

CHAPTER 50  
HEALTH CARE FACILITIES ADMINISTRATION

**481—50.1(10A) Inspections.** The division of health facilities inspects health care facilities and hospitals in Iowa. Standards to be met to obtain a license are explained in this chapter.

**481—50.2(10A) Definitions.**

“*Administrator*” means the chief inspector who coordinates the activities of the division.

“*Department*” means the department of inspections and appeals.

“*Director*” means the director of inspections and appeals.

“*Division*” means the division of health facilities.

**481—50.3(135B,135C) Licensing.** All hospitals and health care facilities shall be licensed by the department of inspections and appeals. Applications are available from the Health Facilities Division, Lucas State Office Building, Des Moines, Iowa 50319-0114. Completed applications are returned to the division with the fee.

**50.3(1) Initial fees for hospitals are:**

- a. Fifty beds or less, \$15;
- b. More than 50 and not more than 100 beds, \$25;
- c. Any greater number of beds, \$50.

A fee of \$10 is charged to renew a hospital license each year.

This subrule is intended to implement Iowa Code sections 135B.4 and 135B.5.

**50.3(2) Initial and renewal fees for health care facilities are:**

- a. Ten beds or less, \$20;
- b. More than 10 and not more than 25 beds, \$40;
- c. More than 26 and not more than 75 beds, \$60;
- d. More than 76 and not more than 150 beds, \$80;
- e. Any greater number of beds, \$100.

This subrule is intended to implement Iowa Code section 135C.7.

**50.3(3) Standards used to determine whether a license is granted or retained are found in the rules of the department of inspections and appeals in the Iowa Administrative Code as follows:**

- a. Hospitals, 481—Chapter 51;
- b. Birth centers, 481—Chapter 52;
- c. Hospices, 481—Chapter 53;
- d. Residential care facilities, 481—Chapters 57 and 60;
- e. Nursing facilities, 481—Chapters 58, 59 and 61;

(1) Nursing facilities for intermediate care, 481—Chapters 58 and 61. Facilities that provide services to individuals who require nursing services which can be provided only under the direction of a registered nurse or a licensed practical nurse; or

(2) Nursing facilities for skilled care, 481—Chapters 59 and 61. Facilities that provide services to individuals who require continuous nursing care services and related medical services, but do not require hospital care;

f. Residential care facilities for persons with mental illness, 481—Chapters 60 and 62;

g. Residential care facilities for the mentally retarded, 481—Chapters 60 and 63; and

h. Intermediate care facilities for the mentally retarded, 481—Chapter 64.

This subrule is intended to implement Iowa Code sections 135B.7 and 135C.14.

**50.3(4) Posting of license.** The license shall be posted in each facility so the public can see it easily. This rule is intended to implement Iowa Code sections 135B.7, 135C.1 and 135C.14.

**481—50.4(135C) Fines and citations.** A fine or citation will be issued and may be contested according to the rules in 481—Chapter 56.

**481—50.5(135C) Denial, suspension or revocation.**

**50.5(1)** A denial, suspension or revocation shall be effective 30 days after certified mailing or personal service of the notice.

**50.5(2)** A hearing may be requested and the request must be made in writing to the department within 30 days of the mailing or service.

**481—50.6(10A) Formal hearing.** All decisions of the division may be contested. Appeals and hearings are controlled by 481—Chapter 4, “Contested Case Hearings.”

**50.6(1)** The proposed decision of the hearing officer becomes final ten days after it is mailed.

**50.6(2)** Any request for administrative review of a proposed decision must:

1. Be made in writing,
2. Be mailed by certified mail to the director, within ten days after the proposed decision was mailed to the aggrieved party,
3. State the reason(s) for the request.

A copy shall also be sent to the hearing officer at the Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319.

**50.6(3)** The decision of the director shall be based upon the record and becomes final agency action upon mailing by certified mail.

**50.6(4)** The fees of witnesses for attendance and travel shall be the same as the fees for witnesses before the district court and shall be paid by the party to the proceeding at whose request the subpoena is issued.

This rule is intended to implement Iowa Code section 10A.202(1), paragraph “g.”

**481—50.7(10A,135C) Additional notification.** The director shall be notified within 24 hours:

1. Of any accident causing major injury or death including but not limited to:  
The resident wandered away,  
The resident was assaulted,  
The resident attempted suicide.
2. When damage to the facility which impairs its ability to function is caused by fire, natural or other disaster.

A telephone call to the administrator is adequate notice. A written report may be requested. (I, II, III)

**481—50.8(22,135B,135C) Records.** The division collects and stores a variety of records in the course of licensing and inspecting health care facilities. Some information stored may be personally identifiable. None is retrievable by personal identifier with the exception of a business which uses an individual’s name in the title. All records stored by the health facilities division are kept in files under the name of a facility. Computer files are retrieved by facility name also.

**50.8(1)** The department maintains information about long-term care facilities in files which are organized by facility name, city, and county. No information is retrievable by personal identifier. Each long-term care facility record contains both open and confidential information.

*a.* Open information includes:

- (1) License application and status,
- (2) Variance requests and responses,
- (3) Final findings of state and Medicaid survey investigations,
- (4) Records of complaints,
- (5) Reports from the fire marshal,
- (6) Plans of correction submitted by the facility,
- (7) Medicaid status,
- (8) Official notices of license and Medicaid sanctions.

*b.* Confidential information includes:

(1) Survey or investigation information which does not comprise a final finding. Survey information which does not comprise a final finding may be made public in a proceeding concerning the citation of a facility, denial, suspension or revocation of a license, Iowa Code section 135C.19(1),

(2) Names of all complainants, Iowa Code sections 135C.19(1) and 135C.37,

(3) Names of patients in all facilities, identifying medical information and the address of anyone other than an owner, Section 1106 of the Social Security Act as amended, 42 CFR Part 401, Subpart B (October 1, 1986) and Iowa Code sections 22.9 and 135C.19(1).

**50.8(2)** The department maintains records about hospitals. The records are organized by facility name, city, and county. The records are not retrievable by personal identifier. The Joint Commission on the Accreditation of Health Care Organizations is referred to as JCAHO, and the American Osteopathic Association is referred to as AOA in this rule. These records may contain both open and confidential information.

*a.* Open information includes:

(1) License status,

(2) Medicare certification status,

(3) Medicare survey reports,

(4) Plans of correction submitted by a hospital,

(5) Official notices of involuntary provider termination or license sanctions,

(6) For hospitals not certified by JCAHO or AOA, reports of the fire marshal,

(7) Final survey findings of the JCAHO and the AOA with respect to compliance by a hospital with the requirements for licensure or accreditation.

*b.* Confidential information includes:

(1) Names of patients and identifying medical information,

(2) Identity of any complainant, and the

(3) Address of anyone other than the owner, Iowa Code section 135B.12 and Section 1106 of the Social Security Act, 42 CFR Part 401, Subpart B (October 1, 1986) and Iowa Code section 22.9.

(4) Rescinded IAB 2/19/92, effective 3/25/92.

(5) No information may be disclosed in a manner which will identify individuals or hospitals except in a proceeding concerning the question of license or the denial, suspension or revocation of a license, Iowa Code section 135B.12.

**50.8(3)** The department maintains files for all other Medicare-certified facilities. These files are organized by facility or agency name, city, and county. None is retrievable by personal identifier except when a business uses an individual's name in its title. These files contain both open and confidential information.

*a.* Open information includes:

(1) Certification status,

(2) Survey reports,

(3) Plans of correction,

(4) Official notices of involuntary provider termination,

(5) Proficiency test results for non-JCAHO or AOA accredited hospitals, Medicare laboratories and laboratories licensed under the clinical Laboratory Improvement Act.

*b.* Confidential information includes:

(1) Name of any patient,

(2) Medical information about any identifiable patient,

(3) The identity of any complainant, and the

(4) Address of anyone other than an owner of the facility, Section 1106 of the Social Security Act, 43 CFR, Part 401, Subpart B (October 1, 1986), and Iowa Code section 22.9.

**50.8(4)** The department maintains files for birth centers. These files are organized by facility name, and contain both open and confidential information.

*a.* Open information includes:

(1) License application and status,

(2) Inspection reports,

- (3) Reports from the fire marshal,
- (4) Annual report required by 481—subrule 52.8(8).

*b.* Confidential information includes:

- (1) Identity of any patient, and the
- (2) Identifying medical status of any patient, Iowa Code section 135G.15.

**50.8(5)** Following a written request and payment of a fee in the amount determined by the department, one or more of the following lists may be obtained by the public.

- a.* Corporations which own more than one facility and the list of facilities owned by each corporation.
- b.* All the facilities in the state with the owner of the real estate property identified.
- c.* All corporations that lease facilities and the facilities they lease.
- d.* All corporations which manage facilities for other owners and the facilities they manage.

For no cost and a request by telephone ((515)281-4115) or letter any member of the public may obtain a copy of the annual finding and citation report prepared for the legislature.

Requests are sent to Division of Health Facilities, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319.

These rules are intended to implement Iowa Code sections 10A.202(1)“g,” 10A.502(3), 10A.502(4), 22.11, 135B.3 to 135B.7, 135C.6, 135C.7, 135C.10, 135C.11, 135C.14, 135C.16, 135C.19, and 135C.26.

[Filed 6/25/87, Notice 4/8/87—published 7/15/87, effective 8/19/87]

[Filed 4/28/88, Notice 3/23/88—published 5/18/88, effective 6/22/88]

[Filed 1/16/91, Notice 11/28/90—published 2/6/91, effective 3/13/91]

[Filed 1/31/92, Notice 11/13/91—published 2/19/92, effective 3/25/92]

[Filed 3/11/94, Notice 9/15/93—published 3/30/94, effective 5/4/94]