

Senate Study Bill 2353

Bill Text

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1 1 Section 1. Section [135C.16](#), subsection 1, Code 1995, is
1 2 amended to read as follows:

1 3 1. In addition to the inspections required by sections
1 4 135C.9 and 135C.38, the department shall make or cause to be
1 5 made such further unannounced inspections as it deems
1 6 necessary to adequately enforce this chapter. At least one
1 7 general unannounced inspection shall be conducted for each
1 8 health care facility within a

~~15~~ fifteen month

~~30~~ thirty-month

1 9 period. The inspector shall show identification to the person
1 10 in charge of the facility and state that an inspection is to
1 11 be made before beginning the inspection. An employee of the
1 12 department who gives unauthorized advance notice of an
1 13 inspection made or planned to be made under this subsection or
1 14 section 135C.38 shall be disciplined as determined by the
1 15 director, except that if the employee is employed pursuant to
1 16 the merit system provisions of chapter 19A the discipline
1 17 shall not exceed the discipline authorized pursuant to that
1 18 chapter.

1 19 Sec. 2. Section [135C.38](#), subsection 3, Code 1995, is
1 20 amended to read as follows:

1 21 3. An inspection made pursuant to a complaint filed under
1 22 section 135C.37 need not be limited to the matter or matters
1 23 complained of

~~;~~ however

~~;~~ However, the inspection shall not be

1 24 a general inspection unless the complaint inspection coincides
1 25 with a scheduled general inspection or unless problems in
1 26 addition to those included in the complaint are visible to the
1 27 inspector and the facility has a history of noncompliance with
1 28 statutory or regulatory requirements. Upon arrival at the
1 29 facility to be inspected, the inspector shall show
1 30 identification to the person in charge of the facility and
1 31 state that an inspection is to be made, before beginning the
1 32 inspection. Upon request of either the complainant or the
1 33 department or committee, the complainant or the complainant's
1 34 representative or both may be allowed the privilege of
1 35 accompanying the inspector during any on-site inspection made
2 1 pursuant to this section. The inspector may cancel the
2 2 privilege at any time if the inspector determines that the
2 3 privacy of any resident of the facility to be inspected would
2 4 otherwise be violated. The dignity of the resident shall be
2 5 given first priority by the inspector and others.

2 6 Sec. 3. RISK-BASED INSPECTIONS.

2 7 1. The department of inspections and appeals shall develop
2 8 and implement a risk-based inspection system for health care
2 9 facilities which are licensed only by the state pursuant to
2 10 chapter 135C. The risk-based system shall be used in
2 11 inspections of health care facilities beginning with the first
2 12 inspection of the facility subsequent to the inspection of
2 13 that facility during the period of July 1, 1995, through
2 14 December 31, 1997.

2 15 2. The department of inspections and appeals shall submit

2 16 all of the following to the joint appropriations subcommittee
2 17 on oversight, audit, and government reform, to the governor,
2 18 and to the legislative fiscal bureau:
2 19 a. On or before August 1, 1996, a report which includes
2 20 all of the following:
2 21 (1) The survey and complaint activities completed in
2 22 fiscal year 1995-1996 for health care facilities licensed only
2 23 by the state.
2 24 (2) The criteria to be used in the risk-based inspections
2 25 system.
2 26 b. On or before February 1, 1997, an interim report, and
2 27 on or before February 1, 1998, a final report regarding the
2 28 progress of the risk-based inspections system.
2 29 Any of the reports submitted may also include such
2 30 additional information as requested by the joint
2 31 appropriations subcommittee on oversight, audit, and
2 32 government reform and may contain recommendations by the
2 33 department of inspections and appeals of legislative action or
2 34 program change.

2 35 EXPLANATION

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

3 23 LSB 4415SC 76

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