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SENATE FILE 2459
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 2353)

Passed Senate, ^(P. 1198) Date 4/2/96 Passed House, Date _____
Vote: Ayes 50 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to risk-based inspections of health care
2 facilities.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2459

1 Section 1. Section 135C.16, subsection 1, Code 1995, is
2 amended to read as follows:

3 1. In addition to the inspections required by sections
4 135C.9 and 135C.38, the department shall make or cause to be
5 made such further unannounced inspections as it deems
6 necessary to adequately enforce this chapter. At least one
7 general unannounced inspection shall be conducted for each
8 health care facility within a ~~fifteen-month~~ thirty-month
9 period. The inspector shall show identification to the person
10 in charge of the facility and state that an inspection is to
11 be made before beginning the inspection. An employee of the
12 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 the discipline authorized pursuant to that
18 chapter.

19 Sec. 2. Section 135C.38, subsection 3, Code 1995, is
20 amended to read as follows:

21 3. An inspection made pursuant to a complaint filed under
22 section 135C.37 need not be limited to the matter or matters
23 complained of, ~~however.~~ However, the inspection shall not be
24 a general inspection unless the complaint inspection coincides
25 with a scheduled general inspection or unless problems in
26 addition to those included in the complaint are visible to the
27 inspector and the facility has a history of noncompliance with
28 statutory or regulatory requirements. Upon arrival at the
29 facility to be inspected, the inspector shall show
30 identification to the person in charge of the facility and
31 state that an inspection is to be made, before beginning the
32 inspection. Upon request of either the complainant or the
33 department or committee, the complainant or the complainant's
34 representative or both may be allowed the privilege of
35 accompanying the inspector during any on-site inspection made

1 pursuant to this section. The inspector may cancel the
2 privilege at any time if the inspector determines that the
3 privacy of any resident of the facility to be inspected would
4 otherwise be violated. The dignity of the resident shall be
5 given first priority by the inspector and others.

6 Sec. 3. RISK-BASED INSPECTIONS.

7 1. The department of inspections and appeals shall develop
8 and implement a risk-based inspection system for health care
9 facilities which are licensed only by the state pursuant to
10 chapter 135C. The risk-based system shall be used in
11 inspections of health care facilities beginning with the first
12 inspection of the facility subsequent to the inspection of
13 that facility during the period of July 1, 1995, through
14 December 31, 1997.

15 2. The department of inspections and appeals shall submit
16 all of the following to the joint appropriations subcommittee
17 on oversight, audit, and government reform, to the governor,
18 and to the legislative fiscal bureau:

19 a. On or before August 1, 1996, a report which includes
20 all of the following:

21 (1) The survey and complaint activities completed in
22 fiscal year 1995-1996 for health care facilities licensed only
23 by the state.

24 (2) The criteria to be used in the risk-based inspections
25 system.

26 b. On or before February 1, 1997, an interim report, and
27 on or before February 1, 1998, a final report regarding the
28 progress of the risk-based inspections system.

29 Any of the reports submitted may also include such
30 additional information as requested by the joint
31 appropriations subcommittee on oversight, audit, and
32 government reform and may contain recommendations by the
33 department of inspections and appeals of legislative action or
34 program change.

35

EXPLANATION

1 This bill provides for changes in the inspection of health
2 care facilities which are licensed only by the state pursuant
3 to chapter 135C. The bill provides that the general
4 unannounced inspections which are currently performed at least
5 once during a 15-month period are now to be performed at least
6 once during a 30-month period. The bill also provides that an
7 inspection performed in response to a complaint filed may be a
8 general inspection if problems in addition to those included
9 in the complaint are visible to the inspector and the facility
10 has a prior history of noncompliance with statutory or
11 regulatory requirements. The bill also requires the
12 department of inspections and appeals to develop and implement
13 a risk-based inspection system, to be implemented during the
14 general inspection performed on a health care facility
15 subsequent to the general inspection performed during the
16 period of July 1, 1995, through December 31, 1997. The bill
17 requires the department of inspections and appeals to submit
18 both interim and final reports regarding the risk-based
19 inspection program to the joint appropriations subcommittee on
20 oversight, audit, and government reform, to the governor, and
21 to the legislative fiscal bureau at times specified in the
22 bill.

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1 Section 1. Section 135.11, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 25. Establish by rule, in cooperation
4 with the department of inspections and appeals, standards for
5 home care aid programs which include, but are not limited to,
6 personnel requirements for home care aid programs not
7 certified under the medical assistance program.

8 Sec. 2. Section 135C.16, subsection 1, Code 1995, is
9 amended to read as follows:

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11 135C.9 and 135C.38, the department shall make or cause to be
12 made such further unannounced inspections as it deems
13 necessary to adequately enforce this chapter. At least one
14 general unannounced inspection shall be conducted for each
15 health care facility within a ~~fifteen-month~~ thirty-month
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17 in charge of the facility and state that an inspection is to
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19 department who gives unauthorized advance notice of an
20 inspection made or planned to be made under this subsection or
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22 director, except that if the employee is employed pursuant to
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8 pursuant to this section. The inspector may cancel the
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13 Sec. 4. RISK-BASED INSPECTIONS.

14 1. The department of inspections and appeals shall develop
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21 December 31, 1997.

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27 all of the following:

28 (1) The survey and complaint activities completed in
29 fiscal year 1995-1996 for health care facilities licensed only
30 by the state.

31 (2) The criteria to be used in the risk-based inspections
32 system.

33 b. On or before February 1, 1997, an interim report, and
34 on or before February 1, 1998, a final report regarding the
35 progress of the risk-based inspections system.

1 Any of the reports submitted may also include such
2 additional information as requested by the joint
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Neuhauer
Ironstal
McLaren

SSB-2353

Appropriations
By
CF 2459

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
CHAIRPERSON MURPHY)

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