

231D.5 Denial, suspension, or revocation.

1. The department may deny, suspend, or revoke certification if the department finds that there has been a substantial or repeated failure on the part of the adult day services program to comply with [this chapter](#) or the rules or minimum standards adopted pursuant to [this chapter](#), or for any of the following reasons:

a. Appropriation or conversion of the property of a participant without the participant's written consent or the written consent of the participant's legal representative.

b. Permitting, aiding, or abetting the commission of any illegal act in the adult day services program.

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

d. Habitual intoxication or addiction to the use of drugs by the applicant, owner, manager, or supervisor of the adult day services program.

e. Securing the devise or bequest of the property of a participant by undue influence.

f. Failure or neglect to maintain a required continuing education and training program for all personnel employed in the adult day services program.

g. Founded dependent adult abuse as defined in section [235E.1](#).

h. 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 adult day services program, assisted living 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 participants to prevent abuse or neglect.

i. 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](#).

j. In the case of an application by an existing certificate holder for a new or newly acquired adult day services program, the department may deny certification on the basis of continuing or repeated failure of the certificate holder to operate any previously certified adult day services program in compliance with [this chapter](#) or of the rules adopted pursuant to [this chapter](#).

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

l. 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 participant of an adult day services program in private at any reasonable hour and without advance notice.

(2) Examining any relevant books or records of an adult day services 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](#).

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

2. In the case of a certificate applicant or existing certificate holder which is an entity other than an individual, the department may deny, suspend, or revoke a certificate if any

individual who is in a position of control or is an officer of the entity engages in any act or omission proscribed by [this section](#).

[2003 Acts, ch 165, §5](#); [2005 Acts, ch 61, §6, 17](#); [2006 Acts, ch 1030, §25](#); [2007 Acts, ch 215, §190, 191](#); [2008 Acts, ch 1031, §41](#); [2008 Acts, ch 1032, §37](#); [2014 Acts, ch 1040, §24](#); [2015 Acts, ch 80, §13](#)

Referred to in [§231D.7](#)

Subsection 1, paragraphs g and k amended