

Sec. 5. Section 173.5, subsection 2, Code 2001, is amended to read as follows:

2. Each year, the convention shall elect a successor to one of the two ~~board-congressional district~~ directors whose term expires following the adjournment of the convention, as provided in section 173.4.

Sec. 6. Section 173.6, unnumbered paragraph 2, Code 2001, is amended to read as follows:

A member of the board who is a ~~board-congressional district~~ director, ~~elected as provided in section 173.1,~~ shall serve a term of two years. The term of a ~~board-congressional district~~ director shall begin following the adjournment of the convention at which the ~~board-congressional district~~ director was elected and shall continue until a successor is elected and qualified as provided in this chapter.

Sec. 7. ELECTIONS OF DISTRICT DIRECTORS. Notwithstanding chapter 173, the state fair board shall retain all its powers and discharge its responsibilities as required in chapter 173 as it did immediately prior to the effective date of this Act. The board shall organize an election of all district directors representing state fair board districts and the convention held in 2001 as provided in section 173.2 shall elect twelve district directors to the board, as if all the directors were successors in accordance with chapter 173 as amended by this Act. The board may propose and the convention shall establish staggered terms of office for the elected directors as provided in section 173.5.

Approved April 16, 2001

CHAPTER 30

HEALTH CARE FACILITY REGULATION

H.F. 256

AN ACT relating to health care facility regulation, including information to be included in a notice of a deficiency and including the consultation of the department of inspections and appeals and the state fire marshal in promulgating rules.

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

Section 1. Section 135C.9, subsection 1, paragraph b, Code 2001, is amended to read as follows:

b. The facility has been inspected by the state fire marshal or a deputy appointed by the fire marshal for that purpose, who may be a member of a municipal fire department, and the department has received either a certificate of compliance or a provisional certificate of compliance by the facility with the fire hazard and fire safety rules and standards of the department as promulgated by the fire marshal and, where applicable, the fire safety standards required for participation in programs authorized by either Title XVIII or Title XIX of the United States Social Security Act (42 U.S.C. § 1395 to 1395ll and 1396 to 1396g). The certificate or provisional certificate shall be signed by the fire marshal or the fire marshal's deputy who made the inspection. If the state fire marshal or a deputy finds a deficiency upon inspection, the notice to the facility shall be provided in a timely manner and shall specifi-

cally describe the nature of the deficiency, identifying the Code section or subsection or the rule or standard violated. The notice shall also specify the time allowed for correction of the deficiency, at the end of which time the fire marshal or a deputy shall perform a follow-up inspection.

Sec. 2. Section 135C.9, subsection 2, Code 2001, is amended to read as follows:

2. The rules and standards promulgated by the fire marshal pursuant to subsection 1, paragraph "b" of this section shall be substantially in keeping with the latest generally recognized safety criteria for the facilities covered, of which the applicable criteria recommended and published from time to time by the national fire protection association shall be prima facie evidence. The rules and standards promulgated by the fire marshal shall be promulgated in consultation with the department and shall, to the greatest extent possible, be consistent with rules adopted by the department under this chapter.

Sec. 3. Section 135C.14, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The department shall, in accordance with chapter 17A, and with the approval of the state board of health adopt and enforce rules setting minimum standards for health care facilities. In so doing, the department, with the approval of the state board of health, may adopt by reference, with or without amendment, nationally recognized standards and rules, which shall be specified by title and edition, date of publication, or similar information. The rules and standards required by this section shall be formulated in consultation with the director of human services or the director's designee, with the state fire marshal, and with affected industry, professional, and consumer groups, and shall be designed to further the accomplishment of the purposes of this chapter and shall relate to:

Sec. 4. Section 135C.14, subsection 1, Code 2001, is amended to read as follows:

1. Location and construction of the facility, including plumbing, heating, lighting, ventilation, and other housing conditions, which shall ensure the health, safety and comfort of residents and protection from fire hazards. The rules of the department relating to protection from fire hazards and fire safety shall be promulgated by the state fire marshal in consultation with the department, and shall be in keeping with the latest generally recognized safety criteria for the facilities covered of which the applicable criteria recommended and published from time to time by the national fire protection association are prima facie evidence. To the greatest extent possible, the rules promulgated by the state fire marshal shall be consistent with the rules adopted by the department under this chapter.

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