

(P.638) 3-15-94 Human Res.  
(P.900) 3-25-94 House & Do Pass

FILED FEB 24 1994

SENATE FILE 2203

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 2148)

(P.665)

P.1722

Passed Senate, Date 3/15/90

Passed House, Date 4-15-94

Vote: Ayes 50 Nays 0

Vote: Ayes 98 Nays 0

Approved May 4, 1994

A BILL FOR

1 An Act relating to health care facilities by providing for  
2 special classifications of care and by determining the  
3 application of licensing requirements to adult day care and  
4 respite care services.

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

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

S.F. 2203

1 Section 1. Section 135C.1, Code 1993, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 1A. "Adult day care services" means an  
4 organized program of supportive care provided for sixteen  
5 hours or less in a twenty-four-hour period to persons who  
6 require support and assistance on a regular or intermittent  
7 basis in a licensed health care facility."

8 NEW SUBSECTION. 17A. "Respite care services" means an  
9 organized program of temporary supportive care provided for  
10 twenty-four hours or more to a person in order to relieve the  
11 usual caregiver of the person from providing continual care to  
12 the person.

13 Sec. 2. Section 135C.2, subsection 3, Code 1993, is  
14 amended to read as follows:

15 ~~3. The department shall establish by administrative rule,~~  
16 ~~within the residential care facility category, a special~~  
17 ~~classification for residential facilities intended to serve~~  
18 ~~mentally ill individuals.~~

19 a. The department shall establish by administrative rule  
20 the following special classifications:

21 (1) Within the residential care facility category, a  
22 special license classification for residential facilities  
23 intended to serve persons with mental illness.

24 (2) Within the nursing facility category, a special  
25 license classification for nursing facilities which designate  
26 and dedicate the facility or a special unit within the  
27 facility to provide care for persons who suffer from chronic  
28 confusion or a dementing illness. A nursing facility which  
29 designates and dedicates the facility or a special unit within  
30 the facility for the care of persons who suffer from chronic  
31 confusion or a dementing illness shall be specially licensed.  
32 For the purposes of this subsection, "designate" means to  
33 identify by a distinctive title or label and "dedicate" means  
34 to set apart for a definite use or purpose and to promote that  
35 purpose.

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

14     c. The rules adopted for intermediate care facilities for  
15 the mentally retarded shall be consistent with, but no more  
16 restrictive than, the federal standards for intermediate care  
17 facilities for the mentally retarded established pursuant to  
18 the federal Social Security Act, § 1905(c)(d), as codified in  
19 42 U.S.C. § 1396d, in effect on January 1, 1989. However, in  
20 order to be licensed the state fire marshal must certify to  
21 the department an intermediate care facility for the mentally  
22 retarded as meeting the applicable provisions of either the  
23 health care occupancies chapter or the residential board and  
24 care chapter of the life safety code of the national fire  
25 protection association, 1985 edition. The department shall  
26 adopt additional rules for intermediate care facilities for  
27 the mentally retarded pursuant to section 135C.14, subsection  
28 8.

29     d. Notwithstanding the limitations set out in this  
30 subsection regarding rules for intermediate care facilities  
31 for the mentally retarded, the department shall consider the  
32 federal interpretive guidelines issued by the federal health  
33 care financing administration when interpreting the  
34 department's rules for intermediate care facilities for the  
35 mentally retarded. This use of the guidelines is not subject

1 to the rulemaking provisions of sections 17A.4 and 17A.5, but  
2 the guidelines shall be published in the Iowa administrative  
3 bulletin and the Iowa administrative code.

4 Sec. 3. Section 135C.2, Code 1993, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 6. a. This chapter shall not apply to  
7 adult day care services provided in a health care facility.  
8 However, adult day care services shall not be provided by a  
9 health care facility to persons requiring a level of care  
10 which is higher than the level of care the facility is  
11 licensed to provide.

12 b. The level of care certification provisions pursuant to  
13 sections 135C.3 and 135C.4, the license application and fee  
14 provisions pursuant to section 135C.7, and the involuntary  
15 discharge provisions pursuant to section 135C.14, subsection  
16 8, shall not apply to respite care services provided in a  
17 health care facility. However, respite care services shall  
18 not be provided by a health care facility to persons requiring  
19 a level of care which is higher than the level of care the  
20 facility is licensed to provide.

21 c. The department shall adopt rules to implement this  
22 subsection.

23

#### EXPLANATION

24 This bill provides that the requirements which apply to  
25 health care facilities in general do not apply to adult day  
26 care services and that select provisions which apply to health  
27 care facilities in general do not apply to respite care  
28 services, as defined in the bill, provided through admission  
29 to a nursing facility, an intermediate care facility for the  
30 mentally ill, an intermediate care facility for the mentally  
31 retarded, or a residential care facility. The bill authorizes  
32 the department to adopt rules to implement those provisions.  
33 The bill also provides for the establishment of special  
34 classifications of facilities including residential facilities  
35 for persons with mental illness and nursing facilities for the

1 care of persons who suffer from chronic confusion or a  
2 dementing illness.

- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35

Judge-Chair  
Bartz  
Lloyd-Jones

SSB-2148  
Human Resources

SENATE/HOUSE FILE 2203  
BY (PROPOSED DEPARTMENT OF  
INSPECTIONS AND APPEALS  
BILL)

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

A BILL FOR

1 An Act relating to health care facilities by providing for  
2 special classifications of care and by determining the  
3 application of licensing requirements to adult day care and  
4 respite care services.

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

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

1 Section 1. Section 135C.1, Code 1993, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 1A. "Adult day care services" means an  
4 organized program of supportive care provided for sixteen  
5 hours or less in a twenty-four-hour period to persons who  
6 require support and assistance on a regular or intermittent  
7 basis in a licensed health care facility.

8 NEW SUBSECTION. 17A. "Respite care services" means an  
9 organized program of temporary supportive care provided for  
10 twenty-four hours or more to a person in order to relieve the  
11 usual caregiver of the person from providing continual care to  
12 the person.

13 Sec. 2. Section 135C.2, subsection 3, Code 1993, is  
14 amended to read as follows:

15 ~~3. The department shall establish by administrative rule,~~  
16 ~~within the residential care facility category, a special~~  
17 ~~classification for residential facilities intended to serve~~  
18 ~~mentally ill individuals.~~

19 a. The department shall establish by administrative rule  
20 the following special classifications:

21 (1) Within the residential care facility category, a  
22 special license classification for residential facilities  
23 intended to serve persons with mental illness.

24 (2) Within the nursing facility category, a special  
25 license classification for nursing facilities which designate  
26 and dedicate the facility or a special unit within the  
27 facility to provide care for persons who suffer from chronic  
28 confusion or a dementing illness. A nursing facility which  
29 designates and dedicates the facility or a special unit within  
30 the facility for the care of persons who suffer from chronic  
31 confusion or a dementing illness shall be specially licensed.  
32 For the purposes of this subsection, "designate" means to  
33 identify by a distinctive title or label and "dedicate" means  
34 to set apart for a definite use or purpose and to promote that  
35 purpose.

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

14     c. The rules adopted for intermediate care facilities for  
15 the mentally retarded shall be consistent with, but no more  
16 restrictive than, the federal standards for intermediate care  
17 facilities for the mentally retarded established pursuant to  
18 the federal Social Security Act, § 1905(c)(d), as codified in  
19 42 U.S.C. § 1396d, in effect on January 1, 1989. However, in  
20 order to be licensed the state fire marshal must certify to  
21 the department an intermediate care facility for the mentally  
22 retarded as meeting the applicable provisions of either the  
23 health care occupancies chapter or the residential board and  
24 care chapter of the life safety code of the national fire  
25 protection association, 1985 edition. The department shall  
26 adopt additional rules for intermediate care facilities for  
27 the mentally retarded pursuant to section 135C.14, subsection  
28 8.

29     d. Notwithstanding the limitations set out in this  
30 subsection regarding rules for intermediate care facilities  
31 for the mentally retarded, the department shall consider the  
32 federal interpretive guidelines issued by the federal health  
33 care financing administration when interpreting the  
34 department's rules for intermediate care facilities for the  
35 mentally retarded. This use of the guidelines is not subject



1 to the rulemaking provisions of sections 17A.4 and 17A.5, but  
2 the guidelines shall be published in the Iowa administrative  
3 bulletin and the Iowa administrative code.

4 Sec. 3. Section 135C.2, Code 1993, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 6. a. This chapter shall not apply to  
7 adult day care services provided in a health care facility.  
8 However, adult care services shall not be provided by a health  
9 care facility to persons requiring a level of care which is  
10 higher than the level of care the facility is licensed to  
11 provide.

12 b. The level of care certification provisions pursuant to  
13 sections 135C.3 and 135C.4, the license application and fee  
14 provisions pursuant to section 135C.7, and the involuntary  
15 discharge provisions pursuant to section 135C.14, subsection  
16 8, shall not apply to respite care services provided in a  
17 health care facility.

18 c. The department shall adopt rules to implement this  
19 subsection.

20 EXPLANATION

21 This bill provides that the requirements which apply to  
22 health care facilities in general do not apply to adult day  
23 care services and that select provisions which apply to health  
24 care facilities in general do not apply to respite care  
25 services, as defined in the bill, provided through admission  
26 to a nursing facility, an intermediate care facility for the  
27 mentally ill, an intermediate care facility for the mentally  
28 retarded, or a residential care facility. The bill authorizes  
29 the department to adopt rules to implement those provisions.  
30 The bill also provides for the establishment of special  
31 classifications of facilities including residential facilities  
32 for persons with mental illness and nursing facilities for the  
33 care of persons who suffer from chronic confusion or a  
34 dementing illness.

35 BACKGROUND STATEMENT

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

SUBMITTED BY THE AGENCY

This bill provides that certain provisions under chapter 135C, under which health care facilities are regulated, do not apply to admissions to health care facilities for the purposes of adult day care services or respite care services. Adult day care and respite care services are defined. The purpose of this bill is to provide flexibility for facilities in serving people in the community with short-term needs, without requiring compliance with all rules which apply to services for persons with long-term needs.

The bill also codifies language from Senate File 2221, enacted by the Seventy-third General Assembly, which relates to licensing designated and dedicated chronic confusion and dementing illness nursing facilities or units of facilities. Codification is needed to clarify the authority of the department of inspections and appeals to require licensure of these units and facilities.

SENATE FILE 2203

AN ACT

RELATING TO HEALTH CARE FACILITIES BY PROVIDING FOR SPECIAL CLASSIFICATIONS OF CARE AND BY DETERMINING THE APPLICATION OF LICENSING REQUIREMENTS TO ADULT DAY CARE AND RESPITE CARE SERVICES.

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

Section 1. Section 135C.1, Code 1993, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "Adult day care services" means an organized program of supportive care provided for sixteen hours or less in a twenty-four-hour period to persons who require support and assistance on a regular or intermittent basis in a licensed health care facility.

NEW SUBSECTION. 17A. "Respite care services" means an organized program of temporary supportive care provided for twenty-four hours or more to a person in order to relieve the usual caregiver of the person from providing continual care to the person.

Sec. 2. Section 135C.2, subsection 3, Code 1993, is amended to read as follows:

~~3. The department shall establish by administrative rule within the residential care facility category, a special classification for residential facilities intended to serve mentally ill individuals:~~

a. The department shall establish by administrative rule the following special classifications:

(1) Within the residential care facility category, a special license classification for residential facilities intended to serve persons with mental illness.

(2) Within the nursing facility category, a special license classification for nursing facilities which designate and dedicate the facility or a special unit within the facility to provide care for persons who suffer from chronic confusion or a dementing illness. A nursing facility which designates and dedicates the facility or a special unit within the facility for the care of persons who suffer from chronic confusion or a dementing illness shall be specially licensed. For the purposes of this subsection, "designate" means to identify by a distinctive title or label and "dedicate" means to set apart for a definite use or purpose and to promote that purpose.

b. The department may also establish by administrative rule special classifications within the residential care facility, intermediate care facility for the mentally ill, intermediate care facility for the mentally retarded, or nursing facility categories, for facilities intended to serve individuals who have special health care problems or conditions in common. Rules establishing a special classification shall define the problem or condition to which the special classification is relevant and establish requirements for an approved program of care commensurate with the problem or condition, and. The rules may grant special variances or considerations to facilities licensed within the special classification.

c. The rules adopted for intermediate care facilities for the mentally retarded shall be consistent with, but no more restrictive than, the federal standards for intermediate care facilities for the mentally retarded established pursuant to the federal Social Security Act, § 1905(c)(d), as codified in

42 U.S.C. § 1396d, in effect on January 1, 1989. However, in order to be licensed the state fire marshal must certify to the department an intermediate care facility for the mentally retarded as meeting the applicable provisions of either the health care occupancies chapter or the residential board and care chapter of the life safety code of the national fire protection association, 1985 edition. The department shall adopt additional rules for intermediate care facilities for the mentally retarded pursuant to section 135C.14, subsection 8.

d. Notwithstanding the limitations set out in this subsection regarding rules for intermediate care facilities for the mentally retarded, the department shall consider the federal interpretive guidelines issued by the federal health care financing administration when interpreting the department's rules for intermediate care facilities for the mentally retarded. This use of the guidelines is not subject to the rulemaking provisions of sections 17A.4 and 17A.5, but the guidelines shall be published in the Iowa administrative bulletin and the Iowa administrative code.

Sec. 3. Section 135C.2, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 6. a. This chapter shall not apply to adult day care services provided in a health care facility. However, adult day care services shall not be provided by a health care facility to persons requiring a level of care which is higher than the level of care the facility is licensed to provide.

b. The level of care certification provisions pursuant to sections 135C.3 and 135C.4, the license application and fee provisions pursuant to section 135C.7, and the involuntary discharge provisions pursuant to section 135C.14, subsection 8, shall not apply to respite care services provided in a health care facility. However, respite care services shall not be provided by a health care facility to persons requiring

a level of care which is higher than the level of care the facility is licensed to provide.

c. The department shall adopt rules to implement this subsection.

---

LEONARD L. BOSWELL  
President of the Senate

---

HAROLD VAN MAANEN  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2203, Seventy-fifth General Assembly.

---

JOHN F. DWYER  
Secretary of the Senate

Approved *May 4*, 1994

---

TERRY E. BRANSTAD  
Governor