

321—25.23(231C) Occupancy in and transfer from a program.

25.23(1) *Evaluation prior to occupancy.* A program shall evaluate each proposed tenant's functional, cognitive and health status prior to the tenant's signing the occupancy agreement and taking occupancy in order to determine the tenant's eligibility for the program, including whether services needed can be provided. The evaluation shall be conducted by a health care professional or a human service professional.

25.23(2) *Evaluation within 30 days of occupancy.* A program shall evaluate each tenant's functional, cognitive and health status within 30 days of occupancy and as needed, but not less than annually, to determine the tenant's continued eligibility for the program and to determine any modifications to services needed. The evaluation shall be conducted by a health care professional or a human service professional.

25.23(3) *Criteria for exclusion of tenants.* A program shall not knowingly admit or retain a tenant who:

- a. Is bed-bound; or
- b. Requires routine two-person assistance with standing, transfer or evacuation; or
- c. Is dangerous to self or other tenants or staff, including but not limited to a tenant who:
 - (1) Despite intervention chronically wanders into danger, is sexually or physically aggressive or abusive, or displays unmanageable verbal abuse or aggression; or
 - (2) Displays behavior that places another tenant at risk; or
- d. Is in an acute stage of alcoholism, drug addiction, or uncontrolled mental illness; or
- e. Is under the age of 18; or
- f. Requires more than part-time or intermittent health-related care; or
- g. On a routine basis, has unmanageable incontinence.

25.23(4) *Disclosure of additional occupancy and transfer criteria.* A program may have additional occupancy or transfer criteria if disclosed in the written occupancy agreement prior to occupancy.

25.23(5) *Assistance with transfer.* A program shall provide assistance to a tenant and the tenant's legal representative, if applicable, to ensure a safe and orderly transfer when the tenant meets program transfer requirements.

25.23(6) *Right to appeal involuntary transfer.* Under the occupancy agreement and Iowa Code Supplement section 231C.6, each tenant shall have the right to an internal appeal of an involuntary transfer.