

House Study Bill 543 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

A BILL FOR

- 1 An Act relating to violations by a health care facility.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135C.36, subsection 5, Code 2022, is
2 amended to read as follows:

3 5. If a facility self-identifies a deficient practice prior
4 to an on-site visit inspection, there has been no complaint
5 filed with the department related to that specific deficient
6 practice, and the facility corrects such practice prior to
7 an inspection, no citation shall be issued or fine assessed
8 pursuant to subsection 2 or 3 except for those penalties
9 arising pursuant to section 135C.33; ~~481 IAC 57.12(2)(d)~~, ~~481~~
10 ~~IAC 57.12(3)~~, ~~481 IAC 57.15(5)~~, ~~481 IAC 57.25(1)~~, ~~481 IAC~~
11 ~~57.39~~, ~~481 IAC 57.11(3)~~ and (7), ~~481 IAC 57.16(3)~~, ~~481 IAC~~
12 ~~57.32~~, ~~481 IAC 57.34(1)~~, ~~481 IAC 58.11(3)~~, ~~481 IAC 58.14(5)~~,
13 ~~481 IAC 58.19(2)(a)~~, ~~481 IAC 58.19(2)(h)~~, ~~481 IAC 58.28(1)(a)~~,
14 ~~481 IAC 58.43~~, ~~481 IAC 62.9(5)~~, ~~481 IAC 62.15(1)(a)~~, ~~481 IAC~~
15 ~~62.19(2)(e)~~, ~~481 IAC 62.19(7)~~, ~~481 IAC 62.23(23)-(25)~~, ~~481 IAC~~
16 ~~63.11(2)(d)~~, ~~481 IAC 63.11(3)~~, ~~481 IAC 63.23(1)(a)~~, ~~481 IAC~~
17 ~~63.37~~, ~~481 IAC 63.8(3)~~, ~~481 IAC 63.27~~, ~~481 IAC 63.29(1)~~, ~~481~~
18 ~~IAC 64.4(9)~~, ~~481 IAC 64.33~~ ~~481 IAC 64.33(2)~~, ~~481 IAC 64.34~~,
19 ~~481 IAC 65.9(5)~~, ~~481 IAC 65.15~~, or ~~481 IAC 65.25(3)-(5)~~ ~~481~~
20 ~~IAC 65.25(3)~~ and (4), or the successor to any of such rules;
21 or ~~42 C.F.R. §483.420(d)~~, ~~42 C.F.R. §483.460(c)(4)~~, or ~~42~~
22 ~~C.F.R. §483.470(j)~~, or the successor to any of such federal
23 regulations.

24

EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill amends Iowa administrative code references for
28 the purposes of the issuance of citations and assessment of
29 fines by the department of inspections and appeals (DIA) for
30 deficient practices of a health care facility.

31 The bill provides that if a facility self-identifies a
32 deficient practice prior to an on-site visit inspection, there
33 has been no complaint filed with DIA related to that specific
34 deficient practice, and the facility corrects such practice
35 prior to an inspection, no citation shall be issued or fine

1 assessed except for those penalties arising pursuant to certain
2 specified Code or administrative code provisions.

3 The bill amends the current listing of Code and
4 administrative code section reference with successor provision
5 references relating to employee criminal record checks, child
6 abuse checks, and dependent adult abuse checks in residential
7 care facilities (481 IAC 57.11(3)); orders for medications
8 and treatments in residential care facilities (481 IAC
9 57.11(7)); notification of the primary care provider of any
10 accident, injury, or adverse change in a resident's condition
11 necessitating physician intervention in residential care
12 facilities (481 IAC 57.16(3)); resident abuse in residential
13 care facilities (481 IAC 57.32); fire safety in residential
14 care facilities (481 IAC 57.34(1)); employee criminal record
15 checks, child abuse checks and dependent adult abuse checks
16 for specialty residential care facilities (481 IAC 63.8(3));
17 resident abuse in specialty residential care facilities
18 (481 IAC 63.27); fire safety in specialty residential care
19 facilities (481 IAC 63.29(1)); separation of accused abusers
20 and victims of dependent adult abuse in intermediate care
21 facilities for the intellectually disabled (481 IAC 64.33(2));
22 and residents' rights relating to allegations and reports of
23 dependent adult abuse in intermediate care facilities for
24 persons with mental illness (481 IAC 65.25(3) and (4)).