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2/28/01 Amend/Do Pass
w/ H-1116

FEB 14 2001
STATE GOVERNMENT

HOUSE FILE 256
BY GRUNDBERG

Passed House, ^(P.766) Date 3-19-01 Passed Senate, ^(P.1030) Date 4-9-01
Vote: Ayes 98 Nays 0 Vote: Ayes 45 Nays 0
Approved April 16, 2001

A BILL FOR

1 An Act relating to health care facility regulation, including
2 information to be included in a notice of a deficiency and
3 including the collaboration of the department of inspections
4 and appeals and the state fire marshal in promulgating rules.

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

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HOUSE FILE 256

H-1116

1 Amend House File 256 as follows:

2 1. Page 1, line 17, by inserting after the word
3 "shall" the following: "be provided in a timely
4 manner and shall".

5 2. Page 1, by striking lines 20 and 21 and
6 inserting the following: "notice shall also specify
7 the time allowed for correction".

8 3. Page 1, line 33, by striking the word
9 "collaboration" and inserting the following:
10 "consultation".

11 4. Page 2, line 26, by striking the word
12 "collaboration" and inserting the following:
13 "consultation".

14 5. Title page, line 3, by striking the word
15 "collaboration" and inserting the following:
16 "consultation".

By COMMITTEE ON STATE GOVERNMENT
BY METCALF of Polk, Chairperson

H-1116 FILED FEBRUARY 28, 2001

adopted 3/19/01 (P. 765)

H-256

1 Section 1. Section 135C.9, subsection 1, paragraph b, Code
2 2001, is amended to read as follows:

3 b. The facility has been inspected by the state fire
4 marshal or a deputy appointed by the fire marshal for that
5 purpose, who may be a member of a municipal fire department,
6 and the department has received either a certificate of
7 compliance or a provisional certificate of compliance by the
8 facility with the fire hazard and fire safety rules and
9 standards of the department as promulgated by the fire marshal
10 and, where applicable, the fire safety standards required for
11 participation in programs authorized by either Title XVIII or
12 Title XIX of the United States Social Security Act (42 U.S.C.
13 § 1395 to 139511 and 1396 to 1396g). The certificate or
14 provisional certificate shall be signed by the fire marshal or
15 the fire marshal's deputy who made the inspection. If the
16 state fire marshal or a deputy finds a deficiency upon
17 inspection, the notice to the facility shall specifically
18 describe the nature of the deficiency, identifying the Code
19 section or subsection or the rule or standard violated. The
20 notice shall also specify options for correction of the
21 deficiency and shall specify the time allowed for correction
22 of the deficiency, at the end of which time the fire marshal
23 or a deputy shall perform a follow-up inspection.

24 Sec. 2. Section 135C.9, subsection 2, Code 2001, is
25 amended to read as follows:

26 2. The rules and standards promulgated by the fire marshal
27 pursuant to subsection 1, paragraph "b" of this section shall
28 be substantially in keeping with the latest generally
29 recognized safety criteria for the facilities covered, of
30 which the applicable criteria recommended and published from
31 time to time by the national fire protection association shall
32 be prima facie evidence. The rules and standards promulgated
33 by the fire marshal shall be promulgated in collaboration with
34 the department and shall, to the greatest extent possible, be
35 consistent with rules adopted by the department under this

1 chapter.

2 Sec. 3. Section 135C.14, unnumbered paragraph 1, Code
3 2001, is amended to read as follows:

4 The department shall, in accordance with chapter 17A, and
5 with the approval of the state board of health adopt and
6 enforce rules setting minimum standards for health care
7 facilities. In so doing, the department, with the approval of
8 the state board of health, may adopt by reference, with or
9 without amendment, nationally recognized standards and rules,
10 which shall be specified by title and edition, date of
11 publication, or similar information. The rules and standards
12 required by this section shall be formulated in consultation
13 with the director of human services or the director's
14 designee, with the state fire marshal, and with affected
15 industry, professional, and consumer groups, and shall be
16 designed to further the accomplishment of the purposes of this
17 chapter and shall relate to:

18 Sec. 4. Section 135C.14, subsection 1, Code 2001, is
19 amended to read as follows:

20 1. Location and construction of the facility, including
21 plumbing, heating, lighting, ventilation, and other housing
22 conditions, which shall ensure the health, safety and comfort
23 of residents and protection from fire hazards. The rules of
24 the department relating to protection from fire hazards and
25 fire safety shall be promulgated by the state fire marshal in
26 collaboration with the department, and shall be in keeping
27 with the latest generally recognized safety criteria for the
28 facilities covered of which the applicable criteria
29 recommended and published from time to time by the national
30 fire protection association are prima facie evidence. To the
31 greatest extent possible, the rules promulgated by the state
32 fire marshal shall be consistent with the rules adopted by the
33 department under this chapter.

34 EXPLANATION

35 This bill relates to regulation of health care facilities.

1 The bill provides that if the state fire marshal finds a
2 deficiency during an inspection of a facility prior to
3 issuance of a license, the fire marshal is to provide notice
4 which describes the nature of the deficiency, identifies the
5 Code section or subsection or the rule or standard violated,
6 provides options for correction of the deficiency, and
7 specifies the time allowed for correction of the deficiency at
8 the end of which time the fire marshal is to perform a follow-
9 up inspection. The bill also provides that rules and
10 standards promulgated by the fire marshal are to be
11 promulgated in collaboration with the department of
12 inspections and appeals and, to the greatest extent possible,
13 are to be consistent with the rules adopted by the department
14 under the health care facilities chapter.

15 The bill provides that in adopting rules which establish
16 minimum standards for health care facilities, the department
17 of inspections and appeals is to consult with the state fire
18 marshal. Rules relating to fire hazards and fire safety are
19 to be promulgated by the state fire marshal in collaboration
20 with the department and are to be consistent with the rules
21 adopted by the department.

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^{1/0} S. 4/3/01 ¹¹ Do Pass

HOUSE FILE 256
BY GRUNDBERG

(As Amended and Passed by the House March 19, 2001)

Passed House, Date _____ Passed Senate, Date ^(p.1030) 4-9-01
Vote: Ayes _____ Nays _____ Vote: Ayes 45 Nays 0
Approved April 16, 2001

A BILL FOR

1 An Act relating to health care facility regulation, including
2 information to be included in a notice of a deficiency and
3 including the consultation of the department of inspections
4 and appeals and the state fire marshal in promulgating rules.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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7 House Amendments _____
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1 Section 1. Section 135C.9, subsection 1, paragraph b, Code
2 2001, is amended to read as follows:

3 b. The facility has been inspected by the state fire
4 marshal or a deputy appointed by the fire marshal for that
5 purpose, who may be a member of a municipal fire department,
6 and the department has received either a certificate of
7 compliance or a provisional certificate of compliance by the
8 facility with the fire hazard and fire safety rules and
9 standards of the department as promulgated by the fire marshal
10 and, where applicable, the fire safety standards required for
11 participation in programs authorized by either Title XVIII or
12 Title XIX of the United States Social Security Act (42 U.S.C.
13 § 1395 to 139511 and 1396 to 1396g). The certificate or
14 provisional certificate shall be signed by the fire marshal or
15 the fire marshal's deputy who made the inspection. If the
16 state fire marshal or a deputy finds a deficiency upon
17 inspection, the notice to the facility shall be provided in a
18 timely manner and shall specifically describe the nature of
19 the deficiency, identifying the Code section or subsection or
20 the rule or standard violated. The notice shall also specify
21 the time allowed for correction of the deficiency, at the end
22 of which time the fire marshal or a deputy shall perform a
23 follow-up inspection.

24 Sec. 2. Section 135C.9, subsection 2, Code 2001, is
25 amended to read as follows:

26 2. The rules and standards promulgated by the fire marshal
27 pursuant to subsection 1, paragraph "b" of this section shall
28 be substantially in keeping with the latest generally
29 recognized safety criteria for the facilities covered, of
30 which the applicable criteria recommended and published from
31 time to time by the national fire protection association shall
32 be prima facie evidence. The rules and standards promulgated
33 by the fire marshal shall be promulgated in consultation with
34 the department and shall, to the greatest extent possible, be
35 consistent with rules adopted by the department under this

1 chapter.

2 Sec. 3. Section 135C.14, unnumbered paragraph 1, Code
3 2001, is amended to read as follows:

4 The department shall, in accordance with chapter 17A, and
5 with the approval of the state board of health adopt and
6 enforce rules setting minimum standards for health care
7 facilities. In so doing, the department, with the approval of
8 the state board of health, may adopt by reference, with or
9 without amendment, nationally recognized standards and rules,
10 which shall be specified by title and edition, date of
11 publication, or similar information. The rules and standards
12 required by this section shall be formulated in consultation
13 with the director of human services or the director's
14 designee, with the state fire marshal, and with affected
15 industry, professional, and consumer groups, and shall be
16 designed to further the accomplishment of the purposes of this
17 chapter and shall relate to:

18 Sec. 4. Section 135C.14, subsection 1, Code 2001, is
19 amended to read as follows:

20 1. Location and construction of the facility, including
21 plumbing, heating, lighting, ventilation, and other housing
22 conditions, which shall ensure the health, safety and comfort
23 of residents and protection from fire hazards. The rules of
24 the department relating to protection from fire hazards and
25 fire safety shall be promulgated by the state fire marshal in
26 consultation with the department, and shall be in keeping with
27 the latest generally recognized safety criteria for the
28 facilities covered of which the applicable criteria
29 recommended and published from time to time by the national
30 fire protection association are prima facie evidence. To the
31 greatest extent possible, the rules promulgated by the state
32 fire marshal shall be consistent with the rules adopted by the
33 department under this chapter.

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HOUSE FILE 256

AN ACT

RELATING TO HEALTH CARE FACILITY REGULATION, INCLUDING INFORMATION TO BE INCLUDED IN A NOTICE OF A DEFICIENCY AND INCLUDING THE CONSULTATION OF THE DEPARTMENT OF INSPECTIONS AND APPEALS AND THE STATE FIRE MARSHAL IN PROMULGATING RULES.

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

Section 1. Section 135C.9, subsection 1, paragraph b, Code 2001, is amended to read as follows:

b. The facility has been inspected by the state fire marshal or a deputy appointed by the fire marshal for that purpose, who may be a member of a municipal fire department, and the department has received either a certificate of compliance or a provisional certificate of compliance by the facility with the fire hazard and fire safety rules and standards of the department as promulgated by the fire marshal and, where applicable, the fire safety standards required for participation in programs authorized by either Title XVIII or Title XIX of the United States Social Security Act (42 U.S.C. § 1395 to 139511 and 1396 to 1396g). The certificate or provisional certificate shall be signed by the fire marshal or the fire marshal's deputy who made the inspection. If the state fire marshal or a deputy finds a deficiency upon inspection, the notice to the facility shall be provided in a timely manner and shall specifically describe the nature of the deficiency, identifying the Code section or subsection or the rule or standard violated. The notice shall also specify the time allowed for correction of the deficiency, at the end of which time the fire marshal or a deputy shall perform a follow-up inspection.

Sec. 2. Section 135C.9, subsection 2, Code 2001, is amended to read as follows:

2. The rules and standards promulgated by the fire marshal pursuant to subsection 1, paragraph "b" of this section shall be substantially in keeping with the latest generally recognized safety criteria for the facilities covered, of which the applicable criteria recommended and published from time to time by the national fire protection association shall be prima facie evidence. The rules and standards promulgated by the fire marshal shall be promulgated in consultation with the department and shall, to the greatest extent possible, be consistent with rules adopted by the department under this chapter.

Sec. 3. Section 135C.14, unnumbered paragraph 1, Code 2001, is amended to read as follows:

The department shall, in accordance with chapter 17A, and with the approval of the state board of health adopt and enforce rules setting minimum standards for health care facilities. In so doing, the department, with the approval of the state board of health, may adopt by reference, with or without amendment, nationally recognized standards and rules, which shall be specified by title and edition, date of publication, or similar information. The rules and standards required by this section shall be formulated in consultation with the director of human services or the director's designee, with the state fire marshal, and with affected industry, professional, and consumer groups, and shall be designed to further the accomplishment of the purposes of this chapter and shall relate to:

Sec. 4. Section 135C.14, subsection 1, Code 2001, is amended to read as follows:

1. Location and construction of the facility, including plumbing, heating, lighting, ventilation, and other housing conditions, which shall ensure the health, safety and comfort of residents and protection from fire hazards. The rules of the department relating to protection from fire hazards and fire safety shall be promulgated by the state fire marshal in

consultation with the department, and shall be in keeping with the latest generally recognized safety criteria for the facilities covered of which the applicable criteria recommended and published from time to time by the national fire protection association are prima facie evidence. To the greatest extent possible, the rules promulgated by the state fire marshal shall be consistent with the rules adopted by the department under this chapter.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 256, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved April 16, 2001

THOMAS J. VILSACK
Governor