

135B.9 Inspections and qualifications for hospital and rural emergency hospital inspectors — protection and advocacy agency investigations.

1. The department shall make or cause to be made inspections as it deems necessary in order to determine compliance with applicable rules. Hospital and rural emergency hospital inspectors shall meet the following qualifications:

a. Be free of conflicts of interest. A hospital or rural emergency hospital inspector shall not participate in an inspection or complaint investigation of a hospital or rural emergency hospital in which the inspector or a member of the inspector's immediate family works or has worked within the last two years. For purposes of this paragraph, "*immediate family member*" means a spouse; natural or adoptive parent, child, or sibling; or stepparent, stepchild, or stepsibling.

b. Complete a yearly conflict of interest disclosure statement.

c. Biennially, complete a minimum of ten hours of continuing education pertaining to hospital or rural emergency hospital operations including but not limited to quality and process improvement standards, trauma system standards, and regulatory requirements.

2. In the state resource centers and state mental health institutes operated by the department of health and human services, the designated protection and advocacy agency as provided in [section 135C.2, subsection 4](#), shall have the authority to investigate all complaints of abuse and neglect of persons with developmental disabilities or mental illnesses if the complaints are reported to the protection and advocacy agency or if there is probable cause to believe that the abuse has occurred. Such authority shall include the examination of all records pertaining to the care provided to the residents and contact or interview with any resident, employee, or any other person who might have knowledge about the operation of the institution.

[C50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §135B.9]

[88 Acts, ch 1249, §1](#); [90 Acts, ch 1204, §7](#); [95 Acts, ch 51, §1](#); [2000 Acts, ch 1112, §51](#); [2010 Acts, ch 1177, §1](#); [2023 Acts, ch 16, §11, 20, 21](#); [2023 Acts, ch 19, §164](#)

Referred to in [§135C.37](#)

2023 amendment by 2023 Acts, ch 16, §11, applies to a facility or, due to change in ownership, a successor facility that was, on or before December 27, 2020, a general hospital with no more than fifty licensed beds, located in a county in a rural area as specified in section 135B.3A with a specified population, and operating on and prior to a specified date under a valid certificate of need; 2023 Acts, ch 16, §20

See Code editor's note on simple harmonization at the beginning of this Code volume

Section amended