often referred to as “hold harmless” – a mechanism that protects states with low population growth from a reduction in minimum funding levels. Iowa is a low-growth state and has benefited from the hold harmless provision, while states with larger population growth have argued the provision results in inadequate funding.

The Older Americans Act Reauthorization Act of 2015 contains a stop-loss compromise that mandates no state will receive less than 99 percent of the funding allotted in the prior fiscal year in 2015, 2016 and 2017. After that, funding will be frozen at 2018 levels.

The stop-loss compromise applies to Title III funding received pursuant to the OAA, but it is unclear how other titles may be impacted. The Department on Aging is in the process of analyzing the proposed changes and will continue to report regarding these developments.

UPCOMING EVENTS

PUBLIC DIALOGUE: OFFICE OF SUBSTITUTE DECISION MAKER

Friday, Feb. 6, 2015

9-10:30 a.m.

Iowa State Bar Association CLE Room
625 E. Court Ave., Des Moines

Agenda:

- 9:00 Welcome and Introductions
- 9:15 Mission and Vision of OSDM
- 9:20 OSDM Department Overview
- 9:30 Current Initiatives
- 9:45 Overview of Referrals/Case Types
- 10:00 Questions/Comments
- 10:25 Adjourn

IOWA COMMISSION ON AGING MEETING

Friday, Feb. 6, 2015

10:30 a.m.

Iowa State Bar Association CLE Room
625 E. Court Ave., Des Moines

Agenda:

- 10:30 Call to Order/Roll Call
- 10:35 Approve Agenda (Action Item)
- 10:40 Approve Minutes (Action Item)
- 10:40 Department on Aging Update
- 11:00 OSLTCO Update
- 11:20 Administrative Rules (Action Item)
- 11:30 Announcements
- 11:35 Next Meeting (Action Item)
- 11:45 Public Comment
- 11:55 Adjourn

These meetings are accessible to individuals with disabilities. If you have special needs, please contact the Iowa Department on Aging at 515.725.3302.



CORRECTIONS & CLARIFICATIONS

AggingWatch welcomes comments and suggestions from readers. If errors are

brought to our attention, we will attempt to correct them. Messages can be emailed to kimberly.murphy@iowa.gov.

Bills to watch this Legislative Session

The General Assembly is officially up and running, with a steady stream of bills now being introduced and moving through committees. On the following pages, Bill Tracker details a list of bills currently being monitored by the Iowa Department on Aging.



Here is a snapshot of a few topics and bills that relate to those topics:

DEMENTIA TRAINING

- Senate Study Bill 1001 outlines several requirements regarding dementia training, including the requirement that several state departments create a taskforce to develop dementia curricula and training models; review existing educational and training components; research and review evidence-based best practices; work with licensing boards to establish educational training partnerships to support certification; review financial incentives for individuals providing care; and make recommendations no later than Nov. 15, 2015. Senate Study Bill 1001 passed subcommittee on Jan. 21 and will now make its way to full committee.

ELDER ABUSE PREVENTION

- House File 85 amends the current elder abuse Code chapter to remove exemptions from the confidential relationship requirement. Under current law, individuals working in certain industries or maintaining a certain relationship with a vulnerable elder (e.g., lawyers, fiscal agents, etc.) cannot be in a confidential relationship and cannot be subject to an allegation of financial exploitation under the elder abuse Code chapter. The legislation removes the exemptions and instead allows the court to determine a confidential relationship based upon the totality of the circumstances.
- House File 87 creates the crime of financial exploitation of an older individual and establishes associated criminal penalties. The concepts within these pieces of legislation have been a discussion point in past elder abuse task forces.
- Senate File 21 is aimed at preventing individuals who are convicted of certain crimes from recovering proceeds or benefits from the estate of the individual against whom the crime was perpetrated.

GUARDIANSHIP AND CONSERVATORSHIP PETITIONS

- Companion bills House Study Bill 44 and Senate Study Bill 1024 amend current law to ease legal procedures in the filing of a combined petition for guardianship and conservatorship. This legislation will allow a combined guardianship and conservatorship to be treated as a single proceeding with one docket number. On the House side, this legislation has already passed the Judiciary Committee.

More information about any of the bills listed in “Bill Tracker” can be found by clicking on the bill number and following the hyperlink to the Iowa Legislature’s online BillBook (www.legis.iowa.gov/legislation/billTracking). This resource posts all versions of bills and amendments, resolutions, study bills, bill histories and fiscal notes and includes sponsor information.

Iowa House of Representatives

- HF 9** **Insurance Premiums for Older Drivers.** *Requires the Department of Transportation, in consultation with the Department of Public Safety, to establish a certified driver safety education course to be offered throughout the state. A person who successfully completes the course shall be issued a certificate. The Commissioner of Insurance shall require insurers to provide a 10 percent automobile insurance premium reduction for persons 55 years of age or older who have obtained a certificate within the last three years.*
- HF 24** **Camping Fees for Older Iowans.** *Directs the Natural Resources Commission to reduce fees for camping and other special privileges for residents who are 60 years of age or older.*
- HF 48** **Absentee Voter Status.** *Allows an absentee voter to receive absentee ballots for all subsequent general elections without having to reapply.*
- HF 68** **Veterans Courts.** *Establishes a veterans treatment court in each judicial district.*
- HF 85** **Abuse of Elders.** *Eliminates a listing of persons who were exempt from the confidential relationship requirements under the elder abuse Code chapter.*
- HF 87** **Elder Financial Exploitation.** *Establishes the crime of financial exploitation of an older individual and provides penalties.*
- HF 106** **Health Workforce Center.** *Establishes the Iowa Health Workforce Center within the Department of Public Health to coordinate public and private health and long-term care workforce efforts in the State.*
- HF 113** **Electronic Absentee Ballot.** *Allows registered voters to make application for absentee ballots through electronic means.*
- HSB 40** **Disabled Veteran Homestead Credit.** *Amends eligibility criteria for the disabled veteran homestead tax credit to include additional categories of veterans with disabilities to qualify for the credit.*
- HSB 44** **Guardianship and Conservatorship Petition.** *Amends the current law so a combined petition for a conservatorship and a guardianship is treated as one proceeding, with one docket number. (Companion to SSB 1024.)*
- HSB 52** **Nonprofit Powers and Duties.** *Amends numerous provisions affecting nonprofit corporations.*
- HSB 62** **Eligibility Verification Systems.** *Directs the Department of Human Services (DHS) to establish a computerized income, asset and identity eligibility verification system and directs DHS to issue a request for proposal to contract with a third-party vendor to establish the system.*
- HSB 65** **Food Assistance Eligibility.** *Directs the Department of Human Services (DHS) to eliminate categorical eligibility for the food assistance program and to instead implement income eligibility for the program at 130 percent of the federal poverty level and an asset test for eligibility consistent with federal supplemental nutrition assistance program (SNAP) requirements.*
- HSB 82** **Medicaid HCBS Waiting Lists.** *Directs the Department of Human Services (DHS) to develop a prioritization policy for openings under each of the Medicaid home and community-based services waivers. The openings historically have been awarded on a first-come, first-served basis.*
- HSB 85** **Protective and No-Contact Orders.** *Makes several changes related to the issuance of and violation of civil protective orders and criminal no-contact orders and modifies penalties. (Companion to SSB 1080.)*

HOUSE STUDY BILL 44
PASSED OUT OF THE JUDICIARY
COMMITTEE ON JAN. 28.

Iowa Senate

- SF 2 Veterans Home Eligibility.** *Provides additional eligibility to spouses of living veterans who are not members of the Iowa Veterans Home. To be eligible, such a spouse is required to have been married to the veteran for at least 10 years, be disabled and meet the qualifications for nursing or residential levels of care.*
- SF 3 Parking for Persons with Disabilities.** *Requires that an approved driver education course include classroom instruction relating to the rights, privileges and penalties associated with parking for persons with disabilities.*
- SF 21 Insurance Proceeds.** *Provides that a person convicted of certain felonies perpetrated against a decedent in the six months immediately prior to the decedent's death is not entitled, as a named beneficiary, to any benefit under a bond, policy or other contractual arrangement, and the benefits become payable as though the person causing death had predeceased the decedent. Exception by affidavit.*
- SF 34 Disabled Veteran Homestead Tax Credit.** *Amends eligibility criteria for the disabled veteran homestead tax credit to include additional categories of veterans with disabilities to qualify for the credit.*
- SF 45 Disabled Veteran Homestead Tax Credit.** *Amends eligibility criteria for the disabled veteran homestead tax credit to include additional categories of veterans with disabilities to qualify for the credit.*
- SF 52 Senior Property Tax and Assessment Freeze.** *Provides a property assessment adjustment and a property tax adjustment for certain property of persons who have attained the age of 65.*
- SF 83 Senior Property Tax and Assessment Freeze.** *Provides a property assessment adjustment and a property tax adjustment for certain property of persons who have attained the age of 70.*
- SF 93 Senior Property Assessment Freeze.** *Provides a property assessment adjustment for certain property of persons who have attained the age of 65.*
- SF 103 Disabled Veteran Homestead Tax Credit.** *Modifies eligibility criteria for the disabled veteran homestead tax credit by providing that the credit allowed on the homestead be a percentage of the tax levied on the homestead equivalent to the veteran's service-connected disability rating percentage.*
- SF 105 Inheritance Tax Repeal.** *Repeals the state inheritance tax and the state qualified use inheritance tax.*
- SF 106 Medicaid HCBS Reimbursement.** *Provides that reimbursement for providers of services and the individual monthly maximum cap under the Medicaid home and community-based services waiver for the elderly shall be increased by 3 percent over the amounts in effect on June 30, 2015.*
- SSB 1001 Dementia Proficient Workforce Taskforce.** *Requires the Departments of Public Health, Aging, Human Services and Inspections and Appeals to form a taskforce to review dementia curricula and training models. Report due in November 2015.*
- SSB 1020 Prescription Drug Abuse.** *Requires a pharmacist or prescribing practitioner to obtain information about a patient from the information program for drug prescribing and dispensing if the pharmacist or prescribing practitioner believes or has reason to believe the patient is at risk of drug diversion, misuse or abuse.*
- SSB 1024 Guardianship and Conservatorship Petition.** *Amends the current law so a combined petition for a conservatorship and a guardianship is treated as one proceeding, with one docket number.*
- SSB 1076 Nonprofit Powers and Duties.** *This bill amends numerous provisions affecting nonprofit corporations. This bill is a companion to HSB 52.*
- SSB 1080 Protective and No-Contact Orders.** *Makes several changes related to the issuance of and violation of civil protective orders and criminal no-contact orders, and modifies penalties. This bill is a companion to HSB 85.*
- SSB 1082 Disabled Parking Permit Fines.** *Under current law, improper use of a persons with disabilities parking permit is a misdemeanor subject to separate fines. This bill provides that a local authority may charge and collect upon a simple notice of a \$100 fine in lieu of a scheduled fine.*

Older Iowans lose long-time friend and advocate

On Monday, Jan. 26, older Iowans and their advocates lost a dear friend and valued colleague when Neil Wubben passed away at his home in Osage following an illness.

At 72, Neil was a distinguished and beloved member of his community and an inspiration to all Iowans. He was born and raised near Buffalo Center, Iowa, and, after graduating high school, served in the U.S. Marine Corps from 1960 to 1963. He married in 1963 and went on to attend Iowa State University, where he earned both a bachelor's degree and a Master of Science degree in Agronomy.

Neil taught vocational agriculture from 1971 to 1981 before accepting a position with Iowa State University Extension, where he served as county education director for Woodbury County from 1982 to 1984 and Mitchell County from 1985 to 2009. His life's work and dedication to educating young people resulted in his being inducted into the 4-H Hall of Fame in 2012.

In addition, Neil was very active in his church and community, serving on the board of directors for the Osage Community School District, Mitchell County Habitat for Humanity and the Elderbridge Agency on Aging. Neil chaired the Mitchell County Republican Party as was elected chair of the Older Iowans Legislature in 2013. His advocacy efforts on behalf of older Iowans led him to be appointed by the governor to the Iowa Commission on Aging, which serves as the policymaking body for the Iowa Department on Aging.

Neil will always be remembered for his commitment to education as a means of improving the quality of life for others. His good nature, insight and willingness to collaborate made him an admired and respected leader in the effort to protect the health, well-being and rights of older Iowans.

Neil is survived by his wife Karen, his sons Scott, Wade and Martin, and his grandchildren. He will be dearly missed.



2015 IOWA LEGISLATIVE SESSION TIMETABLE

(SESSION TIMETABLE IS SUBJECT TO CHANGE)

JANUARY 12:

First day of session
Iowa Code Sec. 2.1

FEBRUARY 13 (Friday of the 5th Week):

Final day for individual Senator and Representative requests for bill drafts to the Legislative Services Agency
Senate Rule 27 and House Rule 29

MARCH 6 (Friday of the 8th Week):

Final day for Senate bills to be reported out of Senate committees and House Bills out of House committees
Joint Rule 20

MARCH 16-20 (10th Week):

Senate only considers Senate bills and unfinished business; House only considers House bills and unfinished business
Joint Rule 20

MARCH 23 – APRIL 3 (11th and 12th Weeks):

Debate not limited by rule

APRIL 3 (Friday of the 12th Week):

Final day for Senate bills to be reported out of House committees and House bills out of Senate committees
Joint Rule 20

APRIL 6-10 (13th Week):

Senate only considers House bills and unfinished business; House only considers Senate bills and unfinished business
Joint Rule 20

APRIL 13 (Beginning of the 14th Week):

Amendments need not be filed on the day preceding floor debate
House Rule 31.8

Primarily, only the following bills are eligible for consideration:

- Bills passed by both Houses
- Appropriations Bills

Joint Rule 20

MAY 1 (110th Calendar Day of the Session):

Per diem expenses end
Iowa Code Sec. 2.10(1)

AgingWatch is provided in the spirit of information and education. The opinions expressed by the contributors do not necessarily reflect those of the Iowa Department on Aging or its programs. The Iowa Department on Aging shall not be liable for any damages that may result from errors or omissions in information distributed in this publication.



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