

House Amendment 1130

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1 1 Amend House File 585 as follows:
1 2 #1. Page 2, line 14, by inserting after the word
1 3 <subsection> the following: <and inserting in lieu
1 4 thereof the following:
1 5 7. "Medication setup" means assistance with
1 6 various steps of medication administration to support
1 7 a tenant's autonomy, which may include but is not
1 8 limited to routine prompting, cueing and reminding,
1 9 opening containers or packaging at the direction of
1 10 the tenant, reading instructions or other label
1 11 information, or transferring medications from the
1 12 original container into suitable medication dispensing
1 13 containers, reminder containers, or medication cups.>
1 14 #2. Page 7, line 24, by inserting after the word
1 15 <chapter,> the following: <including the conclusion
1 16 of all administrative appeals processes.>.
1 17 #3. By striking page 8, line 30, through page 9,
1 18 line 11, and inserting the following:
1 19 ~~h. g.~~ In the case of any officer, member of the
1 20 board of directors, trustee, or designated manager of
1 21 the program or any stockholder, partner, or individual
1 22 who has greater than a ten percent equity interest in
1 23 the program, who has or has had an ownership interest
1 24 in an assisted living program, adult day services
1 25 program, elder group home, home health agency,
1 26 residential care facility, or licensed nursing
1 27 facility in any state which has been closed due to
1 28 removal of program, agency, or facility licensure or
1 29 certification or involuntary termination from
1 30 participation in either the medical assistance or
1 31 Medicare programs, or who has been found to have
1 32 failed to provide adequate protection or services for
1 33 tenants to prevent abuse or neglect.
1 34 ~~h.~~ h. In the case of a certificate applicant or
1 35 an existing certified owner or operator who is an
1 36 entity other than an individual, the person is in a
1 37 position of control or is an officer of the entity and
1 38 engages in any act or omission proscribed by this
1 39 chapter.>
1 40 #4. Page 9, line 12, by striking the word <g.> and
1 41 inserting the following: <i.>
1 42 #5. Page 9, by inserting after line 13, the
1 43 following:
1 44 <Sec. _____. Section 231C.14, Code 2005, is amended
1 45 by adding the following new subsection:
1 46 NEW SUBSECTION. 3. Preventing or interfering with
1 47 or attempting to impede in any way any duly authorized
1 48 representative of the department of inspections and
1 49 appeals in the lawful enforcement of this chapter or
1 50 of the rules adopted pursuant to this chapter. As
2 1 used in this subsection, "lawful enforcement" includes
2 2 but is not limited to:
2 3 a. Contacting or interviewing any tenant of an
2 4 assisted living program in private at any reasonable
2 5 hour and without advance notice.
2 6 b. Examining any relevant records of an assisted
2 7 living program.
2 8 c. Preserving evidence of any violation of this
2 9 chapter or of the rules adopted pursuant to this
2 10 chapter.
2 11 Sec. _____. Section 231C.15, Code 2005, is amended
2 12 to read as follows:
2 13 231C.15 CRIMINAL PENALTIES AND INJUNCTIVE RELIEF.
2 14 ~~h.~~ A person establishing, conducting, managing, or
2 15 operating any assisted living program without a
2 16 certificate is guilty of a serious misdemeanor. Each
2 17 day of continuing violation after conviction or notice
2 18 from the department of inspections and appeals by
2 19 certified mail of a violation shall be considered a
2 20 separate offense or chargeable offense. A person
2 21 establishing, conducting, managing, or operating an
2 22 assisted living program without a certificate may be
2 23 temporarily or permanently restrained by a court of
2 24 competent jurisdiction from such activity in an action

2 25 brought by the state.

~~2 26 2. A person who prevents or interferes with or
2 27 attempts to impede in any way any duly authorized
2 28 representative of the department of inspections and
2 29 appeals in the lawful enforcement of this chapter or
2 30 of the rules adopted pursuant to this chapter is
2 31 guilty of a simple misdemeanor. As used in this
2 32 subsection, lawful enforcement includes but is not
2 33 limited to:~~

~~2 34 a. Contacting or interviewing any tenant of an
2 35 assisted living program in private at any reasonable
2 36 hour and without advance notice.~~

~~2 37 b. Examining any relevant records of an assisted
2 38 living program.~~

~~2 39 c. Preserving evidence of any violation of this
2 40 chapter or of the rules adopted pursuant to this
2 41 chapter.~~

2 42 Sec. ____ NEW SECTION. 231C.16A MEDICATION SETUP
2 43 == ADMINISTRATION AND STORAGE OF MEDICATIONS.

2 44 1. An assisted living program may provide for
2 45 medication setup if requested by a tenant or the
2 46 tenant's legal representative. If medication setup is
2 47 provided following such request, the program shall be
2 48 responsible for the specific task requested and the
2 49 tenant shall retain responsibility for those tasks not
2 50 requested to be provided.

3 1 2. If medications are administered or stored by an
3 2 assisted living program, or if the assisted living
3 3 program provides for medication setup, all of the
3 4 following shall apply:

3 5 a. If administration of medications is delegated
3 6 to the program by the tenant or tenant's legal
3 7 representative, the medications shall be administered
3 8 by a registered nurse, licensed practical nurse, or
3 9 advanced registered nurse practitioner licensed or
3 10 registered in Iowa or by the individual to whom such
3 11 licensed or registered individuals may properly
3 12 delegate administration of medications.

3 13 b. Medications, other than those self-administered
3 14 by the tenant or provided through medication setup,
3 15 shall be stored in locked storage that is not
3 16 accessible to persons other than employees responsible
3 17 for administration or storage of medications.

3 18 c. Medications shall be labeled and maintained in
3 19 compliance with label instructions and state and
3 20 federal law.

3 21 d. A person other than a dispensing pharmacist
3 22 shall not alter the prescription.

3 23 e. Medications shall be stored in their originally
3 24 received containers.

3 25 f. If medication setup is provided by the program
3 26 at the request of the tenant or tenant's legal
3 27 representative, or if medication administration is
3 28 delegated to the program by the tenant or tenant's
3 29 legal representative, appropriate staff of the program
3 30 may transfer the medications in the tenant's presence
3 31 from the original prescription container to medication
3 32 dispensing containers, reminder containers, or
3 33 medication cups.

3 34 g. Program assistance with medication
3 35 administration as specified in the occupancy agreement
3 36 shall not require the program to provide assistance
3 37 with the storage of medications.

3 38 Sec. ____ Section 231C.17, subsections 1 and 3,
3 39 Code 2005, are amended to read as follows:

~~3 40 1. A hospital licensed pursuant to chapter 135B,
3 41 or a health care facility licensed pursuant to chapter
3 42 135C, or an adult day services program certified
3 43 pursuant to chapter 231D may operate an assisted
3 44 living program, located in a distinct part of or
3 45 separate structure under the control of the hospital
3 46 or health care facility, if the assisted living
3 47 program is certified pursuant to this chapter.~~

~~3 48 3. A certified assisted living program that
3 49 complies with the requirements of this chapter shall
3 50 not be required to be licensed or certified as a
4 1 health care different type of facility pursuant to
4 2 chapter 135C, unless the facility is represented to
4 3 the public as a licensed health care another type of
4 4 facility.>~~

4 5 #6. Title page, line 1, by striking the words

4 6 <programs and> and inserting the following:
4 7 <programs,>.
4 8 #7. Title page, line 2, by inserting after the
4 9 word <fee> the following: <, and providing
4 10 penalties>.
4 11 #8. By renumbering, relettering, or redesignating
4 12 and correcting internal references as necessary.
4 13
4 14
4 15 _____
4 16 UPMEYER of Hancock
4 17
4 18
4 19 _____
4 20 JACOBY of Johnson
4 21 HF 585.701 81
4 22 pf/gg/1913