

Senate File 465

S-3176

1 Amend Senate File 465 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 <Section 1. NEW SECTION. 231C.11A Voluntary
5 cessation of program operations — decertification.

6 1. The department shall adopt rules regarding
7 the voluntary cessation of program operations of an
8 assisted living program, including decertification.
9 The rules shall address notification of the tenants,
10 tenant legal representatives, the department, and
11 the tenant advocate at least ninety days prior to the
12 anticipated date of cessation of program operations;
13 the requirements for the safe and orderly transfer
14 or transition of all tenants; and monitoring of the
15 program during the process and after cessation of
16 program operations.

17 2. Within seven days following provision of notice
18 of cessation of program operations, the assisted
19 living program shall hold a meeting and invite all
20 tenants, tenant legal representatives, families of
21 tenants, representatives of the department, and the
22 tenant advocate to discuss the pending cessation of the
23 program and to answer any questions. The department
24 and the tenant advocate shall have access to attend
25 the meeting and provide information to the tenants
26 regarding their legal rights.

27 3. The tenant advocate shall monitor the
28 decertification process and shall undertake any
29 investigations necessary to ensure that the rights of
30 tenants are protected during the process and after
31 cessation of program operations. The tenant advocate
32 shall assist tenants during the transition, including
33 assisting tenants in finding necessary and appropriate
34 service providers if the assisted living program
35 is unable to provide such necessary and appropriate
36 services during the transition period. The assisted
37 living program shall cooperate with the tenant advocate
38 by providing contact information for service providers
39 within a thirty mile radius of the program.

40 4. Following cessation of program operations and
41 decertification, the department shall retain authority
42 to monitor the decertified program to ensure that the
43 entity does not continue to act as an uncertified
44 assisted living program or other unlicensed,
45 uncertified, or unregistered entity otherwise
46 regulated by the state following decertification. If
47 a decertified assisted living program continues to or
48 subsequently acts in a manner that meets the definition
49 of assisted living pursuant to section 231C.2,
50 the decertified program is subject to the criminal

1 penalties and injunctive relief provisions of section
2 231C.15, and any other penalties applicable by law.>
3 2. Title page, by striking lines 1 through 3 and
4 inserting <An Act relating to voluntary cessation of
5 program operations and decertification of assisted
6 living programs, and providing penalties.>

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