321—29.5(231B) Denial, suspension, or revocation of certification.

29.5(1) DIA shall have the authority to deny, suspend or revoke certification in any case in which DIA finds there has been a substantial or repeated failure on the part of the EGH to comply with the requirements of Iowa Code Supplement chapter 231B and this chapter or for any of the following reasons:

a.   Cruelty or indifference to EGH tenants.

b.   Appropriation or conversion of the property of an EGH tenant without the tenant's or the tenant's legal representative's written consent.

c.   Permitting, aiding or abetting any illegal act set forth in Iowa Code Supplement chapter 231B or this chapter.

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

e.   Habitual intoxication or addiction to controlled substances by the owner, operator, on-site manager or other staff of the EGH.

f.   Securing the devise or bequest of property owned by a tenant by threats, coercion or undue influence.

g.   The documentation or presence of any individual, on staff or otherwise, who has or has had an ownership interest in a program certified under Iowa Code Supplement chapter 231 or an EGH, a home health agency, or a licensed health care facility as defined under Iowa Code section 135C.1, or licensed hospital as defined under Iowa Code section 135B.1, which has been closed in any state due to removal of program, agency, or facility licensure or certification or involuntary termination from participation in either the Medicaid or Medicare program; or has been found to have failed to provide adequate protection or services for tenants to prevent abuse or neglect.

29.5(2) When an applicant for certification, an owner or an operator is an entity other than an individual, DIA may deny, suspend, or revoke certification if any person in a position of control or an officer of the entity engages in any act or omission prohibited by Iowa Code Supplement chapter 231B or this chapter.