

TITLE 67  
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 50  
COMMISSION ON AGING

67-5001. CREATION OF COMMISSION ON AGING -- COMPOSITION -- APPOINTMENT. There is hereby established in the executive office of the governor the Idaho commission on aging, hereafter referred to as the "commission," which shall have the duties, powers, and authorities as provided in this act. The board of commissioners shall consist of seven (7) members to be appointed by the governor of the state of Idaho, hereafter referred to singly as a "commissioner" or collectively as "commissioners," who shall hold office during the pleasure of the governor and who shall be subject to removal by the governor. No commissioner shall hold any other elective or appointive office, state, county or municipal, or any office in any political party organization. Not more than four (4) commissioners shall at any time belong to the same political party. At least four (4) commissioners must be age sixty (60) years or older. Each of the commissioners shall be a citizen of the United States, and of the state of Idaho, and shall be appointed to assure appropriate geographic representation of the state of Idaho.

The commissioners shall be appointed for a term of four (4) years; provided, that in the case of death of any commissioner, or his or her removal from office as hereinbefore provided, the governor shall appoint a successor from the same geographic area. All commissioners shall be appointed for a term of four (4) years on a staggered basis. No commissioner shall serve more than two (2) consecutive terms, except that a commissioner appointed to fill an unexpired term may be appointed to two (2) additional full terms.

[67-5001, added 1995, ch. 189, sec. 2, p. 677; am. 2002, ch. 47, sec. 1, p. 108.]

67-5002. ORGANIZATION -- MEETINGS -- QUORUM -- COMPENSATION -- EXPENSES. (1) The commissioners shall oversee the duties, powers and authorities of the commission.

(2) The commissioners shall elect a chairman and vice-chairman at its first meeting. Thereafter, the chairman and vice-chairman shall be elected during the first meeting of each calendar year. The commissioners shall meet at least once every three (3) months and at such times as may be called by the chairman. A majority of the commissioners shall constitute a quorum for the transaction of business, or for the exercise of any power.

(3) Each commissioner shall be compensated as provided in section [59-509](#)(h), Idaho Code.

[67-5002, added 1995, ch. 189, sec. 2, p. 677; am. 2002, ch. 47, sec. 2, p. 108.]

67-5003. POWERS AND DUTIES OF COMMISSION. The Idaho commission on aging administrator and staff shall carry out the following powers and duties, in consultation with the commissioners:

(1) Serve as an advocate within state government and the community for older Idahoans;

(2) Serve as an advisory body regarding state legislative issues affecting older Idahoans;

(3) In accordance with [chapter 52, title 67](#), Idaho Code, promulgate, adopt, amend and rescind rules related to programs and services administered by the commission;

(4) Enter into funding agreements as grants and contracts within the limits of appropriated funds to carry out programs and services for older Idahoans;

(5) Conduct public hearings and evaluations to determine the health and social needs of older Idahoans, and determine the public and private resources to meet those needs;

(6) Designate "planning and service areas" and area agencies on aging in accordance with the older Americans act and federal regulations promulgated thereunder. The commission shall review the boundaries of the "planning and service areas" periodically and shall change them as necessary;

(7) On or before the first day of December in 1995 and each year thereafter, submit a report to the governor and the legislature of its accomplishments and recommendations for improvements of programs and services for older Idahoans;

(8) Administer and perform any other related functions or activities assigned to the commission by the governor.

[67-5003, added 1995, ch. 189, sec. 2, p. 677; am. 2002, ch. 47, sec. 3, p. 108.]

67-5004. ADMINISTRATOR -- APPOINTMENT AND TERM. An administrator of the Idaho commission on aging shall be appointed by the governor. The appointment shall be subject to confirmation by the senate. The administrator may be removed by the governor at will. The administrator's compensation shall be fixed by the governor within the limits of appropriations available to the office and based upon an annual performance evaluation by the commission.

[67-5004, added 1995, ch. 189, sec. 2, p. 677; am. 2002, ch. 47, sec. 4, p. 109.]

67-5005. LEGISLATIVE INTENT. The legislature hereby finds and recognizes the need to provide basic necessities to its older people in their later years and particularly in providing efficient community services, including access transportation, adequate nutrition, in-home services, and adult day care, designed to permit its older people to remain independent and to be able to avoid institutionalization; and that these services be provided in a coordinated manner and be readily available when needed and accessible to all older people.

This act shall be known as the "Idaho Senior Services Act."

[67-5005, added 1976, ch. 305, sec. 1, p. 1046; am. 1982, ch. 67, sec. 3, p. 132; am. 1989, ch. 117, sec. 1, p. 262.]

67-5006. DEFINITIONS. For the purposes of this chapter, the following terms are defined as follows:

(1) "Transportation" -- services designed to transport older persons to and from community facilities and resources for the purpose of applying for and receiving services, reducing isolation, or otherwise promoting independent living, but not including a direct subsidy for an overall transit

system or a general reduced fare program for a public or private transit system.

(2) "In-home services" -- provide care for older persons in their own homes and help them maintain, strengthen, and safeguard their personal functioning in their own homes. These services shall include, but not be limited to case management, homemakers, chores, telephone reassurance, home delivered meals, friendly visiting and shopping assistance, and in-home respite care.

(3) "Congregate meals" -- meals prepared and served in a congregate setting which provide older persons with assistance in maintaining a well-balanced diet, including diet counseling and nutrition education.

(4) "Older persons" -- individuals sixty (60) years of age or older.

(5) "Adult day care" -- a structured day program which provides individually planned care, supervision, social interaction and supportive services for frail older persons in a protective setting, and provides relief and support for caregivers.

(6) "Information and assistance service" means a service for older individuals that:

(a) Provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology;

(b) Assesses the problems and capacities of the individuals;

(c) Links the individuals to the opportunities and services that are available;

(d) To the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate follow-up procedures; and

(e) Serves the entire community of older individuals, particularly:

(i) Older individuals with the greatest social need;

(ii) Older individuals with the greatest economic need; and

(iii) Older individuals at risk for institutional placement.

(7) "Information and referral" means and includes information relating to assistive technology.

(8) "Aging and disability resource center" means an entity established by a state as part of the state system of long-term care, to provide a coordinated system for providing:

(a) Comprehensive information on the full range of available public and private long-term care programs, options, service providers and resources within a community, including information on the availability of integrated long-term care;

(b) Personal counseling to assist individuals in assessing their existing or anticipated long-term care needs, and developing and implementing a plan for long-term care designed to meet their specific needs and circumstances; and

(c) Consumers' access to the range of publicly supported long-term care programs for which consumers may be eligible, by serving as a convenient point of entry for such programs.

(9) "Case management service":

(a) Means a service provided to an older individual at the direction of the older individual or a family member of the individual:

- (i) By an individual who is trained or experienced in the case management skills that are required to deliver the services and coordination described in paragraph (b) of this subsection; and
  - (ii) To assess the needs and to arrange, coordinate and monitor an optimum package of services to meet the needs of the older individual; and
- (b) Includes services and coordination such as:
- (i) Comprehensive assessment of the older individual, including the physical, psychological and social needs of the individual;
  - (ii) Development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services:
    1. With any other plans that exist for various formal services such as hospital discharge plans; and
    2. With the information and assistance services provided herein;
  - (iii) Coordination and monitoring of formal and informal service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided;
  - (iv) Periodic reassessment and revision of the status of the older individual with:
    1. The older individual; or
    2. If necessary, a primary caregiver or family member of the older individual; and
  - (v) In accordance with the wishes of the older individual, advocacy on behalf of the older individual for needed services or resources.

[67-5006, added 1976, ch. 305, sec. 2, p. 1046; am. 1982, ch. 67, sec. 4, p. 132; am. 1989, ch. 117, sec. 2, p. 262.; am. 2011, ch. 142, sec. 1, p. 402.]

67-5007. GRANTS TO AND CONTRACTS WITH LOCAL AREA AGENCIES. The commission shall, based on the recommendations of the local area councils on aging, enter into funding agreements as grants or contracts with designated local area agencies, as provided by the Older Americans Act of 1965, as amended, for the purpose of the agencies issuing contracts at the local level to provide the services listed in section [67-5008](#), Idaho Code. Such grants or contracts shall be subject to performance and financial audit by the agency in conformance with state practices and statutes.

[67-5007, added 1976, ch. 305, sec. 3, p. 1047; am. 1982, ch. 67, sec. 5, p. 133; am. 1995, ch. 189, sec. 3, p. 678; am. 1999, ch. 13, sec. 2, p. 19.]

67-5008. PROGRAMS FOR OLDER PERSONS. The commission shall upon reviewing recommendations from local area councils on aging, as required by the Older Americans Act of 1965, as amended, allocate to local designated area agencies grants or contracts for the following purposes:

- (1) Transportation -- For operating expenses only.
- (2) Congregate meals -- For direct costs to provide nutritionally balanced meals to older persons at congregate meal sites.

(3) In-home services -- For direct provision of case management, home-maker, chore, telephone reassurance, home delivered meals, friendly visiting, shopping assistance, in-home respite and other in-home services to older persons living in noninstitutional circumstances. Fees for specific services shall be based upon a variable schedule, according to rules established by the Idaho commission on aging, based upon ability to pay for such services.

(4) Adult day care -- For direct services to older persons and their caregivers.

(5) Ombudsman -- For provision of ombudsman services as described in section [67-5009](#), Idaho Code.

[67-5008, added 1976, ch. 305, sec. 4, p. 1047; am. 1982, ch. 67, sec. 6, p. 133; am. 1989, ch. 117, sec. 3, p. 263; am. 1995, ch. 189, sec. 4, p. 679; am. 1999, ch. 13, sec. 3, p. 20; am. 2000, ch. 34, sec. 1, p. 62; am. 2006, ch. 201, sec. 1, p. 617.]

67-5009. OFFICE OF OMBUDSMAN FOR THE ELDERLY. The office of ombudsman for the elderly is hereby created within the commission. The ombudsman shall be able to independently make determinations and establish positions of the office without necessarily representing the determinations or positions of the commission. The ombudsman shall be responsible for receiving, investigating and resolving or closing complaints made by or on behalf of residents of long-term care facilities or persons aged sixty (60) years or older living in the community. No representative of the office shall be liable for the good faith performance of official duties, and willful interference with representatives of the office is unlawful. Long-term care facilities are prohibited from interference, reprisals or retaliation against a resident, employee or other person filing a complaint with, or furnishing information to, the office.

For the purposes of implementing the provisions of this section, the commission is hereby authorized as follows:

The administrator shall hire the state ombudsman for the elderly who shall be a person with the necessary educational background commensurate with the duties and responsibilities of the office of ombudsman and shall be a classified employee subject to the provisions of [chapter 53, title 67](#), Idaho Code.

The ombudsman may delegate to designated local ombudsmen any duties deemed necessary to carry out the purposes of the provisions of this section.

The ombudsman shall establish procedures for receiving and processing complaints, conducting investigations and reporting his findings. He shall have jurisdiction to investigate administrative acts or omissions of long-term care facilities or state or county departments or agencies providing services to older people. An administrative act of a long-term care facility or state or county department or agency may become an appropriate subject for the ombudsman to investigate under certain circumstances. For example, the ombudsman may investigate such an act if it might be contrary to law, unreasonable, unfair, oppressive, capricious or discriminatory. The ombudsman may make a finding for an appropriate resolution to the subject matter of the investigation.

The ombudsman shall investigate any complaint that he determines to be an appropriate subject for investigation under this section and will work to resolve the complaint to the satisfaction of the resident or the resident's representative.

In an investigation of any complaint or administrative act of any long-term care facility or state or county department or agency providing services to older people, the ombudsman may undertake, but not be limited to, any of the following actions:

(a) Make the necessary inquiries and obtain such information he deems necessary.

(b) Hold private hearings.

(c) Enter during regular business hours, a state or county department or agency's premises, or enter at any time a long-term care facility.

Following the investigation and upon his determination that particular subject matter should be further considered by the long-term care facility or state or county department or agency, an administrative act should be modified or canceled, a statute or regulation on which an administrative act is based should be altered, reasons should be given for an administrative act, or some other action should be taken by a long-term care facility or state or county department or agency, he shall report his opinions and recommendations to the respective parties. The ombudsman may request the parties affected by such opinions or recommendations to notify him within the specified time of any action taken by such parties on his recommendation.

The ombudsman shall notify, in writing or verbally, the resident or the resident's representative within a reasonable time from the date the investigation is terminated of any actions taken by him and the long-term care facility, or state or county department or agency to resolve any issues raised by the complaint.

The ombudsman, on December 1 of each year, shall submit to the governor, the speaker of the house, president of the senate, the department of health and welfare division of licensing and certification, the president of the Idaho hospital association and the president of the Idaho health care association a report of the activities of the ombudsman for the elderly during the prior fiscal year. This report shall include, but not be limited to, the number and general patterns of complaints received by the ombudsman, the action taken on such complaints, the results of such action, and any opinions or recommendations which further the state's capability in providing for statutory resolution of complaints.

Nothing in this section shall be construed to be a limitation of the powers and responsibilities assigned by law to other state or county departments or agencies.

Records obtained by the ombudsman shall be subject to disclosure according to [chapter 1, title 74](#), Idaho Code.

[67-5009, added 1988, ch. 263, sec. 1, p. 517; am. 1990, ch. 213, sec. 96, p. 556; am. 1995, ch. 189, sec. 5, p. 679; am. 1999, ch. 13, sec. 4, p. 20; am. 2001, ch. 87, sec. 2, p. 223; am. 2015, ch. 141, sec. 174, p. 516; am. 2018, ch. 56, sec. 2, p. 143.]

67-5010. GRANTS OR CONTRACTS FOR DEMONSTRATION PROJECTS. The commission may, based on needs identified in Idaho's community based service system for the elderly through its state planning process and at its discretion, enter into grants or contracts with area agencies or service providers to demonstrate new or more effective methods of delivering the services listed in section [67-5008](#), Idaho Code. These one (1) time demonstration grants or contracts will not adversely affect the grants or contracts provided to local area agencies on aging described in section [67-5007](#), Idaho Code.

[67-5010, added 1989, ch. 117, sec. 4, p. 263; am. 1995, ch. 189, sec. 6, p. 681; am. 1999, ch. 13, sec. 5, p. 22.]

67-5011. ADULT PROTECTIVE SERVICES. Adult protective services for vulnerable adults shall be administered through the commission. Adult protective services are specialized social services directed toward assisting vulnerable adults who are unable to manage their own affairs, carry out the activities of daily living or protect themselves from abuse, neglect or exploitation. For the purposes of implementing the provisions of this section, the commission shall assume all responsibilities cited in [chapter 53, title 39](#), Idaho Code, entitled "adult abuse, neglect and exploitation act."

[67-5011, added 1996, ch. 78, sec. 10, p. 252; am. 2019, ch. 43, sec. 9, p. 121.]