

135C.4 Residential care facilities.

1. Each facility licensed as a residential care facility shall provide an organized continuous twenty-four-hour program of care commensurate with the needs of the residents of the home and under the immediate direction of a person approved and certified by the department whose combined training and supervised experience is such as to ensure adequate and competent care.

2. All admissions to residential care facilities shall be based on an order written by a physician certifying that the individual being admitted does not require nursing services or that the individual's need for nursing services can be avoided if home and community-based services, other than nursing care, as defined by [this chapter](#) and departmental rule, are provided.

3. For the purposes of [this section](#), the home and community-based services to be provided shall be limited to the type included under the medical assistance program provided pursuant to [chapter 249A](#), shall be subject to cost limitations established by the department of health and human services under the medical assistance program, and except as otherwise provided by the department of inspections, appeals, and licensing with the concurrence of the department of health and human services, shall be limited in capacity to the number of licensed residential care facilities and the number of licensed residential care facility beds in the state as of December 1, 2003.

4. A residential care facility is not required to admit an individual through court order, referral, or other means without the express prior approval of the administrator of the residential care facility.

[C50, 54, §135C.9; C58, 62, 66, 71, 73, 75, 77, 79, 81, §135C.4]

[2004 Acts, ch 1085, §2, 11](#); [2012 Acts, ch 1079, §4](#); [2023 Acts, ch 19, §169, 1885](#)

Referred to in [§135C.2, 347B.6](#)

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

Subsection 3 amended