

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 135C.14 and 135C.36, the Department of Inspections and Appeals hereby gives Notice of Intended Action to amend Chapter 58, “Nursing Facilities,” Iowa Administrative Code.

The proposed amendments rescind outdated definitions, change the length of time for which a provisional administrator may be appointed, and provide clarification for several rules. The amendments also change the possible classification for violations of subrule 58.18(2), the content of which is moved to new paragraph 58.28(3)“f,” and of paragraph 58.28(3)“e.” The Department can cite numerous examples of violations of these rules that would fall within the definition of a Class I penalty as provided in Iowa Code section 135C.36(1). The amendments allow the Department greater flexibility when determining whether a violation should be classified as a Class I, II or III violation.

The State Board of Health initially reviewed the proposed amendments at its January 8, 2014, meeting.

The Department does not believe that the proposed amendments impose any financial hardship on any regulated entity, body, or individual.

Any interested person may make written suggestions or comments on the proposed amendments on or before February 25, 2014. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to [david.werning@dia.iowa.gov](mailto:david.werning@dia.iowa.gov).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 135C.14 and 135C.36.

The following amendments are proposed.

ITEM 1. Rescind the definitions of “Alcoholic” and “Drug addiction” in rule **481—58.1(135C)**.

ITEM 2. Amend subrule 58.8(4), introductory paragraph, as follows:

**58.8(4)** A provisional administrator may be appointed on a temporary basis by the nursing facility licensee to assume the administrative duties when the facility, through no fault of its own, has lost its administrator and has been unable to replace the administrator provided that no facility licensed under Iowa Code chapter 135C shall be permitted to have a provisional administrator for more than 6 12 months in any 12-month period and further provided that:

ITEM 3. Amend subrule 58.8(5), introductory paragraph, as follows:

**58.8(5)** In the absence of the administrator, a responsible person shall be designated in writing to the department to be in charge of the facility. The administrator shall not be absent from the facility for more than 3 months without approval of the department. (III)

The person designated shall:

ITEM 4. Amend paragraph **58.8(5)“d”** as follows:

*d.* Be at least ~~18~~ 21 years of age; (III)

ITEM 5. Amend subrule 58.14(8), introductory paragraph, as follows:

**58.14(8)** Physician delegation of tasks. Each resident, including private pay residents, shall be visited by or shall visit the resident’s physician at least twice a year. The year period shall be measured from the date of admission and is not to include preadmission physicals.

ITEM 6. Rescind and reserve subrule **58.18(2)**.

ITEM 7. Amend rule 481—58.19(135C), introductory paragraph, as follows:

**481—58.19(135C) Required nursing services for residents.** ~~The program plan for nursing facilities shall have~~ resident shall receive and the facility shall provide, as appropriate, the following required nursing services under the 24-hour direction of qualified nurses with ancillary coverage as set forth in these rules:

ITEM 8. Amend paragraph **58.19(2)“b”** as follows:

*b.* ~~Wound care~~ Provision of the appropriate care and treatment of wounds, including pressure sores, to promote healing, prevent infection, and prevent new sores from developing; (I, II)

ITEM 9. Amend paragraph **58.28(3)“e”** as follows:

*e.* Each resident shall receive adequate supervision to ~~ensure~~ protect against ~~hazard~~ hazards from self, others, or elements in the environment. (I, II, III)

ITEM 10. Adopt the following new paragraph **58.28(3)“f”**:

*f.* Residents shall be protected against physical or environmental hazards to themselves. (I, II, III)