

## CHAPTER 61

## CITATIONS TO HEALTH CARE FACILITIES

H. F. 746

AN ACT relating to the issuance by the commissioner of health of citations to health care facilities.

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

Section 1. Section 135C.40, subsection 1, Code 1981, is amended to read as follows:

1. ~~When--any--inspection-or-investigation-of-a-health-care-facility-made pursuant-to-this-chapter-finds-the-facility-in-violation--of--any--applicable requirement--of--this--chapter--or--the--rules--adopted--pursuant--to--it--the commissioner-shall-within-five-working--days--after-a-finding--of--a--Class--I violation--is-made--and-within-ten-working--days--after-a-finding--of--a--Class--II or-Class--III-violation-is-made--issue-a-written-citation-to-the-facility.~~ If the commissioner determines, based on the findings of an inspection or investigation of a health care facility, that the facility is in violation of this chapter or rules adopted under this chapter, the commissioner within five working days after making the determination, shall issue a written citation to the facility. The citation shall be served upon the facility personally or by certified mail, except that a citation for a Class III violation may be sent by ordinary mail. Each citation shall specifically describe the nature of the violation, identifying the Code section or subsection or the rule or standard violated, and the classification of the violation under section 135C.36. Where appropriate, the citation shall also state the period of time allowed for correction of the violation, which shall in each case be the shortest period of time the department deems feasible. Failure to correct a violation within the time specified, unless the licensee shows that the failure was due to circumstances beyond the licensee's control, shall subject the facility to a further penalty of fifty dollars for each day that the violation continues after the time specified for correction.

Approved May 1, 1981