

**House File 2585 - Reprinted**

HOUSE FILE 2585  
BY COMMITTEE ON HEALTH AND  
HUMAN SERVICES

(SUCCESSOR TO HSB 691)

(As Amended and Passed by the House February 26, 2024)

**A BILL FOR**

1 An Act relating to health care facilities, including joint  
2 training sessions and review of certain citations for  
3 nursing facilities, and exceptions to on-site inspections of  
4 health care facilities following complaints.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 135C.35C Nursing facilities —  
2 joint training sessions.

3 The department shall semiannually provide joint training  
4 sessions for inspectors and nursing facilities to review at  
5 least three of the ten most frequently issued federal citations  
6 in the state during the immediately preceding calendar year.  
7 The department shall develop a protocol to identify regional  
8 citation patterns relating to complaints, standards, and  
9 outcomes in the nursing facility inspection process. The  
10 department shall include the state long-term care ombudsman,  
11 or the state long-term care ombudsman's designee, and  
12 representatives of each nursing facility provider association  
13 in the state in the planning process for the joint training  
14 sessions.

15 Sec. 2. Section 135C.38, subsection 1, paragraph a,  
16 unnumbered paragraph 1, Code 2024, is amended to read as  
17 follows:

18 Upon receipt of a complaint made in accordance with section  
19 135C.37, the department shall make a preliminary review of the  
20 complaint. Unless the department concludes that the complaint  
21 is intended to harass a facility or a licensee, ~~or~~ is without  
22 reasonable basis, involves an issue that is either the same  
23 subject of an incident self-reported by a facility or of a  
24 complaint for which the self-reported incident or complaint  
25 investigation concluded within the immediately preceding ninety  
26 calendar days, or is a complaint that may be investigated by  
27 the department off site through access to electronic records  
28 and via telephonic interviews, the department shall make or  
29 cause to be made an on-site inspection of the health care  
30 facility which is the subject of the complaint within the time  
31 period determined pursuant to the following guidelines, which  
32 period shall commence on the date of receipt of the complaint:

33 Sec. 3. Section 135C.40, subsection 1, Code 2024, is amended  
34 by adding the following new paragraph:

35 NEW PARAGRAPH. d. (1) The department shall establish and

1 maintain a process to review each citation issued for immediate  
2 jeopardy or substandard quality of care prior to issuance of  
3 final findings under section 135C.40A. Representatives of the  
4 nursing facility issued such a citation may participate in  
5 the review to provide context and evidence for the department  
6 to consider in determining if a final finding of immediate  
7 jeopardy or substandard quality of care should be issued. The  
8 review shall ensure consistent and accurate application of  
9 federal and state inspection protocols and defined regulatory  
10 standards.

11 (2) For the purposes of this paragraph:

12 (a) "*Immediate jeopardy*" means a situation in which the  
13 provider's noncompliance with one or more requirements of  
14 participation has caused, or is likely to cause, serious  
15 injury, harm, impairment, or death to a resident.

16 (b) "*Likely*" means probable and reasonably to be expected,  
17 and suggests a greater degree of probability than a mere risk,  
18 potential, or possibility that a particular event will cause  
19 serious injury, harm, impairment, or death to a resident.

20 (c) "*Substandard quality of care*" means the same as defined  
21 in 42 C.F.R. §488.301.