IOWA
DEPARTMENT
OF ELDER
AFFAIRS

# **Legislative Update**

Volume 2, Issue 2
January 20,
2006



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Visit the lowa Department of Elder Affairs online at www.state.ia.us/elder affairs

### **Under the Dome**

This week's focus will be on the appropriations process and the department's Case Management Program for Frail Elders (CMPFE).

### **Process Issues:**

The Health and Human Services Joint Appropriations Sub-Committee met on Tuesday to outline priorities and to discuss the FY 07 budgeting process. The December Revenue Estimating Conference (REC) projected approximately 240 million dollars in additional revenue above projections. This would seem to be good news, were it not for the fact that revenue in excess of 500 million dollars will be needed to cover the states obligated expenses. Therefore, expect a budget to come out of the House that many will not be happy with. The REC will meet again in March, and legislators are hoping Iowa's economy will continue to grow and that revenue estimates can be upwardly revised and that the Senate can reconsider the appropriations bill – in the words of Representative Heaton "put the jelly on the sandwich"). The Governor has proposed a Cigarette Tax in the amount of .80 per pack to generate additional revenue for health related programs. Legislators indicated they plan on moving the House appropriations bill in the next three to four weeks. On Thursday, the committee again

met with the Legislative Services Agency and reviewed departmental budgets.

### What Does This Mean?

The next three to four weeks are critical in assuring that the CMPFE program, the gateway which allows Iowa seniors to access and coordinate Home and Community Based Services is adequately funded. Governor Vilsack has included in his FY 07 general fund budget the Department's request for additional funding for the Case Management Program for Frail Elders in the amount of three million dollars. These dollars would draw down an additional six million dollars in federal funds to help pay for Case Management as an ongoing service under the Title XIX HCBS Elderly Waiver. If this funding is not included in the House budget, it will be an uphill battle to have it included on the Senate side: it will then need to return to the House.

The Department has also requested \$62,500 to begin developing educational materials for Iowa's seniors related to purchasing long term care products such as assisted living, adult day services, and elder group homes. Iowa's seniors and their families will benefit by having access to materials that help them better understand how the services

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# Legislative Update

may help them, how services may be paid for and the minimum standards the state requires for service providers. Governor Vilsack has included this request in his FY 07 budget as well.

# What Needs to Be Done to Make This Happen?

As stated, the next three to four weeks are critical, *the time is now* to make your thoughts known on these issues:

1. Contact your local Representative. If you don't know who that is, go to www.legis.state.ia.us

# **DEA Spotlight**

### **Iowa Cares Act: HF 841**

A 2005 state-by-state survey showed that Iowa is the only state that provides on-going Case Management to elderly recipients but does not access Medicaid funding to help pay for the service. The states in red are states that draw down federal Medicaid dollars to support on-going Case Management for elderly recipients. Note: South Dakota does not provide Case Management services to Medicaid recipients as part of that state's Medicaid State Plan.

In 2005, per HF 841, Iowa's General Assembly instructed the Department of Elder Affairs (DEA) and the Department of Human Services (DHS) to seek a state plan amendment to begin reimbursing ongoing case management services under the Title XIX Home and Community Based (HCBS) Elderly Waiver. Doing so

- 2. Contact the Chairs and Ranking members of the House of Representatives Human Resources Standing Committee, leadership of the House Appropriations Committee and House members of the Joint Health and Human Services appropriations sub-committee.
- 3. Contact both House Majority and Minority leadership

We have again included these listings for your convenience.



aligns reimbursement for case management services with all other Medicaid waivers in Iowa that currently reimburse for case management services. DHS in collaboration DEA submitted the amendment in November of 2005 and are awaiting CMS response. DEA has requested the necessary appropriation of 3 million dollars (which would draw down an additional 6 million Federal dollars) to adequately fund this system.

References: CMS website of State Plans, <u>HF 841</u> – Iowa's 81<sup>st</sup> General Assembly, National Association of State Medicaid Directors website, telephone survey by DEA staff week of March 28, 2005.

Data compiled by the **Iowa Department of Elder Affairs**.



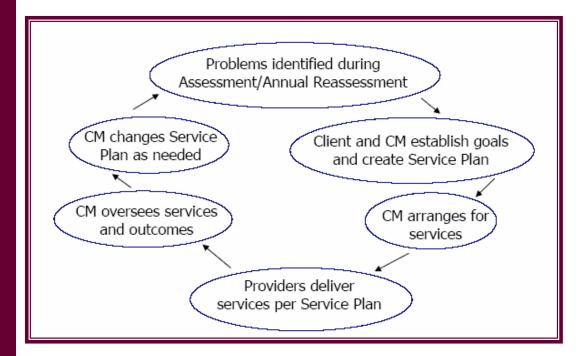




### **NOTICE:**

The Health and Human Service Appropriations Committee will discuss the Department's budget on Thursday, January 26<sup>th</sup> at 9:30am in Room 116 at the Capitol.

## **Case Management: How It Works**



Caring for an Older lowan? Bookmark the lowa Family Caregiver website: www.iowafamily caregiver.org/

### **CMPFE Facts**

# 1) The need for case management services has never been greater:

- ☑ Clients have become increasingly frail and dependent.
- The average age of CMPFE clients is 79 years old.
- 59% live alone.
- 62% have cognitive limitations such as problems with comprehension, concentration, or immediate memory.
- 91% needs assistance with bathing.
- 83% need assistance with walking.
- 69% need assistance with dressing.
- The patchwork of federal, state, and local funding sources has become more fragmented and complicated. Each program has its own eligibility guidelines, usage levels, and reporting requirements. Without knowledgeable, one-on-one assistance, many seniors are not able to

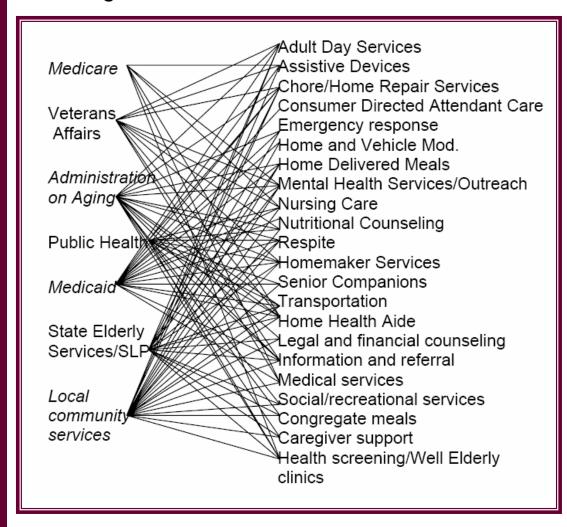
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NOTICE:

The Senate
Human
Resources
Committee
will discuss the
Department's
Case
Management
Program
Wednesday,
January 25<sup>th</sup> at
2:00pm in
Room 22 at the
Capitol.

take all the necessary steps to access benefits to which they are entitled. Helping the consumers make informed decisions about accessing programs, services and funding is one of the many tasks the CMPFE case managers would continue to provide.

### The Long Term Care Web:



2) A review of Medicaid case management programs in other states shows that Iowa already has in place an excellent programmatic and service delivery structure.

With sufficient state and federal funding, CMPFE will be able to maintain its existing service level without reducing the number of clients served and will be able to further strengthen program operations. Proposed modifications will:

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Reduce the time between the initial request for assistance and when

- clients begin receiving services.
- Include RN expertise and quality assurance in client assessments and reassessments.
- Establish a defined training and orientation program to ensure the same fundamental understanding of program philosophy and operations.
- Further standardize the internal processing and work flow.
- 3) The network of providers who are willing to contribute inkind services to the CMPFE is seriously eroding as these providers are facing their own financial pressures.

The program cannot be sustained with in-kind services, especially in light of increased caseloads, increased travel costs, and additional program requirements that accompany Medicaid reimbursement.

4) If case management had not been provided last year, over 13,164 older Iowans would have faced expensive institutionalization.

Medicaid Cost Report data released in August 2005 covers the time period of March 31, 2004 through March 31, 2005 and shows that the average allowable cost for Iowa nursing facilities was \$112.06 per day. With a monthly average of 6,746 Medicaid recipients on the elderly waiver, the cost for just one month of institutionalization of these recipients would have been \$22,678,702. An average monthly investment of \$114 for case management and \$536 for other elderly waiver services represents a dramatic savings to the state. Delaying institutionalization by only 12 days would pay the cost of case management services for an entire year.

5) The '07 budget request is consistent with previous estimates of the costs required to fund case management activity.

Budget requests and fiscal notes for the past several years have projected comparable estimates for the costs associated with delivering case management services. For example, in the 2006 budget offer the estimated monthly cost was \$120. This summer, the area agencies on aging undertook an extensive and structured process to estimate case management service costs utilizing accounting practices that apply to targeted case management providers in Iowa and principles defined in OMB A-122, *Cost Principles for Non-Profit Organizations*. The resulting '07 budget request of \$114 per month parallels previous cost estimates.

6) The legislation in HF 841 that directed the department of human services to apply for Medicaid reimbursement for case management did not incorporate the costs associated



### with delivering the service.

HF 841 did not appropriate any new state dollars to support case management. While the inclusion of case management as a medical-assistance covered service represents a much-needed infusion of resources, there are insufficient state match dollars to fully actualize the benefits of this funding source. There has not been a correlation between the state appropriations for case management and the actual cost of delivering the service.

7) The projected rate to deliver case management services to Iowa frail elderly is significantly below the average Targeted Case Management and Brain Injury waiver case management rates in Iowa.

The projected average CMPFE case management provider rate is \$114 per month based on a caseload of 60 clients per case manager. The monthly average TCM/BI waiver case management rate is \$230 per month with a caseload of 30 clients per case manager.

8) The budget request recognizes the steady increase in case management clients.

The number of CMPFE clients has increased every month since January, 2004. From July, 2004 to July, 2005 there was 29% increase in elderly waiver clients alone (from 5,603 to 7,225). This level of increase in caseload has not been reflected in state appropriations.

### **CMPFE: One Example of Many**

A husband age 83 and wife age 79, lived in a rented farm home 15 miles from the nearest city in southeast Iowa. The husband had a recent heart attack requiring continuous oxygen and his daily activity was strictly limited. The wife is legally blind with a history of Tranischemic attacks, a heart attack requiring four bypasses, and diabetes. He didn't have family support and her only son lives in South Dakota. The wife was unable to read labels, so to make meals easier she fixed Chicken & Stars

everyday. After the husband's last hospitalization, the Department of Public Health serviced the home. It was obvious to the Nurse this couple needed more help than their agency could provide or had time to provide. The Nurse called the daughter-in-law and encouraged her to contact the Area Agency on Aging. The Case Manager set up an assessment appointment.

The following problems were found:

1. They were unable to cook

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- proper meals
- 2. They weren't taking her medication on time and had at times overdosed by mistake
- 3. They had little socialization because of locality
- 4. They were unable to stabilize diabetes because of cooking problem
- 5. They were paying to have errands and yard work done and little money left over after bills
- 6. Hygiene had become a problem because they were afraid of falling in the tub
- 7. Housework wasn't being done
- 8. Transportation was a problem and she relied on the family coming from South Dakota or her husband was trying to drive them
- 9. She is hard of hearing
- 10. It had become difficult dressing and doing everyday tasks

Because there are safety issues involved, an emergency staffing was held with Public Health nursing and these were the suggestions:

- A. Home Deliver Meals
- B. MD2 Machine-Medication
  Dispenser for client, its
  automated voice tells the client
  when to take the medication and
  dispenses it dose by dose. If the
  client does not take the
  medication on time a contact
  person is called.
- C. Move to a more convenient location so there is better access to services
- D. By renting an apartment, they wouldn't have to pay for yard work
- E. Home Care Aide/Homemaker

- F. If they move to town the transit bus would be available
- G. Apply for Title XIX, then the Elderly Waiver, in the mean time bridge the gap with Senior Living Program money.
- H. Programmable telephone for the hearing impaired

The Case Manager contacted their son and set up an appointment to go over suggestions. (In the meantime became qualified from the Elderly Waiver) the clients, with the help of her family, chose to seek rental options in town, MD2 machine, nonperishable prepared shelf meals, nursing, emergency response system and home care aide/homemaker. They moved to a ground floor duplex close to the hospital, nursing services, and meal delivery. Shelf meals were replaced with hot diabetic meals and her diabetes stabilized. The next year her husband's health declined and Hospice was introduced. He past away last year in her arms in their own apartment as he wished.

Since his passing, the wife received a bill for \$9.000 from the Estate Recovery Program. The family called the Case Manager not knowing what to do next. The Case Manager referred them to the Estate Recovery Program number so they could explain the situation. The wife's need for services increased. She wanted to increase her homemaker, she also wanted a hospital bed so she could breathe better at night, she agreed to be evaluated by the Association for the Blind and they made great suggestions that helped her become

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more independent. Her minister and church ladies visit her bimonthly. She has a programmed phone and a lifeline. The client is satisfied and in her own words, "very happy with life at this point."

In these clients' case, case management did referrals to Department of Human Services, the city housing authority, Estate Recovery Program, local hospital for home delivery of meals, Hospice, assistive device agency, medical emergency equipment agency for lifeline, Association for the Blind, handicapped telephone services, and hearing aide agency.



### **Contact Lawmakers!**

**Senate Switchboard:** 

515-281-3371

House Switchboard:

515-281-3221

**Mailing Address:** 

State Capitol Des Moines, IA 50319

# Office of the Governor and Lt. Governor

State Capitol Des Moines, IA 50319 515-281-5211

### **House Human Resources Standing Committee**

### Representatives:

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# House Health and Human Service Appropriations Subcommittee

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Mike Reasoner Assistant Minority Leader mike.reasoner@legis.state.ja.us

John Whitaker Assistant Minority Leader john.whitaker@legis.state.ia.us

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### In the Legislature

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

# Bills the Department is monitoring:

HF 116 Senior Deer Hunters An Act allowing certain senior residents to hunt deer during the youth and severely disabled deer hunting season. by: Struyk, Mertz, Dandekar, Lukan (House Natural Resources Committee) Committee members: Van Engelenhoven (C), Whitead, Wilderdyke

HF 833 Pharmacy Bill A bill for an act making changes relating to the practice of pharmacy, providing for the creation of an electronic drug database, establishing and appropriating fees, providing penalties, and providing an effective date. by: Committee on Ways and Means (Senate Ways and Means) Committee members: Danielson and Larson (C), McCoy, and Zaun

<u>HF 851</u> **Death Certificates** A bill for an act relating to fees imposed for certified copies of death certificates. *by: Ways & Means* (Ways & Means) Committee members: Tomenga (C), Boal, Davitt *successor to HF 455* 

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. by: Ways and Means (Ways and Means) Committee members: Soderberg (C), Lalk, Schueller (Formerly HF 795) (Formerly HF 297)

HF 2002 Senior Living Trust Fund A bill for an act increasing the standing amount required to be appropriated, reverted, or transferred to the credit of the senior living trust fund and including effective and retroactive applicability date provisions. by:

Raecker and Kuhn (Appropriations)

Committee members: Heaton, Kuhn, and Raecker

HF 2010 Substitute Decision Makers A bill for an act relating to and making an appropriation for the office of substitute decision maker under the department of elder affairs. by: Smith (Human Resources)

HF 2018 Personal Needs Allowance A bill for an act relating to an increase in the personal needs allowance for residents of nursing facilities under the medical assistance program. *by: Gaskill and Swaim* (Human Resourses)

HF 2021 MR Case Payments A bill for an act relating to the costs of services provided to persons with mental retardation whose service costs are a state responsibility. by: Heddens (Human Resources)

HF 2022 Cigarette Taxes A bill for an act increasing the taxes imposed on cigarettes and tobacco products and providing for deposit of the increased revenue generated in the senior living trust fund, and providing an applicability date and an effective date. by: Tomenga and Olson R. (Ways and Means)

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### **HF 2026** Non Profit Tax Exemption

A bill for an act relating to the property tax exemption for certain dwelling units owned by a nonprofit organization and providing a retroactive applicability date. by: Paulsen (Ways and Means)

HF 2028 Veteran Status A bill for an act specifying the time period within which the Iowa department of veterans affairs shall comply with a request for veteran status from a health care facility. by: D Olson (Veteran Affairs) Committee members: May (C), Tymeson, Wendt

HF 2039 Elder Fishers An Act allowing fishing without a license for certain persons who fish in a supervised group. *by: Bell and Huser* (Natural Resources) Committee members: Lukan, Bell, and May

#### **HF 2040 Medicaid Inflation Factor**

A bill for an act relating to services reimbursed under a medical assistance home and community-based services waiver for the elderly. by: Swaim & Gaskill (Human Resources)

#### **HF 2045 SS-Pension Income Phase**

Out 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 by:

Committee on Ways and Means
(Ways and Means) Committee members: Floor Manager: Boal

Amendment H-8001 filed

### **HF 2049 Senior Property Tax**

Freeze A bill for an act relating to the reduction in the assessed values of homesteads of persons sixty-five years of age or older below a specified income level, providing a penalty, and including applicability date provisions. *by: Bukta* (Ways and Means)

### **HF 2055** Long Term Care

**Deduction** A bill for an act relating to an income tax deduction for costs of long-term care insurance contracts and including an effective and retroactive applicability date provision. *by: Frevert* (Human Resources)

#### **HF 2057 Personal Needs Allowance**

A bill for an act relating to the personal needs allowance amount for residents of nursing facilities under the medical assistance program. *by: Kaufmann et al.* (Human Resources) Committee members: Granzow (C), Tomenga, Wendt

#### **HF 2060 Personal Needs Allowance**

A bill for an act relating to the personal needs allowance for residents of nursing facilities. by: Huser et al. (Human Resources) Companion to LSB 5740SS

#### **HF 2062 Medicaid Inflation Factor**

A bill for an act relating to services for which reimbursement may be provided under a medical assistance home and community-based services waiver for the elderly. by: Huser et al. (Human Resources)

HF 2063 Fundraising A bill for an act relating to fundraising activities conducted for a group or organization of public officials or public employees and making penalties applicable. *by: Ford* (State Government) Committee members: Hutter, Boal, and Ford

HF 2064 Long Term Care An act relating to standardized requirements for long term care insurance policies. by: Huser & Peters (Commerce, Regulations & Labor) Companion to LSB 5741SS

#### **HF 2066** Involuntary

**Commitments** An act relatind to the time period for holding involuntary hospitalization hearings for chronic substance abusers and mentally ill persons. *by: Petersen* (Judiciary) Committee members: Tymeson (C), Foege, Hutter

HF 2068 Senior Living Trust Fund An act relating to the senior living trust fund and providing for appropriation of the moneys in the fund. *by: Huser et al.* (Human Resources)

<u>HF 2071</u> **Cemetary Access** An Act relating to access to certain burial sites located on private property. *by: Swaim* (Local Government)

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. by:

Committee on Human Resources
Formerly SSB 1272

### SF 355 Medicare Part D 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. by: Committee on Human Resources Formerly SSB 1204

SF 416 Cigarette Tax and Property Tax Cigarette Tax and Property Tax by: Ways and Means (House Ways

and Means) Committee members: Van Fossen (C), Kurtenbach, Shomshor *Formerly SSB 1322* 

SF 2008 Cemetary Access A bill for an act relating to access to certain burial sites located on private property. *by: Kreiman* (Local Government)

SF 2031 Grandparent Visitation A bill for an act relating to grandparent and great-grandparent visitation. *by: Ragan et al.* (Human Resources)

SF 2034 Suicide Prevention Office A bill for an act providing for the establishment of an office of suicide prevention within the Iowa department of public health, and making an appropriation. *by: Ragan & Bolkcom* (Appropriations)

SF 2036 Veterans Programs
Appropriations A bill for an act revising and making appropriations involving veterans programs for the fiscal year beginning July 1, 2005, and providing an effective date. by:
Committee on Appropriations HF
2080 subsituted withdrawn

### SF 2037 Military Pension

Exemption A bill for an act exempting military duty compensation, benefits, allowances, and retirement pay received from the federal government by members of the armed forces from the individual income tax and including a retroactive applicability date provision. by: Miller (Ways & Means) Committee members: Danielson & Zaun (C), Dotzler, Zieman

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#### SF 2038 Disabled Veterans

**Homestead** A bill for an act relating to an additional homestead credit for disabled veterans and including an effective date. *by: Lamberti* (Ways & Means) Committee members: Dotzler & McKibben (C), Danielson, Zaun

SF 2040 Long-Term Care Credit A bill for an act relating to a long-term care insurance tax credit under the individual income tax and including a retroactive applicability date provision. by: Miller (Ways & Means) Committee members: Connolly & Wieck (C), Stewart, Zaun

#### SF 2044 Pension 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. *by: Tinsman et al.* (Ways & Means) Committee members: Connolly & McKibben (C), Bolkcom, Zieman *Companion to HF 2045* 

SF 2048 **Personal Needs Allowance** A bill for an act relating to the personal needs allowance for residents of nursing facilities. *by: Bolkcom et al.* (Human Resources)

SF 2058 Long Term Care Insurance A bill for an act relating to

standardized requirements for longterm care insurance policies. *by: Bolkcom* (Commerce)

### SF 2059 Health Care Whistle Blower

A bill for an act providing a prohibition against reprisals relating to health care workers disclosing specified information, and providing penalties. by: Bolkcom et al. (Human Resources)

#### **SSB 3010 Medical Assistance**

**Program** An Act relating to the medical assistance program, including eligibility requirements for adults and provider overpayment rate adjustments. *by: DHS* (Human Resources)
Committee members: Seymour & Hatch (C), Behn, Woods

SSB 3014 **Dependant Adults** An Act relating to dependent adult abuse including the confidentiality of and access to dependent adult abuse information *by: DHS* (Human Resources) Committee members: Kreiman & Houser (C), Bolkcom, Tinsman

SSB 3019 Identity Theft An Act relating to offenses against identity, requiring notice of a breach of security of computer data containing personal information, and providing a procedure to secure credit information, and providing a penalty. by: AG Bill

### **Hot Off the Press:**

Senior Living Coordinating Unit Annual Report
www.state.ia.us/elderaffairs/Documents/SLCU/SLCU-AnnualReport2005.pdf

A Long Range Plan for Long-Term Care in Iowa www.state.ia.us/elderaffairs/Documents/SLCU/LongRangePlanReport.pdf

Long Term Care Ombudsman Annual Report
www.state.ia.us/elderaffairs/Documents/Reports/Ombudsman2005AnnualRep
ort.pdf

# **Iowa Department** of Elder Affairs

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# Extras!

The Department of Elder Affairs has posted an **Invitation to Exhibit at** the upcoming Governor's Conference on Aging – to be held May 22<sup>nd</sup> and 23<sup>rd</sup> in Des Moines. See our website for details at: www.state.ia.us/elderaffairs/



### **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, <a href="https://www.state.ia.us/elderaffairs/">www.state.ia.us/elderaffairs/</a>, 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 <a href="mailto:erin.haafke@iowa.gov">erin.haafke@iowa.gov</a>.

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#### **Our Mission:**

To provide advocacy, educational, and prevention services to older lowans so they can find lowa a healthy, safe, productive, and enjoyable place to live and work.