

House Study Bill 55 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to exemptions for admission or retention
2 of tenants of assisted living programs who do not meet
3 admission or retention criteria.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 231C.3, subsection 1, Code 2011, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. e. (1) Provisions granting an exemption for
4 admission to or discharge of a tenant from an assisted living
5 program who does not meet admission or retention criteria under
6 state law, if all of the following conditions are met:

7 (a) The tenant, or tenant's legal representative with the
8 approval of the tenant's physician, requests and the assisted
9 living program consents to the tenant's admission or retention.

10 (b) The assisted living program demonstrates the capacity
11 to provide, obtain, or arrange for the provision of necessary
12 services for the tenant, including but not limited to home
13 health care or Medicare-certified hospice program care.

14 (c) The admission or retention of the tenant does not
15 compromise the safety of the tenant, other tenants, or staff.

16 (2) An assisted living program requesting the exemption
17 shall submit a plan to the department specifying how the
18 identified additional needs of the tenant will be safely and
19 appropriately met. The plan shall include, at a minimum, a
20 written description of the services, staffing levels, staff
21 education, training and work experience, and environmental
22 modifications required to guarantee the health, safety,
23 and welfare of the tenant, other tenants, and staff if the
24 exemption is granted. The assisted living program may provide
25 additional staffing to meet the specifications of the plan by
26 any means authorized in subsection 4, as applicable.

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EXPLANATION

28 This bill directs the department of inspections and appeals
29 to adopt rules to provide for the granting of an exemption for
30 admission to or discharge of a tenant from an assisted living
31 program who does not meet admission or retention criteria under
32 state law, if certain conditions are met. The conditions
33 include: the tenant, or tenant's legal representative with the
34 approval of the tenant's physician, requests and the assisted
35 living program consents to the tenant's admission or retention;

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1 the assisted living program demonstrates the capacity to
2 provide, obtain, or arrange for the provision of necessary
3 services for the tenant; and the admission or retention of
4 the tenant does not compromise the health, safety, or welfare
5 of the tenant, other tenants, or staff. Additionally, the
6 assisted living program requesting the exemption must submit a
7 plan to the department specifying how the identified additional
8 needs of the tenant will be safely and appropriately met. The
9 assisted living program may provide additional staffing to meet
10 the specifications of the plan by any means authorized for
11 staffing for assisted living programs.