

House Study Bill 510

Bill Text

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1 1 Section 1. Section [135C.20A](#), subsection 1, Code 2001, is
1 2 amended to read as follows:
1 3 1. The department shall develop and utilize a report card
1 4 system for the recording of the findings of any inspection of
1 5 a health care facility. The report card shall include but is
1 6 not limited to a summary of the findings of the inspection,
1 7 any violation found, any enforcement action taken including
1 8 any citations issued and penalties assessed, any actions taken
1 9 to correct violations or deficiencies, and the nature and
1 10 status of any action taken with respect to any uncorrected
1 11 violation for which a citation was issued. The findings of an
1 12 inspection shall only be made available to the public in
1 13 accordance with the following:
1 14 a. If the health care facility is issued a citation based
1 15 upon the findings of an inspection and contests the citation
1 16 pursuant to section 135C.41, subsection 2, the findings of the
1 17 inspection shall not be made available to the public until the
1 18 results of the informal conference pursuant to section 135C.42
1 19 are available. If the health care facility desires to further
1 20 contest an affirmed or modified citation following an informal
1 21 conference, the findings of the inspection may be made
1 22 available to the public if the format of the report card
1 23 provides for an indication that the citation is contested.
1 24 The report card shall be updated to reflect the final action
1 25 of any contested case proceeding or judicial review of the
1 26 final action.
1 27 b. If the health care facility is issued a citation based
1 28 upon the findings of an inspection and initially contests the
1 29 citation pursuant to section 135C.43, subsection 1, the
1 30 findings of the inspection shall not be made available to the
1 31 public until a final decision is rendered pursuant to section
1 32 17A.15. If the health care facility desires to further
1 33 contest the final decision and petitions for judicial review
1 34 pursuant to section 135C.43, subsection 2, the findings of the
1 35 inspection may be made available to the public if the format
2 1 of the report card provides for an indication that the
2 2 citation is contested. The report card shall be updated to
2 3 reflect the results of judicial review of the final action.
2 4 EXPLANATION
2 5 This bill provides criteria for the release of findings of
2 6 an inspection of a health care facility to the public in a
2 7 report card format. The bill provides that if, following an
2 8 inspection, a health care facility is issued a citation, and
2 9 requests an informal hearing on the citation, the findings of
2 10 the inspection are not to be released to the public until the
2 11 results of the informal hearing are available, and if the
2 12 results of the informal hearing are contested, the findings of
2 13 the inspection may be made available to the public only if the
2 14 report card format provides for an indication that the
2 15 citation is contested. The report card is to be updated to
2 16 reflect the final action of any contested case proceeding or
2 17 judicial review of the final agency action. The bill also
2 18 provides that if, following an inspection, a health care
2 19 facility is issued a citation and formally contests the
2 20 citation, the findings of the inspection are not to be
2 21 released to the public until a final decision is rendered

2 22 under the contested case proceeding. If the health care
2 23 facility desires to further contest the final decision
2 24 rendered under the contested case proceeding and petitions for
2 25 judicial review, the findings of the inspection may be made
2 26 available to the public if the format of the report card
2 27 provides for an indication that the citation is contested.
2 28 The report card is to be updated to reflect the results of
2 29 judicial review of the final agency action.
2 30 LSB 5475HC 79
2 31 pf/cls/14