

HSB 619

HUMAN RESOURCES

SF 02459

SENATE/HOUSE FILE BY (PROPOSED GOVERNOR'S BILL)

Martin Blodgett Reynolds

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

A BILL FOR

1 An Act relating to regulation and inspection of health care
2 facilities including the establishment of a quality-based
3 inspections system.

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

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1 Section 1. Section 135C.16, subsection 1, Code 1999, 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 Supplement
20 1999, is 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 included in the complaint. However,
24 the inspection shall not be a general inspection unless the
25 complaint inspection coincides with a scheduled general
26 inspection or unless a potential violation, in addition to any
27 alleged violation included in the complaint, is visible to the
28 inspector during the course of the inspection. Upon arrival
29 at the 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

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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. QUALITY-BASED INSPECTIONS.

7 1. The department of inspections and appeals shall develop
8 and implement a quality-based inspections system for health
9 care facilities which are licensed only by the state pursuant
10 to chapter 135C. The quality-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 July 1, 2000, through
14 September 1, 2001.

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

19 a. On or before August 1, 2001, a report which includes
20 all of the following:

21 (1) The criteria used in the quality-based inspections
22 system.

23 (2) The survey and complaint activities completed in
24 fiscal year 1999-2000 and fiscal year 2000-2001 for health
25 care facilities licensed only by the state.

26 b. On or before February 1, 2001, an interim report, and
27 on or before August 1, 2001, a final report, regarding the
28 progress in developing and implementing the quality-based
29 inspections system.

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

EXPLANATION

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2 This bill relates to regulation and inspection of health
3 care facilities under the purview of the department of
4 inspections and appeals.

5 The amendment to Code section 135C.16 changes the time
6 frame for general unannounced inspections from at least once
7 during a 15-month period to at least once during a 30-month
8 period.

9 The amendment to Code section 135C.38 provides that an
10 inspection of a health care facility made pursuant to a
11 complaint, which currently need not be limited to the matter
12 or matters included in the complaint and which currently may
13 become a general inspection if the inspection coincides with a
14 scheduled general inspection, under the bill could also become
15 a general inspection if a potential violation, in addition to
16 any alleged violation included in the complaint, is visible to
17 the inspector in the course of the inspection.

18 The bill also provides for the establishment of a quality-
19 based inspections system for health care facilities only
20 licensed by the state. The system is to be implemented in the
21 first inspection of a facility subsequent to the inspection of
22 that facility during the period July 1, 2000, through
23 September 1, 2001. The department is directed to submit a
24 report to the joint appropriations subcommittee on oversight
25 and communications, on or before August 1, 2001, which
26 contains the criteria to be used in the quality-based
27 inspections system and survey and complaint activities of
28 state-licensed health care facilities, completed in FY 1999-
29 2000 and FY 2000-2001. The department is also to submit to
30 the subcommittee an interim report on or before February 1,
31 2001, and a final report on or before August 1, 2001,
32 regarding the progress in developing and implementing the
33 quality-based inspections system. The subcommittee may also
34 request that additional information be included in the reports
35 and the department may include any recommendations in the

1 reports.

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Substituted for by SF 2144

FEB 25 2000

4-19-00
(P. 1619)

Place On Calendar

HOUSE FILE **2459**
BY COMMITTEE ON HUMAN RESOURCES

WITHDRAWN
4-19-00

(SUCCESSOR TO HSB 619)

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

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1 An Act relating to regulation and inspection of health care
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3 inspections system.

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

HOUSE FILE 2459

H-8075

1 Amend House File 2459 as follows:
2 1. Page 1, line 27, by striking the word
3 "visible" and inserting the following: "disclosed or
4 otherwise becomes evident".

By WITT of Black Hawk

H-8075 FILED FEBRUARY 28, 2000

W/D 4/19/00 (P. 1618)

HOUSE FILE 2459

H-8078

1 Amend House File 2459 as follows:
2 1. Page 1, by striking lines 26 and 27 and
3 inserting the following: "inspection or unless a
4 violation, in addition to any alleged violation
5 included in the complaint, is detected by the".

By BLODGETT of Cerro Gordo

H-8078 FILED FEBRUARY 29, 2000

W/D 4/19/00 (P. 1618)

HF 2459

1 Section 1. Section 135C.16, subsection 1, Code 1999, is
2 amended to read as follows:

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10 in charge of the facility and state that an inspection is to
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13 inspection made or planned to be made under this subsection or
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33 department or committee, the complainant or the complainant's
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35 accompanying the inspector during any on-site inspection made

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29 inspections system.

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HOUSE FILE 2459

H-8137

1 Amend House File 2459 as follows:

2 1. Page 2, line 17, by striking the words
3 "oversight and communications," and inserting the
4 following: "administration and regulation, the human
5 resources committees of both houses,".

6 2. Page 2, line 32, by striking the words
7 "oversight and communications" and inserting the
8 following: "administration and regulation and by the
9 human resources committees of both houses".

By BRUNKHORST of Bremer

H-8137 FILED MARCH 1, 2000

W/D
4/19/00 (p. 1618)

HOUSE FILE 2459

H-8172

1 Amend House File 2459 as follows:

2 1. Page 2, line 10, by inserting after the figure
3 "135C." the following: "The department of inspections
4 and appeals shall consult with representatives of
5 health care facilities in developing the quality-based
6 inspections system, including consultation in
7 establishing the criteria to be used under the
8 quality-based inspections system."

By BLODGETT of Cerro Gordo

H-8172 FILED MARCH 6, 2000

W/D
4/19/00 (p. 1618)

HOUSE FILE 2459

H-8238

1 Amend House File 2459 as follows:

2 1. Page 1, by striking lines 26 through 28, and
3 inserting the following: "inspection or unless in the
4 course of the complaint investigation a violation is
5 evident to the inspector. Upon arrival".

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

8 "1A. The department of inspections and appeals
9 shall convene an advisory committee of stakeholders to
10 monitor the development and ongoing refinement of the
11 criteria to be used in conducting a quality-based
12 inspection system. The advisory committee shall
13 consult with the department of inspections and appeals
14 regarding the ongoing distribution of the most current
15 criteria to all appropriate stakeholders."

16 3. By renumbering as necessary.

By BLODGETT of Cerro Gordo

H-8238 FILED MARCH 7, 2000

Adopted
4-19-00
(p. 1618)