

House File 235 - Introduced

HOUSE FILE _____
BY BAILEY

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

A BILL FOR

1 An Act relating to involuntary discharge of a resident from the
2 veterans home.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2184HH 83
5 pf/nh/8

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1 1 Section 1. Section 35D.15, Code 2009, is amended to read
1 2 as follows:

1 3 35D.15 RULES ENFORCED == POWER TO SUSPEND AND ~~EXPEL~~
1 4 DISCHARGE MEMBERS.

1 5 1. The commandant shall administer and enforce all rules
1 6 adopted by the commission, including rules of discipline and,
1 7 subject to these rules, may immediately suspend the membership
1 8 of and ~~expel~~ discharge any person from the home for infraction
1 9 of the rules when the commandant determines that the health,
1 10 safety, or welfare of the residents of the home is in
1 11 immediate danger and other reasonable alternatives have been
1 12 exhausted. The suspension and ~~expulsion~~ discharge are
1 13 temporary pending action by the commission. Judicial review
1 14 of the action of the commission may be sought in accordance
1 15 with chapter 17A.

1 16 2. a. The commandant may involuntarily discharge a member
1 17 for any of the following reasons:

1 18 (1) The member has been diagnosed with a substance use
1 19 disorder but continues to abuse alcohol or an illegal drug.

1 20 (2) The member refuses to comply with the member's
1 21 prescribed plan of care or treatment.

1 22 (3) The member requires a level of care not provided at
1 23 the Iowa veterans home.

1 24 (4) The member's medical or life skills needs have been
1 25 met to the extent possible through the services provided by
1 26 the Iowa veterans home and the member no longer requires a
1 27 residential or nursing level of care.

1 28 b. The commission shall adopt rules to enforce this
1 29 subsection.

1 30 c. Any involuntary discharge by the commandant under this
1 31 subsection shall comply with the rules adopted by the

1 32 commission under this subsection and by the department of
1 33 inspections and appeals pursuant to section 135C.14,

1 34 subsection 8, paragraph "f".

1 35 Sec. 2. Section 135C.14, subsection 8, Code 2009, is
2 1 amended by adding the following new paragraph:

2 2 NEW PARAGRAPH. f. The involuntary discharge of a resident
2 3 of the Iowa veterans home including provisions for notice and
2 4 agency hearings, the development of a resident discharge plan,
2 5 and for providing counseling services to a resident being
2 6 discharged. The rules shall provide that a resident may be
2 7 involuntarily discharged for any of the following reasons:

2 8 (1) The resident has been diagnosed with a substance use
2 9 disorder but continues to abuse alcohol or an illegal drug.

2 10 (2) The resident refuses to comply with the resident's
2 11 prescribed plan of care or treatment.

2 12 (3) The resident requires a level of care not provided at
2 13 the Iowa veterans home.

2 14 (4) The resident's medical or life skills needs have been
2 15 met to the extent possible through the services provided by
2 16 the Iowa veterans home and the resident no longer requires a
2 17 residential or nursing level of care.

2 18 EXPLANATION

2 19 This bill provides for the involuntary discharge of a
2 20 resident of the Iowa veterans home by the commandant under

2 21 limited circumstances. The bill specifies the bases for
2 22 involuntary discharge, requires the commission of veterans
2 23 affairs to adopt rules to enforce the bill, and provides that
2 24 any involuntary discharge under the bill must comply with the
2 25 rules adopted by the commission and the rules adopted by the
2 26 department of inspections and appeals under the health care
2 27 facilities chapter (Code chapter 135C). Current
2 28 administrative rules adopted pursuant to Code chapter 135C for
2 29 residential health care facilities and nursing facilities
2 30 relating to involuntary discharge (481 IAC 57.36(1) and 481
2 31 IAC 58.40(1)) provide for involuntary discharge of residents,
2 32 but the current bases are limited and do not include the bases
2 33 provided under the bill which are specific to the Iowa
2 34 veterans home.
2 35 LSB 2184HH 83
3 1 pf/nh/8