

INSPECTIONS AND APPEALS DEPARTMENT[481]

Adopted and Filed

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

The adopted amendments rescind outdated definitions, change the length of time for which a provisional administrator may be appointed, and provide clarification for several rules.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, and approved the rule making at its March 12, 2014, meeting.

Notice of Intended Action was published in the Iowa Administrative Bulletin on February 5, 2014, as **ARC 1313C**. No comments were received. The adopted amendments are identical to those published under Notice of Intended Action.

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

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.

These amendments shall become effective May 7, 2014.

The following amendments are adopted.

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)

[Filed 3/12/14, effective 5/7/14]

[Published 4/2/14]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/2/14.