

FILED APR 21 1989

APPROPS
House Human Res.
DO PAS 4-28-89 (p2217)

SENATE FILE 534
BY COMMITTEE ON
APPROPRIATIONS

(SUCCESSOR TO SSB 378)

Passed Senate, Date 4-25-89 (p165) Passed House, Date 5-1-89 (p2220)
Vote: Ayes 46 Nays 2 Vote: Ayes 96 Nays 0
Approved 5-4-89 (p1909)

A BILL FOR

1 An Act relating to the adoption of rules by the department of
2 inspections and appeals for intermediate care facilities for
3 the mentally retarded and providing an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

SF 534

1 Section 1. Section 135C.2, subsection 3, Code 1989, is
2 amended by adding the following new unnumbered paragraphs:

3 NEW UNNUMBERED PARAGRAPH. The rules adopted for
4 intermediate care facilities for the mentally retarded shall
5 be consistent with, but no more restrictive than, the federal
6 standards for intermediate care facilities for the mentally
7 retarded established pursuant to the federal Social Security
8 Act, § 1905(c)(d), as codified in 42 U.S.C. § 1396d, in effect
9 on January 1, 1989. However, in order to be licensed the
10 state fire marshal must certify to the department an
11 intermediate care facility for the mentally retarded as
12 meeting the applicable provisions of either the health care
13 occupancies chapter or the residential board and care chapter
14 of the life safety code of the national fire protection
15 association, 1985 edition. The department shall adopt
16 additional rules for intermediate care facilities for the
17 mentally retarded pursuant to section 135C.14, subsection 8.

18 NEW UNNUMBERED PARAGRAPH. Notwithstanding the limitations
19 set out in this subsection regarding rules for intermediate
20 care facilities for the mentally retarded, the department
21 shall consider the federal interpretive guidelines issued by
22 the federal health care financing administration when
23 interpreting the department's rules for intermediate care
24 facilities for the mentally retarded. This use of the
25 guidelines is not subject to the rulemaking provisions of
26 sections 17A.4 and 17A.5, but the guidelines shall be
27 published in the Iowa administrative bulletin and the Iowa
28 administrative code.

29 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
30 immediate importance, takes effect upon enactment. Within
31 sixty days of the effective date of this Act, the department
32 shall adopt rules, which take effect immediately upon filing,
33 to comply with the provisions of this Act.

34 EXPLANATION

35 This bill requires that rules adopted by the department of

1 inspections and appeals be consistent with the federal
2 standards for intermediate care facilities for the mentally
3 retarded except for rules regarding fire protection. The
4 state fire marshal is required to certify the compliance of
5 such intermediate care facilities with certain fire protection
6 standards. The department is required to consider federal
7 interpretive guidelines in interpreting the rules and the
8 federal interpretive guidelines are required to be published
9 in the Iowa administrative bulletin and the Iowa
10 administrative code. The bill is effective upon enactment and
11 the department is required to adopt emergency rules within
12 sixty days of the effective date of the bill.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

SSB 378

APPROPRIATIONS

SENATE FILE 624
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the adoption of rules by the department of
2 inspections and appeals for intermediate care facilities for
3 the mentally retarded and providing an effective date.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 Section 1. Section 135C.2, subsection 3, Code 1989, is
2 amended by adding the following new unnumbered paragraphs:

3 NEW UNNUMBERED PARAGRAPH. The rules adopted for
4 intermediate care facilities for the mentally retarded shall
5 be consistent with, but no more restrictive than, the federal
6 standards for intermediate care facilities for the mentally
7 retarded established pursuant to the federal Social Security
8 Act, § 1905(c)(d), as codified in 42 U.S.C. § 1396d, in effect
9 on January 1, 1989. However, in order to be licensed the
10 state fire marshal must certify to the department an
11 intermediate care facility for the mentally retarded as
12 meeting the applicable provisions of either the health care
13 occupancies chapter or the residential board and care chapter
14 of the life safety code of the national fire protection
15 association, 1985 edition. The department shall adopt
16 additional rules for intermediate care facilities for the
17 mentally retarded pursuant to section 135C.14, subsection 8.

18 NEW UNNUMBERED PARAGRAPH. Notwithstanding the limitations
19 set out in this subsection regarding rules for intermediate
20 care facilities for the mentally retarded, the department
21 shall consider the federal interpretive guidelines issued by
22 the federal health care financing administration when
23 interpreting the department's rules for intermediate care
24 facilities for the mentally retarded. This use of the
25 guidelines is not subject to the rulemaking provisions of
26 sections 17A.4 and 17A.5, but the guidelines shall be
27 published in the Iowa administrative bulletin and the Iowa
28 administrative code.

29 Sec. 2. EFFECTIVE DATE. This Act, being deemed of
30 immediate importance, takes effect upon enactment. Within
31 sixty days of the effective date of this Act, the department
32 shall adopt rules, which take effect immediately upon filing,
33 to comply with the provisions of this Act.

34 EXPLANATION

35 This bill requires that rules adopted by the department of

1 inspections and appeals be consistent with the federal
2 standards for intermediate care facilities for the mentally
3 retarded except for rules regarding fire protection. The
4 state fire marshal is required to certify the compliance of
5 such intermediate care facilities with certain fire protection
6 standards. The department is required to consider federal
7 interpretive guidelines in interpreting the rules and the
8 federal interpretive guidelines are required to be published
9 in the Iowa administrative bulletin and the Iowa
10 administrative code. The bill is effective upon enactment and
11 the department is required to adopt emergency rules within
12 sixty days of the effective date of the bill.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

SENATE FILE 534

AN ACT

RELATING TO THE ADOPTION OF RULES BY THE DEPARTMENT OF INSPECTIONS AND APPEALS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 135C.2, subsection 3, Code 1989, is amended by adding the following new unnumbered paragraphs:

NEW UNNUMBERED PARAGRAPH. The rules adopted for intermediate care facilities for the mentally retarded shall be consistent with, but no more restrictive than, the federal standards for intermediate care facilities for the mentally retarded established pursuant to the federal Social Security Act, § 1905(c)(d), as codified in 42 U.S.C. § 1396d, in effect on January 1, 1989. However, in order to be licensed the state fire marshal must certify to the department an intermediate care facility for the mentally retarded as meeting the applicable provisions of either the health care occupancies chapter or the residential board and care chapter of the life safety code of the national fire protection association, 1985 edition. The department shall adopt additional rules for intermediate care facilities for the mentally retarded pursuant to section 135C.14, subsection 8.

NEW UNNUMBERED PARAGRAPH. Notwithstanding the limitations set out in this subsection regarding rules for intermediate care facilities for the mentally retarded, the department shall consider the federal interpretive guidelines issued by the federal health care financing administration when interpreting the department's rules for intermediate care facilities for the mentally retarded. This use of the guidelines is not subject to the rulemaking provisions of sections 17A.4 and 17A.5, but the guidelines shall be

published in the Iowa administrative bulletin and the Iowa administrative code.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment. Within sixty days of the effective date of this Act, the department shall adopt rules, which take effect immediately upon filing, to comply with the provisions of this Act.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVERSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 534, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved 5/4, 1989

TERRY E. BRANSTAD
Governor