

# House Study Bill 619

## Bill Text

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1 1 Section 1. Section [135C.16](#), subsection 1, Code 1999, 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

~~1 9 fifteen month~~

~~1 10 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 Supplement  
1 20 1999, is 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

~~1 24 complained of; however~~

~~1 25 included in the complaint. However,~~

1 24 the inspection shall not be a general inspection unless the  
1 25 complaint inspection coincides with a scheduled general  
1 26 inspection or unless a potential violation, in addition to any  
1 27 alleged violation included in the complaint, is visible to the  
1 28 inspector during the course of the inspection. Upon arrival  
1 29 at the 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. QUALITY-BASED INSPECTIONS.

2 7 1. The department of inspections and appeals shall develop  
2 8 and implement a quality-based inspections system for health  
2 9 care facilities which are licensed only by the state pursuant  
2 10 to chapter 135C. The quality-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 July 1, 2000, through  
2 14 September 1, 2001.

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 and communications, to the governor, and to the  
2 18 legislative fiscal bureau:

2 19 a. On or before August 1, 2001, a report which includes  
2 20 all of the following:

2 21 (1) The criteria used in the quality-based inspections  
2 22 system.

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

2 26 b. On or before February 1, 2001, an interim report, and  
2 27 on or before August 1, 2001, a final report, regarding the  
2 28 progress in developing and implementing the quality-based  
2 29 inspections system.

2 30 Any of the reports submitted may also include such  
2 31 additional information as requested by the joint  
2 32 appropriations subcommittee on oversight and communications  
2 33 and may contain recommendations by the department of  
2 34 inspections and appeals of legislative action or program  
2 35 change.

3 1 EXPLANATION

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

3 5 The amendment to Code section 135C.16 changes the time  
3 6 frame for general unannounced inspections from at least once  
3 7 during a 15-month period to at least once during a 30-month  
3 8 period.

3 9 The amendment to Code section 135C.38 provides that an  
3 10 inspection of a health care facility made pursuant to a  
3 11 complaint, which currently need not be limited to the matter  
3 12 or matters included in the complaint and which currently may  
3 13 become a general inspection if the inspection coincides with a  
3 14 scheduled general inspection, under the bill could also become  
3 15 a general inspection if a potential violation, in addition to  
3 16 any alleged violation included in the complaint, is visible to  
3 17 the inspector in the course of the inspection.

3 18 The bill also provides for the establishment of a quality-  
3 19 based inspections system for health care facilities only  
3 20 licensed by the state. The system is to be implemented in the  
3 21 first inspection of a facility subsequent to the inspection of  
3 22 that facility during the period July 1, 2000, through  
3 23 September 1, 2001. The department is directed to submit a  
3 24 report to the joint appropriations subcommittee on oversight  
3 25 and communications, on or before August 1, 2001, which  
3 26 contains the criteria to be used in the quality-based  
3 27 inspections system and survey and complaint activities of  
3 28 state-licensed health care facilities, completed in FY 1999-  
3 29 2000 and FY 2000-2001. The department is also to submit to  
3 30 the subcommittee an interim report on or before February 1,  
3 31 2001, and a final report on or before August 1, 2001,  
3 32 regarding the progress in developing and implementing the  
3 33 quality-based inspections system. The subcommittee may also  
3 34 request that additional information be included in the reports  
3 35 and the department may include any recommendations in the  
4 1 reports.

4 2 LSB 5700XL 78

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