

FEB 7 1995
HUMAN RESOURCES

HOUSE FILE 145
BY RUNNING

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

A BILL FOR

1 An Act relating to the access to nursing facility waiting lists
2 by applicants for admission to a nursing facility and their
3 immediate family members, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 145

1 Section 1. Section 135C.10, Code 1995, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 11. Failure to comply with the require-
4 ments of section 135C.31A regarding the providing of a
5 listing, to an applicant and the applicant's immediate family
6 members, of applicants for admission to a nursing facility.

7 Sec. 2. NEW SECTION. 135C.31A NURSING FACILITY ADMIS-
8 SIONS LISTS -- ACCESS BY FAMILY OF PROSPECTIVE RESIDENT.

9 1. A nursing facility which maintains a listing of
10 applicants for admission shall provide access to the listing
11 to an applicant for admission and the immediate family members
12 of the applicant.

13 2. a. Notwithstanding section 135C.36, a nursing facility
14 is subject to the following penalties:

15 (1) For each of the first three violations of this section
16 within a twelve-month period, a penalty of not less than one
17 thousand dollars and not more than four thousand dollars.

18 (2) For a fourth or subsequent violation of this section
19 whether or not the violation is within the twelve-month
20 period, a penalty of ten thousand dollars.

21 b. A nursing facility is also subject to denial,
22 suspension, or revocation of licensure pursuant to section
23 135C.10 or, in the alternative, may be subject to conditional
24 licensure for a twenty-four-month period or to receivership
25 pursuant to section 135C.12.

26 EXPLANATION

27 This bill requires a nursing facility which maintains a
28 listing of prospective residents for whom appropriate services
29 are available to provide access to the listing to a
30 prospective resident and the immediate family members of the
31 prospective resident. The bill also provides penalties for
32 each of the first three violations of the requirement within a
33 12-month period of not less than \$1,000 and not more than
34 \$4,000 and a penalty of \$10,000 for each subsequent violation
35 whether or not the violation is within the 12-month period.

1 The facility may also be subject to denial, suspension, or
2 revocation of licensure or, in the alternative, may be subject
3 to conditional licensure for a 24-month period or to
4 receivership proceedings for violation of this section.

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**HOUSE FILE 145
FISCAL NOTE**

A fiscal note for House File 145 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

House File 145 allows access to nursing facility waiting lists by applicants for admission and their immediate family members. The bill also provides penalties for noncompliance.

Assumptions

The Department of Inspections and Appeals would assess compliance with this requirement upon receipt of a complaint.

Investigations would be conducted by phone, facsimile machine, and mail.

All instances of substantiated complaints would result in informal and formal hearings.

As the instances of noncompliance cannot be estimated, the fiscal impact of fines resulting from assessed penalties has not been considered.

Fiscal Impact

As the number of complaints regarding this requirement cannot be estimated, the fiscal impact has been determined on a per case basis. The cost per case would consist of the cost included in the investigation, an informal hearing, and a formal hearing.

Cost Per Investigation	\$ 75.00
Cost Per Informal Hearing	228.00
Cost Per Formal Hearing	128.00
Total Cost Per Case	\$ 431.00

Source:

Department of Inspections and Appeals

(LSB 1366hh, LDC)

FILED FEBRUARY 27, 1995

BY DENNIS PROUTY, FISCAL DIRECTOR