

House Study Bill 691 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
HEALTH AND HUMAN SERVICES
BILL BY CHAIRPERSON MEYER)

A BILL FOR

1 An Act relating to health care facilities, including joint
2 training sessions and review of certain citations for
3 nursing facilities, and exceptions to on-site inspections of
4 health care facilities following complaints.

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

1 Section 1. NEW SECTION. 135C.35C Nursing facilities —
2 joint training sessions.

3 The department shall semiannually provide joint training
4 sessions for inspectors and nursing facilities to review at
5 least three of the ten most frequently issued federal citations
6 in the state during the immediately preceding calendar year.
7 The department shall develop a protocol to identify regional
8 citation patterns relating to complaints, standards, and
9 outcomes in the nursing facility inspection process. The
10 department shall include the state long-term care ombudsman,
11 or the state long-term care ombudsman's designee, and
12 representatives of each nursing facility provider association
13 in the state in the planning process for the joint training
14 sessions.

15 Sec. 2. Section 135C.38, subsection 1, paragraph a,
16 unnumbered paragraph 1, Code 2024, is amended to read as
17 follows:

18 Upon receipt of a complaint made in accordance with section
19 135C.37, the department shall make a preliminary review of
20 the complaint. Unless the department concludes that the
21 complaint is intended to harass a facility or a licensee, ~~or~~
22 is without reasonable basis, involves an issue that is either
23 the same subject of an incident self-reported by a facility
24 or of a complaint otherwise reported within the immediately
25 preceding ninety calendar days, or is a complaint that may
26 be investigated by the department off site through access
27 to electronic records and via telephonic interviews, the
28 department shall make or cause to be made an on-site inspection
29 of the health care facility which is the subject of the
30 complaint within the time period determined pursuant to the
31 following guidelines, which period shall commence on the date
32 of receipt of the complaint:

33 Sec. 3. Section 135C.40, subsection 1, Code 2024, is amended
34 by adding the following new paragraph:

35 NEW PARAGRAPH. d. (1) The department shall establish and

1 maintain a process to review each citation issued for immediate
2 jeopardy or substandard quality of care prior to issuance of
3 final findings under section 135C.40A. Representatives of the
4 nursing facility issued such a citation may participate in
5 the review to provide context and evidence for the department
6 to consider in determining if a final finding of immediate
7 jeopardy or substandard quality of care should be issued. The
8 review shall ensure consistent and accurate application of
9 federal and state inspection protocols and defined regulatory
10 standards.

11 (2) For the purposes of this paragraph:

12 (a) "*Immediate jeopardy*" means a situation in which the
13 provider's noncompliance with one or more requirements of
14 participation has caused, or is likely to cause, serious
15 injury, harm, impairment, or death to a resident.

16 (b) "*Likely*" means probable and reasonably to be expected,
17 and suggests a greater degree of probability than a mere risk,
18 potential, or possibility that a particular event will cause
19 serious injury, harm, impairment, or death to a resident.

20 (c) "*Substandard quality of care*" means the same as defined
21 in 42 C.F.R. §488.301.

22 EXPLANATION

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

25 This bill relates to health care facility regulation,
26 including inspections and review of citations.

27 The bill requires the department of inspections, appeals,
28 and licensing (DIAL) to semiannually provide joint training
29 sessions for inspectors and nursing facilities to review at
30 least three of the 10 most frequently issued federal citations
31 in the state during the immediately preceding calendar year.
32 DIAL shall develop a protocol to identify regional citation
33 patterns relating to complaints, standards, and outcomes in
34 the nursing facility inspection process, and shall include the
35 state long-term care ombudsman or designee, and representatives

1 of each nursing facility provider association in the state in
2 the planning process for the joint training sessions.

3 Under Code section 135C.38(1), DIAL, upon receipt of
4 a complaint regarding a health care facility shall make a
5 preliminary review of the complaint and unless DIAL concludes
6 the complaint is intended to harass a facility or licensee or
7 is without a reasonable basis, shall make or cause to be made
8 an on-site inspection of the health care facility. The bill
9 adds additional exceptions to the required on-site inspection
10 including if DIAL concludes that the complaint involves
11 an issue that is either the same subject of an incident
12 self-reported by a health care facility or otherwise reported
13 within the previous 90 calendar days, or is a complaint
14 that may be investigated by DIAL off site through access to
15 electronic records and telephonic interviews.

16 The bill requires DIAL to establish and maintain a process
17 to review each citation issued for immediate jeopardy or
18 substandard quality of care prior to issuance of final findings
19 of an investigation or inspection. Representatives of the
20 nursing facility issued such citation may participate in the
21 review to provide context and evidence for DIAL to consider
22 in determining if a final finding of immediate jeopardy or
23 substandard quality of care should be issued. The review shall
24 ensure consistent and accurate application of federal and state
25 inspection protocols and defined regulatory standards. The
26 bill defines "immediate jeopardy", "likely", and "substandard
27 quality of care".