

231C.10 Denial, suspension, or revocation — conditional operation.

1. The department may deny, suspend, or revoke a certificate in any case where the department finds that there has been a substantial or repeated failure on the part of the assisted living program to comply with [this chapter](#) or the rules, or minimum standards adopted under [this chapter](#), or for any of the following reasons:

a. Appropriation or conversion of the property of an assisted living program tenant without the tenant's written consent or the written consent of the tenant's legal representative.

b. Permitting, aiding, or abetting the commission of any illegal act in the assisted living program.

c. Obtaining or attempting to obtain or retain a certificate by fraudulent means, misrepresentation, or by submitting false information.

d. Habitual intoxication or addiction to the use of drugs by the applicant, administrator, executive director, manager, or supervisor of the assisted living program.

e. Securing the devise or bequest of the property of a tenant of an assisted living program by undue influence.

f. Failure to protect tenants from dependent adult abuse as defined in [section 235E.1](#).

g. In the case of any officer, member of the board of directors, trustee, or designated manager of the program or any stockholder, partner, or individual who has greater than a five percent equity interest in the program, having or having had an ownership interest in an assisted living program, adult day services program, elder group home, home health agency, residential care facility, or licensed nursing facility in any state which has been closed due to removal of program, agency, or facility licensure or certification or involuntary termination from participation in either the medical assistance or Medicare programs, or having been found to have failed to provide adequate protection or services for tenants to prevent abuse or neglect.

h. In the case of a certificate applicant or an existing certified owner or operator who is an entity other than an individual, the person is in a position of control or is an officer of the entity and engages in any act or omission proscribed by [this chapter](#).

i. In the case of an application for a new or newly acquired assisted living program, continuing or repeated failure of the certificate holder to operate any previously certified assisted living program or programs in compliance with the provisions of [this chapter](#), the rules adopted pursuant to [this chapter](#), or equivalent provisions that the assisted living program is subject to in this state or any other state.

j. Intentionally preventing or interfering with or attempting to prevent or interfere in any way with the performance by any duly authorized representative of the department of the lawful enforcement of [this chapter](#) or of the rules adopted pursuant to [this chapter](#). As used in this paragraph, "lawful enforcement" includes but is not limited to the following:

(1) Contacting or interviewing any tenant of an assisted living program in private at any reasonable hour and without advance notice.

(2) Examining any relevant books or records of an assisted living program unless otherwise protected from disclosure by operation of law.

(3) Preserving evidence of any violation of this chapter or of the rules adopted pursuant to [this chapter](#).

k. For any other reason as provided by law or administrative rule.

2. The department may as an alternative to denial, suspension, or revocation conditionally issue or continue a certificate dependent upon the performance by the assisted living program of reasonable conditions within a reasonable period of time as set by the department so as to permit the program to commence or continue the operation of the program pending substantial compliance with [this chapter](#) or the rules adopted pursuant to [this chapter](#). If the assisted living program does not make diligent efforts to comply with the conditions prescribed, the department may, under the proceedings prescribed by [this chapter](#), suspend or revoke the certificate. An assisted living program shall not be operated on a conditional certificate for more than one year.

2003 Acts, ch 166, §17; 2005 Acts, ch 60, §15, 21; 2006 Acts, ch 1030, §24; 2007 Acts, ch 215, §174, 175; 2009 Acts, ch 156, §14, 15; 2014 Acts, ch 1040, §23; 2015 Acts, ch 80, §12

Subsection 1, paragraph i amended