

MAR 10 1981

HOUSE FILE 746

BY COMMITTEE ON HUMAN RESOURCES

Place On Calendar

(Formerly Study Bill 221)

ins for h. # 472 4/3/81

Passed House, Date 3-30-81 (p 920) Passed Senate, Date 4-21-81 (p 1335)

Vote: Ayes 94 Nays 1 Vote: Ayes 48 Nays 0

Approved May 1, 1981

A BILL FOR

1 An Act relating to the issuance by the commissioner of health
2 of citations to health care facilities.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135C.40, subsection 1, Code 1981, is
2 amended to read as follows:

3 1. ~~When any inspection or investigation of a health care~~
4 ~~facility made pursuant to this chapter finds the facility~~
5 ~~in violation of any applicable requirement of this chapter~~
6 ~~or the rules adopted pursuant to it, the commissioner shall~~
7 ~~within five working days after a finding of a Class I vio-~~
8 ~~lation is made, and within ten working days after a finding~~
9 ~~of a Class II or Class III violation is made, issue a written~~
10 ~~citation to the facility.~~ If the commissioner determines,
11 based on the findings of an inspection or investigation of
12 a health care facility, that the facility is in violation
13 of this chapter or rules adopted under this chapter, the com-
14 missioner within five working days after making the determina-
15 tion, shall issue a written citation to the facility. The
16 citation shall be served upon the facility personally or by
17 certified mail, except that a citation for a Class III viola-
18 tion may be sent by ordinary mail. Each citation shall
19 specifically describe the nature of the violation, identify-
20 ing the Code section or subsection or the rule or standard
21 violated, and the classification of the violation under section
22 135C.36. Where appropriate, the citation shall also state
23 the period of time allowed for correction of the violation,
24 which shall in each case be the shortest period of time the
25 department deems feasible. Failure to correct a violation
26 within the time specified, unless the licensee shows that
27 the failure was due to circumstances beyond the licensee's
28 control, shall subject the facility to a further penalty of
29 fifty dollars for each day that the violation continues after
30 the time specified for correction.

31 EXPLANATION

32 This bill amends current procedures for notifying a health
33 care facility of a violation of chapter 135C by eliminating
34 the distinction between types of violations and the deadlines
35 for notification and by clarifying that the citation must

1 be issued within five working days of determination by the
2 commissioner of health that a violation exists. Under the
3 current language there is some confusion as to when the five
4 days begin, with some arguing that the date of the inspection
5 marks the beginning of the five days.

6 The bill is effective July 1 following enactment.

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HOUSE FILE 746

AN ACT
RELATING TO THE ISSUANCE BY THE COMMISSIONER OF HEALTH OF CI-
TATIONS TO HEALTH CARE FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 135C.40, subsection 1, Code 1981, is amended to read as follows:

1. ~~When any inspection or investigation of a health care facility made pursuant to this chapter finds the facility in violation of any applicable requirement of this chapter or the rules adopted pursuant to it, the commissioner shall within five working days after a finding of a Class I violation is made, and within ten working days after a finding of a Class II or Class III violation is made, issue a written citation to the facility. If the commissioner determines, based on the findings of an inspection or investigation of a health care facility, that the facility is in violation of this chapter or rules adopted under this chapter, the commissioner within five working days after making the determination, shall issue a written citation to the facility.~~ The citation shall be served upon the facility personally or by certified mail, except that a citation for a Class III violation may be sent by ordinary mail. Each citation shall specifically describe the nature of the violation, identifying the Code section or subsection or the rule or standard violated, and the classification of the violation under section 135C.36. Where appropriate, the citation shall also state the period of time allowed for correction of the violation, which shall in each case be the shortest period of time the department deems feasible. Failure to correct a violation within the time specified, unless the licensee shows that the failure was due to circumstances beyond the licensee's

control, shall subject the facility to a further penalty of fifty dollars for each day that the violation continues after the time specified for correction.

DELWYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 746, Sixty-ninth General Assembly.

PAT W. HARPER
Chief Clerk of the House

Approved 5/1, 1981

ROBERT D. RAY
Governor