

CHAPTER 1227**INVESTIGATIONS OF HEALTH CARE FACILITIES***H.F. 2340*

AN ACT relating to the investigations and findings of a complaint filed against a health care facility.

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

Section 1. Section 135C.16, subsection 3, Code Supplement 1983, is amended to read as follows:

3. An inspector of the department may enter any licensed health care facility without a warrant, and may examine all records pertaining to the care provided residents of the facility. An inspector of the department may contact or interview any resident, employee, or any other person who might have knowledge about the operation of a health care facility. An inspector of the department of human services shall have the same right with respect to any facility where one or more residents are cared for entirely or partially at public expense and the state fire marshal or a deputy appointed pursuant to section 135C.9, subsection 1, paragraph "b" shall have the same right of entry into any facility and the right to inspect any records pertinent to fire safety practices and conditions within that facility. If any such inspector has probable cause to believe that any institution, ~~place~~, building, or agency not licensed as a health care facility is in fact a health care facility as defined by this chapter, and upon properly identifying himself he producing identification that the individual is an inspector is denied entry thereto for the purpose of making an inspection, he the inspector may, with the assistance of the county attorney of the county in which the purported health care facility is located, apply to the district court for an order requiring the owner or occupant to permit entry and inspection of the premises to determine whether there have been any violations of this chapter.

Sec. 2. Section 135C.19, subsection 1, Code 1983, is amended by striking the subsection and inserting in lieu thereof the following:

1. Following an inspection of a health care facility by the department pursuant to this chapter, the department's final findings with respect to compliance by the facility with requirements for licensing shall be made available to the public in a readily available form and place. Other information relating to a health care facility obtained by the department which does not constitute the department's findings from an inspection of the facility shall not be made available to the public except in proceedings involving the citation of a facility for a violation under section 135C.40, or the denial, suspension, or revocation of a license under this chapter. The name of a person who files a complaint with the department shall be confidential.

Sec. 3. Section 135C.37, Code 1983, is amended to read as follows:

135C.37 COMPLAINTS ALLEGING VIOLATIONS. ~~Any~~ **A** person may request an inspection of ~~any~~ **a** health care facility by filing with the department or care review committee of the facility a complaint of an alleged violation of applicable requirements of this chapter or the rules adopted pursuant to it. A copy of a complaint filed with the care review committee shall

be forwarded to the department. The complaint shall state in a reasonably specific manner the basis of the complaint, and a statement of the nature of the complaint shall be delivered to the facility involved at the time of or prior to the inspection. The name of the person who files a complaint with the department or care review committee shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees involved in the investigation of the complaint.

Sec. 4. Section 135C.40, subsection 1, Code 1983, is amended to read as follows:

1. If the commissioner determines, based on the findings of an inspection or investigation of a health care facility, that the facility is in violation of this chapter or rules adopted under this chapter, the commissioner within five working days after making the determination, ~~shall~~ may issue a written citation to the facility. The citation shall be served upon the facility personally or by certified mail, except that a citation for a Class III violation may be sent by ordinary mail. Each citation shall specifically describe the nature of the violation, identifying the Code section or subsection or the rule or standard violated, and the classification of the violation under section 135C.36. Where appropriate, the citation shall also state the period of time allowed for correction of the violation, which shall in each case be the shortest period of time the department deems feasible. Failure to correct a violation within the time specified, unless the licensee shows that the failure was due to circumstances beyond the licensee's control, shall subject the facility to a further penalty of fifty dollars for each day that the violation continues after the time specified for correction.

Approved May 8, 1984

CHAPTER 1228

INTEREST OF CITY EMPLOYEE IN CONTRACTS

H.F. 2389

AN ACT relating to the interest of a city officer or employee in contracts for the purchase of goods and services by a city.

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

Section 1. Section 362.5, subsection 4, Code 1983, is amended to read as follows:

4. Contracts made by a city of ~~less than ten thousand population~~, upon competitive bid in writing, publicly invited and opened.

Sec. 2. Section 362.5, Code 1983, is amended by adding the following new subsection:

NEW SUBSECTION. 11. Contracts not otherwise permitted by this section, for the purchase of goods or services by a city having a population of less than ten thousand, which benefit a city officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of one thousand dollars in a fiscal year.

Approved May 4, 1984