

House Amendment 1068

PAG LIN

1 1 Amend House File 585 as follows:
1 2 #1. Page 7, line 24, by inserting after the word
1 3 <chapter,> the following: <including the conclusion
1 4 of all appeals processes.>
1 5 #2. By striking page 8, line 30, through page 9,
1 6 line 11, and inserting the following:
1 7 ~~<h. g.~~ In the case of any officer, member of the
1 8 board of directors, trustee, or designated manager of
1 9 the program or any stockholder, partner, or individual
1 10 who has greater than a ten percent equity interest in
1 11 the program, who has or has had an ownership interest
1 12 in an assisted living program, adult day services
1 13 program, elder group home, home health agency,
1 14 residential care facility, or licensed nursing
1 15 facility in any state which has been closed due to
1 16 removal of program, agency, or facility licensure or
1 17 certification or involuntary termination from
1 18 participation in either the medical assistance or
1 19 Medicare programs, or who has been found to have
1 20 failed to provide adequate protection or services for
1 21 tenants to prevent abuse or neglect.
1 22 ~~+-~~ h. In the case of a certificate applicant or
1 23 an existing certified owner or operator who is an
1 24 entity other than an individual, the person is in a
1 25 position of control or is an officer of the entity and
1 26 engages in any act or omission proscribed by this
1 27 chapter.>
1 28 #3. Page 9, line 12, by striking the word <g.> and
1 29 inserting the following: <i.>
1 30 #4. Page 9, by inserting after line 13, the
1 31 following:
1 32 <Sec. _____. Section 231C.15, Code 2005, is amended
1 33 to read as follows:
1 34 231C.15 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF.
1 35 ~~+-~~ A person establishing, conducting, managing, or
1 36 operating any assisted living program without a
1 37 certificate is guilty of a serious misdemeanor. Each
1 38 day of continuing violation after conviction or notice
1 39 from the department of inspections and appeals by
1 40 certified mail of a violation shall be considered a
1 41 separate offense or chargeable offense. A person
1 42 establishing, conducting, managing, or operating an
1 43 assisted living program without a certificate may be
1 44 temporarily or permanently restrained by a court of
1 45 competent jurisdiction from such activity in an action
1 46 brought by the state.
1 47 ~~2. A person who prevents or interferes with or~~
1 48 ~~attempts to impede in any way any duly authorized~~
1 49 ~~representative of the department of inspections and~~
1 50 ~~appeals in the lawful enforcement of this chapter or~~
2 1 ~~of the rules adopted pursuant to this chapter is~~
2 2 ~~guilty of a simple misdemeanor. As used in this~~
2 3 ~~subsection, lawful enforcement includes but is not~~
2 4 ~~limited to+~~
2 5 ~~a. Contacting or interviewing any tenant of an~~
2 6 ~~assisted living program in private at any reasonable~~
2 7 ~~hour and without advance notice.~~
2 8 ~~b. Examining any relevant records of an assisted~~
2 9 ~~living program.~~
2 10 ~~c. Preserving evidence of any violation of this~~
2 11 ~~chapter or of the rules adopted pursuant to this~~
2 12 ~~chapter.~~
2 13 Sec. _____. Section 231C.17, subsections 1 and 3,
2 14 Code 2005, are amended to read as follows:
2 15 1. A hospital licensed pursuant to chapter 135B,
2 16 ~~or a health care facility licensed pursuant to chapter~~
2 17 ~~135C, or an adult day services program certified~~
2 18 ~~pursuant to chapter 231D~~ may operate an assisted
2 19 living program, ~~located in a distinct part of or~~
2 20 ~~separate structure under the control of the hospital~~
2 21 ~~or health care facility, if the assisted living~~
2 22 ~~program is certified pursuant to this chapter.~~
2 23 3. A certified assisted living program that
2 24 complies with the requirements of this chapter shall

2 25 not be required to be licensed or certified as a
2 26 ~~health care facility pursuant to chapter 135C,~~
2 27 ~~different type of facility,~~ unless the facility is
2 28 represented to the public as a ~~licensed health care~~
2 29 ~~another type of facility.~~>
2 30 #5. By renumbering, redesignating, and correcting
2 31 internal references as necessary.
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2 35 _____
2 35 UPMEYER of Hancock
2 36 HF 585.201 81
2 37 pf/sh/335