

2. A person establishing, conducting, managing, or operating a substance abuse treatment and rehabilitation facility without a license is guilty of a serious misdemeanor. Each day of continued violation after conviction or notice from the department by certified mail of a violation shall be considered a separate offense or chargeable offense. A person establishing, conducting, managing or operating a substance abuse treatment and rehabilitation facility without a license may be temporarily or permanently restrained therefrom by a court of competent jurisdiction in an action brought by the state.

3. Notwithstanding the existence or pursuit of any other remedy, the department may, in the manner provided by law, maintain an action in the name of the state for injunction or other process against a person or governmental unit to restrain or prevent the establishment, conduct, management or operation of a substance abuse treatment and rehabilitation facility without a license.

This section does not apply to facilities or programs which are not receiving state dollars.

Sec. 13. Section 125.11, Code 1981, is repealed.

Sec. 14. The program evaluation division of the legislative fiscal bureau shall conduct a study of the administration, structure and funding of the Iowa department of substance abuse. The program evaluation division of the legislative fiscal bureau shall submit a report of its findings to the second session of the Sixty-ninth General Assembly not later than February 1, 1982.

Approved May 4, 1981

CHAPTER 59

INSPECTION OF CORRECTIONAL FACILITIES

H. F. 762

AN ACT relating to inspections of state and local correctional facilities and the state juvenile facilities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135.11, subsection 5, Code 1981, is amended to read as follows:

5. Make inspections of the sanitary conditions in the educational, charitable, correctional, and penal institutions in the state. However, the secretary of agriculture shall make inspections for sanitation of the areas where food is prepared or served in the adult penal and correctional facilities and the juvenile facilities as provided in section 2 of this Act.

Sec. 2. Section 159.5, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Annually inspect for sanitation the areas where food is prepared and where food is served, including but not limited to the utensils, machinery, and other equipment, in the adult penal or correctional facilities operated by the department of social services and in the Eldora training school, the Mitchellville training school, and the Iowa juvenile home. For purposes of this subsection, community-based correctional facilities shall be considered operated by the department of social services.

If a municipal corporation wants its local board of health to make the inspections required by this section on facilities located within its jurisdiction, the municipal corporation may enter into an agreement with the secretary. The secretary may enter into such an agreement if the secretary finds that the local board of health has adequate resources to perform the required functions.

The secretary of agriculture shall prepare a report on the inspections and shall send a copy of the report concerning the adult penal or correctional facilities to the director of the division of corrections of the department of social services. A copy of the report concerning the Eldora training school, the Mitchellville training school, and the Iowa juvenile home shall be sent to the director of the division of child and family services of the department of social services.

Sec. 3. Sections 356.9, 356.10, 356.11, 356.12 and 356.13, Code 1981, are repealed.

Approved May 11, 1981

CHAPTER 60
HEALTH CARE FACILITIES

H. F. 825

AN ACT relating to the rights of residents of health care facilities and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135C.14, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Facility policies and procedures regarding the treatment, care, and rights of residents. The rules shall apply the federal resident's bill of rights contained in 42 C.F.R.* 442.311, as amended to January 1, 1981, to all health care facilities as defined in this chapter and shall include procedures for implementing and enforcing the federal rules. The department shall also adopt rules relating to the following:

- a. The transfer of residents to other rooms within a facility.
- b. The involuntary discharge or transfer of residents from a facility including provisions for notice and agency hearings and for the development

*Code of Federal Regulations