

Senate State Govt 2-21-89 (p. 469)  
DUPASS 4-5-89 (p. 1202)

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Place On Calendar

HOUSE FILE 178

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 116)

Passed House, Date 2/10/89 (p. 384) Passed Senate, Date 4-24-89 (p. 1626)

Vote: Ayes 87 Nays 0 Vote: Ayes 41 Nays 6

Approved April 27, 1990  
*Motion to Reconsider (p. 391)*  
*Withdrawn 2/16/89 (p. 495)*

**A BILL FOR**

1 An Act relating to the department of inspections and appeals and  
2 its licensing, rulemaking, and enforcement authority with  
3 respect to health and human resources matters, and providing  
4 properly related matters.

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

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HF 178

1 Section 1. Section 10A.402, subsection 5, Code 1989, is  
2 amended to read as follows:

3 5. Investigations and collections relative to the  
4 liquidation of overpayment debts owed to the department of  
5 human services. Collection methods include but are not  
6 limited to small claims filings, debt setoff, and repayment  
7 agreements.

8 Sec. 2. Section 135B.1, Code 1989, is amended by adding  
9 the following new subsection:

10 NEW SUBSECTION. 4. "Department" means the department of  
11 inspections and appeals.

12 Sec. 3. Section 135B.4, Code 1989, is amended to read as  
13 follows:

14 135B.4 APPLICATION FOR LICENSE.

15 Licenses shall be obtained from the department of  
16 ~~inspections-and-appeals.~~ Applications shall be upon such  
17 forms and shall contain such information as the said  
18 department may reasonably require, which may include  
19 affirmative evidence of ability to comply with such reasonable  
20 standards and rules ~~as-may-be-lawfully prescribed hereunder~~  
21 under this chapter. Each application for license shall be  
22 accompanied by the license fee, which shall be refunded to the  
23 applicant if the license is denied and which shall be paid  
24 over deposited into the state treasury and credited to the  
25 general fund if the license is issued. ~~In-case-of-death-of~~  
26 ~~any-person-holding-such-license-or-the-sale-of-any-hospital~~  
27 ~~licensed-hereunder-within-the-first-year-of-the-tenure-of-such~~  
28 ~~license-the-department-of-inspections-and-appeals-shall~~  
29 ~~certify-to-the-director-of-revenue-and-finance-a-claim-on~~  
30 ~~behalf-of-the-licensee-for-refund-of-a-proportionate-share-of~~  
31 ~~the-license-fee.--Said-refund-shall-be-based-on-one-twelfth~~  
32 ~~the-amount-thereof-multiplied-by-the-remaining-months-in-the~~  
33 ~~year.--The-director-of-revenue-and-finance-shall-thereupon~~  
34 ~~draw-a-warrant-against-the-general-fund-payable-to-the-order~~  
35 ~~of-the-licensee.~~ Hospitals having fifty beds or less shall

1 pay an initial license fee of fifteen dollars; hospitals of  
2 more than fifty beds and not more than one hundred beds shall  
3 pay an initial license fee of twenty-five dollars; all other  
4 hospitals shall pay an initial license fee of fifty dollars.

5 Sec. 4. Section 135B.5, unnumbered paragraph 1, Code 1989,  
6 is amended to read as follows:

7 Upon receipt of an application for license and the license  
8 fee, the department ~~of inspections and appeals~~ shall issue a  
9 license if the applicant and hospital facilities comply with  
10 ~~the provisions of~~ this chapter and the ~~regulations~~ rules of  
11 the ~~said~~ department. Each ~~such license, unless sooner~~  
12 ~~suspended or revoked, shall be renewable annually~~ licensee  
13 shall receive annual reapproval upon payment of ten dollars  
14 and upon filing ~~by the licensee, and approval by the~~  
15 ~~department of inspections and appeals, of an annual report~~  
16 ~~upon such uniform dates and containing such information in~~  
17 ~~such form as the state department of health, with the advice~~  
18 ~~of the hospital licensing board, shall prescribe by regulation~~  
19 of an application form which is available from the department.  
20 Licenses ~~issued hereunder~~ shall be either general or  
21 restricted in form. ~~In those instances where an applicant for~~  
22 ~~hospital license was licensed as a hospital on December 31,~~  
23 ~~1960, or had an application for hospital license pending on~~  
24 ~~April 1, 1961, and the facilities of such applicant are~~  
25 ~~suitable or adequate for only certain types of hospital care~~  
26 ~~or treatment, the specific types of care or treatment for~~  
27 ~~which such hospital is properly equipped shall be set forth on~~  
28 ~~the face of the license and the lawful operation of the~~  
29 ~~hospital shall be thereby restricted to the types of care and~~  
30 ~~treatment so specified.~~ Each license shall be issued only for  
31 the premises and persons or governmental units named in the  
32 application and ~~shall~~ is not be transferable or assignable  
33 except with the written approval of the department ~~of~~  
34 ~~inspections and appeals.~~ Licenses shall be posted in a  
35 conspicuous place on the licensed premises as prescribed by

1 ~~regulation rule~~ of the said department.

2 Sec. 5. Section 135B.6, Code 1989, is amended to read as  
3 follows:

4 135B.6 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE --  
5 HEARINGS AND REVIEW.

6 The department ~~of inspections and appeals shall have the~~  
7 ~~authority to~~ may deny, suspend, or revoke a license in any  
8 case where it finds that there has been a substantial failure  
9 to comply with ~~the provisions of~~ this chapter or the rules or  
10 minimum standards ~~promulgated under~~ adopted pursuant to this  
11 chapter.

12 Such A denial, suspension, or revocation shall be effected  
13 by mailing to the applicant or licensee by certified mail, or  
14 by personal service of, a notice setting forth the particular  
15 reasons for ~~such the~~ action. Such A denial, suspension, or  
16 revocation shall become effective thirty days after the  
17 mailing or service of the notice, unless the applicant or  
18 licensee, within ~~such the~~ thirty-day period ~~shall give~~ gives  
19 written notice to the department ~~of inspections and appeals~~  
20 requesting a hearing, in which case the notice ~~shall be deemed~~  
21 ~~to be~~ is suspended. If a hearing has been requested, the  
22 applicant or licensee shall be given an opportunity for a  
23 prompt and fair hearing before the department ~~of inspections~~  
24 ~~and appeals~~. At any time at or prior to hearing, the  
25 department may rescind the notice of denial, suspension, or  
26 revocation upon being satisfied that the reasons for the  
27 denial, suspension, or revocation have been or will be  
28 removed. On the basis of ~~any such a~~ hearing, or upon default  
29 of the applicant or licensee, the determination involved in  
30 the notice may be affirmed, modified, or set aside, by the  
31 department. A copy of ~~such the~~ decision, setting forth the  
32 finding of facts and the particular reasons for the decision  
33 shall be sent by certified mail, or served personally upon,  
34 the applicant or licensee.

35 The procedure governing hearings authorized by this section

1 shall be in accordance with rules promulgated adopted by said  
2 ~~the department with the advice of the hospital licensing~~  
3 board. A full and complete record shall be kept of all  
4 proceedings, and all testimony shall be reported but need not  
5 be transcribed unless judicial review is sought pursuant to  
6 section 135B.14. A copy or copies of the transcript may be  
7 obtained by an interested party on payment of the cost of  
8 preparing such the copy or copies. Witnesses may be  
9 subpoenaed by either party and shall be allowed fees at a rate  
10 prescribed by ~~the aforesaid rules~~ rule.

11 Sec. 6. Section 135B.7, unnumbered paragraph 1, Code 1989,  
12 is amended to read as follows:

13 The ~~state department, of health~~ with the advice and  
14 approval of the hospital licensing board and approval of the  
15 state board of health, shall adopt ~~and enforce~~ rules and  
16 setting out the standards for the different types of hospitals  
17 to be licensed under this chapter, ~~to further the purposes of~~  
18 the chapter. The department shall enforce the rules. Rules  
19 or standards shall not be adopted or enforced which would have  
20 the effect of denying a license to a hospital or other  
21 institution required to be licensed, solely by reason of the  
22 school or system of practice employed or permitted to be  
23 employed by physicians in the hospital, if the school or  
24 system of practice is recognized by the laws of this state.

25 Sec. 7. Section 135B.9, unnumbered paragraph 1, Code 1989,  
26 is amended to read as follows:

27 The department ~~of inspections and appeals~~ shall make or  
28 cause to be made ~~such inspections as it may deem~~ deems  
29 necessary in order to determine compliance with applicable  
30 rules. ~~The Iowa department of public health shall, with the~~  
31 ~~advice of the hospital licensing board, prescribe by~~  
32 ~~regulations that any~~ A licensee or applicant for a license  
33 desiring to make ~~specified types~~ a specific type of alteration  
34 or addition to its facilities or to construct new facilities  
35 shall, before commencing such the alteration, addition, or new

1 construction, submit plans and specifications therefor to the  
2 department of-inspections-and-appeals for preliminary  
3 inspection and approval or recommendations with respect to  
4 compliance with the regulations applicable rules and standards  
5 herein-authorized.

6 Sec. 8. Section 135B.10, Code 1989, is amended to read as  
7 follows:

8 135B.10 HOSPITAL LICENSING BOARD.

9 The governor shall appoint five individuals who possess  
10 recognized ability in the field of hospital administration,  
11 ~~who shall function to serve~~ as and-be the hospital licensing  
12 board within the department of-inspections-and-appeals.

13 Sec. 9. Section 135B.11, subsections 1 and 2, Code 1989,  
14 are amended to read as follows:

15 1. To consult with and advise ~~with~~ the ~~few~~ department of  
16 ~~public-health~~ in matters of policy affecting administration of  
17 this chapter, and in the development of ~~rules, regulations~~ and  
18 standards provided for hereunder under this chapter.

19 2. To review and approve rules and standards authorized  
20 under this chapter prior to their approval by the state board  
21 of health and adoption by the department of-inspections-and  
22 appeals.

23 Sec. 10. Section 135B.12, Code 1989, is amended by  
24 striking the section and inserting in lieu thereof the  
25 following:

26 135B.12 CONFIDENTIALITY.

314-27 The department's final findings or the survey findings of  
28 the joint commission on the accreditation of health care  
29 organizations with respect to compliance by a hospital with  
30 requirements for licensing or accreditation shall be made  
31 available to the public in a readily available form and place.  
32 Other information relating to a hospital obtained by the  
33 department which does not constitute the department's findings  
34 from an inspection of the hospital or the survey findings of  
35 the joint commission on the accreditation of health care

1 organizations shall not be made available to the public,  
2 except in proceedings involving the denial, suspension, or  
3 revocation of a license under this chapter. The name of a  
4 person who files a complaint with the department shall remain  
5 confidential and shall not be subject to discovery, subpoena,  
6 or other means of legal compulsion for its release to a person  
7 other than department employees or agents involved in the  
8 investigation of the complaint.

9 Sec. 11. Section 135B.13, Code 1989, is amended to read as  
10 follows:

11 135B.13 ANNUAL REPORT OF DEPARTMENT.

12 The department ~~of inspections and appeals~~ shall prepare and  
13 publish an annual report of its activities ~~and operations~~  
14 under this chapter.

15 Sec. 12. Section 135B.14, Code 1989, is amended to read as  
16 follows:

17 135B.14 JUDICIAL REVIEW.

18 Judicial review of the action of the department of  
19 ~~inspections and appeals~~ may be sought in accordance with the  
20 ~~terms of the Iowa administrative procedure Act~~ chapter 17A.  
21 Notwithstanding the terms of ~~said chapter 17A~~, the Iowa  
22 administrative procedure Act, petitions for judicial review  
23 may be filed in the district court of the county in which the  
24 hospital is located or to be located, and the status quo of  
25 the petitioner or licensee shall be preserved pending final  
26 disposition of the matter in the courts.

27 Sec. 13. Section 135C.10, Code 1989, is amended by adding  
28 the following new subsection:

29 NEW SUBSECTION. 10. In the case of a license applicant or  
30 existing licensee which is an entity other than an individual,  
31 the department may deny, suspend, or revoke a license if any  
32 individual, who is in a position of control or is an officer  
33 of the entity, engages in any act or omission proscribed by  
34 this section.

35 Sec. 14. Section 135C.16, subsection 1, Code 1989, is

1 amended to read as follows:

2 1. In addition to the inspections required by sections  
3 135C.9 and 135C.38 the department shall make or cause to be  
4 made such further unannounced inspections as it ~~may-deem~~ deems  
5 necessary to adequately enforce this chapter, including at  
6 least one general inspection in each calendar year of every  
7 licensed health care facility in the state made without  
8 providing advance notice of any kind to the facility being  
9 inspected. The inspector shall show identification to the  
10 person in charge of the facility and state that an inspection  
11 is to be made before beginning the inspection. Any employee of  
12 the department who gives unauthorized advance notice of an  
13 inspection made or planned to be made under this subsection or  
14 section 135C.38 shall be disciplined as determined by the  
15 director, except that if the employee is employed pursuant to  
16 the merit system provisions of chapter 19A the discipline  
17 shall not exceed that authorized pursuant to that chapter.

18 Sec. 15. Section 135C.19, subsection 2, unnumbered  
19 paragraph 1, Code 1989, is amended to read as follows:

20 Each ~~A~~ citation for a class I or class II violation which  
21 is issued to a health care facility and which has become  
22 final, or a copy ~~or-copies-thereof~~ of the citation, shall be  
23 prominently posted as prescribed in rules ~~to-be-adopted-by-the~~  
24 department, until the violation is corrected to the  
25 department's satisfaction. The citation or copy shall be  
26 posted in a place ~~or-places~~ in plain view of the residents of  
27 the facility cited, persons visiting the residents, and  
28 persons inquiring about placement in the facility.

29 Sec. 16. Section 135C.19, subsection 3, Code 1989, is  
30 amended to read as follows:

31 3. If the facility cited subsequently advises the  
32 department of human services that the violation has been  
33 corrected to the satisfaction of the department of health  
34 inspections and appeals, the department of human services must  
35 shall maintain this advisory in the same file with the copy of



1 the citation. The department of human services shall not  
2 disseminate to the public any information regarding citations  
3 issued by the department of health inspections and appeals,  
4 but shall forward or refer ~~such~~ inquiries to the department of  
5 health inspections and appeals.

6 Sec. 17. Section 135E.1, subsection 3, Code 1989, is  
7 amended to read as follows:

8 3. "Nursing home" means an institution or facility, or  
9 part thereof, whether proprietary or nonprofit, licensed as an  
10 intermediate care facility or a skilled nursing facility, but  
11 not including an intermediate care facility for the mentally  
12 retarded or an intermediate care facility for the mentally  
13 ill, defined as such for licensing purposes under state law or  
14 ~~pursuant-to-the-rules-for-nursing-homes-promulgated-by-the~~  
15 ~~state-board-of-health,-in-consultation-with-the-department-of~~  
16 ~~inspections-and-appeals,-whether-proprietary-or-nonprofit~~  
17 administrative rule adopted pursuant to section 135C.2,  
18 including but not limited to, a nursing homes home owned or  
19 administered by the federal or state government or an agency  
20 or political subdivision of government.

21 Sec. 18. Section 147.87, Code 1989, is amended to read as  
22 follows:

23 147.87 ENFORCEMENT.

24 The department shall enforce the provisions of this and the  
25 following chapters of this title and for that purpose ~~shall~~  
26 may request the department of inspections and appeals to make  
27 necessary investigations ~~relative-thereto~~. Every licensee and  
28 member of an examining board shall furnish the department or  
29 the department of inspections and appeals such evidence as the  
30 member or licensee may have relative to any alleged violation  
31 which is being investigated.

32 Sec. 19. Section 147.88, Code 1989, is amended by striking  
33 the section and inserting in lieu thereof the following:

34 147.88 INSPECTIONS.

35 The department of inspections and appeals shall perform

1 inspections as required by this title, except for the board of  
2 medical examiners, board of pharmacy examiners, board of  
3 nursing, and the board of dental examiners. The department of  
4 inspections and appeals shall employ personnel related to the  
5 inspection functions.

6 Sec. 20. Section 147.90, Code 1989, is amended to read as  
7 follows:

8 147.90 RULES AND FORMS.

9 The Iowa department of public health and the department of  
10 inspections and appeals shall each establish the necessary  
11 rules and forms for carrying out the duties imposed upon it by  
12 ~~the provisions of this and the following chapters of~~ this  
13 title.

14 Sec. 21. Section 147.91, subsection 2, Code 1989, is  
15 amended to read as follows:

16 2. The rules of the Iowa department of public health and  
17 the department of inspections and appeals relative to  
18 licenses.

19 Sec. 22. Section 157.7, Code 1989, is amended by striking  
20 the section and inserting in lieu thereof the following:

21 157.7 INSPECTORS AND CLERICAL ASSISTANTS.

22 The department of inspections and appeals shall employ  
23 personnel under chapter 19A to perform duties related to  
24 inspection functions under this chapter. The department of  
25 inspections and appeals shall, when possible, integrate  
26 inspection efforts under this chapter with inspections  
27 conducted under chapter 158.

28 The Iowa department of public health may employ clerical  
29 assistants under chapter 19A to administer and enforce this  
30 chapter. The costs and expenses of the clerical assistants  
31 shall be paid from funds appropriated to the department of  
32 public health.

33 Sec. 23. Section 158.6, Code 1989, is amended by striking  
34 the section and inserting in lieu thereof the following:

35 158.6 INSPECTORS AND CLERICAL ASSISTANTS.

1 The department of inspections and appeals shall employ  
2 personnel under chapter 19A to perform duties related to  
3 inspection functions under this chapter. The department of  
4 inspections and appeals shall, when possible, integrate  
5 inspection efforts under this chapter with inspections  
6 conducted under chapter 157.

7 The Iowa department of public health may employ clerical  
8 assistants under chapter 19A to administer and enforce this  
9 chapter. The costs and expenses of the clerical assistants  
10 shall be paid from funds appropriated to the department of  
11 public health.

12 Sec. 24. Section 170.5, unnumbered paragraph 1, Code 1989,  
13 is amended to read as follows:

14 The department of inspections and appeals, or a municipal  
15 corporation pursuant to section 170.55, shall collect the  
16 following fees for licenses:

17 Sec. 25. Section 170.5, unnumbered paragraph 4, Code 1989,  
18 is amended to read as follows:

19 After collection, the fees collected by the department  
20 shall be deposited in the general fund of the state. The fees  
21 collected by a municipal corporation shall be retained by the  
22 corporation for its own use.

23 Sec. 26. Section 170.8, Code 1989, is amended to read as  
24 follows:

25 170.8 REVOCATION.

26 Any license issued under this chapter may be revoked by the  
27 department for violation by the licensee of any provision of  
28 this chapter or any rules ~~of-the-department~~ adopted pursuant  
29 to this chapter.

30 Sec. 27. Section 170.10, Code 1989, is amended to read as  
31 follows:

32 170.10 FOOD ESTABLISHMENTS WITH PRIVATE WATER AND SEWER  
33 FACILITIES.

34 When a food establishment is served by privately owned  
35 water or waste treatment facilities these facilities shall

1 meet the technical requirements of the local board of health,  
2 ~~the Iowa department of public health,~~ and the department of  
3 natural resources.

4 Sec. 28. Section 170.16, Code 1989, is amended to read as  
5 follows:

6 170.16 TOILET AND LAVATORY FACILITIES.

7 A food establishment shall provide toilet and lavatory  
8 facilities in accordance with rules adopted ~~by the department~~  
9 pursuant to this chapter ~~17A~~.

3:08-  
10 Sec. 29. Section 170.56, Code 1989, is amended to read as  
11 follows:

12 170.56 ADOPTION BY RULE.

13 The director shall adopt the retail food store sanitation  
14 code by rule as part of the Iowa retail food store sanitation  
15 code with the following ~~exception~~ exceptions:

16 ~~1. 2-101~~ 1. 2-101 shall be amended to allow food licensed  
17 under chapter 170C or food specified under section 170.1,  
18 subsection 2, paragraph "d", to be used or offered for sale.

19 2. 9-103 shall be deleted. Section 9-103 repeals "all  
20 codes and parts of codes" in conflict with the retail food  
21 store sanitation code.

22 3. Food establishments shall be inspected before a license  
23 is granted and annually thereafter.

24 Sec. 30. Section 170A.3, Code 1989, is amended to read as  
25 follows:

26 170A.3 ADOPTION BY RULE.

27 As soon as practicable, the director shall adopt the food  
28 service sanitation ordinance, section 170A.2, subsection 12,  
29 by rule as part of the Iowa food service sanitation code with  
30 the following exceptions:

31 1. 1-102(h), (i), and (z) shall be deleted. Sections 1-  
32 102(h), (i), and (z) define "food processing establishment",  
33 "food service establishment", and "temporary food service  
34 establishment".

35 2. 1-104 shall be deleted. Section 1-104 refers to the

1 effective date of the ordinance and repeals all ordinances and  
2 parts of ordinances in conflict with the food service  
3 sanitation ordinance.

309.10: 4 3. 10-101 shall be amended so that the following food  
5 service establishments are exempt from the license  
6 requirement:

7 a. Food service operations in schools.

8 b. Places used by churches, fraternal societies, and civic  
9 organizations which engage in the serving of food not more  
10 often than ten times per month.

11 ~~10-101 shall also be amended so that a license issued by~~  
12 ~~the department of agriculture prior to January 17, 1979, shall~~  
13 ~~be valid until its expiration date.~~ Section 10-101 states  
14 general compliance procedures.

15 4. 10-201 shall be amended so that food service operations  
16 in schools and summer camps shall be inspected at least once  
17 every year instead of twice every year. Section 10-201 refers  
18 to the frequency of inspections.

19 5. 10-601 shall be deleted. Section 10-601 refers to  
20 federal penalties.

21 6. 2-101 shall be amended to allow food licensed under  
22 chapter 170C and food specified under section 170.1,  
23 subsection 2, paragraph "d", to be used or offered for sale.

24 Sec. 31. Section 170A.7, Code 1989, is amended to read as  
25 follows:

26 170A.7 TOILET AND LAVATORY FACILITIES.

27 A food service establishment that is not a mobile food  
28 unit, pushcart, or temporary food service establishment shall  
29 provide toilet and lavatory facilities in accordance with  
30 rules adopted by ~~the department~~ pursuant to this chapter 17A.

31 Sec. 32. Section 170A.8, Code 1989, is amended to read as  
32 follows:

33 170A.8 PLUMBING IN FOOD SERVICE ESTABLISHMENTS.

34 A food service establishment shall have an adequately  
35 designed plumbing system conforming to at least the minimum

1 requirements of the state plumbing code. The water supply  
2 service and sewerage system of a food service establishment  
3 shall meet the technical requirements of the local board of  
4 health, ~~the Iowa department of public health,~~ and the  
5 department of natural resources.

3108

6 Sec. 33. Section 170B.7, Code 1989, is amended to read as  
7 follows:

8 170B.7 LICENSE REVOCATION.

9 A license issued under the Iowa hotel sanitation code may  
10 be revoked by the regulatory authority for violation by the  
11 licensee of a provision of the Iowa hotel sanitation code or  
12 applicable rule ~~of the department~~ adopted pursuant to this  
13 chapter.

14 Sec. 34. Section 170B.8, Code 1989, is amended to read as  
15 follows:

16 170B.8 TOILET AND LAVATORY FACILITIES.

17 A hotel shall provide toilet and lavatory facilities in  
18 accordance with rules adopted ~~by the department~~ pursuant to  
19 this chapter 17A.

20 Sec. 35. Section 170B.9, unnumbered paragraph 2, Code  
21 1989, is amended to read as follows:

22 A hotel beyond the reach of a central water or sewerage  
23 system shall be served by on-site facilities which meet the  
24 technical requirements of the local board of health, ~~the Iowa~~  
25 ~~department of public health,~~ and the department of natural  
26 resources.

3108

27 Sec. 36. Section 191A.1, Code 1989, is amended by adding  
28 the following new subsection:

29 NEW SUBSECTION. 14. "Food and beverage vending machine  
30 ordinance" means the 1978 edition of the federal food and drug  
31 administration food and beverage vending machine ordinance.

32 Sec. 37. Section 191A.8, Code 1989, is amended to read as  
33 follows:

34 191A.8 INSPECTION.

35 The regulatory authority shall inspect all vending machine

1 commissaries at least once each calendar year, and shall  
2 inspect representative vending machines and vehicles as often  
3 as deemed necessary to determine compliance with this chapter  
4 and applicable rules of the department. ~~Section 170B:15 shall~~  
5 ~~be applicable to the operation of vending machines.~~ Upon  
6 receipt of a verified complaint signed by a customer of a  
7 vending machine and stating facts indicating the machine is in  
8 an insanitary condition, the regulatory authority may conduct  
9 an inspection.

3108, 3113

10 Sec. 38. Section 191A.10, Code 1989, is amended by  
11 striking the section and inserting in lieu thereof the  
12 following:

13 191A.10 ADOPTION BY RULE.

14 As soon as practicable, the director shall adopt the food  
15 and beverage vending machine ordinance, section 191A.1,  
16 subsection 13, by rule as part of the Iowa food and beverage  
17 vending machine code with the following exceptions:

18 1. 1-104 shall be deleted. Section 1-104 states the  
19 effective date of the ordinance and repeals all ordinances and  
20 parts of ordinances in conflict with the ordinance.

21 2. 6-601 shall be deleted. Section 6-601 refers to  
22 federal penalties.

23 3. 6-201 shall be amended so that only one inspection per  
24 calendar year is required. Section 6-201 refers to the  
25 frequency of inspections.

26 Sec. 39. NEW SECTION. 191A.15 INJUNCTION.

27 A person operating a vending machine in violation of this  
28 chapter may be restrained by injunction from further operating  
29 that vending machine. If an imminent health hazard exists,  
30 the person shall cease operation of the vending machine and  
31 shall not resume operation until authorized by the department.

32 Sec. 40. NEW SECTION. 191A.16 DUTY OF COUNTY ATTORNEY.

33 The county attorney in each county shall assist in the  
34 enforcement of this chapter.

35 Sec. 41. Section 225C.4, subsection 1, paragraph s, Code

1 1989, is amended to read as follows:

2 s. In co-operation with the state department of health  
3 inspections and appeals, recommend minimum standards under  
4 section 227.4 for the care of and services to mentally ill and  
5 mentally retarded persons residing in county care facilities.

6 Sec. 42. Section 227.6, Code 1989, is amended to read as  
7 follows:

8 227.6 REMOVAL OF RESIDENTS.

9 If a county care facility fails to comply with rules and  
10 standards adopted under this chapter, the administrator may  
11 remove all mentally ill and mentally retarded persons cared  
12 for in the county care facility at public expense, to the  
13 proper state mental health institute or hospital-school, or to  
14 some private or county institution or hospital for the care of  
15 the mentally ill or mentally retarded that has complied with  
16 the rules prescribed by the administrator. ~~The removal of~~  
17 ~~residents,--if~~ Residents being transferred to a state mental  
18 health institute or hospital-school, shall be ~~made~~ accompanied  
19 by an attendant or attendants sent from the institute or  
20 hospital-school. If a resident is ~~removed~~ transferred under  
21 this section, at least one attendant shall be of the same sex.  
22 If the administrator finds that the needs of mentally ill and  
23 mentally retarded residents of any other county or private  
24 institution are not being adequately met, those residents may  
25 be removed from that institution upon order of the  
26 administrator, ~~in consultation with the director of public~~  
27 ~~health.~~

28 Sec. 43. Section 232.142, subsection 5, Code 1989, is  
29 amended to read as follows:

30 5. The director shall approve annually all such homes  
31 established and maintained under the provisions of this  
32 chapter. ~~No such~~ A home shall not be approved unless it  
33 complies with minimal rules and standards adopted by the  
34 director and has been inspected by the department of  
35 inspections and appeals.



1 Sec. 44. Section 234.12, Code 1989, is amended by adding  
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. Upon request by the department  
4 of human services, the department of inspections and appeals  
5 shall conduct investigations into possible fraudulent  
6 practices, as described in section 234.13, relating to food  
7 programs administered by the department of human services.

8 Sec. 45. Section 235.3, subsection 8, Code 1989, is  
9 amended to read as follows:

10 8. License ~~and-inspect-maternity-hospitals,~~ and private  
11 child-placing agencies, make reports regarding them, and  
12 revoke such licenses.

13 Sec. 46. Section 235.5, Code 1989, is amended to read as  
14 follows:

15 235.5 LICENSES.

16 Licenses issued to ~~maternity-hospitals,~~ private boarding  
17 homes for children, and private child-placing agencies by the  
18 administrator, shall remain in effect for the period for which  
19 issued, unless sooner revoked according to law. Thereafter ~~it~~  
20 ~~shall-be-the-duty-of~~ each of such agencies to shall apply to  
21 the administrator for a new license, and to shall submit to  
22 such rules regarding ~~the-same~~ licensing as the administrator  
23 ~~may-prescribe~~ prescribes.

24 Sec. 47. NEW SECTION. 235.5A INSPECTIONS.

25 The department of inspections and appeals shall conduct  
26 inspections of private institutions for the care of dependent,  
27 neglected, and delinquent children in accordance with  
28 procedures established pursuant to chapters 10A and 17A.

29 Sec. 48. Section 235B.1, subsection 8, paragraph a, Code  
30 1989, is amended to read as follows:

31 a. If, upon completion of the evaluation or upon referral  
32 from the ~~fewa~~ department of ~~public-health~~ inspections and  
33 appeals, the department of human services determines that the  
34 best interests of the dependent adult require district court  
35 action, the department shall initiate action for the

1 appointment of a guardian or conservator or for admission or  
2 commitment to an appropriate institution or facility pursuant  
3 to the applicable procedures under chapter 125, 222, 229, or  
4 633. The appropriate county attorney shall assist the  
5 department in the preparation of the necessary papers to  
6 initiate the action and shall appear and represent the  
7 department at all district court proceedings.

8 Sec. 49. Section 237.7, Code 1989, is amended to read as  
9 follows:

10 237.7 REPORTS AND INSPECTIONS.

11 The administrator may require submission of reports by a  
12 licensee, and shall cause at least one annual unannounced  
13 inspection of each facility to assess the quality of the  
14 living situation and to determine compliance with applicable  
15 requirements and standards. The inspections shall be  
16 conducted by the department of inspections and appeals. The  
17 administrator director of the department of inspections and  
18 appeals may examine records of a licensee, including but not  
19 limited to corporate records and board minutes, and may  
20 inquire into matters concerning a licensee and its employees  
21 relating to requirements and standards for child foster care  
22 under this chapter.

23 Sec. 50. Section 238.19, Code 1989, is amended to read as  
24 follows:

25 238.19 INSPECTION GENERALLY.

26 Authorized ~~officers-and-agents~~ employees of the  
27 administrator department of inspections and appeals may  
28 inspect the premises and conditions of ~~such~~ the agency at any  
29 time and examine every part ~~thereof of the agency;~~ and may  
30 inquire into all matters concerning ~~such-agencies~~ the agency  
31 and the children in the care ~~thereof of the agency.~~

32 Sec. 51. Section 238.20, Code 1989, is amended to read as  
33 follows:

34 238.20 MINIMUM INSPECTION -- RECORD.

35 Authorized ~~officers-and-agents~~ employees of the

1 ~~administrator~~ department of inspections and appeals shall  
2 visit and inspect the premises of licensed child-placing  
3 agencies at least once every six months and make and preserve  
4 written reports of the conditions found.

5 Sec. 52. Section 238.21, Code 1989, is amended to read as  
6 follows:

7 238.21 OTHER INSPECTING AGENCIES.

8 Authorized agents of the ~~Iowa-department-of-public-health~~  
9 ~~and-of-the~~ local board of health in whose jurisdiction a  
10 licensed child-placing agency is located may make inspection  
11 of the premises.

12 Sec. 53. Section 249.11, Code 1989, is amended by adding  
13 the following new unnumbered paragraph:

14 NEW UNNUMBERED PARAGRAPH. The department of inspections  
15 and appeals shall conduct investigations and audits as deemed  
16 necessary to ensure compliance with state supplementary  
17 assistance programs administered under this chapter. The  
18 department of inspections and appeals shall cooperate with the  
19 department of human services on the development of procedures  
20 relating to such investigations and audits.

21 Sec. 54. Section 249A.7, Code 1989, is amended by adding  
22 the following new unnumbered paragraph:

23 NEW UNNUMBERED PARAGRAPH. The department of inspections  
24 and appeals shall conduct investigations and audits as deemed  
25 necessary to ensure compliance with the medical assistance  
26 program administered under this chapter. The department of  
27 inspections and appeals shall cooperate with the department of  
28 human services on the development of procedures relating to  
29 such investigations and audits.

30 Sec. 55. Section 600.2, subsection 2, Code 1989, is  
31 amended to read as follows:

32 2. "Investigator" means a natural person who is certified  
33 or approved, by the department of human services, after  
34 inspection by the department of inspections and appeals, as  
35 being capable of conducting an investigation under section

1 600.8.

2 Sec. 56. REPEALS.

3 1. Chapter 135A, Code 1989, is repealed.

4 2. Sections 147.116, 170.12, 170.19, 170.25, 170.26,  
5 170.27, 170.28, 191A.9, and 253.12, Code 1989, are repealed.

6 Sec. 57. CODIFICATION TRANSFERS.

7 1. The Code editor shall transfer sections 135.90 through  
8 135.96 to a new chapter.

9 2. The Code editor shall transfer chapters 170, 170A,  
10 170B, and 191A to Title VII of the Code, unless the Code  
11 editor determines that a different Code arrangement would be  
12 preferable.

13 EXPLANATION

14 This bill relates primarily to the licensing, rulemaking,  
15 and enforcement authority of the department of inspections and  
16 appeals with respect to health and human resources matters.

17 Section 10A.402 is amended to specify that the  
18 investigations division of the department of inspections and  
19 appeals has authority for collections as well as  
20 investigations relative to the liquidation of overpayment  
21 debts owed to the department of human services.

22 Chapter 135B is amended to provide that rules for the  
23 licensing of hospitals are adopted by the department of  
24 inspections and appeals with the advice and approval of the  
25 hospital licensing board and the approval of the state board  
26 of health. A provision for the refund of hospital licenses is  
27 stricken. An obsolete provision relating to certain hospital  
28 license restrictions is also stricken. The provisions  
29 governing confidentiality of hospital licensing information  
30 are revised.

31 A provision is added for denial, suspension, or revocation  
32 of a health care facility license where the applicant or  
33 licensee is an entity other than an individual and an officer  
34 or individual in control of the entity commits a violation.

35 Other changes are made in chapter 135C to reflect the role

1 of the department of inspections and appeals as the  
2 rulemaking, licensing, and enforcement agency for health care  
3 facilities. A clarification is made with respect to  
4 departmental employees under the merit system.

5 Section 135E.1, which defines "nursing home" for purposes  
6 of the chapter on licensing of nursing home administrators, is  
7 amended to reflect the rulemaking authority of the department  
8 of inspections and appeals.

9 Section 147.87 is amended to specify that the Iowa  
10 department of public health may request investigations by the  
11 department of inspections and appeals in connection with its  
12 professional licensure duties. Section 147.88 is rewritten to  
13 substitute inspections by the department of inspections and  
14 appeals for provisions creating the position of health  
15 department inspector. Sections 147.90 and 147.91 are amended  
16 to provide for rules by the department of inspections and  
17 appeals as well as the department of public health. Specific  
18 provisions in chapters 157 and 158 relating to inspectors to  
19 enforce the cosmetology and barber laws are changed to reflect  
20 that inspections are the responsibility of the department of  
21 inspections and appeals.

22 Chapter 170, relating to the licensing of food  
23 establishments, is amended to allow retention of fees  
24 collected by a municipal corporation when the municipal  
25 corporation is the licensing and inspection agency. Chapter  
26 170 and chapters 170A (food service sanitation code) and 170B  
27 (hotel sanitation code) are amended to remove references to  
28 the Iowa department of public health and clarify the  
29 rulemaking authority of the department of inspections and  
30 appeals. Exceptions to the retail food store sanitation code  
31 and the food service sanitation ordinance are revised.

32 Chapter 191A, relating to food and beverage vending  
33 machines, is amended to provide for adoption of the food and  
34 beverage vending machine ordinance with specified exceptions.  
35 Certain references incorporating provisions of other chapters

1 are replaced with provisions specific to chapter 191A.

2 Section 225C.4 is amended to reflect that the department of  
3 inspections and appeals is responsible for the licensing and  
4 inspection of health care facilities, including county care  
5 facilities. Section 227.6 is amended to delete a reference to  
6 the director of public health in connection with removal of  
7 certain residents from health care facilities.

8 Section 232.142 is amended to include a requirement for  
9 inspection of juvenile homes by the department of inspections  
10 and appeals.

11 Section 234.12 is amended to specify that the department of  
12 human services may request the department of inspections and  
13 appeals to conduct investigations into possible fraudulent  
14 practices in connection with food stamps and other food  
15 programs.

16 Chapter 235 is amended to remove references to authority  
17 within the department of human services to license and inspect  
18 maternity hospitals and inspect private child-placing  
19 agencies.

20 Revisions are made in chapters 235B (adult abuse), 237  
21 (child foster care facilities), and 238 (child day care  
22 facilities) to reflect the inspection duties of the department  
23 of inspections and appeals.

24 Chapters 249 (state supplementary assistance) and 249A  
25 (medical assistance) are amended to specify the duty of the  
26 department of inspections and appeals to conduct  
27 investigations and audits.

28 The definition of "investigator" for purposes of the  
29 adoption law (section 600.2) is amended to specify inspections  
30 by the department of inspections and appeals.

31 Chapter 135A is repealed as obsolete. This chapter  
32 regulated the construction of hospitals and health care  
33 facilities when federal money was available for such  
34 construction.

35 Section 147.116, creating the position of inspector for the

1 board of optometry examiners, is repealed. Several specific  
2 sanitation requirements relating to food establishments in  
3 chapter 170 are repealed. Duplicative references in section  
4 191A.9 are repealed. A provision on the administration of  
5 medication in county care facilities (section 253.12) is  
6 repealed.

7 The bill also directs certain codification transfers.  
8 Hospice provisions would be moved to a new chapter established  
9 for this purpose. Section 135B.33, relating to technical  
10 planning assistance, would be moved to chapter 135, relating  
11 to the Iowa department of public health. The various  
12 provisions relating to sanitation inspections would be moved  
13 from the title on agriculture to the title on health.

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HOUSE FILE 178

H-3108

- 1 Amend House File 178 as follows:  
2 1. Page 11, by inserting after line 9 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 170.47, Code 1989, is amended  
5 to read as follows:  
6 170.47 INSPECTION UPON-COMPLAINT.  
7 Upon receipt of a verified complaint signed by a  
8 customer of a food establishment and stating facts  
9 indicating the place is in an insanitary condition,  
10 the department may shall conduct an inspection."  
11 2. Page 12, by striking lines 4 through 10 and  
12 inserting the following:  
13 "3. 10-101 shall be amended so that the following  
14 food service establishments ~~are exempt from the~~  
15 ~~license requirement~~ have the described exemptions:  
16 a. Food service operations in schools are exempt  
17 from the license fee requirement.  
18 b. Places used by churches, fraternal societies,  
19 and civic organizations which engage in the serving of  
20 food not more often than ~~ten-times-per-month~~ once per  
21 week are exempt from the license requirement."  
22 3. Page 13, by inserting after line 5 the  
23 following:  
24 "Sec. \_\_\_\_ . Section 170A.10, Code 1989, is amended  
25 to read as follows:  
26 170A.10 INSPECTION UPON-COMPLAINT.  
27 Upon receipt of a verified complaint signed by a  
28 customer of a food service establishment and stating  
29 facts indicating the place is in an insanitary  
30 condition, the regulatory authority may shall conduct  
31 an inspection."  
32 4. Page 13, by inserting after line 26 the  
33 following:  
34 "Sec. \_\_\_\_ . Section 170B.15, Code 1989, is amended  
35 to read as follows:  
36 170B.15 INSPECTION UPON-COMPLAINT.  
37 Upon receipt of a verified complaint signed by a  
38 guest of a hotel and stating facts indicating the  
39 place is in an insanitary condition, the regulatory  
40 authority may shall conduct an inspection."  
41 5. Page 14, line 8, by striking the word "may"  
42 and inserting the following: "shall".  
43 6. By numbering and renumbering as necessary.

By BISIGNANO of Polk  
FEY of Scott

H-3108 FILED FEBRUARY 9, 1989

*Adopted 2/10/89 (p. 383)*

HOUSE FILE 178

H-3114

- 1 Amend House File 178 as follows:  
2 1. Page 5, line 27, by inserting before the word  
3 "survey" the following: "final".  
4 2. Page 5, line 34, by inserting before the word  
5 "survey" the following: "final".

By FEY of Scott

H-3114 FILED FEBRUARY 9, 1989

*Adopted 2/10 (p. 382)*



HOUSE FILE 178

H-3102

1 Amend House File 178 as follows:

2 1. Page 12, by striking lines 4 through 10 and  
3 inserting the following:

4 "3. 10-101 shall be amended so that the following  
5 food service establishments ~~are exempt from the~~  
6 license requirement have the described exemptions:

7 a. Food service operations in schools are exempt  
8 from the license fee requirement.

9 b. Places used by churches, fraternal societies,  
10 and civic organizations which engage in the serving of  
11 food not more often than ten-times-per-month once per  
12 week are exempt from the license requirement."

13 2. Page 14, line 8, by striking the word "may"  
14 and inserting the following: "shall".

By BISIGNANO of Polk

H-3102 FILED FEBRUARY 8, 1989

*Placed o/c 2/10 (of 323)*

HOUSE FILE 178

BY COMMITTEE ON HUMAN RESOURCES

(As Amended and Passed by the House February 10, 1989)

(SUCCESSOR TO HSB 116)

Re Passed House, Date 5-1-89 (p. 2239) Passed Senate, Date 4-24-89 (p. 1120)  
 Vote: Ayes 98 Nays 0 Vote: Ayes 41 Nays 4  
 Approved April 27, 1990

**A BILL FOR**

1 An Act relating to the department of inspections and appeals and  
 2 its licensing, rulemaking, and enforcement authority with  
 3 respect to health and human resources matters, and providing  
 4 properly related matters.

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

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House Amendments \_\_\_\_\_

Conference Committee Appointees -  
 Senators - ~~Clark~~ Chair, Dieleman, Hannon, Ayler,  
*Kelley 1/3/90* Gentleman.

Reps - Fey, Chair; Hammond, Haverland, Clark,  
 Plasier

Passed by Conference Committee Report  
House 2-6-90 (p. 3-8) Senate 2-9-90 (p. 451)  
96-0 47-0  
*Motion to Reconsider (p. 46-1)*

1 Section 1. Section 10A.402, subsection 5, Code 1989, is  
2 amended to read as follows:

3 5. Investigations and collections relative to the  
4 liquidation of overpayment debts owed to the department of  
5 human services. Collection methods include but are not  
6 limited to small claims filings, debt setoff, and repayment  
7 agreements.

8 Sec. 2. Section 135B.1, Code 1989, is amended by adding  
9 the following new subsection:

10 NEW SUBSECTION. 4. "Department" means the department of  
11 inspections and appeals.

12 Sec. 3. Section 135B.4, Code 1989, is amended to read as  
13 follows:

14 135B.4 APPLICATION FOR LICENSE.

15 Licenses shall be obtained from the department of  
16 ~~inspections-and-appeals.~~ Applications shall be upon ~~such~~  
17 forms and shall contain ~~such~~ information as the ~~said~~  
18 department may reasonably require, which may include  
19 affirmative evidence of ability to comply with ~~such~~ reasonable  
20 standards and rules ~~as-may-be-lawfully~~ prescribed hereunder  
21 under this chapter. Each application for license shall be  
22 accompanied by the license fee, which shall be refunded to the  
23 applicant if the license is denied and which shall be ~~paid~~  
24 over deposited into the state treasury and credited to the  
25 general fund if the license is issued. ~~In-case-of-death-of~~  
26 ~~any-person-holding-such-license-or-the-sale-of-any-hospital~~  
27 ~~licensed-hereunder-within-the-first-year-of-the-tenure-of-such~~  
28 ~~license-the-department-of-inspections-and-appeals-shall~~  
29 ~~certify-to-the-director-of-revenue-and-finance-a-claim-on~~  
30 ~~behalf-of-the-licensee-for-refund-of-a-proportionate-share-of~~  
31 ~~the-license-fee.--Said-refund-shall-be-based-on-one-twelfth~~  
32 ~~the-amount-thereof-multiplied-by-the-remaining-months-in-the~~  
33 ~~year.--The-director-of-revenue-and-finance-shall-thereupon~~  
34 ~~draw-a-warrant-against-the-general-fund-payable-to-the-order~~  
35 ~~of-the-licensee.~~ Hospitals having fifty beds or less shall

1 pay an initial license fee of fifteen dollars; hospitals of  
2 more than fifty beds and not more than one hundred beds shall  
3 pay an initial license fee of twenty-five dollars; all other  
4 hospitals shall pay an initial license fee of fifty dollars.

5 Sec. 4. Section 135B.5, unnumbered paragraph 1, Code 1989,  
6 is amended to read as follows:

3562-7 Upon receipt of an application for license and the license  
8 fee, the department ~~of inspections and appeals~~ shall issue a  
9 license if the applicant and hospital facilities comply with  
10 ~~the provisions of~~ this chapter and the regulations rules of  
11 the said department. Each such ~~license, unless sooner~~  
12 ~~suspended or revoked, shall be renewable annually~~ licensee  
13 shall receive annual reapproval upon payment of ten dollars  
14 and upon filing ~~by the licensee, and approval by the~~  
15 ~~department of inspections and appeals, of an annual report~~  
16 ~~upon such uniform dates and containing such information in~~  
17 ~~such form as the state department of health, with the advice~~  
18 ~~of the hospital licensing board, shall prescribe by regulation~~  
19 of an application form which is available from the department.

20 Licenses issued hereunder shall be either general or  
21 restricted in form. ~~In those instances where an applicant for~~  
22 ~~hospital license was licensed as a hospital on December 31,~~  
23 ~~1960, or had an application for hospital license pending on~~  
24 ~~April 1, 1961, and the facilities of such applicant are~~  
25 ~~suitable or adequate for only certain types of hospital care~~  
26 ~~or treatment, the specific types of care or treatment for~~  
27 ~~which such hospital is properly equipped shall be set forth on~~  
28 ~~the face of the license and the lawful operation of the~~  
29 ~~hospital shall be thereby restricted to the types of care and~~  
30 ~~treatment so specified.~~ Each license shall be issued only for  
31 the premises and persons or governmental units named in the  
32 application and shall is not be transferable or assignable  
33 except with the written approval of the department of  
34 ~~inspections and appeals.~~ Licenses shall be posted in a  
35 conspicuous place on the licensed premises as prescribed by

3562-1 regulation rule of the said department.

2 Sec. 5. Section 135B.6, Code 1989, is amended to read as  
3 follows:

4 135B.6 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE --  
5 HEARINGS AND REVIEW.

6 The department of ~~inspections and appeals shall have the~~  
7 ~~authority to~~ may deny, suspend, or revoke a license in any  
8 case where it finds that there has been a substantial failure  
9 to comply with ~~the provisions of~~ this chapter or the rules or  
10 minimum standards ~~promulgated under~~ adopted pursuant to this  
11 chapter.

12 Such A denial, suspension, or revocation shall be effected  
13 by mailing to the applicant or licensee by certified mail, or  
14 by personal service of, a notice setting forth the particular  
15 reasons for ~~such the~~ action. Such A denial, suspension, or  
16 revocation shall become effective thirty days after the  
17 mailing or service of the notice, unless the applicant or  
18 licensee, within ~~such the~~ thirty-day period ~~shall give~~ gives  
19 written notice to the department of ~~inspections and appeals~~  
20 requesting a hearing, in which case the notice ~~shall be deemed~~  
21 to be is suspended. If a hearing has been requested, the  
22 applicant or licensee shall be given an opportunity for a  
23 prompt and fair hearing before the department of ~~inspections~~  
24 ~~and appeals~~. At any time at or prior to hearing, the  
25 department may rescind the notice of denial, suspension, or  
26 revocation upon being satisfied that the reasons for the  
27 denial, suspension, or revocation have been or will be  
28 removed. On the basis of ~~any such a~~ hearing, or upon default  
29 of the applicant or licensee, the determination involved in  
30 the notice may be affirmed, modified, or set aside, by the  
31 department. A copy of ~~such the~~ decision, setting forth the  
32 finding of facts and the particular reasons for the decision  
33 shall be sent by certified mail, or served personally upon,  
34 the applicant or licensee.

35 The procedure governing hearings authorized by this section

1 shall be in accordance with rules promulgated adopted by said  
2 ~~the department with the advice of the hospital licensing~~  
3 ~~board.~~ A full and complete record shall be kept of all  
4 proceedings, and all testimony shall be reported but need not  
5 be transcribed unless judicial review is sought pursuant to  
6 section 135B.14. A copy or copies of the transcript may be  
7 obtained by an interested party on payment of the cost of  
8 preparing ~~such~~ the copy or copies. Witnesses may be  
9 subpoenaed by either party and shall be allowed fees at a rate  
10 prescribed by ~~the aforesaid rules~~ rule.

11 Sec. 6. Section 135B.7, unnumbered paragraph 1, Code 1989,  
12 is amended to read as follows:

~~36~~ 13 The state department; ~~of health~~ with the advice and  
14 approval of the hospital licensing board and approval of the  
15 state board of health, shall adopt ~~and enforce~~ rules and  
16 setting out the standards for the different types of hospitals  
17 to be licensed under this chapter; ~~to further the purposes of~~  
18 the chapter. The department shall enforce the rules. Rules  
19 or standards shall not be adopted or enforced which would have  
20 the effect of denying a license to a hospital or other  
21 institution required to be licensed, solely by reason of the  
22 school or system of practice employed or permitted to be  
23 employed by physicians in the hospital, if the school or  
24 system of practice is recognized by the laws of this state.

25 Sec. 7. Section 135B.9, unnumbered paragraph 1, Code 1989,  
26 is amended to read as follows:

27 The department ~~of inspections and appeals~~ shall make or  
28 cause to be made ~~such~~ inspections as it ~~may deem~~ deems  
29 necessary in order to determine compliance with applicable  
30 rules. ~~The Iowa department of public health shall, with the~~  
31 ~~advice of the hospital licensing board, prescribe by~~  
32 ~~regulations that any~~ A licensee or applicant for a license  
33 desiring to make ~~specified types~~ a specific type of alteration  
34 or addition to its facilities or to construct new facilities  
35 shall, before commencing ~~such~~ the alteration, addition, or new

1 construction, submit plans and specifications therefor to the  
2 department of ~~inspections and appeals~~ for preliminary  
3 inspection and approval or recommendations with respect to  
4 compliance with the ~~regulations~~ applicable rules and standards  
5 herein-authorized.

6 Sec. 8. Section 135B.10, Code 1989, is amended to read as  
7 follows:

8 135B.10 HOSPITAL LICENSING BOARD.

9 The governor shall appoint five individuals who possess  
10 recognized ability in the field of hospital administration,  
11 ~~who shall function to serve as and be~~ the hospital licensing  
12 board within the department of ~~inspections and appeals~~.

13 Sec. 9. Section 135B.11, subsections 1 and 2, Code 1989,  
14 are amended to read as follows:

3562-15 1. To consult with and advise ~~with~~ the Iowa department of  
16 ~~public health~~ in matters of policy affecting administration of  
17 this chapter, and in the development of rules, ~~regulations~~ and  
18 standards provided for hereunder under this chapter.

3562-19 2. To review and approve rules and standards authorized  
20 under this chapter prior to their approval by the state board  
21 of health and adoption by the department of ~~inspections and~~  
22 ~~appeals~~.

23 Sec. 10. Section 135B.12, Code 1989, is amended by  
24 striking the section and inserting in lieu thereof the  
25 following:

26 135B.12 CONFIDENTIALITY.

27 The department's final findings or the final survey  
28 findings of the joint commission on the accreditation of  
29 health care organizations with respect to compliance by a  
30 hospital with requirements for licensing or accreditation  
31 shall be made available to the public in a readily available  
32 form and place. Other information relating to a hospital  
33 obtained by the department which does not constitute the  
34 department's findings from an inspection of the hospital or  
35 the final survey findings of the joint commission on the

1 accreditation of health care organizations shall not be made  
2 available to the public, except in proceedings involving the  
3 denial, suspension, or revocation of a license under this  
4 chapter. The name of a person who files a complaint with the  
5 department shall remain confidential and shall not be subject  
6 to discovery, subpoena, or other means of legal compulsion for  
7 its release to a person other than department employees or  
8 agents involved in the investigation of the complaint.

9 Sec. 11. Section 135B.13, Code 1989, is amended to read as  
10 follows:

11 135B.13 ANNUAL REPORT OF DEPARTMENT.

12 The department ~~of inspections and appeals~~ shall prepare and  
13 publish an annual report of its activities ~~and operations~~  
14 under this chapter.

15 Sec. 12. Section 135B.14, Code 1989, is amended to read as  
16 follows:

17 135B.14 JUDICIAL REVIEW.

18 Judicial review of the action of the department of  
19 ~~inspections and appeals~~ may be sought in accordance with the  
20 ~~terms of the Iowa administrative procedure Act~~ chapter 17A.  
21 Notwithstanding the terms of ~~said~~ chapter 17A, the Iowa  
22 administrative procedure Act, petitions for judicial review  
23 may be filed in the district court of the county in which the  
24 hospital is located or to be located, and the status quo of  
25 the petitioner or licensee shall be preserved pending final  
26 disposition of the matter in the courts.

27 Sec. 13. Section 135C.10, Code 1989, is amended by adding  
28 the following new subsection:

29 NEW SUBSECTION. 10. In the case of a license applicant or  
30 existing licensee which is an entity other than an individual,  
31 the department may deny, suspend, or revoke a license if any  
32 individual, who is in a position of control or is an officer  
33 of the entity, engages in any act or omission proscribed by  
34 this section.

35 Sec. 14. Section 135C.16, subsection 1, Code 1989, is



1 amended to read as follows:

2 1. In addition to the inspections required by sections  
3 135C.9 and 135C.38 the department shall make or cause to be  
4 made such further unannounced inspections as it ~~may-deem~~ deems  
5 necessary to adequately enforce this chapter, including at  
6 least one general inspection in each calendar year of every  
7 licensed health care facility in the state made without  
8 providing advance notice of any kind to the facility being  
9 inspected. The inspector shall show identification to the  
10 person in charge of the facility and state that an inspection  
11 is to be made before beginning the inspection. Any employee of  
12 the department who gives unauthorized advance notice of an  
13 inspection made or planned to be made under this subsection or  
14 section 135C.38 shall be disciplined as determined by the  
15 director, except that if the employee is employed pursuant to  
16 the merit system provisions of chapter 19A the discipline  
17 shall not exceed that authorized pursuant to that chapter.

18 Sec. 15. Section 135C.19, subsection 2, unnumbered  
19 paragraph 1, Code 1989, is amended to read as follows:

20 Each A citation for a class I or class II violation which  
21 is issued to a health care facility and which has become  
22 final, or a copy ~~or-copies-thereof~~ of the citation, shall be  
23 prominently posted as prescribed in rules ~~to-be-adopted-by-the~~  
24 department, until the violation is corrected to the  
25 department's satisfaction. The citation or copy shall be  
26 posted in a place ~~er-places~~ in plain view of the residents of  
27 the facility cited, persons visiting the residents, and  
28 persons inquiring about placement in the facility.

29 Sec. 16. Section 135C.19, subsection 3, Code 1989, is  
30 amended to read as follows:

31 3. If the facility cited subsequently advises the  
32 department of human services that the violation has been  
33 corrected to the satisfaction of the department of health  
34 inspections and appeals, the department of human services must  
35 shall maintain this advisory in the same file with the copy of

1 the citation. The department of human services shall not  
2 disseminate to the public any information regarding citations  
3 issued by the department of health inspections and appeals,  
4 but shall forward or refer such inquiries to the department of  
5 health inspections and appeals.

6 Sec. 17. Section 135E.1, subsection 3, Code 1989, is  
7 amended to read as follows:

8 3. "Nursing home" means an institution or facility, or  
9 part thereof, whether proprietary or nonprofit, licensed as an  
10 intermediate care facility or a skilled nursing facility, but  
11 not including an intermediate care facility for the mentally  
12 retarded or an intermediate care facility for the mentally  
13 ill, defined as such for licensing purposes under state law or  
14 pursuant-to-the-rules-for-nursing-homes-promulgated-by-the  
15 state-board-of-health, in consultation with the department of  
16 inspections and appeals, whether proprietary or nonprofit  
17 administrative rule adopted pursuant to section 135C.2,  
18 including but not limited to, a nursing homes home owned or  
19 administered by the federal or state government or an agency  
20 or political subdivision of government.

21 Sec. 18. Section 147.87, Code 1989, is amended to read as  
22 follows:

23 147.87 ENFORCEMENT.

24 The department shall enforce the provisions of this and the  
25 following chapters of this title and for that purpose shall  
26 may request the department of inspections and appeals to make  
27 necessary investigations relative-thereto. Every licensee and  
28 member of an examining board shall furnish the department or  
29 the department of inspections and appeals such evidence as the  
30 member or licensee may have relative to any alleged violation  
31 which is being investigated.

32 Sec. 19. Section 147.88, Code 1989, is amended by striking  
33 the section and inserting in lieu thereof the following:

34 147.88 INSPECTIONS.

3-4935 The department of inspections and appeals shall perform

1 inspections as required by this title, except for the board of  
2 medical examiners, board of pharmacy examiners, board of  
3 nursing, and the board of dental examiners. The department of  
4 inspections and appeals shall employ personnel related to the  
5 inspection functions.

6 Sec. 20. Section 147.90, Code 1989, is amended to read as  
7 follows:

8 147.90 RULES AND FORMS.

9 The Iowa department of public health and the department of  
10 inspections and appeals shall each establish the necessary  
11 rules and forms for carrying out the duties imposed upon it by  
12 ~~the-provisions-of-this-and-the-following-chapters-of~~ this  
13 title.

14 Sec. 21. Section 147.91, subsection 2, Code 1989, is  
15 amended to read as follows:

16 2. The rules of the Iowa department of public health and  
17 the department of inspections and appeals relative to  
18 licenses.

19 Sec. 22. Section 157.7, Code 1989, is amended by striking  
20 the section and inserting in lieu thereof the following:

21 157.7 INSPECTORS AND CLERICAL ASSISTANTS.

22 The department of inspections and appeals shall employ  
23 personnel under chapter 19A to perform duties related to  
24 inspection functions under this chapter. The department of  
25 inspections and appeals shall, when possible, integrate  
26 inspection efforts under this chapter with inspections  
27 conducted under chapter 158.

28 The Iowa department of public health may employ clerical  
29 assistants under chapter 19A to administer and enforce this  
30 chapter. The costs and expenses of the clerical assistants  
31 shall be paid from funds appropriated to the department of  
32 public health.

33 Sec. 23. Section 158.6, Code 1989, is amended by striking  
34 the section and inserting in lieu thereof the following:

35 158.6 INSPECTORS AND CLERICAL ASSISTANTS.

1 The department of inspections and appeals shall employ  
2 personnel under chapter 19A to perform duties related to  
3 inspection functions under this chapter. The department of  
4 inspections and appeals shall, when possible, integrate  
5 inspection efforts under this chapter with inspections  
6 conducted under chapter 157.

7 The Iowa department of public health may employ clerical  
8 assistants under chapter 19A to administer and enforce this  
9 chapter. The costs and expenses of the clerical assistants  
10 shall be paid from funds appropriated to the department of  
11 public health.

12 Sec. 24. Section 170.5, unnumbered paragraph 1, Code 1989,  
13 is amended to read as follows:

14 The department of inspections and appeals, or a municipal  
15 corporation pursuant to section 170.55, shall collect the  
16 following fees for licenses:

17 Sec. 25. Section 170.5, unnumbered paragraph 4, Code 1989,  
18 is amended to read as follows:

19 After collection, the fees collected by the department  
20 shall be deposited in the general fund of the state. The fees  
21 collected by a municipal corporation shall be retained by the  
22 corporation for its own use.

23 Sec. 26. Section 170.8, Code 1989, is amended to read as  
24 follows:

25 170.8 REVOCATION.

26 Any license issued under this chapter may be revoked by the  
27 department for violation by the licensee of any provision of  
28 this chapter or any rules ~~of-the-department~~ adopted pursuant  
29 to this chapter.

30 Sec. 27. Section 170.10, Code 1989, is amended to read as  
31 follows:

32 170.10 FOOD ESTABLISHMENTS WITH PRIVATE WATER AND SEWER  
33 FACILITIES.

34 When a food establishment is served by privately owned  
35 water or waste treatment facilities these facilities shall

1 meet the technical requirements of the local board of health,  
2 ~~the Iowa department of public health,~~ and the department of  
3 natural resources.

4 Sec. 28. Section 170.16, Code 1989, is amended to read as  
5 follows:

6 170.16 TOILET AND LAVATORY FACILITIES.

7 A food establishment shall provide toilet and lavatory  
8 facilities in accordance with rules adopted ~~by the department~~  
9 pursuant to this chapter 17A.

10 Sec. 29. Section 170.47, Code 1989, is amended to read as  
11 follows:

12 170.47 INSPECTION UPON-COMPLAINT.

13 Upon receipt of a verified complaint signed by a customer  
14 of a food establishment and stating facts indicating the place  
15 is in an insanitary condition, the department may shall  
16 conduct an inspection.

17 Sec. 30. Section 170.56, Code 1989, is amended to read as  
18 follows:

19 170.56 ADOPTION BY RULE.

20 The director shall adopt the retail food store sanitation  
21 code by rule as part of the Iowa retail food store sanitation  
22 code with the following ~~exception~~ exceptions:

23 ~~1. 2-101~~ 1. 2-101 shall be amended to allow food licensed  
24 under chapter 170C or food specified under section 170.1,  
25 subsection 2, paragraph "d", to be used or offered for sale.

26 2. 9-103 shall be deleted. Section 9-103 repeals "all  
27 codes and parts of codes" in conflict with the retail food  
28 store sanitation code.

29 3. Food establishments shall be inspected before a license  
30 is granted and annually thereafter.

31 Sec. 31. Section 170A.3, Code 1989, is amended to read as  
32 follows:

33 170A.3 ADOPTION BY RULE.

34 As soon as practicable, the director shall adopt the food  
35 service sanitation ordinance, section 170A.2, subsection 12,

1 by rule as part of the Iowa food service sanitation code with  
2 the following exceptions:

3 1. 1-102(h), (i), and (z) shall be deleted. Sections 1-  
4 102(h), (i), and (z) define "food processing establishment",  
5 "food service establishment", and "temporary food service  
6 establishment".

7 2. 1-104 shall be deleted. Section 1-104 refers to the  
8 effective date of the ordinance and repeals all ordinances and  
9 parts of ordinances in conflict with the food service  
10 sanitation ordinance.

11 3. 10-101 shall be amended so that the following food  
12 service establishments are-exempt-from-the-license-requirement  
13 have the described exemptions:

14 a. Food service operations in schools are exempt from the  
15 license fee requirement.

16 b. Places used by churches, fraternal societies, and civic  
17 organizations which engage in the serving of food not more  
18 often than ten-times-per-month once per week are exempt from  
19 the license requirement.

20 ~~10-101 shall also be amended so that a license issued by~~  
21 ~~the department of agriculture prior to January 17, 1979, shall~~  
22 ~~be valid until its expiration date.~~ Section 10-101 states  
23 general compliance procedures.

24 4. 10-201 shall be amended so that food service operations  
25 in schools and summer camps shall be inspected at least once  
26 every year instead of twice every year. Section 10-201 refers  
27 to the frequency of inspections.

28 5. 10-601 shall be deleted. Section 10-601 refers to  
29 federal penalties.

30 6. 2-101 shall be amended to allow food licensed under  
31 chapter 170C and food specified under section 170.1,  
32 subsection 2, paragraph "d", to be used or offered for sale.

33 Sec. 32. Section 170A.7, Code 1989, is amended to read as  
34 follows:

35 170A.7 TOILET AND LAVATORY FACILITIES.

1 A food service establishment that is not a mobile food  
2 unit, pushcart, or temporary food service establishment shall  
3 provide toilet and lavatory facilities in accordance with  
4 rules adopted ~~by the department~~ pursuant to this chapter 17A.

5 Sec. 33. Section 170A.8, Code 1989, is amended to read as  
6 follows:

7 170A.8 PLUMBING IN FOOD SERVICE ESTABLISHMENTS.

8 A food service establishment shall have an adequately  
9 designed plumbing system conforming to at least the minimum  
10 requirements of the state plumbing code. The water supply  
11 service and sewerage system of a food service establishment  
12 shall meet the technical requirements of the local board of  
13 health, ~~the Iowa department of public health,~~ and the  
14 department of natural resources.

15 Sec. 34. Section 170A.10, Code 1989, is amended to read as  
16 follows:

17 170A.10 INSPECTION UPON COMPLAINT.

18 Upon receipt of a verified complaint signed by a customer  
19 of a food service establishment and stating facts indicating  
20 the place is in an insanitary condition, the regulatory  
21 authority may shall conduct an inspection.

22 Sec. 35. Section 170B.7, Code 1989, is amended to read as  
23 follows:

24 170B.7 LICENSE REVOCATION.

25 A license issued under the Iowa hotel sanitation code may  
26 be revoked by the regulatory authority for violation by the  
27 licensee of a provision of the Iowa hotel sanitation code or  
28 applicable rule ~~of the department~~ adopted pursuant to this  
29 chapter.

30 Sec. 36. Section 170B.8, Code 1989, is amended to read as  
31 follows:

32 170B.8 TOILET AND LAVATORY FACILITIES.

33 A hotel shall provide toilet and lavatory facilities in  
34 accordance with rules adopted ~~by the department~~ pursuant to  
35 this chapter 17A.

1 Sec. 37. Section 170B.9, unnumbered paragraph 2, Code  
2 1989, is amended to read as follows:

3 A hotel beyond the reach of a central water or sewerage  
4 system shall be served by on-site facilities which meet the  
5 technical requirements of the local board of health, ~~the Iowa~~  
6 ~~department of public health,~~ and the department of natural  
7 resources.

8 Sec. 38. Section 170B.15, Code 1989, is amended to read as  
9 follows:

10 170B.15 INSPECTION UPON COMPLAINT.

11 Upon receipt of a verified complaint signed by a guest of a  
12 hotel and stating facts indicating the place is in an  
13 insanitary condition, the regulatory authority may shall  
14 conduct an inspection.

15 Sec. 39. Section 191A.1, Code 1989, is amended by adding  
16 the following new subsection:

17 NEW SUBSECTION. 14. "Food and beverage vending machine  
18 ordinance" means the 1978 edition of the federal food and drug  
19 administration food and beverage vending machine ordinance.

20 Sec. 40. Section 191A.8, Code 1989, is amended to read as  
21 follows:

22 191A.8 INSPECTION.

23 The regulatory authority shall inspect all vending machine  
24 commissaries at least once each calendar year, and shall  
25 inspect representative vending machines and vehicles as often  
26 as deemed necessary to determine compliance with this chapter  
27 and applicable rules of the department. ~~Section 170B.15 shall~~  
28 ~~be applicable to the operation of vending machines.~~ Upon  
29 receipt of a verified complaint signed by a customer of a  
30 vending machine and stating facts indicating the machine is in  
31 an insanitary condition, the regulatory authority shall  
32 conduct an inspection.

33 Sec. 41. Section 191A.10, Code 1989, is amended by  
34 striking the section and inserting in lieu thereof the  
35 following:



1 191A.10 ADOPTION BY RULE.

2 As soon as practicable, the director shall adopt the food  
3 and beverage vending machine ordinance, section 191A.1,  
4 subsection 13, by rule as part of the Iowa food and beverage  
5 vending machine code with the following exceptions:

6 1. 1-104 shall be deleted. Section 1-104 states the  
7 effective date of the ordinance and repeals all ordinances and  
8 parts of ordinances in conflict with the ordinance.

9 2. 6-601 shall be deleted. Section 6-601 refers to  
10 federal penalties.

11 3. 6-201 shall be amended so that only one inspection per  
12 calendar year is required. Section 6-201 refers to the  
13 frequency of inspections.

14 Sec. 42. NEW SECTION. 191A.15 INJUNCTION.

15 A person operating a vending machine in violation of this  
16 chapter may be restrained by injunction from further operating  
17 that vending machine. If an imminent health hazard exists,  
18 the person shall cease operation of the vending machine and  
19 shall not resume operation until authorized by the department.

20 Sec. 43. NEW SECTION. 191A.16 DUTY OF COUNTY ATTORNEY.

21 The county attorney in each county shall assist in the  
22 enforcement of this chapter.

23 Sec. 44. Section 225C.4, subsection 1, paragraph s, Code  
24 1989, is amended to read as follows:

25 s. In co-operation with the state department of health  
26 inspections and appeals, recommend minimum standards under  
27 section 227.4 for the care of and services to mentally ill and  
28 mentally retarded persons residing in county care facilities.

29 Sec. 45. Section 227.6, Code 1989, is amended to read as  
30 follows:

31 227.6 REMOVAL OF RESIDENTS.

32 If a county care facility fails to comply with rules and  
33 standards adopted under this chapter, the administrator may  
34 remove all mentally ill and mentally retarded persons cared  
35 for in the county care facility at public expense, to the

1 proper state mental health institute or hospital-school, or to  
2 some private or county institution or hospital for the care of  
3 the mentally ill or mentally retarded that has complied with  
4 the rules prescribed by the administrator. ~~The removal of~~  
5 ~~residents~~ if Residents being transferred to a state mental  
6 health institute or hospital-school, shall be made accompanied  
7 by an attendant or attendants sent from the institute or  
8 hospital-school. If a resident is ~~removed~~ transferred under  
9 this section, at least one attendant shall be of the same sex.  
10 If the administrator finds that the needs of mentally ill and  
11 mentally retarded residents of any other county or private  
12 institution are not being adequately met, those residents may  
13 be removed from that institution upon order of the  
14 administrator ~~in consultation with the director of public~~  
15 ~~health.~~

16 Sec. 46. Section 232.142, subsection 5, Code 1989, is  
17 amended to read as follows:

18 5. The director shall approve annually all such homes  
19 established and maintained under the provisions of this  
20 chapter. ~~No such~~ A home shall not be approved unless it  
21 complies with minimal rules and standards adopted by the  
22 director and has been inspected by the department of  
23 inspections and appeals.

24 Sec. 47. Section 234.12, Code 1989, is amended by adding  
25 the following new unnumbered paragraph:

26 NEW UNNUMBERED PARAGRAPH. Upon request by the department  
27 of human services, the department of inspections and appeals  
28 shall conduct investigations into possible fraudulent  
29 practices, as described in section 234.13, relating to food  
30 programs administered by the department of human services.

31 Sec. 48. Section 235.3, subsection 8, Code 1989, is  
32 amended to read as follows:

33 8. License ~~and inspect maternity hospitals~~ and private  
34 child-placing agencies, make reports regarding them, and  
35 revoke such licenses.

1 Sec. 49. Section 235.5, Code 1989, is amended to read as  
2 follows:

3 235.5 LICENSES.

4 Licenses issued to ~~maternity-hospitals,~~ private boarding  
5 homes for children, and private child-placing agencies by the  
6 administrator, shall remain in effect for the period for which  
7 issued, unless sooner revoked according to law. Thereafter it  
8 ~~shall-be-the-duty-of~~ each of such agencies to shall apply to  
9 the administrator for a new license, and to shall submit to  
10 such rules regarding ~~the-same~~ licensing as the administrator  
11 ~~may-prescribe~~ prescribes.

12 Sec. 50. NEW SECTION. 235.5A INSPECTIONS.

13 The department of inspections and appeals shall conduct  
14 inspections of private institutions for the care of dependent,  
15 neglected, and delinquent children in accordance with  
16 procedures established pursuant to chapters 10A and 17A.

17 Sec. 51. Section 235B.1, subsection 8, paragraph a, Code  
18 1989, is amended to read as follows:

19 a. If, upon completion of the evaluation or upon referral  
20 from the ~~Iowa~~ department of ~~public-health~~ inspections and  
21 appeals, the department of human services determines that the  
22 best interests of the dependent adult require district court  
23 action, the department shall initiate action for the  
24 appointment of a guardian or conservator or for admission or  
25 commitment to an appropriate institution or facility pursuant  
26 to the applicable procedures under chapter 125, 222, 229, or  
27 633. The appropriate county attorney shall assist the  
28 department in the preparation of the necessary papers to  
29 initiate the action and shall appear and represent the  
30 department at all district court proceedings.

31 Sec. 52. Section 237.7, Code 1989, is amended to read as  
32 follows:

33 237.7 REPORTS AND INSPECTIONS.

34 The administrator may require submission of reports by a  
35 licensee, and shall cause at least one annual unannounced

1 inspection of each facility to assess the quality of the  
2 living situation and to determine compliance with applicable  
3 requirements and standards. The inspections shall be  
4 conducted by the department of inspections and appeals. The  
5 ~~administrator~~ director of the department of inspections and  
6 appeals may examine records of a licensee, including but not  
7 limited to corporate records and board minutes, and may  
8 inquire into matters concerning a licensee and its employees  
9 relating to requirements and standards for child foster care  
10 under this chapter.

3649-

11 Sec. 53. Section 238.19, Code 1989, is amended to read as  
12 follows:

13 238.19 INSPECTION GENERALLY.

14 Authorized ~~officers-and-agents~~ employees of the  
15 ~~administrator~~ department of inspections and appeals may  
16 inspect the premises and conditions of ~~such the~~ the agency at any  
17 time and examine every part ~~thereof of the agency;~~ of the agency; and may  
18 inquire into all matters concerning ~~such-agencies~~ the agency  
19 and the children in the care ~~thereof of the agency.~~

20 Sec. 54. Section 238.20, Code 1989, is amended to read as  
21 follows:

22 238.20 MINIMUM INSPECTION -- RECORD.

23 Authorized ~~officers-and-agents~~ employees of the  
24 ~~administrator~~ department of inspections and appeals shall  
25 visit and inspect the premises of licensed child-placing  
26 agencies at least once every six months and make and preserve  
27 written reports of the conditions found.

28 Sec. 55. Section 238.21, Code 1989, is amended to read as  
29 follows:

30 238.21 OTHER INSPECTING AGENCIES.

31 Authorized agents of the ~~Iowa-department-of-public-health~~  
32 ~~and-of-the~~ local board of health in whose jurisdiction a  
33 licensed child-placing agency is located may make inspection  
34 of the premises.

3649-

35 Sec. 56. Section 249.11, Code 1989, is amended by adding

1 the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. The department of inspections  
3 and appeals shall conduct investigations and audits as deemed  
4 necessary to ensure compliance with state supplementary  
5 assistance programs administered under this chapter. The  
6 department of inspections and appeals shall cooperate with the  
7 department of human services on the development of procedures  
8 relating to such investigations and audits.

3049 -  
3049 -

9 Sec. 57. Section 249A.7, Code 1989, is amended by adding  
10 the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. The department of inspections  
12 and appeals shall conduct investigations and audits as deemed  
13 necessary to ensure compliance with the medical assistance  
14 program administered under this chapter. The department of  
15 inspections and appeals shall cooperate with the department of  
16 human services on the development of procedures relating to  
17 such investigations and audits.

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18 Sec. 58. Section 600.2, subsection 2, Code 1989, is  
19 amended to read as follows:

20 2. "Investigator" means a natural person who is certified  
21 or approved, by the department of human services, after  
22 inspection by the department of inspections and appeals, as  
23 being capable of conducting an investigation under section  
24 600.8.

25 Sec. 59. REPEALS.

26 1. Chapter 135A, Code 1989, is repealed.

27 2. Sections 147.116, 170.12, 170.19, 170.25, 170.26,  
28 170.27, 170.28, 191A.9, and 253.12, Code 1989, are repealed.

29 Sec. 60. CODIFICATION TRANSFERS.

30 1. The Code editor shall transfer sections 135.90 through  
31 135.96 to a new chapter.

32 2. The Code editor shall transfer chapters 170, 170A,  
33 170B, and 191A to Title VII of the Code, unless the Code  
34 editor determines that a different Code arrangement would be  
35 preferable.

HOUSE FILE 178

S-3562

1 Amend House File 178 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 2, lines 10 and 11, by striking the words  
4 "of the ~~said~~ department" and inserting the following:  
5 "of-the-said-department adopted pursuant to this  
6 chapter".

7 2. Page 3, by striking line 1 and inserting the  
8 following: "regulation-of-the-said-department rules  
9 adopted pursuant to this chapter".

10 3. Page 4, by striking lines 13 through 18 and  
11 inserting the following:

12 The state Iowa department of public health, with  
13 the advice of the hospital licensing board, shall  
14 adopt ~~and-enforce~~ rules and setting out the standards  
15 for the different types of hospitals to be licensed  
16 under this chapter, ~~to-further-the-purposes-of-the~~  
17 chapter. The department of inspections and appeals  
18 shall enforce the rules. Rules".

19 4. Page 5, lines 15 and 16, by striking the words  
20 "~~Iowa department of-public-health~~" and inserting the  
21 following: "Iowa department of public health and the  
22 department of inspections and appeals".

23 5. Page 5, by striking lines 21 and 22, and  
24 inserting the following: "of health and adoption by  
25 the Iowa department of inspections-and-appeals public  
26 health".

By COMMITTEE ON STATE GOVERNMENT  
BOB M. CARR, Chairperson

S-3562 FILED APRIL 5, 1989

*adopted 4-24-89 (p1625)*

## HOUSE FILE 178

S-3649

1 Amend House File 178 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 7, by inserting after the word  
4 "agreements" the following: ", and are subject to  
5 approval by the department of human services".

6 2. Page 8, line 35, by striking the word "shall"  
7 and inserting the following: "may".

8 3. Page 18, by inserting after line 10 the  
9 following:

10 "Sec. \_\_\_\_ . Section 237A.8, Code 1989, is amended  
11 to read as follows:

12 237A.8 SUSPENSION AND REVOCATION.

13 The administrator, after notice and opportunity for  
14 an evidentiary hearing before the department of  
15 inspections and appeals, may suspend or revoke a  
16 license or certificate of registration issued under  
17 this chapter if the person to whom a license or  
18 certificate is issued violates a provision of this  
19 chapter or if the person makes false reports regarding  
20 the operation of the child day care facility to the  
21 administrator or a designee of the administrator. The  
22 administrator shall notify the parent, guardian, or  
23 legal custodian of each child for whom the person  
24 provides child day care, if the license or certificate  
25 of registration is suspended or revoked or if there  
26 has been a substantiated child abuse case against an  
27 employee, owner, or operator of the child day care  
28 facility."

29 4. Page 18, by inserting after line 34 the  
30 following:

31 "Sec. \_\_\_\_ . Section 239.7, Code 1989, is amended to  
32 read as follows:

33 239.7 APPEAL -- JUDICIAL REVIEW.

34 If an application is not acted upon within a  
35 reasonable time, if it is denied in whole or in part,  
36 or if any an award of assistance is modified,  
37 suspended, or canceled under any a provision of this  
38 chapter, the applicant or recipient may appeal to the  
39 department of human services which shall request the  
40 department of inspections and appeals to conduct a  
41 hearing. ~~The department shall give the appellant~~  
42 reasonable notice and opportunity for a fair hearing  
43 before the director or the director's designee. Upon  
44 completion of a hearing, the department of inspections  
45 and appeals shall issue a decision which is subject to  
46 review by the department of human services. Judicial  
47 review of the result of such hearing actions of the  
48 department of human services may be sought in  
49 accordance with the terms of the Iowa administrative  
50 procedure Act chapter 17A. Upon receipt of the a

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1 notice of the filing of a petition for judicial  
2 review, the department of human services shall furnish  
3 the petitioner with a copy of any papers filed in  
4 support of the petitioner's position, a transcript of  
5 any testimony taken, and a copy of the department's  
6 decision.

7 Sec. \_\_\_\_ . Section 249.5, Code 1989, is amended to  
8 read as follows:

9 249.5 JUDICIAL REVIEW.

10 If an application is not acted upon within a  
11 reasonable time, if it is denied in whole or in part,  
12 or if any an award of assistance is modified,  
13 suspended, or canceled under any a provision of this  
14 chapter, the applicant or recipient may appeal to the  
15 department of human services, which shall give the  
16 ~~appellant reasonable notice and opportunity for a fair~~  
17 ~~hearing before the director or the director's designee~~  
18 request the department of inspections and appeals to  
19 conduct a hearing. Upon completion of a hearing, the  
20 department of inspections and appeals shall issue a  
21 decision which is subject to review by the department  
22 of human services. Judicial review of the actions of  
23 the commission department of human services may be  
24 sought in accordance with the terms of the Iowa  
25 administrative procedure Act chapter 17A. Upon  
26 receipt of the petition for judicial review, the  
27 department of human services shall furnish the  
28 petitioner with a copy of any papers filed by the  
29 petitioner in support of the petitioner's position, a  
30 transcript of any testimony taken, and a copy of the  
31 department's decision."

32 5. Page 19, line 8, by inserting after the word  
33 "audits" the following: "to ensure compliance with  
34 federal and state single state agency requirements".

35 6. Page 19, by inserting after line 8 the  
36 following:

37 "Sec. \_\_\_\_ . Section 249A.4, subsection 10, Code  
38 1989, is amended to read as follows:

39 10. Shall provide ~~for granting~~ an opportunity for  
40 a fair hearing before the ~~director of human services~~  
41 ~~or the director's authorized representative~~ department  
42 of inspections and appeals to any an individual whose  
43 claim for medical assistance under this chapter is  
44 denied or is not acted upon with reasonable  
45 promptness. Upon completion of a hearing, the  
46 department of inspections and appeals shall issue a  
47 decision which is subject to review by the department  
48 of human services.

49 Judicial review of the actions decisions of the  
50 director or department of human services may be sought



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1 in accordance with ~~the-terms-of-the-Iowa~~  
2 ~~administrative-procedure-Act~~ chapter 17A. In-the  
3 event If a petition for judicial review is filed, the  
4 ~~director-or-the-director's-authorized-representative~~  
5 department of human services shall furnish the  
6 petitioner with a copy of the application and all  
7 supporting papers, a transcript of the testimony taken  
8 at the hearing, if any, and a copy of its decision."  
9 7. Page 19, line 17, by inserting after the word  
10 "audits" the following: "to ensure compliance with  
11 federal and state single state agency requirements".  
12 8. By numbering and renumbering as necessary.

By BOB M. CARR

S-3649 FILED APRIL 11, 1989

*adopted 4-24-89 (p1225)*

## HOUSE FILE 178

S-3870

1 Amend House File 178, as amended, passed, and re-  
2 printed by the House, as follows:

3 1. Page 1, by inserting after line 7 the fol-  
4 lowing:

5 "Sec. \_\_\_\_\_. Section 88.8, subsection 3, Code 1989,  
6 is amended by adding the following new unnumbered  
7 paragraph:

8 NEW UNNUMBERED PARAGRAPH. The commissioner has un-  
9 reviewable discretion to withdraw a citation charging  
10 an employer with violating this chapter. If the  
11 parties enter into a settlement prior to a hearing,  
12 the appeal board shall enter an order affirming the  
13 settlement agreement."

14 2. Page 6, by inserting after line 26 the  
15 following:

16 "Sec. \_\_\_\_\_. Section 135C.2, subsection 3, Code  
17 1989, is amended to read as follows:

18 3. The Iowa department of public health shall  
19 establish by administrative rule, within the  
20 intermediate care facility category, a special  
21 classification for facilities intended to serve  
22 mentally retarded individuals, and within the  
23 residential care facility category, a special  
24 classification for residential facilities intended to  
25 serve mentally ill individuals. The Iowa department  
26 of public health may also establish by administrative  
27 rule other classifications within that category, or  
28 special classifications within the residential care  
29 facility or skilled nursing facility categories, for  
30 facilities intended to serve individuals who have  
31 special health care problems or conditions in common.  
32 Rules establishing a special classification shall  
33 define the problem or condition to which the  
34 classification is relevant and establish requirements  
35 for an approved program of care commensurate with the  
36 problem or condition, and may grant special variances  
37 or considerations to facilities licensed within the  
38 classification so established.

39 Sec. \_\_\_\_\_. Section 135C.6, subsection 3, Code 1989,  
40 is amended to read as follows:

41 3. No change in a health care facility, its  
42 operation, program, or services, of a degree or  
43 character affecting continuing licensability shall be  
44 made without prior approval thereof by the department  
45 of inspections and appeals. The Iowa department of  
46 public health may by rule specify the types of changes  
47 which shall not be made without its prior approval.

48 Sec. \_\_\_\_\_. Section 135C.9, subsection 1, paragraph  
49 b, Code 1989, is amended to read as follows:

50 b. The facility has been inspected by the state

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1 fire marshal or a deputy appointed by the fire marshal  
2 for that purpose, who may be a member of a municipal  
3 fire department, and the department has received  
4 either a certificate of compliance or a provisional  
5 certificate of compliance by the facility with the  
6 fire-hazard and fire-safety rules and standards of the  
7 department as promulgated adopted by the fire marshal  
8 and, where applicable, the fire-safety standards  
9 required for participation in programs authorized by  
10 either Title XVIII or Title XIX of the United States  
11 Social Security Act (Title XLII, United States Code,  
12 sections 1395 to 1395 ll and 1396 to 1396"g"). The  
13 certificate or provisional certificate shall be signed  
14 by the fire marshal or the fire marshal's deputy who  
15 made the inspection."

16 3. Page 6, by inserting after line 34 the  
17 following:

18 "Sec. \_\_\_\_ . Section 135C.14, unnumbered paragraph  
19 1, Code 1989, is amended to read as follows:

20 The Iowa department shall of public health, in  
21 accordance with chapter 17A and with the approval of  
22 the state board of health, shall adopt and-enforce  
23 rules setting minimum standards for health care  
24 facilities. In so doing, the Iowa department of  
25 public health, with the approval of the state board of  
26 health, may adopt by reference, with or without  
27 amendment, nationally recognized standards and rules,  
28 which shall be specified by title and edition, date of  
29 publication, or similar information. The department  
30 of inspections and appeals shall enforce the rules and  
31 standards adopted by the Iowa department of public  
32 health, and may adopt procedural rules to implement  
33 the enforcement. The rules and standards required by  
34 this section shall be formulated in consultation with  
35 the director of human services or the director's  
36 designee and with affected industry, professional, and  
37 consumer groups affected-therere, and shall be  
38 designed to further the accomplishment of the purposes  
39 of this chapter, and shall relate to:

40 Sec. \_\_\_\_ . Section 135C.14, subsection 1, Code  
41 1989, is amended to read as follows:

42 1. Location and construction of the facility,  
43 including plumbing, heating, lighting, ventilation,  
44 and other housing conditions, which shall ensure the  
45 health, safety and comfort of residents and protection  
46 from fire hazards. The rules of the Iowa department  
47 of public health relating to protection from fire  
48 hazards and fire safety shall be promulgated adopted  
49 by the state fire marshal, and shall be in keeping  
50 with the latest generally recognized safety criteria

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1 for the facilities covered of which the applicable  
2 criteria recommended and published from time to time  
3 by the national fire protection association are prima-  
4 facie evidence.

5 Sec. \_\_\_\_\_. Section 135C.14, subsection 8,  
6 unnumbered paragraph 1, Code 1989, is amended to read  
7 as follows:

8 Facility policies and procedures regarding the  
9 treatment, care, and rights of residents. The rules  
10 shall apply the federal resident's bill of rights  
11 contained in 42 C.F.R. 442.311, as amended to January  
12 1, 1981, to all health care facilities as defined in  
13 this Chapter and shall include procedures for  
14 implementing and enforcing the federal rules. The  
15 Iowa department of public health, with the approval of  
16 the state board of health, shall also adopt rules  
17 relating to the following:"

18 4. Page 7, by inserting after line 17, the  
19 following:

20 "Sec. \_\_\_\_\_. Section 135C.16, subsection 2,  
21 unnumbered paragraph 1, Code 1989, is amended to read  
22 as follows:

23 The Iowa department of public health shall  
24 prescribe by rule that any licensee or applicant for  
25 license desiring to make specific types of physical or  
26 functional alterations or additions to its facility or  
27 to construct new facilities shall, before commencing  
28 the alteration or additions or new construction,  
29 submit plans and specifications to the department of  
30 inspections and appeals for preliminary inspection and  
31 approval or recommendations with respect to compliance  
32 with ~~the department's~~ applicable rules and standards.  
33 When the plans and specifications have been properly  
34 approved by the department of inspections and appeals  
35 or other appropriate state agency, the facility or the  
36 portion of the facility constructed or altered in  
37 accord with the plans and specifications shall not for  
38 a period of at least five years from completion of the  
39 construction or alteration be considered deficient or  
40 ineligible for licensing by reason of failure to meet  
41 any rule or standard established subsequent to  
42 approval of the plans and specifications. When  
43 construction or alteration of a facility or portion of  
44 a facility has been completed in accord with plans and  
45 specifications submitted as required by this  
46 subsection and properly approved by the department or  
47 other appropriate state agency, and it is discovered  
48 that the facility or portion of a facility is not in  
49 compliance with a requirement of this chapter or of  
50 the rules or standards adopted pursuant to it and in

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1 effect at the time the plans and specifications were  
2 submitted, and the deficiency was apparent from the  
3 plans and specifications submitted but was not noted  
4 or objected to by the department or other appropriate  
5 state agency, the department or agency responsible for  
6 the oversight shall either waive the requirement or  
7 reimburse the licensee or applicant for any costs  
8 which are necessary to bring the new or reconstructed  
9 facility or portion of a facility into compliance with  
10 the requirement and which the licensee or applicant  
11 would not have incurred if the facility or portion of  
12 the facility had been constructed in compliance with  
13 the requirements of this chapter or of the rules or  
14 standards adopted pursuant to it and in effect at the  
15 time the plans and specifications were submitted. If  
16 within two years from the completion of the  
17 construction or alteration of the facility or portion  
18 thereof, a department or agency of the state orders  
19 that the new or reconstructed facility or portion  
20 thereof be brought into compliance with the  
21 requirements of this chapter or the rules or standards  
22 adopted pursuant to it and in effect at the time the  
23 plans and specifications were submitted, the state  
24 shall have a claim for damages to the extent of any  
25 reimbursement paid to the licensee or applicant  
26 against any person who designed the facility or  
27 portion thereof for negligence in the preparation of  
28 the plans and specifications therefor, subject to all  
29 defenses based upon the negligence of the state in  
30 reviewing and approving those plans and  
31 specifications, but not thereafter."

32 5. Page 8, by inserting after line 5, the  
33 following:

34 "Sec. \_\_\_\_ . Section 135C.20, Code 1989, is amended  
35 to read as follows:

36 135C.20 INFORMATION DISTRIBUTED.

37 The Iowa department of public health, in  
38 cooperation with the department of inspections and  
39 appeals, shall prepare, publish and send to licensed  
40 health care facilities an annual report of its  
41 activities and operations under this chapter and such  
42 other bulletins containing fundamental health  
43 principles and data as may be deemed essential to  
44 assure proper operation of health care facilities, and  
45 publish for public distribution copies of the laws,  
46 standards and rules pertaining to their operation.

47 Sec. \_\_\_\_ . Section 135C.23, subsection 2,  
48 unnumbered paragraph 2, Code 1989, is amended to read  
49 as follows:

50 This section does not prohibit the admission of a

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1 patient with a history of dangerous or disturbing  
2 behavior to an intermediate care facility, skilled  
3 nursing facility, or county care facility when the  
4 intermediate care facility, skilled nursing facility,  
5 or county care facility has a program which has  
6 received prior approval from the department to  
7 properly care for and manage the patient. An  
8 intermediate care facility, skilled nursing facility,  
9 or county care facility is required to transfer or  
10 discharge a resident with dangerous or disturbing  
11 behavior when the intermediate care facility, skilled  
12 nursing facility, or county care facility cannot  
13 control the resident's dangerous or disturbing  
14 behavior. The Iowa department of public health, in  
15 coordination with the state mental health and mental  
16 retardation commission, shall adopt rules pursuant to  
17 chapter 17A for programs to be required in  
18 intermediate care facilities, skilled nursing  
19 facilities, and county care facilities that admit  
20 patients or have residents with histories of dangerous  
21 or disturbing behavior.

22 Sec. \_\_\_\_\_. Section 135C.36, unnumbered paragraph 1,  
23 Code 1989, is amended to read as follows:

24 Every violation by a health care facility of any  
25 provision of this chapter or of the rules adopted  
26 pursuant to it shall be classified by the Iowa  
27 department of public health in accordance with this  
28 section. The Iowa department of public health shall  
29 adopt and may from time to time modify, in accordance  
30 with chapter 17A rules setting forth so far as  
31 feasible the specific violations included in each  
32 classification and stating criteria for the  
33 classification of any violation not so listed.

34 Sec. \_\_\_\_\_. Section 135C.36, subsections 2 and 3,  
35 Code 1989, are amended to read as follows:

36 2. A Class II violation is one which has a direct  
37 or immediate relationship to the health, safety or  
38 security of residents of a health care facility, but  
39 which presents no imminent danger nor substantial  
40 probability of death or physical harm to them. A  
41 physical condition or one or more practices within a  
42 facility, including either physical abuse of any  
43 resident or failure to treat any resident with  
44 consideration, respect and full recognition of the  
45 resident's dignity and individuality, in violation of  
46 a specific rule adopted by the Iowa department of  
47 public health, may constitute a Class II violation. A  
48 violation of section 135C.14, subsection 8, or section  
49 135C.31 and rules adopted under those sections shall  
50 be at least a Class II violation and may be a Class I

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1 violation. A Class II violation shall be corrected  
2 within a stated period of time determined by the  
3 department of inspections and appeals and specified in  
4 the citation issued under section 135C.40. The stated  
5 period of time specified in the citation may  
6 subsequently be modified by the department for good  
7 cause shown. A licensee is subject to a penalty of  
8 not less than one hundred nor more than five hundred  
9 dollars for each Class II violation for which the  
10 licensee's facility is cited, however the director may  
11 waive the penalty if the violation is corrected within  
12 the time specified in the citation.

13 3. A Class III violation is any violation of this  
14 chapter or of the rules adopted pursuant to it which  
15 violation is not classified in the ~~department's~~ rules  
16 of the Iowa department of public health nor  
17 classifiable under the criteria stated in those rules  
18 as a Class I or a Class II violation. A licensee  
19 shall not be subject to a penalty for a Class III  
20 violation, except as provided by section 135C.40,  
21 subsection 1 for failure to correct the violation  
22 within a reasonable time specified by the department  
23 of inspections and appeals in the notice of the  
24 violation."

25 6. By numbering and renumbering as necessary.

By BOB CARR  
BERL PRIEBE

DONALD DOYLE  
DALE TIEDEN

S-3870 FILED APRIL 24, 1989

ADOPTED

4-24-89 (p. 1605)

SENATE AMENDMENT TO HOUSE FILE 178

H-4174

1 Amend House File 178 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, line 7, by inserting after the word  
4 "agreements" the following: "and are subject to  
5 approval by the department of human services".

6 2. Page 1, by inserting after line 7 the fol-  
7 lowing:

8 "Sec. \_\_\_\_ . Section 88.8, subsection 3, Code 1989,  
9 is amended by adding the following new unnumbered  
10 paragraph:

11 NEW UNNUMBERED PARAGRAPH. The commissioner has un-  
12 reviewable discretion to withdraw a citation charging  
13 an employer with violating this chapter. If the  
14 parties enter into a settlement prior to a hearing,  
15 the appeal board shall enter an order affirming the  
16 settlement agreement."

17 3. Page 2, lines 10 and 11, by striking the words  
18 "of the said department" and inserting the following:

19 "of-the-said-department adopted pursuant to this  
20 chapter".

21 4. Page 3, by striking line 1 and inserting the  
22 following: "regulation-of-the-said-department rules  
23 adopted pursuant to this chapter".

24 5. Page 4, by striking lines 13 through 18 and  
25 inserting the following:

26 The state Iowa department of public health, with  
27 the advice of the hospital licensing board, shall  
28 adopt and-enforce rules and setting out the standards  
29 for the different types of hospitals to be licensed  
30 under this chapter, ~~to further the purposes of the~~  
31 chapter. The department of inspections and appeals  
32 shall enforce the rules. Rules".

33 6. Page 5, lines 15 and 16, by striking the words  
34 "~~Iowa department of public health~~" and inserting the  
35 following: "Iowa department of public health and the  
36 department of inspections and appeals".

37 7. Page 5, by striking lines 21 and 22, and  
38 inserting the following: "of health and adoption by  
39 the Iowa department of inspections-and-appeals public  
40 health".

41 8. Page 6, by inserting after line 26 the  
42 following:

43 "Sec. \_\_\_\_ . Section 135C.2, subsection 3, Code  
44 1989, is amended to read as follows:

45 3. The Iowa department of public health shall  
46 establish by administrative rule, within the  
47 intermediate care facility category, a special  
48 classification for facilities intended to serve  
49 mentally retarded individuals, and within the  
50 residential care facility category, a special



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1 classification for residential facilities intended to  
2 serve mentally ill individuals. The Iowa department  
3 of public health may also establish by administrative  
4 rule other classifications within that category, or  
5 special classifications within the residential care  
6 facility or skilled nursing facility categories, for  
7 facilities intended to serve individuals who have  
8 special health care problems or conditions in common.  
9 Rules establishing a special classification shall  
10 define the problem or condition to which the  
11 classification is relevant and establish requirements  
12 for an approved program of care commensurate with the  
13 problem or condition, and may grant special variances  
14 or considerations to facilities licensed within the  
15 classification so established.

16 Sec. \_\_\_\_ . Section 135C.6, subsection 3, Code 1989,  
17 is amended to read as follows:

18 3. No change in a health care facility, its  
19 operation, program, or services, of a degree or  
20 character affecting continuing licensability shall be  
21 made without prior approval thereof by the department  
22 of inspections and appeals. The Iowa department of  
23 public health may by rule specify the types of changes  
24 which shall not be made without its prior approval.

25 Sec. \_\_\_\_ . Section 135C.9, subsection 1, paragraph  
26 b, Code 1989, is amended to read as follows:

27 b. The facility has been inspected by the state  
28 fire marshal or a deputy appointed by the fire marshal  
29 for that purpose, who may be a member of a municipal  
30 fire department, and the department has received  
31 either a certificate of compliance or a provisional  
32 certificate of compliance by the facility with the  
33 fire-hazard and fire-safety rules and standards of the  
34 department as promulgated adopted by the fire marshal  
35 and, where applicable, the fire-safety standards  
36 required for participation in programs authorized by  
37 either Title XVIII or Title XIX of the United States  
38 Social Security Act (Title XLII, United States Code,  
39 sections 1395 to 1395 ll and 1396 to 1396" g"). The  
40 certificate or provisional certificate shall be signed  
41 by the fire marshal or the fire marshal's deputy who  
42 made the inspection."

43 9. Page 6, by inserting after line 34 the  
44 following:

45 "Sec. \_\_\_\_ . Section 135C.14, unnumbered paragraph  
46 1, Code 1989, is amended to read as follows:

47 The Iowa department ~~shall~~ of public health, in  
48 accordance with chapter 17A and with the approval of  
49 the state board of health, shall adopt and enforce  
50 rules setting minimum standards for health care

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1 facilities. In so doing, the Iowa department of  
2 public health, with the approval of the state board of  
3 health, may adopt by reference, with or without  
4 amendment, nationally recognized standards and rules,  
5 which shall be specified by title and edition, date of  
6 publication, or similar information. The department  
7 of inspections and appeals shall enforce the rules and  
8 standards adopted by the Iowa department of public  
9 health, and may adopt procedural rules to implement  
10 the enforcement. The rules and standards required by  
11 this section shall be formulated in consultation with  
12 the director of human services or the director's  
13 designee and with affected industry, professional, and  
14 consumer groups affected thereby, and shall be  
15 designed to further the accomplishment of the purposes  
16 of this chapter, and shall relate to:

17 Sec. \_\_\_\_ . Section 135C.14, subsection 1, Code  
18 1989, is amended to read as follows:

19 1. Location and construction of the facility,  
20 including plumbing, heating, lighting, ventilation,  
21 and other housing conditions, which shall ensure the  
22 health, safety and comfort of residents and protection  
23 from fire hazards. The rules of the Iowa department  
24 of public health relating to protection from fire  
25 hazards and fire safety shall be ~~promulgated~~ adopted  
26 by the state fire marshal, and shall be in keeping  
27 with the latest generally recognized safety criteria  
28 for the facilities covered of which the applicable  
29 criteria recommended and published from time to time  
30 by the national fire protection association are prima-  
31 facie evidence.

32 Sec. \_\_\_\_ . Section 135C.14, subsection 8,  
33 unnumbered paragraph 1, Code 1989, is amended to read  
34 as follows:

35 Facility policies and procedures regarding the  
36 treatment, care, and rights of residents. The rules  
37 shall apply the federal resident's bill of rights  
38 contained in 42 C.F.R. 442.311, as amended to January  
39 1, 1981, to all health care facilities as defined in  
40 this chapter and shall include procedures for  
41 implementing and enforcing the federal rules. The  
42 Iowa department of public health, with the approval of  
43 the state board of health, shall also adopt rules  
44 relating to the following:"

45 10. Page 7, by inserting after line 17, the  
46 following:

47 "Sec. \_\_\_\_ . Section 135C.16, subsection 2,  
48 unnumbered paragraph 1, Code 1989, is amended to read  
49 as follows:

50 The Iowa department of public health shall

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1 prescribe by rule that any licensee or applicant for  
2 license desiring to make specific types of physical or  
3 functional alterations or additions to its facility or  
4 to construct new facilities shall, before commencing  
5 the alteration or additions or new construction,  
6 submit plans and specifications to the department of  
7 inspections and appeals for preliminary inspection and  
8 approval or recommendations with respect to compliance  
9 with ~~the department's~~ applicable rules and standards.  
10 When the plans and specifications have been properly  
11 approved by the department of inspections and appeals  
12 or other appropriate state agency, the facility or the  
13 portion of the facility constructed or altered in  
14 accord with the plans and specifications shall not for  
15 a period of at least five years from completion of the  
16 construction or alteration be considered deficient or  
17 ineligible for licensing by reason of failure to meet  
18 any rule or standard established subsequent to  
19 approval of the plans and specifications. When  
20 construction or alteration of a facility or portion of  
21 a facility has been completed in accord with plans and  
22 specifications submitted as required by this  
23 subsection and properly approved by the department or  
24 other appropriate state agency, and it is discovered  
25 that the facility or portion of a facility is not in  
26 compliance with a requirement of this chapter or of  
27 the rules or standards adopted pursuant to it and in  
28 effect at the time the plans and specifications were  
29 submitted, and the deficiency was apparent from the  
30 plans and specifications submitted but was not noted  
31 or objected to by the department or other appropriate  
32 state agency, the department or agency responsible for  
33 the oversight shall either waive the requirement or  
34 reimburse the licensee or applicant for any costs  
35 which are necessary to bring the new or reconstructed  
36 facility or portion of a facility into compliance with  
37 the requirement and which the licensee or applicant  
38 would not have incurred if the facility or portion of  
39 the facility had been constructed in compliance with  
40 the requirements of this chapter or of the rules or  
41 standards adopted pursuant to it and in effect at the  
42 time the plans and specifications were submitted. If  
43 within two years from the completion of the  
44 construction or alteration of the facility or portion  
45 thereof, a department or agency of the state orders  
46 that the new or reconstructed facility or portion  
47 thereof be brought into compliance with the  
48 requirements of this chapter or the rules or standards  
49 adopted pursuant to it and in effect at the time the  
50 plans and specifications were submitted, the state

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1 shall have a claim for damages to the extent of any  
2 reimbursement paid to the licensee or applicant  
3 against any person who designed the facility or  
4 portion thereof for negligence in the preparation of  
5 the plans and specifications therefor, subject to all  
6 defenses based upon the negligence of the state in  
7 reviewing and approving those plans and  
8 specifications, but not thereafter."

9 11. Page 8, by inserting after line 5, the  
10 following:

11 "Sec. \_\_\_\_\_. Section 135C.20, Code 1989, is amended  
12 to read as follows:

13 135C.20 INFORMATION DISTRIBUTED.

14 The Iowa department of public health, in  
15 cooperation with the department of inspections and  
16 appeals, shall prepare, publish and send to licensed  
17 health care facilities an annual report of its  
18 activities and operations under this chapter and such  
19 other bulletins containing fundamental health  
20 principles and data as may be deemed essential to  
21 assure proper operation of health care facilities, and  
22 publish for public distribution copies of the laws,  
23 standards and rules pertaining to their operation.

24 Sec. \_\_\_\_\_. Section 135C.23, subsection 2,  
25 unnumbered paragraph 2, Code 1989, is amended to read  
26 as follows:

27 This section does not prohibit the admission of a  
28 patient with a history of dangerous or disturbing  
29 behavior to an intermediate care facility, skilled  
30 nursing facility, or county care facility when the  
31 intermediate care facility, skilled nursing facility,  
32 or county care facility has a program which has  
33 received prior approval from the department to  
34 properly care for and manage the patient. An  
35 intermediate care facility, skilled nursing facility,  
36 or county care facility is required to transfer or  
37 discharge a resident with dangerous or disturbing  
38 behavior when the intermediate care facility, skilled  
39 nursing facility, or county care facility cannot  
40 control the resident's dangerous or disturbing  
41 behavior. The Iowa department of public health, in  
42 coordination with the state mental health and mental  
43 retardation commission, shall adopt rules pursuant to  
44 chapter 17A for programs to be required in  
45 intermediate care facilities, skilled nursing  
46 facilities, and county care facilities that admit  
47 patients or have residents with histories of dangerous  
48 or disturbing behavior.

49 Sec. \_\_\_\_\_. Section 135C.36, unnumbered paragraph 1,  
50 Code 1989, is amended to read as follows:

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1 Every violation by a health care facility of any  
2 provision of this chapter or of the rules adopted  
3 pursuant to it shall be classified by the Iowa  
4 department of public health in accordance with this  
5 section. The Iowa department of public health shall  
6 adopt and may from time to time modify, in accordance  
7 with chapter 17A rules setting forth so far as  
8 feasible the specific violations included in each  
9 classification and stating criteria for the  
10 classification of any violation not so listed.

11 Sec. \_\_\_\_ . Section 135C.36, subsections 2 and 3,  
12 Code 1989, are amended to read as follows:

13 2. A Class II violation is one which has a direct  
14 or immediate relationship to the health, safety or  
15 security of residents of a health care facility, but  
16 which presents no imminent danger nor substantial  
17 probability of death or physical harm to them. A  
18 physical condition or one or more practices within a  
19 facility, including either physical abuse of any  
20 resident or failure to treat any resident with  
21 consideration, respect and full recognition of the  
22 resident's dignity and individuality, in violation of  
23 a specific rule adopted by the Iowa department of  
24 public health, may constitute a Class II violation. A  
25 violation of section 135C.14, subsection 8, or section  
26 135C.31 and rules adopted under those sections shall  
27 be at least a Class II violation and may be a Class I  
28 violation. A Class II violation shall be corrected  
29 within a stated period of time determined by the  
30 department of inspections and appeals and specified in  
31 the citation issued under section 135C.40. The stated  
32 period of time specified in the citation may  
33 subsequently be modified by the department for good  
34 cause shown. A licensee is subject to a penalty of  
35 not less than one hundred nor more than five hundred  
36 dollars for each Class II violation for which the  
37 licensee's facility is cited, however the director may  
38 waive the penalty if the violation is corrected within  
39 the time specified in the citation.

40 3. A Class III violation is any violation of this  
41 chapter or of the rules adopted pursuant to it which  
42 violation is not classified in the ~~department's~~ rules  
43 of the Iowa department of public health nor  
44 classifiable under the criteria stated in those rules  
45 as a Class I or a Class II violation. A licensee  
46 shall not be subject to a penalty for a Class III  
47 violation, except as provided by section 135C.40,  
48 subsection 1 for failure to correct the violation  
49 within a reasonable time specified by the department  
50 of inspections and appeals in the notice of the

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1 violation."

2 12. Page 8, line 35, by striking the word "shall"  
3 and inserting the following: "may".

4 13. Page 18, by inserting after line 10 the  
5 following:

6 "Sec. \_\_\_\_ . Section 237A.8, Code 1989, is amended  
7 to read as follows:

8 237A.8 SUSPENSION AND REVOCATION.

9 The administrator, after notice and opportunity for  
10 an evidentiary hearing before the department of  
11 inspections and appeals, may suspend or revoke a  
12 license or certificate of registration issued under  
13 this chapter if the person to whom a license or  
14 certificate is issued violates a provision of this  
15 chapter or if the person makes false reports regarding  
16 the operation of the child day care facility to the  
17 administrator or a designee of the administrator. The  
18 administrator shall notify the parent, guardian, or  
19 legal custodian of each child for whom the person  
20 provides child day care, if the license or certificate  
21 of registration is suspended or revoked or if there  
22 has been a substantiated child abuse case against an  
23 employee, owner, or operator of the child day care  
24 facility."

25 14. Page 18, by inserting after line 34 the  
26 following:

27 "Sec. \_\_\_\_ . Section 239.7, Code 1989, is amended to  
28 read as follows:

29 239.7 APPEAL -- JUDICIAL REVIEW.

30 If an application is not acted upon within a  
31 reasonable time, if it is denied in whole or in part,  
32 or if any an award of assistance is modified,  
33 suspended, or canceled under any a provision of this  
34 chapter, the applicant or recipient may appeal to the  
35 department of human services which shall request the  
36 department of inspections and appeals to conduct a  
37 hearing. The department shall give the appellant  
38 reasonable notice and opportunity for a fair hearing  
39 before the director or the director's designee. Upon  
40 completion of a hearing, the department of inspections  
41 and appeals shall issue a decision which is subject to  
42 review by the department of human services. Judicial  
43 review of the result of such hearing actions of the  
44 department of human services may be sought in  
45 accordance with the terms of the Iowa administrative  
46 procedure Act chapter 17A. Upon receipt of the a  
47 notice of the filing of a petition for judicial  
48 review, the department of human services shall furnish  
49 the petitioner with a copy of any papers filed in  
50 support of the petitioner's position, a transcript of

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1 any testimony taken, and a copy of the department's  
2 decision.

3 Sec. \_\_\_\_ . Section 249.5, Code 1989, is amended to  
4 read as follows:

5 249.5 JUDICIAL REVIEW.

6 If an application is not acted upon within a  
7 reasonable time, if it is denied in whole or in part,  
8 or if any an award of assistance is modified,  
9 suspended, or canceled under any a provision of this  
10 chapter, the applicant or recipient may appeal to the  
11 department of human services, which shall give the  
12 ~~appellant reasonable notice and opportunity for a fair~~  
13 ~~hearing before the director or the director's designee~~  
14 request the department of inspections and appeals to  
15 conduct a hearing. Upon completion of a hearing, the  
16 department of inspections and appeals shall issue a  
17 decision which is subject to review by the department  
18 of human services. Judicial review of the actions of  
19 the commission department of human services may be  
20 sought in accordance with the terms of the Iowa  
21 administrative procedure Act chapter 17A. Upon  
22 receipt of the petition for judicial review, the  
23 department of human services shall furnish the  
24 petitioner with a copy of any papers filed by the  
25 petitioner in support of the petitioner's position, a  
26 transcript of any testimony taken, and a copy of the  
27 department's decision."

28 15. Page 19, line 8, by inserting after the word  
29 "audits" the following: "to ensure compliance with  
30 federal and state single state agency requirements".

31 16. Page 19, by inserting after line 8 the  
32 following:

33 "Sec. \_\_\_\_ . Section 249A.4, subsection 10, Code  
34 1989, is amended to read as follows:

35 10. Shall provide for granting an opportunity for  
36 a fair hearing before the ~~director of human services~~  
37 ~~or the director's authorized representative~~ department  
38 of inspections and appeals to any an individual whose  
39 claim for medical assistance under this chapter is  
40 denied or is not acted upon with reasonable  
41 promptness. Upon completion of a hearing, the  
42 department of inspections and appeals shall issue a  
43 decision which is subject to review by the department  
44 of human services.

45 Judicial review of the actions decisions of the  
46 ~~director or~~ department of human services may be sought  
47 in accordance with ~~the terms of the Iowa~~  
48 ~~administrative procedure Act~~ chapter 17A. In the  
49 event if a petition for judicial review is filed, the  
50 ~~director or the director's authorized representative~~

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1 department of human services shall furnish the  
2 petitioner with a copy of the application and all  
3 supporting papers, a transcript of the testimony taken  
4 at the hearing, if any, and a copy of its decision."

5 17. Page 19, line 17, by inserting after the word  
6 "audits" the following: "to ensure compliance with  
7 federal and state single state agency requirements".

8 18. By renumbering, relettering, or redesignating  
9 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-4174 FILED APRIL 24, 1989

House concurred 5-1-89 (p. 2239)



HOUSE FILE 178

H-4321

1 Amend the Senate amendment, H-4174, to House File  
2 178, as amended, passed and reprinted by the House, as  
3 follows:

4 1. By striking page 1, line 17, through page 7,  
5 line 1.

6 2. By renumbering as necessary.

By FEY of Scott

H-4321 FILED APRIL 27, 1989

*Adopted 5-1-89 (p. 2239)*

HOUSE AMENDMENT TO SENATE AMENDMENT TO  
HOUSE FILE 178

S-4078

1 Amend the Senate amendment, H-4174, to House File  
2 178, as amended, passed and reprinted by the House, as  
3 follows:

4 1. By striking page 1, line 17, through page 7,  
5 line 1.

6 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-4078 FILED MAY 3, 1989

*Refused to Concur 3489 (p. 899)*

*House Insisted*

## REPORT OF THE CONFERENCE COMMITTEE

## ON HOUSE FILE 178

To the Speaker of the House of Representatives and the President of the Senate:

We the undersigned members of the conference committee appointed to resolve the differences between the House of Representatives and the Senate on House File 178, a bill for An Act relating to the department of inspections and appeals and its licensing, rulemaking, and enforcement authority with respect to health and human resources matters, and providing properly related matters, respectfully submit the following report:

1. That the House recedes from its amendment, S-4078.
2. That the Senate recedes from its amendment, H-4174.
3. That House File 178, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, line 7, by inserting after the word "agreements" the following: ", and are subject to approval by the department of human services".

2. Page 6, by inserting after line 34, the following:  
"Sec. \_\_\_\_ . Section 135C.14, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The department shall, in accordance with chapter 17A, and with the approval of the state board of health adopt and

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Page 2

enforce rules setting minimum standards for health care facilities. In so doing, the department, with the approval of the state board of health, may adopt by reference, with or without amendment, nationally recognized standards and rules, which shall be specified by title and edition, date of publication, or similar information. The rules and standards required by this section shall be formulated in consultation with the director of human services or the director's designee and with affected industry, professional, and consumer groups affected thereby, and shall be designed to further the accomplishment of the purposes of this chapter and shall relate to:"

3. Page 8, line 35, by striking the word "shall" and inserting the following: "may".

4. Page 16, line 31, by inserting after the word "Code" the following: "Supplement".

5. Page 18, by inserting after line 10 the following:

"Sec. \_\_\_\_ . Section 237A.8, Code 1989, is amended to read as follows:

237A.8 SUSPENSION AND REVOCATION.

The administrator, after notice and opportunity for an evidentiary hearing before the department of inspections and appeals, may suspend or revoke a license or certificate of registration issued under this chapter if the person to whom a license or certificate is issued violates a provision of this chapter or if the person makes false reports regarding the operation of the child day care facility to the administrator or a designee of the administrator. The administrator shall notify the parent, guardian, or legal custodian of each child for whom the person provides child day care, if the license or certificate of registration is suspended or revoked or if there has been a substantiated child abuse case against an employee, owner, or operator of the child day care facility."

6. Page 18, by inserting after line 34 the following:

"Sec. \_\_\_\_ . Section 239.7, Code 1989, is amended to read as follows:

239.7 APPEAL -- JUDICIAL REVIEW.

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Page 3

If an application is not acted upon within a reasonable time, if it is denied in whole or in part, or if any an award of assistance is modified, suspended, or canceled under any a provision of this chapter, the applicant or recipient may appeal to the department of human services which shall request the department of inspections and appeals to conduct a hearing. ~~The department shall give the appellant reasonable notice and opportunity for a fair hearing before the director or the director's designee.~~ Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department of human services. ~~Judicial review of the result of such hearing actions of the department of human services may be sought in accordance with the terms of the Iowa Administrative Procedure Act chapter 17A.~~ Upon receipt of the a notice of the filing of a petition for judicial review, the department of human services shall furnish the petitioner with a copy of any papers filed in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision.

Sec. \_\_\_\_ . Section 249.5, Code 1989, is amended to read as follows:

249.5 JUDICIAL REVIEW.

If an application is not acted upon within a reasonable time, if it is denied in whole or in part, or if any an award of assistance is modified, suspended, or canceled under any a provision of this chapter, the applicant or recipient may appeal to the department of human services, which shall give ~~the appellant reasonable notice and opportunity for a fair hearing before the director or the director's designee~~ request the department of inspections and appeals to conduct a hearing. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department of human services. ~~Judicial review of the actions of the commission~~ department of human services may be sought in accordance with ~~the terms of~~

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~~the-Iowa-administrative-procedure-Act~~ chapter 17A. Upon receipt of the petition for judicial review, the department of human services shall furnish the petitioner with a copy of any papers filed by the petitioner in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision."

7. Page 19, line 8, by inserting after the word "audits" the following: "to ensure compliance with federal and state single state agency requirements".

8. Page 19, by inserting after line 8 the following:

"Sec. \_\_\_\_ . Section 249A.4, subsection 10, Code Supplement 1989, is amended to read as follows:

10. Shall provide ~~for-granting~~ an opportunity for a fair hearing before the ~~director-of-human-services-or-the~~ director's-authorized-representative department of inspections and appeals to any an individual whose claim for medical assistance under this chapter is denied or is not acted upon with reasonable promptness. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department of human services.

Sec. \_\_\_\_ . Section 249A.4, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

Judicial review of the ~~actions~~ decisions of the ~~director-or~~ department of human services may be sought in accordance with ~~the-terms-of-the-Iowa-administrative-procedure-Act~~ chapter 17A. ~~In-the-event~~ If a petition for judicial review is filed, the ~~director-or-the-director's-authorized-representative~~ department of human services shall furnish the petitioner with a copy of the application and all supporting papers, a transcript of the testimony taken at the hearing, if any, and a copy of its decision."

9. Page 19, line 17, by inserting after the word "audits" the following: "to ensure compliance with federal and state single state agency requirements".

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Page 5

10. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE:

ON THE PART OF THE SENATE:

THOMAS H. FEY, Chairperson  
BETTY JEAN CLARK  
JOHNIE HAMMOND  
MARK A. HAVERLAND  
LEE J. PLASIER

JOHN P. KIBBIE, Chairperson  
WILLIAM W. DIELEMAN  
JULIA GENTLEMAN  
BEVERLY A. HANNON  
RAY TAYLOR

CCR-178 FILED FEBRUARY 2, 1990

*House adopted 2/6 (p. 317)*

*Senate adopted 2/4 (p. 451)*

*Levy  
Hammond  
Haverland  
Phillips  
Plasur  
Carpenter  
Hester*

*HSB 116*

HUMAN RESOURCES

*7000*

HOUSE FILE *178*

BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the department of inspections and appeals and  
2 its licensing, rulemaking, and enforcement authority with  
3 respect to health and human resources matters, and providing  
4 properly related matters.

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

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1 Section 1. Section 10A.402, subsection 5, Code 1989, is  
2 amended to read as follows:

3 5. Investigations and collections relative to the  
4 liquidation of overpayment debts owed to the department of  
5 human services. Collection methods include but are not  
6 limited to small claims filings, debt setoff, and repayment  
7 agreements.

8 Sec. 2. Section 135B.1, Code 1989, is amended by adding  
9 the following new subsection:

10 NEW SUBSECTION. 4. "Department" means the department of  
11 inspections and appeals.

12 Sec. 3. Section 135B.4, Code 1989, is amended to read as  
13 follows:

14 135B.4 APPLICATION FOR LICENSE.

15 Licenses shall be obtained from the department of  
16 ~~inspections-and-appeals.~~ Applications shall be upon ~~such~~  
17 forms and shall contain ~~such~~ information as the ~~said~~  
18 department may reasonably require, which may include  
19 affirmative evidence of ability to comply with ~~such~~ reasonable  
20 standards and rules ~~as-may-be-lawfully~~ prescribed hereunder  
21 under this chapter. Each application for license shall be  
22 accompanied by the license fee, which shall be refunded to the  
23 applicant if the license is denied and which shall be ~~paid~~  
24 over deposited into the state treasury and credited to the  
25 general fund if the license is issued. ~~In-case-of-death-of~~  
26 ~~any-person-holding-such-license-or-the-sale-of-any-hospital~~  
27 ~~licensed-hereunder-within-the-first-year-of-the-tenure-of-such~~  
28 ~~license-the-department-of-inspections-and-appeals-shall~~  
29 ~~certify-to-the-director-of-revenue-and-finance-a-claim-on~~  
30 ~~behalf-of-the-licensee-for-refund-of-a-proportionate-share-of~~  
31 ~~the-license-fee.--Said-refund-shall-be-based-on-one-twelfth~~  
32 ~~the-amount-thereof-multiplied-by-the-remaining-months-in-the~~  
33 ~~year.--The-director-of-revenue-and-finance-shall-thereupon~~  
34 ~~draw-a-warrant-against-the-general-fund-payable-to-the-order~~  
35 ~~of-the-licensee.~~ Hospitals having fifty beds or less shall



1 pay an initial license fee of fifteen dollars; hospitals of  
2 more than fifty beds and not more than one hundred beds shall  
3 pay an initial license fee of twenty-five dollars; all other  
4 hospitals shall pay an initial license fee of fifty dollars.

5 Sec. 4. Section 135B.5, unnumbered paragraph 1, Code 1989,  
6 is amended to read as follows:

7 Upon receipt of an application for license and the license  
8 fee, the department ~~of inspections and appeals~~ shall issue a  
9 license if the applicant and hospital facilities comply with  
10 ~~the provisions of~~ this chapter and the ~~regulations~~ rules of  
11 the said department. Each ~~such license, unless sooner~~  
12 ~~suspended or revoked, shall be renewable annually~~ licensee  
13 shall receive annual reapproval upon payment of ten dollars  
14 and upon filing ~~by the licensee and approval by the~~  
15 ~~department of inspections and appeals, of an annual report~~  
16 ~~upon such uniform dates and containing such information in~~  
17 ~~such form as the state department of health, with the advice~~  
18 ~~of the hospital licensing board, shall prescribe by regulation~~  
19 of an application form which is available from the department.  
20 Licenses issued hereunder shall be either general or  
21 restricted in form. ~~In those instances where an applicant for~~  
22 ~~hospital license was licensed as a hospital on December 31,~~  
23 ~~1960, or had an application for hospital license pending on~~  
24 ~~April 1, 1961, and the facilities of such applicant are~~  
25 ~~suitable or adequate for only certain types of hospital care~~  
26 ~~or treatment, the specific types of care or treatment for~~  
27 ~~which such hospital is properly equipped shall be set forth on~~  
28 ~~the face of the license and the lawful operation of the~~  
29 ~~hospital shall be thereby restricted to the types of care and~~  
30 ~~treatment so specified.~~ Each license shall be issued only for  
31 the premises and persons or governmental units named in the  
32 application and ~~shall~~ is not be transferable or assignable  
33 except with the written approval of the department of  
34 ~~inspections and appeals.~~ Licenses shall be posted in a  
35 conspicuous place on the licensed premises as prescribed by

1 regulation rule of the said department.

2 Sec. 5. Section 135B.6, Code 1989, is amended to read as  
3 follows:

4 135B.6 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE --  
5 HEARINGS AND REVIEW.

6 The department ~~of inspections and appeals shall have the~~  
7 ~~authority to~~ may deny, suspend, or revoke a license in any  
8 case where it finds that there has been a substantial failure  
9 to comply with ~~the provisions of~~ this chapter or the rules or  
10 minimum standards ~~promulgated under~~ adopted pursuant to this  
11 chapter.

12 Such A denial, suspension, or revocation shall be effected  
13 by mailing to the applicant or licensee by certified mail, or  
14 by personal service of, a notice setting forth the particular  
15 reasons for ~~such the~~ action. Such A denial, suspension, or  
16 revocation shall become effective thirty days after the  
17 mailing or service of the notice, unless the applicant or  
18 licensee, within ~~such the~~ thirty-day period ~~shall give~~ gives  
19 written notice to the department ~~of inspections and appeals~~  
20 requesting a hearing, in which case the notice ~~shall be deemed~~  
21 ~~to be~~ is suspended. If a hearing has been requested, the  
22 applicant or licensee shall be given an opportunity for a  
23 prompt and fair hearing before the department ~~of inspections~~  
24 ~~and appeals~~. At any time at or prior to hearing, the  
25 department may rescind the notice of denial, suspension, or  
26 revocation upon being satisfied that the reasons for the  
27 denial, suspension, or revocation have been or will be  
28 removed. On the basis of ~~any such a~~ hearing, or upon default  
29 of the applicant or licensee, the determination involved in  
30 the notice may be affirmed, modified, or set aside, by the  
31 department. A copy of ~~such the~~ decision, setting forth the  
32 finding of facts and the particular reasons for the decision  
33 shall be sent by certified mail, or served personally upon,  
34 the applicant or licensee.

35 The procedure governing hearings authorized by this section

1 shall be in accordance with rules promulgated adopted by said  
2 ~~the department with the advice of the hospital licensing~~  
3 board. A full and complete record shall be kept of all  
4 proceedings, and all testimony shall be reported but need not  
5 be transcribed unless judicial review is sought pursuant to  
6 section 135B.14. A copy or copies of the transcript may be  
7 obtained by an interested party on payment of the cost of  
8 preparing ~~such~~ the copy or copies. Witnesses may be  
9 subpoenaed by either party and shall be allowed fees at a rate  
10 prescribed by ~~the aforesaid rules~~ rule.

11 Sec. 6. Section 135B.7, unnumbered paragraph 1, Code 1989,  
12 is amended to read as follows:

13 The ~~state department, of health~~ with the advice and  
14 approval of the hospital licensing board and approval of the  
15 state board of health, shall adopt ~~and enforce~~ rules and  
16 setting out the standards for the different types of hospitals  
17 to be licensed under this chapter, ~~to further the purposes of~~  
18 the chapter. The department shall enforce the rules. Rules  
19 or standards shall not be adopted or enforced which would have  
20 the effect of denying a license to a hospital or other  
21 institution required to be licensed, solely by reason of the  
22 school or system of practice employed or permitted to be  
23 employed by physicians in the hospital, if the school or  
24 system of practice is recognized by the laws of this state.

25 Sec. 7. Section 135B.9, unnumbered paragraph 1, Code 1989,  
26 is amended to read as follows:

27 The department ~~of inspections and appeals~~ shall make or  
28 cause to be made ~~such~~ inspections as it ~~may deem~~ deems  
29 necessary in order to determine compliance with applicable  
30 rules. The Iowa department of public health shall, with the  
31 ~~advice of the hospital licensing board, prescribe by~~  
32 ~~regulations that any~~ A licensee or applicant for a license  
33 desiring to make ~~specified types~~ a specific type of alteration  
34 or addition to its facilities or to construct new facilities  
35 shall, before commencing ~~such~~ the alteration, addition, or new

1 construction, submit plans and specifications therefor to the  
2 department ~~of-inspections-and-appeals~~ for preliminary  
3 inspection and approval or recommendations with respect to  
4 compliance with the regulations applicable rules and standards  
5 ~~herein-authorized~~.

6 Sec. 8. Section 135B.10, Code 1989, is amended to read as  
7 follows:

8 135B.10 HOSPITAL LICENSING BOARD.

9 The governor shall appoint five individuals who possess  
10 recognized ability in the field of hospital administration,  
11 ~~who-shall-function~~ to serve as ~~and-be~~ the hospital licensing  
12 board within the department ~~of-inspections-and-appeals~~.

13 Sec. 9. Section 135B.11, subsections 1 and 2, Code 1989,  
14 are amended to read as follows:

15 1. To consult with and advise ~~with~~ the ~~Iowa~~ department of  
16 ~~public-health~~ in matters of policy affecting administration of  
17 this chapter, and in the development of ~~rules-regulations~~ and  
18 standards provided for ~~hereunder~~ under this chapter.

19 2. To review and approve rules and standards authorized  
20 under this chapter prior to their approval by the state board  
21 of health and adoption by the department ~~of-inspections-and~~  
22 ~~appeals~~.

23 Sec. 10. Section 135B.12, Code 1989, is amended by  
24 striking the section and inserting in lieu thereof the  
25 following:

26 135B.12 CONFIDENTIALITY.

27 Information received by the department and the protection  
28 and advocacy agency through filed reports, inspections, or as  
29 otherwise authorized under this chapter shall be public,  
30 except that the information shall not identify individuals  
31 unless in a proceeding involving the question of licensure or  
32 the denial, suspension, or revocation of a license or civil  
33 suit or administrative action by or on behalf of a patient.  
34 The name of a person who files a complaint with the department  
35 shall remain confidential and shall not be subject to

1 discovery, subpoena, or other means of legal compulsion for  
2 its release to a person other than department employees or  
3 agents involved in the investigation of the complaint.

4 Sec. 11. Section 135B.13, Code 1989, is amended to read as  
5 follows:

6 135B.13 ANNUAL REPORT OF DEPARTMENT.

7 The department ~~of-inspections-and-appeals~~ shall prepare and  
8 publish an annual report of its activities ~~and-operations~~  
9 under this chapter.

10 Sec. 12. Section 135B.14, Code 1989, is amended to read as  
11 follows:

12 135B.14 JUDICIAL REVIEW.

13 Judicial review of the action of the department of  
14 ~~inspections-and-appeals~~ may be sought in accordance with the  
15 ~~terms-of-the-Iowa-administrative-procedure-Act~~ chapter 17A.  
16 Notwithstanding the terms of ~~said~~ chapter 17A, the Iowa  
17 administrative procedure Act, petitions for judicial review  
18 may be filed in the district court of the county in which the  
19 hospital is located or to be located, and the status quo of  
20 the petitioner or licensee shall be preserved pending final  
21 disposition of the matter in the courts.

22 Sec. 13. Section 135C.1, subsection 1, Code 1989, is  
23 amended to read as follows:

24 1. "Residential care facility" means any institution,  
25 place, building, or agency providing for a period exceeding  
26 twenty-four consecutive hours accommodation, board, personal  
27 assistance, and other essential daily living activities to  
28 three or more individuals, not related to the administrator or  
29 owner thereof within the third degree of consanguinity, who by  
30 reason of illness, disease, or physical or mental infirmity  
31 are unable to sufficiently or properly care for themselves but  
32 who do not require the services of a registered or licensed  
33 practical nurse except on an emergency basis or for insulin  
34 injections.

35 Sec. 14. Section 135C.10, Code 1989, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 10. In the case of a license applicant or  
3 existing licensee which is an entity other than an individual,  
4 the department may deny, suspend, or revoke a license if any  
5 individual, who is in a position of control or is an officer  
6 of the entity, engages in any act or omission proscribed by  
7 this section.

8 Sec. 15. Section 135C.16, subsection 1, Code 1989, is  
9 amended to read as follows:

10 1. In addition to the inspections required by sections  
11 135C.9 and 135C.38 the department shall make or cause to be  
12 made such further unannounced inspections as it ~~may-deem~~ deems  
13 necessary to adequately enforce this chapter, including at  
14 least one general inspection in each calendar year of every  
15 licensed health care facility in the state made without  
16 providing advance notice of any kind to the facility being  
17 inspected. The inspector shall show identification to the  
18 person in charge of the facility and state that an inspection  
19 is to be made before beginning the inspection. Any employee of  
20 the department who gives unauthorized advance notice of an  
21 inspection made or planned to be made under this subsection or  
22 section 135C.38 shall be disciplined as determined by the  
23 director, except that if the employee is employed pursuant to  
24 the merit system provisions of chapter 19A the discipline  
25 shall not exceed that authorized pursuant to that chapter.

26 Sec. 16. Section 135C.19, subsection 2, unnumbered  
27 paragraph 1, Code 1989, is amended to read as follows:

28 Each A citation for a class I or class II violation which  
29 is issued to a health care facility and which has become  
30 final, or a copy ~~or-copies-thereof~~ of the citation, shall be  
31 prominently posted as prescribed in rules ~~to-be-adopted-by-the~~  
32 department, until the violation is corrected to the  
33 department's satisfaction. The citation or copy shall be  
34 posted in a place ~~or-places~~ in plain view of the residents of  
35 the facility cited, persons visiting the residents, and

1 persons inquiring about placement in the facility.

2 Sec. 17. Section 135C.19, subsection 3, Code 1989, is  
3 amended to read as follows:

4 3. If the facility cited subsequently advises the  
5 department of human services that the violation has been  
6 corrected to the satisfaction of the department of health  
7 inspections and appeals, the department of human services ~~must~~  
8 shall maintain this advisory in the same file with the copy of  
9 the citation. The department of human services shall not  
10 disseminate to the public any information regarding citations  
11 issued by the department of health inspections and appeals,  
12 but shall forward or refer ~~such~~ inquiries to the department of  
13 health inspections and appeals.

14 Sec. 18. Section 135E.1, subsection 3, Code 1989, is  
15 amended to read as follows:

16 3. "Nursing home" means an institution or facility, or  
17 part thereof, whether proprietary or nonprofit, licensed as an  
18 intermediate care facility or a skilled nursing facility, but  
19 not including an intermediate care facility for the mentally  
20 retarded or an intermediate care facility for the mentally  
21 ill, defined as such for licensing purposes under state law or  
22 ~~pursuant to the rules for nursing homes promulgated by the~~  
23 ~~state board of health, in consultation with the department of~~  
24 ~~inspections and appeals, whether proprietary or nonprofit~~  
25 administrative rule adopted pursuant to section 135C.2,  
26 including but not limited to, a nursing homes home owned or  
27 administered by the federal or state government or an agency  
28 or political subdivision of government.

29 Sec. 19. Section 147.87, Code 1989, is amended to read as  
30 follows:

31 147.87 ENFORCEMENT.

32 The department shall enforce the provisions of this and the  
33 following chapters of this title and for that purpose ~~shall~~  
34 may request the department of inspections and appeals to make  
35 necessary investigations ~~relative thereto~~. Every licensee and

1 member of an examining board shall furnish the department or  
2 the department of inspections and appeals such evidence as the  
3 member or licensee may have relative to any alleged violation  
4 which is being investigated.

5 Sec. 20. Section 147.88, Code 1989, is amended by striking  
6 the section and inserting in lieu thereof the following:

7 147.88 INSPECTIONS.

8 The department of inspections and appeals shall perform  
9 inspections as required by this title, except for the board of  
10 medical examiners, board of pharmacy examiners, board of  
11 nursing, and the board of dental examiners. The department of  
12 inspections and appeals shall employ personnel related to the  
13 inspection functions.

14 Sec. 21. Section 147.90, Code 1989, is amended to read as  
15 follows:

16 147.90 RULES AND FORMS.

17 The Iowa department of public health and the department of  
18 inspections and appeals shall each establish the necessary  
19 rules and forms for carrying out the duties imposed upon it by  
20 ~~the provisions of this and the following chapters of~~ this  
21 title.

22 Sec. 22. Section 147.91, subsection 2, Code 1989, is  
23 amended to read as follows:

24 2. The rules of the Iowa department of public health and  
25 the department of inspections and appeals relative to  
26 licenses.

27 Sec. 23. Section 157.7, Code 1989, is amended by striking  
28 the section and inserting in lieu thereof the following:

29 157.7 INSPECTORS AND CLERICAL ASSISTANTS.

30 The department of inspections and appeals shall employ  
31 personnel under chapter 19A to perform duties related to  
32 inspection functions under this chapter. The department of  
33 inspections and appeals shall, when possible, integrate  
34 inspection efforts under this chapter with inspections  
35 conducted under chapter 158.



1 The Iowa department of public health may employ clerical  
2 assistants under chapter 19A to administer and enforce this  
3 chapter. The costs and expenses of the clerical assistants  
4 shall be paid from funds appropriated to the department of  
5 public health.

6 Sec. 24. Section 158.6, Code 1989, is amended by striking  
7 the section and inserting in lieu thereof the following:

8 158.6 INSPECTORS AND CLERICAL ASSISTANTS.

9 The department of inspections and appeals shall employ  
10 personnel under chapter 19A to perform duties related to  
11 inspection functions under this chapter. The department of  
12 inspections and appeals shall, when possible, integrate  
13 inspection efforts under this chapter with inspections  
14 conducted under chapter 157.

15 The Iowa department of public health may employ clerical  
16 assistants under chapter 19A to administer and enforce this  
17 chapter. The costs and expenses of the clerical assistants  
18 shall be paid from funds appropriated to the department of  
19 public health.

20 Sec. 25. Section 170.5, unnumbered paragraph 1, Code 1989,  
21 is amended to read as follows:

22 The department of inspections and appeals, or a municipal  
23 corporation pursuant to section 170.55, shall collect the  
24 following fees for licenses:

25 Sec. 26. Section 170.5, unnumbered paragraph 4, Code 1989,  
26 is amended to read as follows:

27 After collection, the fees collected by the department  
28 shall be deposited in the general fund of the state. The fees  
29 collected by a municipal corporation shall be retained by the  
30 corporation for its own use.

31 Sec. 27. Section 170.8, Code 1989, is amended to read as  
32 follows:

33 170.8 REVOCATION.

34 Any license issued under this chapter may be revoked by the  
35 department for violation by the licensee of any provision of

1 this chapter or any rules ~~of-the-department~~ adopted pursuant  
2 to this chapter.

3 Sec. 28. Section 170.10, Code 1989, is amended to read as  
4 follows:

5 170.10 FOOD ESTABLISHMENTS WITH PRIVATE WATER AND SEWER  
6 FACILITIES.

7 When a food establishment is served by privately owned  
8 water or waste treatment facilities these facilities shall  
9 meet the technical requirements of the local board of health,  
10 ~~the-iowa-department-of-public-health,~~ and the department of  
11 natural resources.

12 Sec. 29. Section 170.16, Code 1989, is amended to read as  
13 follows:

14 170.16 TOILET AND LAVATORY FACILITIES.

15 A food establishment shall provide toilet and lavatory  
16 facilities in accordance with rules adopted ~~by-the-department~~  
17 pursuant to this chapter ~~17A~~.

18 Sec. 30. Section 170.56, Code 1989, is amended to read as  
19 follows:

20 170.56 ADOPTION BY RULE.

21 The director shall adopt the retail food store sanitation  
22 code by rule as part of the Iowa retail food store sanitation  
23 code with the following ~~exception~~ exceptions:

24 ~~1-2-101~~ 1. 2-101 shall be amended to allow food licensed  
25 under chapter 170C or food specified under section 170.1,  
26 subsection 2, paragraph "d", to be used or offered for sale.

27 2. 9-103 shall be deleted. Section 9-103 repeals "all  
28 codes and parts of codes" in conflict with the retail food  
29 store sanitation code.

30 3. Food establishments shall be inspected before a license  
31 is granted and annually thereafter.

32 Sec. 31. Section 170A.3, Code 1989, is amended to read as  
33 follows:

34 170A.3 ADOPTION BY RULE.

35 As soon as practicable, the director shall adopt the food

1 service sanitation ordinance, section 170A.2, subsection 12,  
2 by rule as part of the Iowa food service sanitation code with  
3 the following exceptions:

4 1. 1-102(h), (i), and (z) shall be deleted. Sections 1-  
5 102(h), (i), and (z) define "food processing establishment",  
6 "food service establishment", and "temporary food service  
7 establishment".

8 2. 1-104 shall be deleted. Section 1-104 refers to the  
9 effective date of the ordinance and repeals all ordinances and  
10 parts of ordinances in conflict with the food service  
11 sanitation ordinance.

12 3. 10-101 shall be amended so that the following food  
13 service establishments are exempt from the license  
14 requirement:

15 a. Food service operations in schools.

16 b. Places used by churches, fraternal societies, and civic  
17 organizations which engage in the serving of food not more  
18 often than ten times per month.

19 ~~10-101 shall also be amended so that a license issued by~~  
20 ~~the department of agriculture prior to January 1, 1979, shall~~  
21 ~~be valid until its expiration date.~~ Section 10-101 states  
22 general compliance procedures.

23 4. 10-201 shall be amended so that food service operations  
24 in schools and summer camps shall be inspected at least once  
25 every year instead of twice every year. Section 10-201 refers  
26 to the frequency of inspections.

27 5. 10-601 shall be deleted. Section 10-601 refers to  
28 federal penalties.

29 6. 2-101 shall be amended to allow food licensed under  
30 chapter 170C and food specified under section 170.1,  
31 subsection 2, paragraph "d", to be used or offered for sale.

32 Sec. 32. Section 170A.7, Code 1989, is amended to read as  
33 follows:

34 170A.7 TOILET AND LAVATORY FACILITIES.

35 A food service establishment that is not a mobile food

1 unit, pushcart, or temporary food service establishment shall  
2 provide toilet and lavatory facilities in accordance with  
3 rules adopted ~~by-the-department~~ pursuant to this chapter ~~17A~~.

4 Sec. 33. Section 170A.8, Code 1989, is amended to read as  
5 follows:

6 170A.8 PLUMBING IN FOOD SERVICE ESTABLISHMENTS.

7 A food service establishment shall have an adequately  
8 designed plumbing system conforming to at least the minimum  
9 requirements of the state plumbing code. The water supply  
10 service and sewerage system of a food service establishment  
11 shall meet the technical requirements of the local board of  
12 health, ~~the-Iowa-department-of-public-health,~~ and the  
13 department of natural resources.

14 Sec. 34. Section 170B.7, Code 1989, is amended to read as  
15 follows:

16 170B.7 LICENSE REVOCATION.

17 A license issued under the Iowa hotel sanitation code may  
18 be revoked by the regulatory authority for violation by the  
19 licensee of a provision of the Iowa hotel sanitation code or  
20 applicable rule ~~of-the-department~~ adopted pursuant to this  
21 chapter.

22 Sec. 35. Section 170B.8, Code 1989, is amended to read as  
23 follows:

24 170B.8 TOILET AND LAVATORY FACILITIES.

25 A hotel shall provide toilet and lavatory facilities in  
26 accordance with rules adopted ~~by-the-department~~ pursuant to  
27 this chapter ~~17A~~.

28 Sec. 36. Section 170B.9, unnumbered paragraph 2, Code  
29 1989, is amended to read as follows:

30 A hotel beyond the reach of a central water or sewerage  
31 system shall be served by on-site facilities which meet the  
32 technical requirements of the local board of health, ~~the-Iowa~~  
33 ~~department-of-public-health,~~ and the department of natural  
34 resources.

35 Sec. 37. Section 191A.1, Code 1989, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 13. "Food and beverage vending machine  
3 ordinance" means the 1978 edition of the federal food and drug  
4 administration food and beverage vending machine ordinance.

5 Sec. 38. Section 191A.8, Code 1989, is amended to read as  
6 follows:

7 191A.8 INSPECTION.

8 The regulatory authority shall inspect all vending machine  
9 commissaries at least once each calendar year, and shall  
10 inspect representative vending machines and vehicles as often  
11 as deemed necessary to determine compliance with this chapter  
12 and applicable rules of the department. ~~Section 170B:15 shall~~  
13 ~~be applicable to the operation of vending machines.~~ Upon  
14 receipt of a verified complaint signed by a customer of a  
15 vending machine and stating facts indicating the machine is in  
16 an insanitary condition, the regulatory authority may conduct  
17 an inspection.

18 Sec. 39. Section 191A.10, Code 1989, is amended by  
19 striking the section and inserting in lieu thereof the  
20 following:

21 191A.10 ADOPTION BY RULE.

22 As soon as practicable, the director shall adopt the food  
23 and beverage vending machine ordinance, section 191A.1,  
24 subsection 13, by rule as part of the Iowa food and beverage  
25 vending machine code with the following exceptions:

26 1. 1-104 shall be deleted. Section 1-104 states the  
27 effective date of the ordinance and repeals all ordinances and  
28 parts of ordinances in conflict with the ordinance.

29 2. 6-601 shall be deleted. Section 6-601 refers to  
30 federal penalties.

31 3. 6-201 shall be amended so that only one inspection per  
32 calendar year is required. Section 6-201 refers to the  
33 frequency of inspections.

34 Sec. 40. NEW SECTION. 191A.15 INJUNCTION.

35 A person operating a vending machine in violation of this

1 chapter may be restrained by injunction from further operating  
2 that vending machine. If an imminent health hazard exists,  
3 the person shall cease operation of the vending machine and  
4 shall not resume operation until authorized by the department.

5 Sec. 41. NEW SECTION. 191A.16 DUTY OF COUNTY ATTORNEY.

6 The county attorney in each county shall assist in the  
7 enforcement of this chapter.

8 Sec. 42. Section 225C.4, subsection 1, paragraph s, Code  
9 1989, is amended to read as follows:

10 s. In co-operation with the state department of health  
11 inspections and appeals, recommend minimum standards under  
12 section 227.4 for the care of and services to mentally ill and  
13 mentally retarded persons residing in county care facilities.

14 Sec. 43. Section 227.6, Code 1989, is amended to read as  
15 follows:

16 227.6 REMOVAL OF RESIDENTS.

17 If a county care facility fails to comply with rules and  
18 standards adopted under this chapter, the administrator may  
19 remove all mentally ill and mentally retarded persons cared  
20 for in the county care facility at public expense, to the  
21 proper state mental health institute or hospital-school, or to  
22 some private or county institution or hospital for the care of  
23 the mentally ill or mentally retarded that has complied with  
24 the rules prescribed by the administrator. ~~The removal of~~  
25 ~~residents; if~~ Residents being transferred to a state mental  
26 health institute or hospital-school, shall be made accompanied  
27 by an attendant or attendants sent from the institute or  
28 hospital-school. If a resident is ~~removed~~ transferred under  
29 this section, at least one attendant shall be of the same sex.  
30 If the administrator finds that the needs of mentally ill and  
31 mentally retarded residents of any other county or private  
32 institution are not being adequately met, those residents may  
33 be removed from that institution upon order of the  
34 administrator, ~~in consultation with the director of public~~  
35 health.

1 Sec. 44. Section 232.142, subsection 5, Code 1989, is  
2 amended to read as follows:

3 5. The director shall approve annually all such homes  
4 established and maintained under the provisions of this  
5 chapter. ~~No-such~~ A home shall not be approved unless it  
6 complies with minimal rules and standards adopted by the  
7 director and has been inspected by the department of  
8 inspections and appeals.

9 Sec. 45. Section 234.12, Code 1989, is amended by adding  
10 the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. Upon request by the department  
12 of human services, the department of inspections and appeals  
13 shall conduct investigations into possible fraudulent  
14 practices, as described in section 234.13, relating to food  
15 programs administered by the department of human services.

16 Sec. 46. Section 235.3, subsection 8, Code 1989, is  
17 amended to read as follows:

18 8. ~~License and-inspect-maternity-hospitals, and private~~  
19 ~~child-placing agencies, make reports regarding them, and~~  
20 ~~revoke such licenses.~~

21 Sec. 47. Section 235.5, Code 1989, is amended to read as  
22 follows:

23 235.5 LICENSES.

24 Licenses issued to ~~maternity-hospitals, private boarding~~  
25 ~~homes for children, and private child-placing agencies~~ by the  
26 administrator, shall remain in effect for the period for which  
27 issued, unless sooner revoked according to law. Thereafter it  
28 ~~shall-be-the-duty-of~~ each of such agencies to shall apply to  
29 the administrator for a new license, and ~~to~~ shall submit to  
30 such rules regarding ~~the-same~~ licensing as the administrator  
31 ~~may-prescribe prescribes.~~

32 Sec. 48. NEW SECTION. 235.5A INSPECTIONS.

33 The department of inspections and appeals shall conduct  
34 inspections of private institutions for the care of dependent,  
35 neglected, and delinquent children in accordance with

1 procedures established pursuant to chapters 10A and 17A.

2 Sec. 49. Section 235B.1, subsection 8, paragraph a, Code  
3 1989, is amended to read as follows:

4 a. If, upon completion of the evaluation or upon referral  
5 from the Iowa department of ~~public-health~~ inspections and  
6 appeals, the department of human services determines that the  
7 best interests of the dependent adult require district court  
8 action, the department shall initiate action for the  
9 appointment of a guardian or conservator or for admission or  
10 commitment to an appropriate institution or facility pursuant  
11 to the applicable procedures under chapter 125, 222, 229, or  
12 633. The appropriate county attorney shall assist the  
13 department in the preparation of the necessary papers to  
14 initiate the action and shall appear and represent the  
15 department at all district court proceedings.

16 Sec. 50. Section 237.7, Code 1989, is amended to read as  
17 follows:

18 237.7 REPORTS AND INSPECTIONS.

19 The administrator may require submission of reports by a  
20 licensee, and shall cause at least one annual unannounced  
21 inspection of each facility to assess the quality of the  
22 living situation and to determine compliance with applicable  
23 requirements and standards. The inspections shall be  
24 conducted by the department of inspections and appeals. The  
25 ~~administrator~~ director of the department of inspections and  
26 appeals may examine records of a licensee, including but not  
27 limited to corporate records and board minutes, and may  
28 inquire into matters concerning a licensee and its employees  
29 relating to requirements and standards for child foster care  
30 under this chapter.

31 Sec. 51. Section 238.19, Code 1989, is amended to read as  
32 follows:

33 238.19 INSPECTION GENERALLY.

34 Authorized ~~officers-and-agents~~ employees of the  
35 ~~administrator~~ department of inspections and appeals may



1 inspect the premises and conditions of such the agency at any  
2 time and examine every part thereof of the agency; and may  
3 inquire into all matters concerning such-agencies the agency  
4 and the children in the care thereof of the agency.

5 Sec. 52. Section 238.20, Code 1989, is amended to read as  
6 follows:

7 238.20 MINIMUM INSPECTION -- RECORD.

8 Authorized ~~officers-and-agents~~ employees of the  
9 administrator department of inspections and appeals shall  
10 visit and inspect the premises of licensed child-placing  
11 agencies at least once every six months and make and preserve  
12 written reports of the conditions found.

13 Sec. 53. Section 238.21, Code 1989, is amended to read as  
14 follows:

15 238.21 OTHER INSPECTING AGENCIES.

16 Authorized agents of the ~~Iowa-department-of-public-health~~  
17 ~~and-of-the~~ local board of health in whose jurisdiction a  
18 licensed child-placing agency is located may make inspection  
19 of the premises.

20 Sec. 54. Section 249.11, Code 1989, is amended by adding  
21 the following new unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. The department of inspections  
23 and appeals shall conduct investigations and audits as deemed  
24 necessary to ensure compliance with state supplementary  
25 assistance programs administered under this chapter. The  
26 department of inspections and appeals shall cooperate with the  
27 department of human services on the development of procedures  
28 relating to such investigations and audits.

29 Sec. 55. Section 249A.7, Code 1989, is amended by adding  
30 the following new unnumbered paragraph:

31 NEW UNNUMBERED PARAGRAPH. The department of inspections  
32 and appeals shall conduct investigations and audits as deemed  
33 necessary to ensure compliance with the medical assistance  
34 program administered under this chapter. The department of  
35 inspections and appeals shall cooperate with the department of

1 human services on the development of procedures relating to  
2 such investigations and audits.

3 Sec. 56. Section 600.2, subsection 2, Code 1989, is  
4 amended to read as follows:

5 2. "Investigator" means a natural person who is certified  
6 or approved, by the department of human services, after  
7 inspection by the department of inspections and appeals, as  
8 being capable of conducting an investigation under section  
9 600.8.

10 Sec. 57. REPEALS.

11 1. Chapter 135A, Code 1989, is repealed.

12 2. Sections 147.116, 170.12, 170.19, 170.25, 170.26,  
13 170.27, 170.28, 191A.9, and 253.12, Code 1989, are repealed.

14 Sec. 58. CODIFICATION TRANSFERS.

15 1. The Code editor shall transfer sections 135.90 through  
16 135.96 to chapter 135B as a separate division of chapter 135B,  
17 and shall transfer section 135B.33 to chapter 135 as a  
18 separate division of chapter 135, unless the Code editor  
19 determines that a different Code arrangement would be  
20 preferable.

21 2. The Code editor shall transfer chapters 170, 170A,  
22 170B, and 191A to Title VII of the Code, unless the Code  
23 editor determines that a different Code arrangement would be  
24 preferable.

25 EXPLANATION

26 This bill relates primarily to the licensing, rulemaking,  
27 and enforcement authority of the department of inspections and  
28 appeals with respect to health and human resources matters.

29 Section 10A.402 is amended to specify that the  
30 investigations division of the department of inspections and  
31 appeals has authority for collections as well as  
32 investigations relative to the liquidation of overpayment  
33 debts owed to the department of human services.

34 Chapter 135B is amended to provide that rules for the  
35 licensing of hospitals are adopted by the department of

1 inspections and appeals with the advice and approval of the  
2 hospital licensing board and the approval of the state board  
3 of health. A provision for the refund of hospital licenses is  
4 stricken. An obsolete provision relating to certain hospital  
5 license restrictions is also stricken. The provisions  
6 governing confidentiality of hospital licensing information  
7 are revised.

8 The definition of "residential care facility" in section  
9 135C.1 is amended to provide that individuals are not excluded  
10 solely because they require nursing services for insulin  
11 injections.

12 A provision is added for denial, suspension, or revocation  
13 of a health care facility license where the applicant or  
14 licensee is an entity other than an individual and an officer  
15 or individual in control of the entity commits a violation.

16 Other changes are made in chapter 135C to reflect the role  
17 of the department of inspections and appeals as the  
18 rulemaking, licensing, and enforcement agency for health care  
19 facilities. A clarification is made with respect to  
20 departmental employees under the merit system.

21 Section 135E.1, which defines "nursing home" for purposes  
22 of the chapter on licensing of nursing home administrators, is  
23 amended to reflect the rulemaking authority of the department  
24 of inspections and appeals.

25 Section 147.87 is amended to specify that the Iowa  
26 department of public health may request investigations by the  
27 department of inspections and appeals in connection with its  
28 professional licensure duties. Section 147.88 is rewritten to  
29 substitute inspections by the department of inspections and  
30 appeals for provisions creating the position of health  
31 department inspector. Sections 147.90 and 147.91 are amended  
32 to provide for rules by the department of inspections and  
33 appeals as well as the department of public health. Specific  
34 provisions in chapters 157 and 158 relating to inspectors to  
35 enforce the cosmetology and barber laws are changed to reflect

1 that inspections are the responsibility of the department of  
2 inspections and appeals.

3 Chapter 170, relating to the licensing of food  
4 establishments, is amended to allow retention of fees  
5 collected by a municipal corporation when the municipal  
6 corporation is the licensing and inspection agency. Chapter  
7 170 and chapters 170A (food service sanitation code) and 170B  
8 (hotel sanitation code) are amended to remove references to  
9 the Iowa department of public health and clarify the  
10 rulemaking authority of the department of inspections and  
11 appeals. Exceptions to the retail food store sanitation code  
12 and the food service sanitation ordinance are revised.

13 Chapter 191A, relating to food and beverage vending  
14 machines, is amended to provide for adoption of the food and  
15 beverage vending machine ordinance with specified exceptions.  
16 Certain references incorporating provisions of other chapters  
17 are replaced with provisions specific to chapter 191A.

18 Section 225C.4 is amended to reflect that the department of  
19 inspections and appeals is responsible for the licensing and  
20 inspection of health care facilities, including county care  
21 facilities. Section 227.6 is amended to delete a reference to  
22 the director of public health in connection with removal of  
23 certain residents from health care facilities.

24 Section 232.142 is amended to include a requirement for  
25 inspection of juvenile homes by the department of inspections  
26 and appeals.

27 Section 234.12 is amended to specify that the department of  
28 human services may request the department of inspections and  
29 appeals to conduct investigations into possible fraudulent  
30 practices in connection with food stamps and other food  
31 programs.

32 Chapter 235 is amended to remove references to authority  
33 within the department of human services to license and inspect  
34 maternity hospitals and inspect private child-placing  
35 agencies.

1 Revisions are made in chapters 235B (adult abuse), 237  
2 (child foster care facilities), and 238 (child day care  
3 facilities) to reflect the inspection duties of the department  
4 of inspections and appeals.

5 Chapters 249 (state supplementary assistance) and 249A  
6 (medical assistance) are amended to specify the duty of the  
7 department of inspections and appeals to conduct  
8 investigations and audits.

9 The definition of "investigator" for purposes of the  
10 adoption law (section 600.2) is amended to specify inspections  
11 by the department of inspections and appeals.

12 Chapter 135A is repealed as obsolete. This chapter  
13 regulated the construction of hospitals and health care  
14 facilities when federal money was available for such  
15 construction.

16 Section 147.116, creating the position of inspector for the  
17 board of optometry examiners, is repealed. Several specific  
18 sanitation requirements relating to food establishments in  
19 chapter 170 are repealed. Duplicative references in section  
20 191A.9 are repealed. A provision on the administration of  
21 medication in county care facilities (section 253.12) is  
22 repealed.

23 The bill also directs certain codification transfers.  
24 Hospice provisions would be moved to chapter 135B, relating to  
25 hospitals. Section 135B.33, relating to technical planning  
26 assistance, would be moved to chapter 135, relating to the  
27 Iowa department of public health. The various provisions  
28 relating to sanitation inspections would be moved from the  
29 title on agriculture to the title on health.

30 **BACKGROUND STATEMENT**

31 **SUBMITTED BY THE AGENCY**

32 This bill is intended to make human resource-related  
33 changes. Many of these changes are technical corrections,  
34 including agency reference. Some of the language is being  
35 rewritten for clearer understanding by the public.

1 The Department of Inspections and Appeals received the  
2 responsibility for collections relative to the liquidation of  
3 overpayment debts owed to the Department of Human Services  
4 under reorganization. An oversight in the original  
5 legislation left the word "collections" out. This is to  
6 correct that oversight. In addition, clarification of the  
7 collection methods used is included.

8 The reference to the prorated refunding of a hospital  
9 license fee when the license holder dies or the hospital is  
10 sold during the first year of tenure is deleted. The cost to  
11 refund an amount under \$10 would far exceed the amount  
12 refunded.

13 The reference to hospitals licensed or pending license on  
14 April 1, 1961, and providing a specific type of care or  
15 treatment is deleted. This language no longer applies.

16 One aspect clarifies rulemaking authority for hospital  
17 licensing and inspection. The Department of Inspections and  
18 Appeals is the Medicare survey agency and responsible for  
19 licensing and inspection of hospitals. The Hospital Licensing  
20 Board is created within the Department of Inspections and  
21 Appeals and provides advice and approval of the administrative  
22 rules. In addition the State Board of Health approves the  
23 rules prior to their adoption. The expertise for the  
24 rulemaking is in the Department of Inspections and Appeals.  
25 In addition, courts generally give deference to agency  
26 interpretation of their own rules before interpretation of  
27 another agency's rules. For these reasons, rulemaking for  
28 hospitals should be placed with Inspections and Appeals.

29 Another aspect of this bill clarifies the confidentiality  
30 section. The language is necessary to clarify any questions  
31 regarding confidential information and to ensure protection of  
32 individuals and complainants.

33 The language allowing persons required to have nursing  
34 services for insulin injections in residential care facilities  
35 is necessary to allow diabetics to remain or be placed in

1 these facilities. A mentally retarded person may be diabetic  
2 but does not require other nursing services. Under the  
3 current law, these people would need to be placed in an  
4 intermediate care facility. This allows these people to be  
5 placed in a lesser restrictive facility.

6 Language is being added to clarify what additional  
7 circumstances can justify denial, suspension and revocation of  
8 a license of a health care facility. If a facility has been  
9 found to meet any of the reasons listed under section 135C.10,  
10 the department may deny, suspend, or revoke their license.  
11 The new subsection also provides that if any officer or  
12 individual in a position of control engages in any of the  
13 reasons listed under 135C.10, the license may be denied,  
14 suspended, or revoked. One thing this language does is  
15 prevent a licensee from transferring ownership to another  
16 person, but still being an officer or owning a portion of the  
17 facility. This language is necessary to protect the public  
18 and other facilities.

19 One aspect clarifies rulemaking authority reference for  
20 health care facilities in the Nursing Home Administrators  
21 Board chapter. The current reference is in conflict with  
22 chapter 135C.

23 Another aspect allows that health professional and  
24 occupational boards may request the department to perform  
25 investigations. Utilization of the word "may" allows for  
26 discretion. Many of the boards currently have the department  
27 perform these investigations.

28 Clarification of the responsibilities of the department in  
29 performing inspection functions for professional and  
30 occupational licensing boards of the Department of Public  
31 Health. Chapter 10A states this responsibility, but the  
32 specific Code chapters do not. This language will clarify the  
33 issue.

34 Through the adoption of federal regulations for inspections  
35 of the food establishments, food service establishments,

1 hotels/motels, and vending machine operations, a number of  
2 Code sections are redundant and need to be deleted. In  
3 addition some language referencing municipal corporations  
4 collecting and retaining fees for the establishments they  
5 inspect was omitted in the original legislation. Most of the  
6 language is technical correction.

7 The Department of Inspections and Appeals is responsible  
8 for inspection and licensing of health care facilities, of  
9 which county care facilities are a part. Due to this  
10 responsibility, Inspections and Appeals would be the  
11 appropriate agency to work with the Department of Human  
12 Services in the coordination of standards. These functions  
13 were previously performed by the Department of Health.

14 The decision to transfer a county care facility resident to  
15 a state mental health institute or hospital-school would be  
16 most appropriately made by the Department of Human Services.  
17 The Department of Health is no longer responsible for  
18 functions related to the county care facilities. The  
19 inspection and licensing responsibilities are with Inspections  
20 and Appeals. The Department of Inspections and Appeals does  
21 not see a need to have involvement in this decision.

22 Chapter 10A gives the Department of Inspections and Appeals  
23 the responsibility for certain investigative, audit, and  
24 inspection functions related to human services programs. The  
25 specific Code chapters for these areas does not reference this  
26 responsibility. This language will clarify the functions.

27 Chapter 135A was a result of a federal program. Federal  
28 dollars are no longer available for this program and the  
29 language is no longer applicable. Therefore, the chapter  
30 should be repealed.

31 Repeals duplicative requirements regarding medication  
32 administration requirements in county care facilities. These  
33 facilities are under the jurisdiction of standards for health  
34 care facilities and medication administration requirements are  
35 within those standards.



1 Hospice regulation is an authority of the Department of  
2 Inspections and Appeals and is currently in the chapter for  
3 the Department of Public Health. Technical planning  
4 assistance under chapter 135B is a responsibility of the  
5 Department of Public Health and would be better placed under  
6 their chapter. Moving these references would make access to  
7 information easier for the public.

8 Current chapters under the Code Title assigned to the  
9 Department of Agriculture and Land Stewardship are a  
10 responsibility of the Department of Inspections and Appeals.  
11 These chapters deal with sanitation inspection issues and  
12 would be more properly placed under the Code Title concerning  
13 public health issues.

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## HOUSE FILE 178

## AN ACT

RELATING TO THE DEPARTMENT OF INSPECTIONS AND APPEALS AND ITS LICENSING, RULEMAKING, AND ENFORCEMENT AUTHORITY WITH RESPECT TO HEALTH AND HUMAN RESOURCES MATTERS, AND PROVIDING PROPERLY RELATED MATTERS.

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

Section 1. Section 10A.402, subsection 5, Code 1989, is amended to read as follows:

5. Investigations and collections relative to the liquidation of overpayment debts owed to the department of human services. Collection methods include but are not limited to small claims filings, debt setoff, and repayment agreements, and are subject to approval by the department of human services.

Sec. 2. Section 135B.1, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 4. "Department" means the department of inspections and appeals.

Sec. 3. Section 135B.4, Code 1989, is amended to read as follows:

135B.4 APPLICATION FOR LICENSE.

Licenses shall be obtained from the department of inspections and appeals. Applications shall be upon such forms and shall contain such information as the said department may reasonably require, which may include affirmative evidence of ability to comply with such reasonable standards and rules as may be taxfally prescribed hereunder under this chapter. Each application for license shall be accompanied by the license fee, which shall be refunded to the applicant if the license is denied and which shall be paid over deposited into the state treasury and credited to the

general fund if the license is issued. ~~In case of death of any person holding such license or the sale of any hospital licensed hereunder within the first year of the tenure of such license the department of inspections and appeals shall certify to the director of revenue and finance a claim on behalf of the licensee for refund of a proportionate share of the license fee. Said refund shall be based on one-twelfth the amount thereof multiplied by the remaining months in the year. The director of revenue and finance shall thereupon draw a warrant against the general fund payable to the order of the licensee. Hospitals having fifty beds or less shall pay an initial license fee of fifteen dollars; hospitals of more than fifty beds and not more than one hundred beds shall pay an initial license fee of twenty-five dollars; all other hospitals shall pay an initial license fee of fifty dollars.~~

Sec. 4. Section 135B.5, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Upon receipt of an application for license and the license fee, the department of inspections and appeals shall issue a license if the applicant and hospital facilities comply with the provisions of this chapter and the regulations rules of the said department. Each such licensee, unless sooner suspended or revoked, shall be renewable annually licensee shall receive annual reapproval upon payment of ten dollars and upon filing by the licensee, and approval by the department of inspections and appeals, of an annual report upon such uniform dates and containing such information in such form as the state department of health, with the advice of the hospital licensing board, shall prescribe by regulation of an application form which is available from the department. Licenses issued hereunder shall be either general or restricted in form. ~~In those instances where an applicant for hospital license was licensed as a hospital on December 31, 1967 or had an application for hospital license pending on April 1, 1967 and the facilities of such applicant are~~

~~suitable or adequate for only certain types of hospital care or treatment; the specific types of care or treatment for which such hospital is properly equipped shall be set forth on the face of the license and the lawful operation of the hospital shall be thereby restricted to the types of care and treatment so specified.~~ Each license shall be issued only for the premises and persons or governmental units named in the application and ~~shall~~ is not be transferable or assignable except with the written approval of the department of ~~inspections and appeals.~~ Licenses shall be posted in a conspicuous place on the licensed premises as prescribed by regulation rule of the said department.

Sec. 5. Section 135B.6, Code 1989, is amended to read as follows:

135B.6 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE -- HEARINGS AND REVIEW.

The department of ~~inspections and appeals shall have the authority to~~ may deny, suspend, or revoke a license in any case where it finds that there has been a substantial failure to comply with the provisions of this chapter or the rules or minimum standards ~~promulgated under~~ adopted pursuant to this chapter.

Such ~~a~~ denial, suspension, or revocation shall be effected by mailing to the applicant or licensee by certified mail, or by personal service of, a notice setting forth the particular reasons for such the action. Such ~~a~~ denial, suspension, or revocation shall become effective thirty days after the mailing or service of the notice, unless the applicant or licensee, within such the thirty-day period ~~shall give~~ gives written notice to the department of ~~inspections and appeals~~ requesting a hearing, in which case the notice ~~shall be deemed to be~~ is suspended. If a hearing has been requested, the applicant or licensee shall be given an opportunity for a prompt and fair hearing before the department of ~~inspections and appeals.~~ At any time at or prior to hearing, the

department may rescind the notice of denial, suspension, or revocation upon being satisfied that the reasons for the denial, suspension, or revocation have been or will be removed. On the basis of ~~any such a~~ any such a hearing, or upon default of the applicant or licensee, the determination involved in the notice may be affirmed, modified, or set aside by the department. A copy of ~~such the~~ decision, setting forth the finding of facts and the particular reasons for the decision, shall be sent by certified mail, or served personally upon, the applicant or licensee.

The procedure governing hearings authorized by this section shall be in accordance with rules ~~promulgated~~ adopted by ~~said the~~ department ~~with the advice of the hospital licensing board.~~ A full and complete record shall be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless judicial review is sought pursuant to section 135B.14. A copy or copies of the transcript may be obtained by an interested party on payment of the cost of preparing ~~such the~~ copy or copies. Witnesses may be subpoenaed by either party and shall be allowed fees at a rate prescribed by the ~~aforsaid-rules~~ rule.

Sec. 6. Section 135B.7, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The ~~state department of health~~ with the advice and approval of the hospital licensing board and approval of the state board of health, shall adopt ~~and enforce~~ rules and setting out the standards for the different types of hospitals to be licensed under this chapter, to further the purposes of the chapter. The department shall enforce the rules. Rules or standards shall not be adopted or enforced which would have the effect of denying a license to a hospital or other institution required to be licensed, solely by reason of the school or system of practice employed or permitted to be employed by physicians in the hospital, if the school or system of practice is recognized by the laws of this state.

Sec. 7. Section 135B.9, unnumbered paragraph 1, Code 1989, is amended to read as follows:

~~The department of inspections and appeals shall make or cause to be made such inspections as it may deem deems necessary in order to determine compliance with applicable rules. The Iowa department of public health shall, with the advice of the hospital licensing board, prescribe by regulations that any~~ A licensee or applicant for a license desiring to make ~~specified types~~ a specific type of alteration or addition to its facilities or to construct new facilities shall, before commencing such ~~the~~ alteration, addition, or new construction, submit plans and specifications therefor to the department of ~~inspections and appeals~~ for preliminary inspection and approval or recommendations with respect to compliance with the ~~regulations applicable rules and standards herein authorized.~~

Sec. 8. Section 135B.10, Code 1989, is amended to read as follows:

#### 135B.10 HOSPITAL LICENSING BOARD.

The governor shall appoint five individuals who possess recognized ability in the field of hospital administration, ~~who shall function to serve as and be the hospital licensing board within the department of inspections and appeals.~~

Sec. 9. Section 135B.11, subsections 1 and 2, Code 1989, are amended to read as follows:

1. To consult ~~with~~ and advise ~~with the Iowa~~ department of public health in matters of policy affecting administration of this chapter, and in the development of rules, ~~regulations and standards provided for hereunder~~ under this chapter.

2. To review and approve rules and standards authorized under this chapter prior to their approval by the state board of health and adoption by the department of ~~inspections and appeals.~~

Sec. 10. Section 135B.12, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

#### 135B.12 CONFIDENTIALITY.

The department's final findings or the final survey findings of the joint commission on the accreditation of health care organizations with respect to compliance by a hospital with requirements for licensing or accreditation shall be made available to the public in a readily available form and place. Other information relating to a hospital obtained by the department which does not constitute the department's findings from an inspection of the hospital or the final survey findings of the joint commission on the accreditation of health care organizations shall not be made available to the public, except in proceedings involving the denial, suspension, or revocation of a license under this chapter. The name of a person who files a complaint with the department shall remain 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 or agents involved in the investigation of the complaint.

Sec. 11. Section 135B.13, Code 1989, is amended to read as follows:

#### 135B.13 ANNUAL REPORT OF DEPARTMENT.

The department of ~~inspections and appeals~~ shall prepare and publish an annual report of its activities and operations under this chapter.

Sec. 12. Section 135B.14, Code 1989, is amended to read as follows:

#### 135B.14 JUDICIAL REVIEW.

Judicial review of the action of the department of ~~inspections and appeals~~ may be sought in accordance with the ~~terms of the Iowa administrative procedure Act~~ chapter 17A. Notwithstanding the terms of ~~said~~ chapter 17A, the Iowa administrative procedure Act, petitions for judicial review may be filed in the district court of the county in which the hospital is located or to be located, and the status quo of the petitioner or licensee shall be preserved pending final disposition of the matter in the courts.

Sec. 13. Section 135C.10, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 10. In the case of a license applicant or existing licensee which is an entity other than an individual, the department may deny, suspend, or revoke a license if any individual, who is in a position of control or is an officer of the entity, engages in any act or omission proscribed by this section.

Sec. 14. Section 135C.14, unnumbered paragraph 1, Code Supplement 1989, is amended to read as follows:

The department shall, in accordance with chapter 17A, and with the approval of the state board of health adopt and enforce rules setting minimum standards for health care facilities. In so doing, the department, with the approval of the state board of health, may adopt by reference, with or without amendment, nationally recognized standards and rules, which shall be specified by title and edition, date of publication, or similar information. The rules and standards required by this section shall be formulated in consultation with the director of human services or the director's designee and with affected industry, professional, and consumer groups affected thereby, and shall be designed to further the accomplishment of the purposes of this chapter and shall relate to:

Sec. 15. Section 135C.16, subsection 1, Code 1989, is amended to read as follows:

1. In addition to the inspections required by sections 135C.9 and 135C.18 the department shall make or cause to be made such further unannounced inspections as it may deem deems necessary to adequately enforce this chapter, including at least one general inspection in each calendar year of every licensed health care facility in the state made without providing advance notice of any kind to the facility being inspected. The inspector shall show identification to the person in charge of the facility and state that an inspection

is to be made before beginning the inspection. Any employee of the department who gives unauthorized advance notice of an inspection made or planned to be made under this subsection or section 135C.18 shall be disciplined as determined by the director, except that if the employee is employed pursuant to the merit system provisions of chapter 19A the discipline shall not exceed that authorized pursuant to that chapter.

Sec. 16. Section 135C.19, subsection 2, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Each a citation for a class I or class II violation which is issued to a health care facility and which has become final, or a copy or copies thereof of the citation, shall be prominently posted as prescribed in rules to be adopted by the department, until the violation is corrected to the department's satisfaction. The citation or copy shall be posted in a place or places in plain view of the residents of the facility cited, persons visiting the residents, and persons inquiring about placement in the facility.

Sec. 17. Section 135C.19, subsection 3, Code 1989, is amended to read as follows:

3. If the facility cited subsequently advises the department of human services that the violation has been corrected to the satisfaction of the department of health inspections and appeals, the department of human services must shall maintain this advisory in the same file with the copy of the citation. The department of human services shall not disseminate to the public any information regarding citations issued by the department of health inspections and appeals, but shall forward or refer such inquiries to the department of health inspections and appeals.

Sec. 18. Section 135E.1, subsection 3, Code 1989, is amended to read as follows:

3. "Nursing home" means an institution or facility, or part thereof, whether proprietary or nonprofit, licensed as an intermediate care facility or a skilled nursing facility, but

not including an intermediate care facility for the mentally retarded or an intermediate care facility for the mentally ill, defined as such for licensing purposes under state law or ~~pursuant to the rules for nursing homes promulgated by the state board of health, in consultation with the department of inspections and appeals, whether proprietary or nonprofit~~ administrative rule adopted pursuant to section 135C.2, including but not limited to, a nursing homes home owned or administered by the federal or state government or an agency or political subdivision of government.

Sec. 19. Section 147.87, Code 1989, is amended to read as follows:

147.87 ENFORCEMENT.

The department shall enforce the provisions of this and the following chapters of this title and for that purpose shall ~~may~~ request the department of inspections and appeals to make necessary investigations ~~relative thereto~~. Every licensee and member of an examining board shall furnish the department or the department of inspections and appeals such evidence as the member or licensee may have relative to any alleged violation which is being investigated.

Sec. 20. Section 147.88, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

147.89 INSPECTIONS.

The department of inspections and appeals may perform inspections as required by this title, except for the board of medical examiners, board of pharmacy examiners, board of nursing, and the board of dental examiners. The department of inspections and appeals shall employ personnel related to the inspection functions.

Sec. 21. Section 147.90, Code 1989, is amended to read as follows:

147.90 RULES AND FORMS.

The Iowa department of public health and the department of inspections and appeals shall each establish the necessary

rules and forms for carrying out the duties imposed upon it by ~~the provisions of this and the following chapters of this title.~~

Sec. 22. Section 147.91, subsection 2, Code 1989, is amended to read as follows:

2. The rules of the Iowa department of public health and the department of inspections and appeals relative to licenses.

Sec. 23. Section 157.7, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

157.7 INSPECTORS AND CLERICAL ASSISTANTS.

The department of inspections and appeals shall employ personnel under chapter 19A to perform duties related to inspection functions under this chapter. The department of inspections and appeals shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter 158.

The Iowa department of public health may employ clerical assistants under chapter 19A to administer and enforce this chapter. The costs and expenses of the clerical assistants shall be paid from funds appropriated to the department of public health.

Sec. 24. Section 158.6, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

158.6 INSPECTORS AND CLERICAL ASSISTANTS.

The department of inspections and appeals shall employ personnel under chapter 19A to perform duties related to inspection functions under this chapter. The department of inspections and appeals shall, when possible, integrate inspection efforts under this chapter with inspections conducted under chapter 157.

The Iowa department of public health may employ clerical assistants under chapter 19A to administer and enforce this chapter. The costs and expenses of the clerical assistants shall be paid from funds appropriated to the department of public health.

Sec. 25. Section 170.5, unnumbered paragraph 1, Code 1989, is amended to read as follows:

The department of inspections and appeals, or a municipal corporation pursuant to section 170.55, shall collect the following fees for licenses:

Sec. 26. Section 170.5, unnumbered paragraph 4, Code 1989, is amended to read as follows:

After collection, the fees collected by the department shall be deposited in the general fund of the state. The fees collected by a municipal corporation shall be retained by the corporation for its own use.

Sec. 27. Section 170.8, Code 1989, is amended to read as follows:

170.8 REVOCATION.

Any license issued under this chapter may be revoked by the department for violation by the licensee of any provision of this chapter or any rules of the department adopted pursuant to this chapter.

Sec. 28. Section 170.10, Code 1989, is amended to read as follows:

170.10 FOOD ESTABLISHMENTS WITH PRIVATE WATER AND SEWER FACILITIES.

When a food establishment is served by privately owned water or waste treatment facilities these facilities shall meet the technical requirements of the local board of health, the Iowa department of public health, and the department of natural resources.

Sec. 29. Section 170.16, Code 1989, is amended to read as follows:

170.16 TOILET AND LAVATORY FACILITIES.

A food establishment shall provide toilet and lavatory facilities in accordance with rules adopted by the department pursuant to this chapter 170A.

Sec. 30. Section 170.47, Code 1989, is amended to read as follows:

170.47 INSPECTION UPON COMPLAINT.

Upon receipt of a verified complaint signed by a customer of a food establishment and stating facts indicating the place is in an insanitary condition, the department may shall conduct an inspection.

Sec. 31. Section 170.36, Code 1989, is amended to read as follows:

170.36 ADOPTION BY RULE.

The director shall adopt the retail food store sanitation code by rule as part of the Iowa retail food store sanitation code with the following exception exceptions:

1-2-101 1. 2-101 shall be amended to allow food licensed under chapter 170C or food specified under section 170.1, subsection 2, paragraph "d", to be used or offered for sale.

2. 9-103 shall be deleted. Section 9-103 repeals "all codes and parts of codes in conflict with the retail food store sanitation code."

3. Food establishments shall be inspected before a license is granted and annually thereafter.

Sec. 32. Section 170A.3, Code 1989, is amended to read as follows:

170A.3 ADOPTION BY RULE.

As soon as practicable, the director shall adopt the food service sanitation ordinance, section 170A.2, subsection 12, by rule as part of the Iowa food service sanitation code with the following exceptions:

1. 1-102(h), (i), and (z) shall be deleted. Sections 1-102(h), (i), and (z) define "food processing establishment", "food service establishment", and "temporary food service establishment".

2. 1-104 shall be deleted. Section 1-104 refers to the effective date of the ordinance and repeals all ordinances and parts of ordinances in conflict with the food service sanitation ordinance.

3. 10-101 shall be amended so that the following food service establishments are exempt from the license requirement have the described exemptions:

a. Food service operations in schools are exempt from the license fee requirement.

b. Places used by churches, fraternal societies, and civic organizations which engage in the serving of food not more often than ten times per month once per week are exempt from the license requirement.

~~10-101 shall also be amended so that a license issued by the department of agriculture prior to January 17, 1979, shall be valid until its expiration date. Section 10-101 states general compliance procedures.~~

4. 10-201 shall be amended so that food service operations in schools and summer camps shall be inspected at least once every year instead of twice every year. Section 10-201 refers to the frequency of inspections.

5. 10-601 shall be deleted. Section 10-601 refers to federal penalties.

6. 2-101 shall be amended to allow food licensed under chapter 170C and food specified under section 170.1, subsection 2, paragraph "d", to be used or offered for sale.

Sec. 33. Section 170A.7, Code 1989, is amended to read as follows:

170A.7 TOILET AND LAVATORY FACILITIES.

A food service establishment that is not a mobile food unit, pushcart, or temporary food service establishment shall provide toilet and lavatory facilities in accordance with rules adopted ~~by the department~~ pursuant to this chapter 17A.

Sec. 34. Section 170A.8, Code 1989, is amended to read as follows:

170A.8 PLUMBING IN FOOD SERVICE ESTABLISHMENTS.

A food service establishment shall have an adequately designed plumbing system conforming to at least the minimum requirements of the state plumbing code. The water supply service and sewerage system of a food service establishment shall meet the technical requirements of the local board of health, ~~the Iowa department of public health,~~ and the department of natural resources.

Sec. 35. Section 170A.10, Code 1989, is amended to read as follows:

170A.10 INSPECTION UPON COMPLAINT.

Upon receipt of a verified complaint signed by a customer of a food service establishment and stating facts indicating the place is in an insanitary condition, the regulatory authority ~~may~~ shall conduct an inspection.

Sec. 36. Section 170B.7, Code 1989, is amended to read as follows:

170B.7 LICENSE REVOCATION.

A license issued under the Iowa hotel sanitation code may be revoked by the regulatory authority for violation by the licensee of a provision of the Iowa hotel sanitation code or applicable rule ~~of the department~~ adopted pursuant to this chapter.

Sec. 37. Section 170B.8, Code 1989, is amended to read as follows:

170B.8 TOILET AND LAVATORY FACILITIES.

A hotel shall provide toilet and lavatory facilities in accordance with rules adopted ~~by the department~~ pursuant to this chapter 17A.

Sec. 38. Section 170B.9, unnumbered paragraph 2, Code 1989, is amended to read as follows:

A hotel beyond the reach of a central water or sewerage system shall be served by on-site facilities which meet the technical requirements of the local board of health, ~~the Iowa department of public health,~~ and the department of natural resources.

Sec. 39. Section 170B.15, Code 1989, is amended to read as follows:

170B.15 INSPECTION UPON COMPLAINT.

Upon receipt of a verified complaint signed by a guest of a hotel and stating facts indicating the place is in an insanitary condition, the regulatory authority ~~may~~ shall conduct an inspection.



Sec. 40. Section 191A.1, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 14. "Food and beverage vending machine ordinance" means the 1978 edition of the federal food and drug administration food and beverage vending machine ordinance.

Sec. 41. Section 191A.8, Code 1989, is amended to read as follows:

191A.8 INSPECTION.

The regulatory authority shall inspect all vending machine commissaries at least once each calendar year, and shall inspect representative vending machines and vehicles as often as deemed necessary to determine compliance with this chapter and applicable rules of the department. ~~Section 190B.15 shall be applicable to the operation of vending machines.~~ Upon receipt of a verified complaint signed by a customer of a vending machine and stating facts indicating the machine is in an insanitary condition, the regulatory authority shall conduct an inspection.

Sec. 42. Section 191A.10, Code 1989, is amended by striking the section and inserting in lieu thereof the following:

191A.10 ADOPTION BY RULE.

As soon as practicable, the director shall adopt the food and beverage vending machine ordinance, section 191A.1, subsection 14, by rule as part of the Iowa food and beverage vending machine code with the following exceptions:

1. 1-104 shall be deleted. Section 1-104 states the effective date of the ordinance and repeals all ordinances and parts of ordinances in conflict with the ordinance.

2. 6-601 shall be deleted. Section 6-601 refers to federal penalties.

3. 6-201 shall be amended so that only one inspection per calendar year is required. Section 6-201 refers to the frequency of inspections.

Sec. 43. NEW SECTION. 191A.15 INJUNCTION.

A person operating a vending machine in violation of this chapter may be restrained by injunction from further operating that vending machine. If an imminent health hazard exists, the person shall cease operation of the vending machine and shall not resume operation until authorized by the department.

Sec. 44. NEW SECTION. 191A.16 DUTY OF COUNTY ATTORNEY.

The county attorney in each county shall assist in the enforcement of this chapter.

Sec. 45. Section 225C.4, subsection 1, paragraph 5, Code 1989, is amended to read as follows:

s. In co-operation with the state department of health inspections and appeals, recommend minimum standards under section 227.4 for the care of and services to mentally ill and mentally retarded persons residing in county care facilities.

Sec. 46. Section 227.6, Code 1989, is amended to read as follows:

227.6 REMOVAL OF RESIDENTS.

If a county care facility fails to comply with rules and standards adopted under this chapter, the administrator may remove all mentally ill and mentally retarded persons cared for in the county care facility at public expense, to the proper state mental health institute or hospital-school, or to some private or county institution or hospital for the care of the mentally ill or mentally retarded that has complied with the rules prescribed by the administrator. ~~The removal of residents, if residents being transferred to a state mental health institute or hospital-school, shall be made accompanied by an attendant or attendants sent from the institute or hospital-school.~~ If a resident is removed transferred under this section, at least one attendant shall be of the same sex. If the administrator finds that the needs of mentally ill and mentally retarded residents of any other county or private institution are not being adequately met, those residents may be removed from that institution upon order of the administrator ~~in consultation with the director of public health.~~

Sec. 47. Section 232.142, subsection 5, Code 1989, is amended to read as follows:

5. The director shall approve annually all such homes established and maintained under the provisions of this chapter. ~~No such a home shall not~~ be approved unless it complies with minimal rules and standards adopted by the director ~~and has been inspected by the department of inspections and appeals.~~

Sec. 48. Section 234.12, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Upon request by the department of human services, the department of inspections and appeals shall conduct investigations into possible fraudulent practices, as described in section 234.13, relating to food programs administered by the department of human services.

Sec. 49. Section 235.3, subsection 8, Code Supplement 1989, is amended to read as follows:

8. ~~License and inspect maternity hospitals and private child-placing agencies;~~ make reports regarding them, and revoke such licenses.

Sec. 50. Section 235.5, Code 1989, is amended to read as follows:

235.5 LICENSES.

Licenses issued to ~~maternity hospitals,~~ private boarding homes for children, and private child-placing agencies by the administrator, shall remain in effect for the period for which issued, unless sooner revoked according to law. Thereafter ~~it shall be the duty of~~ each of such agencies to ~~shall~~ apply to the administrator for a new license, and to ~~shall~~ submit to such rules regarding ~~the same licensing~~ as the administrator ~~may prescribe prescribes.~~

Sec. 51. NEW SECTION. 235.5A INSPECTIONS.

The department of inspections and appeals shall conduct inspections of private institutions for the care of dependent, neglected, and delinquent children in accordance with procedures established pursuant to chapters 10A and 17A.

Sec. 52. Section 235B.1, subsection 8, paragraph a, Code 1989, is amended to read as follows:

a. If, upon completion of the evaluation or upon referral from the  ~~Iowa~~ department of ~~public health inspections and appeals,~~ the department of human services determines that the best interests of the dependent adult require district court action, the department shall initiate action for the appointment of a guardian or conservator or for admission or commitment to an appropriate institution or facility pursuant to the applicable procedures under chapter 125, 222, 229, or 633. The appropriate county attorney shall assist the department in the preparation of the necessary papers to initiate the action and shall appear and represent the department at all district court proceedings.

Sec. 53. Section 237.7, Code 1989, is amended to read as follows:

237.7 REPORTS AND INSPECTIONS.

The administrator may require submission of reports by a licensee, and shall cause at least one annual unannounced inspection of each facility to assess the quality of the living situation and to determine compliance with applicable requirements and standards. The inspections shall be conducted by the department of inspections and appeals. The administrator ~~director of the department of inspections and appeals~~ may examine records of a licensee, including but not limited to corporate records and board minutes, and may inquire into matters concerning a licensee and its employees relating to requirements and standards for child foster care under this chapter.

Sec. 54. Section 237A.8, Code 1989, is amended to read as follows:

237A.8 SUSPENSION AND REVOCATION.

The administrator, after notice and opportunity for an evidentiary hearing ~~before the department of inspections and appeals,~~ may suspend or revoke a license or certificate of

registration issued under this chapter if the person to whom a license or certificate is issued violates a provision of this chapter or if the person makes false reports regarding the operation of the child day care facility to the administrator or a designee of the administrator. The administrator shall notify the parent, guardian, or legal custodian of each child for whom the person provides child day care, if the license or certificate of registration is suspended or revoked or if there has been a substantiated child abuse case against an employee, owner, or operator of the child day care facility.

Sec. 55. Section 238.19, Code 1989, is amended to read as follows:

238.19 INSPECTION GENERALLY.

~~Authorized officers and agents~~ employees of the administrator department of inspections and appeals may inspect the premises and conditions of such the agency at any time and examine every part thereof ~~of the agency~~; and may inquire into all matters concerning ~~such agencies~~ the agency and the children in the care thereof ~~of the agency~~.

Sec. 56. Section 238.20, Code 1989, is amended to read as follows:

238.20 MINIMUM INSPECTION -- RECORD.

~~Authorized officers and agents~~ employees of the administrator department of inspections and appeals shall visit and inspect the premises of licensed child-placing agencies at least once every six months and make and preserve written reports of the conditions found.

Sec. 57. Section 238.21, Code 1989, is amended to read as follows:

238.21 OTHER INSPECTING AGENCIES.

~~Authorized agents of the Iowa department of public health and of the local board of health in whose jurisdiction a licensed child-placing agency is located~~ may make inspection of the premises.

Sec. 58. Section 239.7, Code 1989, is amended to read as follows:

239.7 APPEAL -- JUDICIAL REVIEW.

If an application is not acted upon within a reasonable time, if it is denied in whole or in part, or if any an award of assistance is modified, suspended, or canceled under any a provision of this chapter, the applicant or recipient may appeal to the department of human services which shall request the department of inspections and appeals to conduct a hearing. ~~The department shall give the appellant reasonable notice and opportunity for a fair hearing before the director or the director's designee.~~ Upon completion of a hearing, ~~the department of inspections and appeals shall issue a decision which is subject to review by the department of human services.~~ Judicial review of the ~~results of such hearing~~ actions of the department of human services may be sought in accordance with ~~the terms of the Iowa administrative procedure Act chapter 17A.~~ Upon receipt of ~~the a~~ notice of the filing of a petition for judicial review, the department of human services shall furnish the petitioner with a copy of any papers filed in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision.

Sec. 59. Section 249.5, Code 1989, is amended to read as follows:

249.5 JUDICIAL REVIEW.

If an application is not acted upon within a reasonable time, if it is denied in whole or in part, or if any an award of assistance is modified, suspended, or canceled under any a provision of this chapter, the applicant or recipient may appeal to the department of human services, which shall ~~give the appellant reasonable notice and opportunity for a fair hearing before the director or the director's designee~~ request the department of inspections and appeals to conduct a hearing. Upon completion of a hearing, ~~the department of~~

inspections and appeals shall issue a decision which is subject to review by the department of human services. Judicial review of the actions of the commission department of human services may be sought in accordance with the terms of the Iowa administrative procedure Act chapter 17A. Upon receipt of the petition for judicial review, the department of human services shall furnish the petitioner with a copy of any papers filed by the petitioner in support of the petitioner's position, a transcript of any testimony taken, and a copy of the department's decision.

Sec. 60. Section 249.11, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department of inspections and appeals shall conduct investigations and audits as deemed necessary to ensure compliance with state supplementary assistance programs administered under this chapter. The department of inspections and appeals shall cooperate with the department of human services on the development of procedures relating to such investigations and audits to ensure compliance with federal and state single state agency requirements.

Sec. 61. Section 249A.4, subsection 10, Code Supplement 1989, is amended to read as follows:

10. Shall provide for granting an opportunity for a fair hearing before the director of human services or the director's authorized representative department of inspections and appeals to any an individual whose claim for medical assistance under this chapter is denied or is not acted upon with reasonable promptness. Upon completion of a hearing, the department of inspections and appeals shall issue a decision which is subject to review by the department of human services.

Sec. 62. Section 249A.4, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

Judicial review of the actions decisions of the director or department of human services may be sought in accordance with the terms of the Iowa administrative procedure Act chapter 17A. In the event if a petition for judicial review is filed, the director or the director's authorized representative department of human services shall furnish the petitioner with a copy of the application and all supporting papers, a transcript of the testimony taken at the hearing, if any, and a copy of its decision.

Sec. 63. Section 249A.7, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department of inspections and appeals shall conduct investigations and audits as deemed necessary to ensure compliance with the medical assistance program administered under this chapter. The department of inspections and appeals shall cooperate with the department of human services on the development of procedures relating to such investigations and audits to ensure compliance with federal and state single state agency requirements.

Sec. 64. Section 600.2, subsection 2, Code 1989, is amended to read as follows:

2. "Investigator" means a natural person who is certified or approved, by the department of human services, after inspection by the department of inspections and appeals, as being capable of conducting an investigation under section 600.8.

Sec. 65. REPEALS.

1. Chapter 135A, Code 1989, is repealed.
2. Sections 147.116, 170.12, 170.19, 170.25, 170.26, 170.27, 170.28, 191A.9, and 253.12, Code 1989, are repealed.

Sec. 66. CODIFICATION TRANSFERS.

1. The Code editor shall transfer sections 135.90 through 135.96 to a new chapter.
2. The Code editor shall transfer chapters 170, 170A, 170B, and 191A to Title VII of the Code, unless the Code

editor determines that a different Code arrangement would be preferable.

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 178, Seventy-third General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved April 27, 1990

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TERRY E. BRANSTAD  
Governor