

HUMAN RESOURCES: C. Miller, Chair; Carr and Grattias

Do Pass 3/26 (p. 1060)
FEB 21 1985

Place On Calendar

HOUSE FILE **398**

BY COMMITTEE ON HUMAN RESOURCES

(Formerly House Study Bill 177)

Passed House, Date 2-28-85 (p. 603) Passed Senate, Date 4-16-85 (p. 1396)

Vote: Ayes 95 Nays 0 Vote: Ayes 35 Nays 6

Approved May 24, 1985

Re passed House 4-26-85 (p. 1921)
95-0

A BILL FOR

- 1 An Act relating to the confidentiality of the name of a
- 2 complainant regarding a person in a long-term care
- 3 facility.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

S-3553

HOUSE FILE 398

- 1 Amend House File 398, as passed by the House as
- 2 follows:
- 3 1. Page 1, line 17, by inserting after the word
- 4 "aide" the following: "as defined in section 249B.32,
- 5 paragraph 3,".

S-3553 Filed March 28, 1985

By C. MILLER

Adopted 4/16/85 (p. 1395)

S-3649

HOUSE FILE 398

- 1 Amend House File 398 as passed by the House as
- 2 follows:
- 3 1. Page 1, by striking lines 6 through 10 and
- 4 inserting the following: "shall be kept confidential,
- 5 except as authorized by a court of competent
- 6 jurisdiction. The commission may seek an appropriate
- 7 protective order where discovery is permitted by court
- 8 order."
- 9 2. Page 1, by striking lines 27 through 30 and
- 10 inserting the following: "care resident's aide shall
- 11 be kept confidential and shall not be subject to
- 12 discovery, subpoena, or other means of legal
- 13 compulsion for its release to a person other than
- 14 department employees involved in the investigation of
- 15 the complaint, except as authorized by a court of
- 16 competent jurisdiction. The department may seek an
- 17 appropriate protective order where discovery is
- 18 permitted by court order."

S-3649 Filed April 8, 1985

By MANN

Lost 4/16 (p. 1395)

HF 398

1 Section 1. NEW SECTION. 249B.36 CONFIDENTIALITY OF
2 COMPLAINANT.

3 The name of the person who files a complaint with the
4 commission, long-term care resident's aide, or a care review
5 committee regarding a person in a long-term care facility
6 shall be kept confidential and shall not be subject to
7 discovery, subpoena, or other means of legal compulsion for
8 its release to a person other than commission employees or
9 care review committee members involved in the initial
10 complaint.

11 Sec. 2. Section 135C.37, Code 1985, is amended to read as
12 follows:

13 135C.37 COMPLAINTS ALLEGING VIOLATIONS -- CONFIDENTIALITY.

14 A person may request an inspection of a health care
15 facility by filing with the department, or care review
16 committee of the facility, or the long-term care resident's
17 aide a complaint of an alleged violation of applicable
18 requirements of this chapter or the rules adopted pursuant to
19 it this chapter. A copy of a complaint filed with the care
20 review committee or the long-term care resident's aide shall
21 be forwarded to the department. The complaint shall state in
22 a reasonably specific manner the basis of the complaint, and a
23 statement of the nature of the complaint shall be delivered to
24 the facility involved at the time of or prior to the
25 inspection. The name of the person who files a complaint with
26 the department, or care review committee, or the long-term
27 care resident's aide shall be kept confidential and shall not
28 be subject to discovery, subpoena, or other means of legal
29 compulsion for its release to a person other than department
30 employees involved in the investigation of the complaint.

31 Sec. 3. Section 249B.31, Code 1985, is amended to read as
32 follows:

33 249B.31 PURPOSE.

34 The purpose of sections 249B.31 through ~~249B.35~~ 249B.36 is
35 to establish the long-term care resident's aide program

1 operated by the Iowa commission on the aging in accordance
2 with the requirements of the Older Americans Act of 1965, 42
3 U.S.C. secs. §§ 3026(a)(6)(d), 3027(a)(12) and 3030d(a)(10)
4 amended to July 1, 1983, and to adopt the supporting federal
5 regulations and guidelines for its implementation. In
6 accordance with chapter 17A, the commission on the aging shall
7 adopt and enforce rules for the implementation of sections
8 249B.31 through ~~249B.35~~ 249B.36.

9 Sec. 4. Section 249B.32, unnumbered paragraph 1 and
10 subsection 1, Code 1985, is amended to read as follows:

11 As used in sections 249B.33 through ~~249B.35~~ 249B.36:

12 1. "Administrative action" means an action or decision
13 made by an owner, employee, or agent of a long-term care
14 facility, or by a governmental agency, which affects the
15 service provided to residents covered in sections 249B.33
16 through ~~249B.35~~ 249B.36.

17 EXPLANATION

18 This bill requires the name of a complainant to be kept
19 confidential if the complaint relates to a person in a long-
20 term care facility and is reported to the commission on the
21 aging, department of health, the long-term care resident's
22 aide, or a care review committee.

23 SENATE AMENDMENT TO HOUSE FILE 398

H-3896

1 Amend House File 398, as passed by the House as
2 follows:

3 1. Page 1, line 17, by inserting after the word
4 "aide" the following: "as defined in section 249B.32,
5 paragraph 3."

H-3896 FILED APRIL 18, 1985 RECEIVED FROM THE SENATE
House concurred 4/26/85 (p. 1921)

32
33
34
35

HSB 177

HUMAN RESOURCES

Study Bill 177

Human Resources: Sturgeon, Chair: Clark, Lonergan, Ollie and Torrence.

*now
HF 398*

SENATE/HOUSE FILE 398

BY (PREFILED COMMISSION ON THE AGING BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the confidentiality of the name of a
2 complainant regarding a person in a long-term care
3 facility.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

1 Section 1. NEW SECTION. 249B.36 CONFIDENTIALITY OF
2 COMPLAINANT.

3 The name of the person who files a complaint with the
4 commission, long-term care resident's aide, or a care review
5 committee regarding a person in a long-term care facility
6 shall be kept confidential and shall not be subject to
7 discovery, subpoena, or other means of legal compulsion for
8 its release to a person other than commission employees or
9 care review committee members involved in the investigation of
10 the complaint.

11 Sec. 2. Section 135C.37, Code 1985, is amended to read as
12 follows:

13 135C.37 COMPLAINTS ALLEGING VIOLATIONS -- CONFIDENTIALITY.

14 A person may request an inspection of a health care
15 facility by filing with the department, ~~or~~ care review
16 committee of the facility, or the long-term care resident's
17 aide a complaint of an alleged violation of applicable
18 requirements of this chapter or the rules adopted pursuant to
19 this chapter. A copy of a complaint filed with the care
20 review committee or the long-term care resident's aide shall
21 be forwarded to the department. The complaint shall state in
22 a reasonably specific manner the basis of the complaint, and a
23 statement of the nature of the complaint shall be delivered to
24 the facility involved at the time of or prior to the
25 inspection. The name of the person who files a complaint with
26 the department, ~~or~~ care review committee, or the long-term
27 care resident's aide shall be kept confidential and shall not
28 be subject to discovery, subpoena, or other means of legal
29 compulsion for its release to a person other than department
30 employees involved in the investigation of the complaint.

31 Sec. 3. Section 249B.31, Code 1985, is amended to read as
32 follows:

33 249B.31 PURPOSE.

34 The purpose of sections 249B.31 through ~~249B.35~~ 249B.36 is
35 to establish the long-term care resident's aide program

1 operated by the Iowa commission on the aging in accordance
2 with the requirements of the Older Americans Act of 1965, 42
3 U.S.C. secs. 3026(a)(6)(d), 3027(a)(12) and 3030d(a)(10)
4 amended to July 1, 1983, and to adopt the supporting federal
5 regulations and guidelines for its implementation. In
6 accordance with chapter 17A, the commission on the aging shall
7 adopt and enforce rules for the implementation of sections
8 249B.31 through ~~249B-35~~ 249B.36.

9 Sec. 4. Section 249B.32, unnumbered paragraph 1 and
10 subsection 1, Code 1985, is amended to read as follows:

11 As used in sections 249B.33 through ~~249B-35~~ 249B.36:

12 1. "Administrative action" means an action or decision
13 made by an owner, employee, or agent of a long-term care
14 facility, or by a governmental agency, which affects the
15 service provided to residents covered in sections 249B.33
16 through ~~249B-35~~ 249B.36.

17 EXPLANATION

18 This bill requires the name of a complainant to be kept
19 confidential if the complaint relates to a person in a long-
20 term care facility and is reported to the commission on the
21 aging, department of health, the long-term care resident's
22 aide, or a care review committee.

23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 398

AN ACT

RELATING TO THE CONFIDENTIALITY OF THE NAME OF A COMPLAINANT
REGARDING A PERSON IN A LONG-TERM CARE FACILITY.

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

Section 1. NEW SECTION. 249B.36 CONFIDENTIALITY OF
COMPLAINANT.

The name of the person who files a complaint with the
commission, long-term care resident's aide, or a care review
committee regarding a person in a long-term care facility
shall be kept confidential and shall not be subject to
discovery, subpoena, or other means of legal compulsion for
its release to a person other than commission employees or
care review committee members involved in the initial
complaint.

Sec. 2. Section 135C.37, Code 1985, is amended to read as
follows:

135C.37 COMPLAINTS ALLEGING VIOLATIONS -- CONFIDENTIALITY.

A person may request an inspection of a health care
facility by filing with the department, or care review

committee of the facility, or the long-term care resident's
aide as defined in section 249B.32, subsection 3, a complaint
of an alleged violation of applicable requirements of this
chapter or the rules adopted pursuant to it this chapter. A
copy of a complaint filed with the care review committee or
the long-term care resident's aide shall be forwarded to the
department. The complaint shall state in a reasonably
specific manner the basis of the complaint, and a statement of
the nature of the complaint shall be delivered to the facility
involved at the time of or prior to the inspection. The name
of the person who files a complaint with the department, or
care review committee, or the long-term care resident's aide
shall be kept confidential and shall not be subject to
discovery, subpoena, or other means of legal compulsion for
its release to a person other than department employees
involved in the investigation of the complaint.

Sec. 3. Section 249B.31, Code 1985, is amended to read as
follows:

249B.31 PURPOSE.

The purpose of sections 249B.31 through 249B-35 249B.36 is
to establish the long-term care resident's aide program
operated by the Iowa commission on the aging in accordance
with the requirements of the Older Americans Act of 1965, 42
U.S.C. secs: §§ 3026(a)(6)(d), 3027(a)(12) and 3030d(a)(10)
amended to July 1, 1983, and to adopt the supporting federal
regulations and guidelines for its implementation. In
accordance with chapter 17A, the commission on the aging shall
adopt and enforce rules for the implementation of sections
249B.31 through 249B-35 249B.36.

Sec. 4. Section 249B.32, unnumbered paragraph 1 and
subsection 1, Code 1985, is amended to read as follows:

As used in sections 249B.33 through 249B-35 249B.36:

1. "Administrative action" means an action or decision
made by an owner, employee, or agent of a long-term care
facility, or by a governmental agency, which affects the

service provided to residents covered in sections 249B.33
through ~~249B.35~~ 249B.36.

DONALD D. AVENSON
Speaker of the House

ROBERT T. ANDERSON
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 398, Seventy-first General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved May 24, 1985

TERRY E. BRANSTAD
Governor