

House Amendment 1128

PAG LIN

1 1 Amend House File 587 as follows:
1 2 #1. Page 1, by inserting after line 32, the
1 3 following:
1 4 <____. "Medication setup" means assistance with
1 5 various steps of medication administration to support
1 6 a participant's autonomy, which may include but is not
1 7 limited to routine prompting, cueing and reminding,
1 8 opening containers or packaging at the direction of
1 9 the participant, reading instructions or other label
1 10 information, or transferring medications from the
1 11 original container into suitable medication dispensing
1 12 containers, reminder containers, or medication cups.>
1 13 #2. Page 5, by inserting after line 33, the
1 14 following:
1 15 <h. In the case of any officer, member of the
1 16 board of directors, trustee, or designated manager of
1 17 the program or any stockholder, partner, or individual
1 18 who has greater than a ten percent equity interest in
1 19 the program, who has or has had an ownership interest
1 20 in an adult day services program, assisted living
1 21 program, elder group home, home health agency,
1 22 residential care facility, or licensed nursing
1 23 facility in any state which has been closed due to
1 24 removal of program, agency, or facility licensure or
1 25 certification or involuntary termination from
1 26 participation in either the medical assistance or
1 27 Medicare programs, or who has been found to have
1 28 failed to provide adequate protection or services for
1 29 participants to prevent abuse or neglect,
1 30 i. In the case of a certificate applicant or an
1 31 existing certified owner or operator who is an entity
1 32 other than an individual, the person is in a position
1 33 of control or is an officer of the entity and engages
1 34 in any act or omission proscribed by this chapter.>
1 35 #3. Page 5, line 34, by striking the word <h.> and
1 36 inserting the following: <i.>
1 37 #4. Page 7, line 15, by inserting after the word
1 38 <chapter,> the following: <including the conclusion
1 39 of all administrative appeals processes,>.
1 40 #5. Page 7, by striking lines 28 through 33, and
1 41 inserting the following:
1 42 <Sec. _____. Section 231D.11, Code 2005, is amended
1 43 to read as follows:
1 44 231D.11 PENALTIES.
1 45 1. A person establishing, conducting, managing, or
1 46 operating an adult day services program without a
1 47 certificate is guilty of a serious misdemeanor. Each
1 48 day of continuing violation after conviction or notice
1 49 from the department of inspections and appeals by
1 50 certified mail of a violation shall be considered a
2 1 separate offense or chargeable offense. A person
2 2 establishing, conducting, managing, or operating an
2 3 adult day services program without a certificate may
2 4 be temporarily or permanently restrained by a court of
2 5 competent jurisdiction from such activity in an action
2 6 brought by the state.
2 7 ~~2. A person who prevents or interferes with or~~
2 8 ~~attempts to impede in any way any duly authorized~~
2 9 ~~representative of the department of inspections and~~
2 10 ~~appeals in the lawful enforcement of this chapter or~~
2 11 ~~of the rules adopted pursuant to this chapter is~~
2 12 ~~guilty of a simple misdemeanor. As used in this~~
2 13 ~~subsection, lawful enforcement includes but is not~~
2 14 ~~limited to:~~
2 15 ~~a. Contacting or interviewing any participant of~~
2 16 ~~an adult day services program in private at any~~
2 17 ~~reasonable hour and without advance notice.~~
2 18 ~~b. Examining any relevant records of an adult day~~
2 19 ~~services program.~~
2 20 ~~c. Preserving evidence of any violation of this~~
2 21 ~~chapter or of the rules adopted pursuant to this~~
2 22 ~~chapter.~~
2 23 ~~3- 2.~~ A civil penalty, as established by rule,
2 24 may apply in any of the following situations:

2 25 a. Program noncompliance with one or more
2 26 regulatory requirements has caused or is likely to
2 27 cause harm, serious injury, threat, or death to a
2 28 ~~recipient of program services participant.~~
2 29 b. Program failure or refusal to comply with
2 30 regulatory requirements within prescribed time frames.
2 31 c. ~~Preventing or interfering with or attempting to~~
2 32 ~~impede in any way any duly authorized representative~~
2 33 ~~of the department of inspections and appeals in the~~
2 34 ~~lawful enforcement of this chapter or of the rules~~
2 35 ~~adopted pursuant to this chapter. As used in this~~
2 36 ~~paragraph, "lawful enforcement" includes but is not~~
2 37 ~~limited to:~~
2 38 ~~(1) Contacting or interviewing any participant in~~
2 39 ~~an adult day services program in private at any~~
2 40 ~~reasonable hour and without advance notice.~~
2 41 ~~(2) Examining any relevant records of an adult day~~
2 42 ~~services program.~~
2 43 ~~(3) Preserving evidence of any violation of this~~
2 44 ~~chapter or of the rules adopted pursuant to this~~
2 45 ~~chapter.>~~

2 46 #6. Page 8, by inserting after line 24, the
2 47 following:

2 48 <Sec. _____. NEW SECTION. 231D.13A MEDICATION
2 49 SETUP == ADMINISTRATION AND STORAGE OF MEDICATIONS.

2 50 1. An adult day services program may provide for
3 1 medication setup if requested by a participant or the
3 2 participant's legal representative. If medication
3 3 setup is provided following such request, the program
3 4 shall be responsible for the specific task requested
3 5 and the participant shall retain responsibility for
3 6 those tasks not requested to be provided.

3 7 2. If medications are administered or stored by an
3 8 adult day services program, or if the adult day
3 9 services program provides for medication setup, all of
3 10 the following shall apply:

3 11 a. If administration of medications is delegated
3 12 to the program by the participant or the participant's
3 13 legal representative, the medications shall be
3 14 administered by a registered nurse, licensed practical
3 15 nurse, or advanced registered nurse practitioner
3 16 licensed or registered in Iowa or by the individual to
3 17 whom such licensed or registered individuals may
3 18 properly delegate administration of medications.

3 19 b. Medications, other than those self-administered
3 20 by the participant or provided through medication
3 21 setup, shall be stored in locked storage that is not
3 22 accessible to persons other than employees responsible
3 23 for administration or storage of medications.

3 24 c. Medications shall be labeled and maintained in
3 25 compliance with label instructions and state and
3 26 federal law.

3 27 d. A person other than a dispensing pharmacist
3 28 shall not alter the prescription.

3 29 e. Medications shall be stored in their originally
3 30 received containers.

3 31 f. If medication setup is provided by the program
3 32 at the request of the participant or the participant's
3 33 legal representative, or if medication administration
3 34 is delegated to the program by the participant or the
3 35 participant's legal representative, appropriate staff
3 36 of the program may transfer the medications in the
3 37 participant's presence from the original prescription
3 38 container to medication dispensing containers,
3 39 reminder containers, or medication cups.

3 40 g. Program assistance with medication
3 41 administration as specified in the contractual
3 42 agreement shall not require the program to provide
3 43 assistance with the storage of medications.>

3 44 #7. Page 8, line 31, by inserting before the word
3 45 <Adult> the following: <1.>.

3 46 #8. Page 8, by inserting after line 34, the
3 47 following:

3 48 <2. A hospital licensed pursuant to chapter 135B,
3 49 a health care facility licensed pursuant to chapter
3 50 135C, or an assisted living program certified pursuant
4 1 to chapter 231C may operate an adult day services
4 2 program if the adult day services program is certified
4 3 pursuant to this chapter.

4 4 3. A certified adult day services program that
4 5 complies with the requirements of this chapter shall

~~4 6 not be required to be licensed or certified as another~~
~~4 7 type of facility, unless the facility is represented~~
~~4 8 to the public as another type of facility.>~~
4 9 [#9](#). By renumbering, redesignating, and correcting
4 10 internal references as necessary.
4 11
4 12
4 13 _____
4 14 UPMEYER of Hancock
4 15
4 16
4 17 _____
4 18 JACOBY of Johnson
4 19 HF 587.202 81
4 20 pf/sh/1914