



## LEGISLATIVE UPDATE

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April 18, 2008

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### Looking Toward Adjournment

The 100<sup>th</sup> day of the General Assembly and the last day that legislators receive a per diem payment for working is Tuesday, April 22. However, legislators have a number of outstanding issues to resolve before adjourning for the year. Of most significance, the legislature must develop a budget (see table below). A number of budget bills have passed one chamber or the other, but only two of the smaller budget bills have passed both chambers. Three budget bills have not even been introduced for consideration yet.

Budget	Status
Administration and Regulation (SF 2400)	Passed Senate; Amended by House
Agriculture and Natural Resources (HF 2662)	Passed House; Amended by Senate
Economic Development	Not introduced yet
Education (HF 2679)	Passed House
Health and Human Services (SF 2425)	Passed Senate; Passed House Committee

Judicial Branch (HF 2647)	Passed House; Passed Senate
Justice Systems (HF 2660)	Passed House; Passed Senate Committee
Infrastructure	Not introduced yet
Salary and Standings	Not introduced yet
Healthy Iowans Tobacco Trust (SF 2417)	Passed Senate; Amended by House
Transportation (SF 2394)	Passed Senate; Passed House

The legislature also has a significant number of policy bills that it intends to complete before adjournment including the health reform bill (House File 2539), the Iowa Public Employees Retirement System (IPERS) bill (SF 2424), the statewide school sales tax bill (HF 2663), and collective bargaining (HF 2645).

As previously reported, the Senate significantly amended and passed HF 2539, the health reform bill, on April 7; sending the bill back to the House for consideration. The House does not intend to accept the Senate amendment in its entirety, but rather will make some changes to the Senate amendment before sending the bill back to the Senate for consideration again. This process will allow for the possibility of a conference committee on the bill if the Senate refuses to concur with the House.

The Senate passed Senate File 2424, the IPERS bill, on April 17. The bill excludes bonuses from the definition of wages, addresses a variety of instances where an employee will be allowed by purchase service credit, among other things. Beginning July 1, 2011, SF 2424 allows IPERS to determine a required contribution rate for each membership group based upon the actuarial projected need so long as the employer and employee split remains 60/40 and the rate does not vary by more than .5 percent over the previous year. The House State Government and Appropriations Committee still need to approve SF 2424 before the bill can be considered on the House floor.

Two other high profile issues still remain unresolved, the statewide schools tax and collective bargaining bills. The House passed the statewide school sales tax bill, HF 2663, on a 59-41 vote. However, Senate leadership has indicated that it will not move the legislation forward without bi-partisan support. No Senate Republicans voted for the bill when it passed the Senate Ways and Means committee, which has created some concern for the bill's future on the Senate floor. The Senate has still not released the collective bargaining bill, House File 2645, for the Governor's consideration so it is still unclear what action the Governor will ultimately take on the chapter 20 changes.

All in all, much work still needs to occur next week in order for the legislature to adjourn. With a long list of to-dos, it is certain that the 2008 legislative session will exceed the 100 scheduled days.

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## **Governor Signs Smoking Ban**

A Legislative Conference Committee submitted its report to the Legislature for consideration

of **House File 2212**, the statewide smoking ban, on April 8. After a fairly emotional debate, the conference report was adopted, and HF 2212 passed on a 54-45 vote in the House and a 28-22 vote in the Senate. The final compromise contains a ban on smoking in virtually all public places, but left in place an exemption for gaming floors casinos and a veterans' home in Marshalltown.

In front of a crowd of healthcare advocates, the Governor signed HF 2212 on April 15. Before signing the bill, Governor Culver proclaimed that "Today, we are locking arms, putting partisan politics aside and joining together with one common purpose: to build a healthier Iowa." The ban will take effect July 1 of this year.

The Iowa Department of Public Health will be responsible for enforcing the ban. Both Employees of affected businesses and private citizens can report violations to the agency. As a public health measure, IHO supported this statewide ban on smoking in public places.

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## **Governor Signs Dependent Adult Abuse Bill**

On March 31, the Senate unanimously passed **House File 2591**, sending the bill to the governor. As previously reported, HF 2591 creates a new Iowa Code Chapter 235E under the purview of the Department of Inspections and Appeals (DIA) to regulate dependent adult abuse in hospitals, nursing homes, assisted living and adult day programs, and elder group homes. Legislators involved with the bill worked very hard to strike a balance between DIA and industry concerns.

The bill defines caretaker as a staff member of a facility who provides care, protection, or services to a dependent adult voluntarily, by contract, through employment or by order of the court. This new definition of caretaker would capture non-employed physicians and others not necessarily included under Iowa Code chapter 235B. A dependent adult is defined as a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired, either temporarily or permanently. Thus, a hospital patient may be a dependent adult while under general anesthesia but not for an entire hospital stay.

The bill also establishes the standard for dependent adult abuse in facilities of "willful misconduct, gross negligence or recklessness." This standard prevents DIA from classifying medical errors as dependent adult abuse unless intent to harm, gross negligence or recklessness can be proven.

Hospices must note that their employees will be subject to both Iowa Code chapters depending on the location of the patient. Hospice houses were not defined as a facility in HF 2591 so hospice patients receiving care in their homes or in hospice houses would remain under the authority of Iowa Code Chapter 235B and the Department of Human Services (DHS) for dependent adult abuse investigations. On the other hand, hospice patients receiving treatment in a nursing home, hospital, or assisted living program would be covered by the new legislation, Iowa Code Chapter 235E, enforced by DIA. The Governor signed the bill on April 16, and the new legislation will become effective July 1, 2008.

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## Health Reform Legislation Still Under Consideration

On April 8, the Senate significantly amended **House File 2539**, the measure providing wide-ranging health reform initiatives, and passed the bill 42-6. HF 2539 now returns to the House for consideration of the Senate amendment, expected to take place the week of April 21.

Importantly, the Senate amendment provides for \$24.8 million in additional appropriations over the next three years to ensure that all Iowa children have access to health insurance coverage. An earlier provision mandating that parents provide health insurance coverage for their children has now been dropped from the legislation.

The Senate language adds several provisions to HF 2539, including language authorizing a pilot project in Cedar Rapids to implement the Physician Order for Life Sustaining Treatment (POLST) form. The amendment also directs the department of public health to convene a workgroup to recommend language expanding the POLST pilot statewide.

House members are expected to finalize any changes they have to the legislation early the week of April 21 so that the bill can be debated and returned to the Senate before adjournment.

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## Insurance Consumer Advocate Bureau Established

Final legislative approval was given to **House File 2555**, a bill establishing a Consumer Advocates Bureau within the Division of Insurance. The bill now heads to the governor for his signature.

The bureau is charged with the following:

- Investigate consumer complaints and violations of insurance law.
- Monitor the establishment of insurance rates.
- Request the Insurance Commissioner to hold hearings when necessary or appropriate to protect consumers or the public interest.
- Seek assistance from other federal or state agencies or private entities to assist consumers.

Up until now, the Insurance Division had no legal obligation to protect consumers from deceptive practices in the insurance industry. The Bureau's will play a major role in regulating the treatment of consumers by insurance companies and preventing unfair trade practices in the insurance marketplace.

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## Health Care 'Whistleblower' Bill Fails Second Funnel Deadline

**House File 2485**, the proposed legislation regarding health care whistleblower policies, was not considered by the House of Representatives before the second legislative funnel deadline

and therefore will receive no further legislative action this year. The bill addressed health care worker non-retaliation policies and set forth a cause of action against health care employers.

IHO and other healthcare provider advocates maintain that federal and state laws already exist to protect health care workers in this regard. The language contained in HF 2485 went well beyond those parameters and potentially would have made it extremely difficult for any health care employer to appropriately discipline any employee.

Because the legislation has been supported for the last several years by the Iowa Nurses Association and the Service Employees International Union, hospices advocates should not expect that the failure of the bill will mean the end of interest regarding this issue. Although this bill is no longer eligible, there is always a possibility for the issue to show up in the amendment process; certainly, hospice advocates can expect proponents of the bill to push for consideration of the issue again in 2009.

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## **IHO to Offer Hospice Regulatory Boot Camp**

IHO, in conjunction with Weatherbee Resources, Inc., is sponsoring a Regulatory Boot Camp, to be held in Des Moines this summer. Mark your calendars now to attend this intensive two-and-a-half day workshop for hospice professionals, Monday, August 11 - Wednesday, August 13. The cost for this workshop will be \$695 per person, \$595 per person for groups of two or more from one organization.

The Federal regulations that govern hospice programs are complex, changing and frequently misunderstood. Weatherbee Resources, Inc., recognized nationwide as a leader in helping hospice programs achieve and maintain regulatory compliance, has developed an innovative and intensive educational program designed to provide knowledge, understanding and resources related to hospice regulations.

The Hospice Regulatory Boot Camp was created in response to a need for an in-depth program that covers all aspects of the Federal regulations that govern hospices. The program is designed for hospice executives, managers and supervisory staff, including program CEOs, clinical directors and compliance officers. Whether new to hospice (the program is an excellent orientation to the hospice regulatory environment) or a seasoned hospice professional, the information, resources and discussion provided during this two-and-a-half day program will challenge, inform and guide participants through the regulatory maze that all hospice programs must navigate.

The program will be held at the West Des Moines Sheraton Hotel. A sleeping room block is being arranged. More detailed information will be mailed in late May. For more information, contact Stacey Nay at 515.243.1046.

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## **IHO Seeks Presentations for Fall Conference**

Have you heard a great hospice-related speaker recently? Do you have a question you've always wanted answered? Does your hospice have a strong program you would like to share? This is your opportunity to ensure topics you are interested in are covered at the IHO Fall Conference. The 2008 Fall Conference Call for Presentations was sent out earlier this month. Please review the Call for Presentations and either complete the application form or pass it on to someone you think would make a great presenter.

### **How to Apply:**

- Fill out your application online at [www.iowahospice.org](http://www.iowahospice.org). The application can be found on the *Calendar* page.
- Download the application form located on the IHO Web site under the *Calendar* Tab. Then mail or fax the application to Stacey Nay, Iowa Hospice Organization, 100 E. Grand Avenue, Des Moines, IA 50309. Fax: 515.698.5109.

### **Deadline:**

The deadline to submit an application is **Friday, May 16, 2008**.

### **Questions:**

Contact Stacey Nay, IHO Director of Education, 515.243.1046.

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## **Cahaba GBA News**

### **Medicare Part A Education Opportunities**

Cahaba GBA - Outreach and Education has the following Medicare Part A education opportunities scheduled in May, June and August.

05/01/08 - Medicare 101, An Overview of Medicare Part A - Part 1 of 2 Series

05/29/08 - Medicare 101, Completing the UB04 Claim form - Part 2 of 2 Series

06/26/08 - Ask Cahaba A (Topic: TBA)

08/06/08 - Ask Cahaba A (Topic: TBA)

For additional details, including registration information, on any of these events, please visit the Cahaba GBA website at

[www.cahabagba.com/apps/course\\_registration/ia/calendar.jsp](http://www.cahabagba.com/apps/course_registration/ia/calendar.jsp).

### **MCPSS Survey Responses Low**

The Medicare Contractor Provider Satisfaction Survey (MCPSS) is a national survey conducted by the Centers for Medicare & Medicaid Services (CMS) and administered by Westat. At this time, the response rate among Cahaba GBA's Part A providers who received the survey is very low. If you have received a survey but have not yet completed it, please respond to the survey as soon as possible. If you have any questions

please send an e-mail to [mcpss@westat.com](mailto:mcpss@westat.com).

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## Hospice News Network

- **“Narrative Accounts of Volunteers in Palliative Care Settings,”** in the current *American Journal of Hospice and Palliative Medicine*, says that several themes **“emerged around what volunteers considered the most valuable aspects of their experience.”** They “identified freedom of choice and the ability to use their natural gifts as an important condition for satisfaction. In addition, they perceived emotional resilience and personal hardiness as important dimensions of their suitability for working in palliative care. Finally, volunteers felt that their approach must be one of a balanced perspective, with an understanding of life and death as part of the human condition.” (*American Journal of Hospice and Palliative Medicine*, 2008;25(1):16-23)
- **The current *American Journal of Hospice and Palliative Medicine* includes “A Day in the Life: A Case Series of Acute Palliative Care Medicine – the Cleveland Model.”** “The authors describe a case series to provide a snapshot of a typical day in an acute care inpatient palliative medicine unit. The cases illustrate the sophisticated medical care involved for each individual and the important skill sets of the palliative medicine specialist required to provide high-quality acute medical care for the very ill.” (*American Journal of Hospice and Palliative Medicine*, 2008;25(1): 24-32)
- **“Documentation in Palliative Care: Nursing Documentation in a Palliative Care Unit – a Pilot Study,”** in the current *American Journal of Hospice and Palliative Medicine*, explores “whether palliative patients’ needs, nursing actions, and evaluation can be identified in the nursing documentation.” The results of the study show that “the documentation revealed physical care, especially pain, more frequently than other needs. Nursing documentation focuses on identification more than on nursing actions and evaluation.” (*American Journal of Hospice and Palliative Medicine*, 2008;25(1): 45-51)
- **The new PBS film, “Caring for Your Parents,” debuted earlier this month.** An article in *Hartford Courant* notes, “Instead of flooding viewers with statistics — an estimated 75 million Americans just moving into older age themselves will have the responsibility of caring for parents in the next decade, for example — the film hits its point by concentrating on a handful of families who take on care for their parents as a way of giving back.” Program information and elder care resources can be found at [www.pbs.org/caringforyourparents](http://www.pbs.org/caringforyourparents). (*Hartford Courant*, 4/1)

*HNN is sponsored by Glatfelter Insurance Group that provides property and liability insurance for hospices and home healthcare agencies through their Hospice and Community Care Insurance Services division. Ask your insurance agent to visit their website at [www.hccis.com](http://www.hccis.com).*

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## Job Openings

## **Chief Executive Officer, Missouri**

**Organization:** MHPCA, a 501(c)3 corporation, has a purpose to (1) promote hospice and palliative care for patients and their families; (2) promote understanding among healthcare professionals of the needs and resources available to hospice or palliative care patients and their families; (3) promote communication among existing and developing hospice and palliative care programs within Missouri and at the regional and national levels of the National Hospice and Palliative Care Organization (NHPCO); (4) promote improved health care legislation and regulation of standards for hospice care at all government levels; (5) advocate for appropriate reimbursement; (6) promote education for the general public about hospice and palliative care; (7) promote research in hospice and palliative care; (8) engage in any other lawful business permitted under the laws of the State of Missouri.

**Opportunity:** MHPCA is seeking a replacement for the current CEO who is retiring after 16 years of service. The organization is financially viable and has an exemplary reputation at the state, regional and national levels. MHPCA is an organization that is a successful leader in professional education at the local, regional and national levels and a strong advocate for end-of-life care through collaboration with other organizations and associations. MHPCA has nearly 100 hospice and palliative care organization members throughout the State of Missouri.

**Candidate Profile:** Reporting to the MHPCA Board of Directors, the CEO shall have executive powers and duties of supervision, management and implementation of the directions and resolutions of the Board of Directors. The CEO, in absence of both the President and Vice President of the Board of Directors, shall preside at all meetings of the members and directors. The successful candidate shall possess a minimum of 10 years of professional work experience, including a minimum of 3 in management. The ability to communicate effectively, public speaking, contract negotiation, project management, facilitation of meetings, and the ability to organize and work with volunteers is required. A bachelor's degree is required and a Master's preferred. Previous association management experience is strongly preferred. Healthcare experience is preferred.

**Location:** Jefferson City, the capital city of the State of Missouri nestled along the Missouri river, with a population of 78,000, is situated between Kansas City and St. Louis and is characterized by a very favorable cost of living, well-rated schools, a wide variety of restaurants, chain and local shopping and very quick access to all of the scenic and recreational offerings of the *Lake of the Ozarks* and the rest of the region.

**Compensation:** The position offers a highly competitive salary and compensation package including a full range of company and employee paid benefits. Relocation assistance is provided.

Nominations, referrals, and expressions of interest should be sent confidentially to:

Theresa Leinwetter  
Director of Recruiting  
MH HealthSearch  
7600 W. 110th Street  
Overland Park, KS 66210  
(913) 409-1120

(800) 917-6447 Toll Free  
(913) 409-1196 Fax  
[theresal@mhhealthsearch.com](mailto:theresal@mhhealthsearch.com)  
[www.mhhealthsearch.com](http://www.mhhealthsearch.com)

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