

Senate Amendment 5284

Amendment Text

PAG LIN

1 1 Amend [House File 2275](#), as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, by inserting after line 26, the
1 4 following:
1 5 "____. In addition to the monthly and annual
1 6 compilations, the department shall provide
1 7 compilations of the report cards on a cumulative
1 8 basis. The cumulative compilation shall reflect the
1 9 report cards of health care facilities during the
1 10 three-year period prior to the production of the
1 11 cumulative compilation. The cumulative compilation
1 12 shall be applicable to a particular health care
1 13 facility as a three-year report card history of that
1 14 facility becomes available and shall include the
1 15 status of any action taken by the health care facility
1 16 pursuant to any citation or complaint. The cumulative
1 17 compilation shall be available to the public in the
1 18 same manner as the annual compilation."
1 19 #2. Page 3, line 29, by inserting after the word
1 20 "record" the following: "check".
1 21 #3. Page 3, by inserting after line 35 the
1 22 following:
1 23 "6. Beginning July 1, 1998, this section shall
1 24 apply to employees of home health agencies under
1 25 chapter 135M.
1 26 Sec. _____. NEW SECTION. 135M.1 DEFINITIONS.
1 27 As used in this chapter, unless the context
1 28 otherwise requires:
1 29 1. "Caregiver" means an individual operating or
1 30 employed by a home health agency who provides direct
1 31 health, social, personal care, or other services to an
1 32 individual in the individual's own home.
1 33 2. "Department" means the department of
1 34 inspections and appeals.
1 35 3. "Home health agency" means a person who
1 36 provides health, social, personal care, or other
1 37 services to an individual in the individual's home for
1 38 a fee, with the exception of a person related to the
1 39 individual receiving the services within the fourth
1 40 degree of consanguinity.
1 41 Sec. _____. NEW SECTION. 135M.2 CERTIFICATION
1 42 CRITERIA INSPECTION PENALTY SUSPENSION OR
1 43 REVOCATION.
1 44 1. A person establishing, operating, or
1 45 maintaining a home health agency in this state shall
1 46 receive certification from the department prior to
1 47 providing services.
1 48 2. The requirements for certification established
1 49 by the department shall include, but are not limited
1 50 to, all of the following:
2 1 a. The home health agency declares that the agency
2 2 will employ only caregivers who have been approved by
2 3 the department of human services following a records
2 4 check pursuant to section 135C.33.
2 5 b. The home health agency declares that each
2 6 caregiver employed by the agency will complete the
2 7 required number of hours of clinical training

2 8 established by the department in cooperation with the
2 9 department of human services and the Iowa department
2 10 of public health, prior to providing in-home services.

2 11 c. The home health agency provides the department
2 12 with the names, addresses, and telephone numbers of
2 13 all officers and directors of the agency.

2 14 d. The home health care agency posts a bond in the
2 15 amount required by rule of the department, or in the
2 16 alternative, provides annual proof of insurance in the
2 17 amount required by rule of the department to cover
2 18 errors and omissions of all caregivers employed by the
2 19 agency.

2 20 e. The home health agency agrees to provide all
2 21 clients, by notice in a conspicuous manner, with
2 22 information regarding complaints filed against the
2 23 agency and the information shall also be included in
2 24 any contract for services entered into by the agency.

2 25 3. The department shall make or be responsible for
2 26 inspections of the home health agency and the care
2 27 provided by the home health agency before a
2 28 certificate is issued and periodically after the
2 29 initial inspection.

2 30 4. A person who establishes, operates, or
2 31 maintains a home health agency in this state without
2 32 prior certification is guilty of a serious
2 33 misdemeanor. Each day of continuing violation after
2 34 conviction or notice by the department by certified
2 35 mail of a violation is considered a separate offense.
2 36 Any person establishing, operating, or maintaining a
2 37 home health agency without prior certification may be
2 38 permanently enjoined from such activity in any action
2 39 brought by the state.

2 40 5. The department may suspend or revoke
2 41 certification if the department determines there is
2 42 failure of the home health agency to comply with this
2 43 chapter or the rules adopted under this chapter. The
2 44 suspension or revocation may be appealed under chapter
2 45 17A. The department may reissue certification
2 46 following suspension or revocation after the home
2 47 health agency corrects the conditions upon which the
2 48 suspension or revocation was based.

2 49 6. This chapter shall not be construed to prohibit
2 50 a person who is not certified under this chapter from
3 1 providing home health care services if the person does
3 2 not hold the person out to be a certified home health
3 3 agency.

3 4 Sec. _____. NEW SECTION. 135M.3 RECORD AUDIT.

3 5 1. A home health agency shall maintain complete
3 6 and accurate records of all services provided to
3 7 clients or customers, including the names of
3 8 caregivers employed by the agency, the dates and times
3 9 of services provided, and billing statements and
3 10 payment records. Such information shall be maintained
3 11 for a five-year period.

3 12 2. A home health agency shall submit to periodic
3 13 audit by the department and shall fully cooperate in
3 14 providing all requested information and records.

3 15 Sec. _____. NEW SECTION. 135M.4 RULES.

3 16 The department in cooperation with the department
3 17 of human services and the Iowa department of public
3 18 health shall adopt rules, in accordance with chapter
3 19 17A, to enforce this chapter. The rules adopted shall
3 20 include, but are not limited to, those establishing
3 21 minimum standards for home health agencies to comply
3 22 with this chapter and those establishing standards of
3 23 care for the treatment and care of clients and
3 24 customers. The rules shall also establish the

3 25 duration of and the fee for certification."
3 26 #4. Title page, line 1, by inserting after the
3 27 word "including" the following: "home health agencies
3 28 and".
3 29 #5. Title page, line 4, by inserting after the
3 30 word "inspections" the following: ", providing
3 31 penalties,".
3 32 #6. By renumbering as necessary.
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3 34
3 35 _____
3 36 COMMITTEE ON [HUMAN RESOURCES](#)
3 37 NANCY BOETTGER, Chairperson
3 38 [HF 2275.502](#) 77
3 39 pf/jw/28