

House File 2422

S-5219

- 1 Amend House File 2422, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, line 17, by striking <or owner>
 - 4 2. Page 1, line 18, after <facility.> by inserting
5 <For purposes of this paragraph, the approval of
6 the administrator of the nursing facility cannot
7 be withheld on the basis of considerations that are
8 otherwise prohibited by state or federal law.>
 - 9 3. Page 2, lines 13 and 14, by striking <or owner>
 - 10 4. Page 2, line 14, after <facility.> by inserting
11 <For purposes of this subsection, the approval of the
12 administrator of the residential care facility cannot
13 be withheld on the basis of considerations that are
14 otherwise prohibited by state or federal law.>
 - 15 5. By striking page 2, line 15, through page 4,
16 line 12, and inserting:
17 <Sec. ____ . Section 229A.8A, subsection 5, Code
18 2011, is amended to read as follows:
19 5. ~~Committed~~ Except as provided in subsection 6A,
20 committed persons in the transitional release program
21 are not necessarily required to be segregated from
22 other persons.
23 Sec. ____ . Section 229A.8A, Code 2011, is amended by
24 adding the following new subsection:
25 NEW SUBSECTION. 6A. Persons in the transitional
26 release program shall not be released to a health care
27 facility as defined in section 135C.1.
 - 28 Sec. ____ . Section 229A.9A, Code 2011, is amended by
29 adding the following new subsection:
30 NEW SUBSECTION. 3A. If a release with or without
31 supervision is ordered, the committed person shall not
32 be released to a health care facility as defined in
33 section 135C.1.>
 - 34 6. Page 5, line 6, by striking <or owner>
 - 35 7. Page 5, line 7, after <program.> by inserting
36 <For purposes of this subsection, the approval of
37 the manager of the assisted living program cannot
38 be withheld on the basis of considerations that are
39 otherwise prohibited by state or federal law.>
 - 40 8. Page 5, by striking lines 8 through 10.
 - 41 9. By striking page 5, line 19, through page 6,
42 line 19.
 - 43 10. Page 8, line 9, after <appeals> by inserting <,
44 in conjunction with the department of human services,>
 - 45 11. Page 8, line 31, by striking <deems> and
46 inserting <and the department of human services deem>
 - 47 12. By striking page 8, line 32, through page 9,
48 line 4.
 - 49 13. By striking page 9, line 5, through page 10,
50 line 12, and inserting:

1 <3. The committee shall discuss and make
2 recommendations on options to create a new facility
3 or assist an existing facility to expand services
4 to provide care for elderly persons who have
5 previously been declared to be a sexually violent
6 predator pursuant to chapter 229A. The committee
7 shall identify the characteristics of a client
8 for such a facility, the need for such a facility,
9 options for creating a new facility to house such
10 clients, options for the expansion of an existing
11 facility to house such clients, options for using any
12 alternative facilities for such purposes, options for
13 a public-private partnership for such a facility,
14 options for using part of a mental health institute
15 to house such clients, options to qualify a facility
16 for Medicaid reimbursement, cost projections for any
17 recommendations, regulatory challenges, and other
18 information deemed relevant by the department of
19 inspections and appeals and the department of human
20 services. The committee shall also discuss and make
21 recommendations on the authority of nursing facilities,
22 residential care facilities, and assisted living
23 programs to transfer or discharge a resident or tenant
24 who is required to register as a sex offender pursuant
25 to chapter 692A.>

26 14. By striking page 10, line 16, through page 11,
27 line 11, and inserting:

28 <Sec. _____. RESIDENTS AND TENANTS — DISCHARGE. The
29 department of inspections and appeals shall adopt rules
30 that provide that a nursing facility, residential care
31 facility, or assisted living program has the authority
32 to discharge a resident or tenant who is required to
33 register as a sex offender pursuant to chapter 692A
34 based on the person's status as a sex offender as
35 an endangerment to the safety of individuals in the
36 facility or program.

37 Sec. _____. EMERGENCY RULES. If specifically
38 authorized by a provision of this Act, the department
39 of inspections and appeals may adopt administrative
40 rules under section 17A.4, subsection 3, and section
41 17A.5, subsection 2, paragraph "b", to implement
42 the provisions and the rules shall become effective
43 immediately upon filing or on a later effective date
44 specified in the rules, unless the effective date is
45 delayed by the administrative rules review committee.
46 Any rules adopted in accordance with this section
47 shall not take effect before the rules are reviewed
48 by the administrative rules review committee. The
49 delay authority provided to the administrative rules
50 review committee under section 17A.4, subsection 7, and

1 section 17A.8, subsection 9, shall be applicable to a
2 delay imposed under this section, notwithstanding a
3 provision in those sections making them inapplicable
4 to section 17A.5, subsection 2, paragraph "b". Any
5 rules adopted in accordance with the provisions of this
6 section shall also be published as a notice of intended
7 action as provided in section 17A.4.>

8 15. Title page, by striking lines 1 through 4 and
9 inserting <An Act relating to the care and housing of
10 elderly sex offenders and sexually violent predators
11 and including effective date provisions.>

12 16. By renumbering as necessary.

TOM HANCOCK