

Senate File 2304 - Introduced

SENATE FILE 2304

BY CELSI, DONAHUE, DOTZLER,
BISIGNANO, BOULTON,
T. TAYLOR, PETERSEN,
WEINER, QUIRMBACH, JOCHUM,
TRONE GARRIOTT, WINCKLER,
KNOX, WAHLS, and BENNETT

A BILL FOR

1 An Act relating to oversight for long-term care facilities,
2 providing penalties, making an appropriation, and including
3 effective date and retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 10A.904 Definitions.

2 As used in this subchapter, unless the context otherwise
3 requires:

4 1. "*Assisted living program*" or "*program*" means the same as
5 defined in section 231C.2.

6 2. "*Health care facility*" means the same as defined in
7 section 135C.1.

8 3. "*Long-term care facility*" means a health care facility
9 or an assisted living program.

10 4. "*Long-term care facility safety council*" or "*safety*
11 *council*" means the long-term care facility safety council
12 created in section 10A.905.

13 5. "*Resident*" means the same as defined in section 135C.1.

14 6. "*Tenant*" means the same as defined in section 231C.2.

15 Sec. 2. NEW SECTION. 10A.905 Long-term care facility safety
16 council — membership — duties — meetings.

17 1. A long-term care facility safety council is created.

18 a. The safety council shall include the following voting
19 members:

20 (1) The director of health and human services, or the
21 director's designee.

22 (2) The state long-term care ombudsman, or the state
23 long-term care ombudsman's designee.

24 (3) The director of an area agency on aging, or the
25 director's designee.

26 (4) The state director of AARP, or the state director's
27 designee.

28 (5) Three public members appointed by the governor, and
29 subject to confirmation by the senate, who are consumers or
30 members of consumer groups or consumer organizations.

31 b. The safety council shall also include the director or the
32 director's designee as a nonvoting member.

33 2. The long-term care facility safety council shall do all
34 of the following:

35 a. Determine and approve standards, including those relating

1 to health and safety, for long-term care facilities.

2 *b.* Conduct informal conferences and reviews of health care
3 facility applicants and licensees, and assisted living program
4 applicants and certificate holders, and make recommendations
5 for departmental action pursuant to sections 135C.10A and
6 231C.11B.

7 *c.* Review and make recommendations to the department
8 regarding violations and penalties under chapters 135C and
9 231C.

10 *d.* Make recommendations to the department regarding the
11 adoption or amendment of administrative rules.

12 *e.* Review the operation of long-term care facilities for
13 which the department has referred a complaint received by the
14 department to the office of long-term care ombudsman.

15 *f.* Receive recommendations from the state long-term care
16 ombudsman regarding inspections of specific long-term care
17 facilities, and changes in administrative rules regarding the
18 health, safety, welfare, and rights of residents and tenants.

19 *g.* Submit an annual report to the general assembly by
20 October 31 for the immediately preceding fiscal year, including
21 any recommendations for changes in law to better protect
22 residents and tenants, and a summary of all recommendations
23 made by long-term care facilities during informal conferences.

24 3. The members shall elect a public member as the
25 chairperson of the safety council annually.

26 4. The safety council shall hold an organizational meeting
27 in July each year, and meetings shall be held as necessary
28 to enable the safety council to expeditiously discharge its
29 duties. Meeting dates shall be set upon adjournment or by call
30 of the chairperson upon five days' notice to the other members.

31 Sec. 3. Section 135C.1, Code 2024, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 12A. "*Long-term care facility safety*
34 *council*" or "*safety council*" means the long-term care facility
35 safety council created pursuant to section 10A.905.

1 Sec. 4. Section 135C.10, unnumbered paragraph 1, Code 2024,
2 is amended to read as follows:

3 The department shall have the authority to deny, suspend, or
4 revoke a license in any case where the department finds that
5 there has been repeated failure on the part of ~~the~~ a facility
6 to comply with the provisions of **this chapter** or the rules or
7 minimum standards promulgated ~~hereunder~~ under this chapter, or
8 for any of the following reasons:

9 Sec. 5. Section 135C.10, Code 2024, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 12. The facility is issued three or more
12 class I or federal immediate jeopardy violations within a
13 twelve-month period for which a penalty was assessed.

14 Sec. 6. NEW SECTION. 135C.10A **Multiple violations**
15 **within a twelve-month period — informal conference and review**
16 **by long-term care facility safety council — recommended**
17 **departmental actions.**

18 1. At the time the department effects delivery of notice on
19 an applicant or licensee under section 135C.11, based on the
20 department's authority under section 135C.10, subsection 12, to
21 deny, suspend, or revoke a license, the department shall also
22 notify the long-term care facility safety council.

23 2. *a.* The safety council shall hold an informal conference
24 with the applicant or licensee within ten working days of
25 the mailing or service of notice to review the applicant's
26 or licensee's history of violations for which a penalty was
27 assessed under this chapter, and the response by the applicant
28 or licensee in correcting such violations.

29 *b.* Following the informal conference and review, the safety
30 council shall report its findings to the department, including
31 any recommendations for departmental action as authorized under
32 this chapter. The department shall proceed in accordance with
33 the recommendations of the safety council. A health care
34 facility may subsequently request a formal hearing and proceed
35 under section 135C.11.

1 Sec. 7. Section 135C.14, unnumbered paragraph 1, Code 2024,
2 is amended to read as follows:

3 The department shall, in accordance with [chapter 17A](#) and
4 with the approval of the ~~council on health and human services~~
5 long-term care facility safety council, adopt and enforce
6 rules setting minimum standards for health care facilities.
7 In so doing, the department, with the approval of the ~~council~~
8 ~~on health and human services~~ long-term care facility safety
9 council, may adopt by reference, with or without amendment,
10 nationally recognized standards and rules, which shall be
11 specified by title and edition, date of publication, or similar
12 information. The rules and standards required by [this section](#)
13 shall be formulated in consultation with the director of
14 health and human services or the director of health and human
15 services' designee, with the director, with the state long-term
16 care ombudsman, and with affected industry, professional,
17 and consumer groups, and shall be designed to further the
18 accomplishment of the purposes of [this chapter](#) and shall relate
19 to:

20 Sec. 8. Section 135C.14, subsection 5, Code 2024, is amended
21 to read as follows:

22 5. Equipment essential to the health and welfare of the
23 resident. The rules shall require a health care facility
24 that accepts state funding to annually adopt and provide to
25 the department the health care facility's policies regarding
26 competitive procurement for supplies and equipment including
27 transactions and associated reimbursement structures with any
28 related party as defined in section 135C.7A.

29 Sec. 9. Section 135C.14, subsection 8, Code 2024, is amended
30 by adding the following new paragraph:

31 NEW PARAGRAPH. *g.* Facility policies and procedures
32 regarding the use of arbitration agreements. The rules and
33 standards shall prohibit any health care facility that accepts
34 state funding from offering a resident, or requiring a resident
35 to sign, an arbitration agreement that limits the resident's

1 inalienable right to seek full judicial review of a dispute as
2 a precondition for being admitted to the facility.

3 Sec. 10. Section 135C.16, subsection 1, Code 2024, is
4 amended to read as follows:

5 1. In addition to the inspections required by sections
6 135C.9 and 135C.38, the department shall make or cause to be
7 made such further unannounced inspections as it deems necessary
8 to adequately enforce **this chapter**. ~~At~~ On average, at least
9 one general unannounced inspection shall be conducted for each
10 health care facility within a ~~thirty-month~~ twelve-month period,
11 not to exceed a period of fifteen months. The inspector shall
12 show identification to the person in charge of the facility
13 and state that an inspection is to be made before beginning
14 the inspection. An employee of the department who gives
15 unauthorized advance notice of an inspection made or planned
16 to be made under **this subsection** or **section 135C.38** shall be
17 disciplined as determined by the director, except that if the
18 employee is employed pursuant to the merit system provisions of
19 chapter 8A, subchapter IV, the discipline shall not exceed the
20 discipline authorized pursuant to that subchapter.

21 Sec. 11. Section 135C.36, subsection 1, Code 2024, is
22 amended to read as follows:

23 1. A class I violation is one which presents an imminent
24 danger or a substantial probability of resultant death or
25 physical harm to the residents of the facility in which
26 the violation occurs. A physical condition or one or more
27 practices in a facility may constitute a class I violation. A
28 class I violation shall be abated or eliminated immediately
29 unless the department determines that a stated period of time,
30 specified in the citation issued under **section 135C.40**, is
31 required to correct the violation. A licensee is subject to
32 a penalty of not less than ~~two~~ five thousand nor more than
33 ten thousand dollars for each class I violation for which the
34 licensee's facility is cited.

35 Sec. 12. Section 135C.36, Code 2024, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 1A. A class I violation includes any
3 confirmed instance of a facility retaliating against a resident
4 or employee for filing a complaint or otherwise cooperating
5 with the department or the office of long-term care ombudsman.

6 Sec. 13. Section 135C.38, subsection 1, paragraph a, Code
7 2024, is amended to read as follows:

8 a. Upon receipt of a complaint made in accordance with
9 section 135C.37, the department shall make a preliminary review
10 of the complaint. Unless the department concludes that the
11 complaint is intended to harass a facility or a licensee or is
12 without reasonable basis, the department shall make or cause
13 to be made an on-site inspection of the health care facility
14 which is the subject of the complaint within the time period
15 determined pursuant to the following guidelines, which period
16 shall commence on the date of receipt of the complaint:

17 (1) For nursing facilities, an on-site inspection shall be
18 initiated as follows:

19 (a) Within ~~two~~ one working ~~days~~ day for a complaint
20 determined by the department to be an alleged immediate
21 jeopardy situation.

22 (b) Within ~~ten~~ five working days for a complaint determined
23 by the department to be an alleged high-level, nonimmediate
24 jeopardy situation.

25 (c) Within forty-five calendar days for a complaint
26 determined by the department to be an alleged nonimmediate
27 jeopardy situation, other than a high-level situation.

28 (2) For all other types of health care facilities, an
29 on-site inspection shall be initiated as follows:

30 (a) Within ~~two~~ one working ~~days~~ day for a complaint
31 determined by the department to be an alleged immediate
32 jeopardy situation.

33 (b) Within ~~twenty~~ five working days for a complaint
34 determined by the department to be an alleged high-level,
35 nonimmediate jeopardy situation.

1 (c) Within forty-five calendar days for a complaint
2 determined by the department to be an alleged nonimmediate
3 jeopardy situation, other than a high-level situation.

4 Sec. 14. Section 135C.44, Code 2024, is amended to read as
5 follows:

6 **135C.44 Treble Additional fines for repeated violations.**

7 The penalties authorized by section 135C.36 shall be ~~trebled~~
8 quadrupled for a second or subsequent class I ~~or violation and~~
9 tripled for a second or subsequent class II violation occurring
10 within any twelve-month period if a citation was issued for the
11 same class I or class II violation occurring within that period
12 and a penalty was assessed ~~therefor~~ for the violation.

13 Sec. 15. NEW SECTION. **135C.49 Improper influence.**

14 1. A member of the general assembly or an employee of
15 the legislative or executive branch shall not attempt to
16 influence a decision of the department during the course of an
17 investigation, inspection, or appeal under this chapter.

18 2. An allegation of a violation of this section shall
19 be investigated by the office of ombudsman established
20 under section 2C.2. If the office of ombudsman determines a
21 violation of this section has occurred, the office shall report
22 the recommendations, including disciplinary action, pursuant to
23 sections 2C.16 and 2C.19.

24 3. A person who is recommended for disciplinary action for
25 a violation of this section is subject to a civil penalty of
26 up to five thousand dollars per violation. A civil penalty
27 collected pursuant to this section shall be credited to the
28 department, shall be considered repayment receipts as defined
29 in section 8.2, and shall be used by the department to enforce
30 this chapter.

31 4. a. A civil penalty for violations committed by an
32 employee of the executive branch shall be assessed by the
33 department.

34 b. A civil penalty for violations committed by a member or
35 employee of the general assembly shall be assessed pursuant to

1 a resolution approved by a majority of the house in which the
2 member serves or by which the employee is employed. If the
3 general assembly is not in session at the time a recommendation
4 is received from the office of ombudsman, a civil penalty shall
5 be assessed by a majority vote of the legislative council.

6 Sec. 16. Section 231.42, subsection 2, Code 2024, is amended
7 by adding the following new paragraph:

8 NEW PARAGRAPH. *f.* Make recommendations to the long-term
9 care facility safety council created in section 10A.905
10 regarding inspections of specific health care facilities and
11 assisted living programs, and changes in administrative rules
12 regarding the health, safety, welfare, and rights of residents
13 of health care facilities and tenants of assisted living
14 programs.

15 Sec. 17. Section 231C.2, Code 2024, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 7A. *“Long-term care facility safety council”*
18 or *“safety council”* means the long-term care facility safety
19 council created in section 10A.905.

20 Sec. 18. NEW SECTION. 231C.11B **Multiple violations**
21 **within a twelve-month period — informal conference and review**
22 **by long-term care facility safety council — recommended**
23 **departmental actions.**

24 1. At the time the department effects delivery of notice
25 on an applicant or certificate holder under section 231C.11,
26 based on the assisted living program having been issued notice
27 of three violations in a twelve-month period which presented
28 imminent danger or a substantial probability of resultant
29 death or physical harm to a tenant and for which a penalty
30 was assessed under section 231C.14, the department shall also
31 notify the long-term care facility safety council.

32 2. *a.* The safety council shall hold an informal conference
33 with the applicant or certificate holder within ten working
34 days of the mailing or service of notice to review the
35 applicant’s or certificate holder’s history of violations

1 for which a penalty was assessed under this chapter, and the
2 response by the applicant or certificate holder in correcting
3 such violations.

4 b. Following the informal conference and review, the safety
5 council shall report its findings to the department, including
6 any recommendations for departmental action as authorized under
7 this chapter. The department shall proceed in accordance with
8 the recommendations of the safety council. An assisted living
9 program may subsequently request a contested case hearing and
10 proceed under section 231C.9A.

11 Sec. 19. 2023 Iowa Acts, chapter 108, section 7, subsection
12 4, is amended to read as follows:

13 4. HEALTH FACILITIES

14 a. For salaries, support, maintenance, and miscellaneous
15 purposes, and for not more than the following full-time
16 equivalent positions:

17	\$	4,862,971
18		<u>6,262,971</u>
19	FTEs	115.00
20		<u>145.00</u>

21 b. The department shall make all of the following
22 information available to the public as part of the department's
23 development efforts to revise the department's internet site:

24 (1) The number of inspections of health facilities
25 conducted by the department annually by type of service
26 provider and type of inspection.

27 (2) The total annual operations budget for the department
28 that is associated with health facilities regulation, including
29 general fund appropriations and federal contract dollars
30 received by type of service provider inspected.

31 (3) The total number of full-time equivalent positions
32 in the department that are associated with health facilities
33 regulation, to include the number of full-time equivalent
34 positions serving in a supervisory capacity, and serving as
35 surveyors, inspectors, or monitors in the field by type of

1 service provider inspected.

2 (4) Identification of state and federal survey trends,
3 cited regulations, the scope and severity of deficiencies
4 identified, and federal and state fines assessed and collected
5 concerning nursing and assisted living facilities and programs.

6 c. It is the intent of the general assembly that the
7 department continuously solicit input from health facilities
8 regulated by the department to assess and improve the
9 department's level of collaboration and to identify new
10 opportunities for cooperation.

11 d. Of the funds appropriated in this subsection, \$2,400,000
12 shall be used to employ additional nursing facility inspectors
13 and assisted living program monitors to perform additional
14 safety inspections.

15 Sec. 20. STUDY AND RECOMMENDATIONS — SPECIAL FOCUS LIST FOR
16 LONG-TERM CARE FACILITIES. The long-term care facility safety
17 council created in section 10A.905, as enacted in this Act,
18 shall study the feasibility of creating a special focus list
19 for long-term care facilities in the state based on a review
20 of special focus lists in other states. Following completion
21 of the study, the safety council shall submit a report to
22 the general assembly by February 1, 2025, including specific
23 descriptions of successful special focus lists in other states,
24 and recommendations for the creation of a special focus list
25 in Iowa including necessary Code changes and the potential
26 framework for the special focus list.

27 Sec. 21. OFFICE OF LONG-TERM CARE OMBUDSMAN —
28 APPROPRIATION.

29 1. There is appropriated from the general fund of the state
30 to the office of long-term care ombudsman for the fiscal year
31 beginning July 1, 2024, and ending June 30, 2025, the following
32 amount, or so much thereof as is necessary, to be used for the
33 purposes designated:

34 To increase the number of local long-term care ombudsmen,
35 including for salaries, support, administration, maintenance,

1 and miscellaneous purposes:

2 \$ 300,000

3 2. The funding appropriated in this section is in addition
4 to any other funds appropriated from the general fund of the
5 state and any other full-time equivalent positions authorized
6 for local long-term care ombudsmen during the same fiscal
7 year. The funding shall be used to support local ombudsmen in
8 fulfilling their duties pursuant to section 231.42 including
9 to provide the resources necessary to complete site visits and
10 to carry out other duties to protect and improve the health,
11 safety, welfare, and rights of residents and tenants.

12 Sec. 22. CODE EDITOR DIRECTIVE. The Code editor is directed
13 to create a new subchapter X in chapter 10A as follows:
14 subchapter X shall be entitled "Long-term Care Facility Safety
15 Council" and shall include sections 10A.904 and 10A.905.

16 Sec. 23. EFFECTIVE DATE. The following, being deemed of
17 immediate importance, takes effect upon enactment:

18 The section of this Act amending 2023 Iowa Acts, chapter 108,
19 section 7, subsection 4, relating to health facilities.

20 Sec. 24. RETROACTIVE APPLICABILITY. The following applies
21 retroactively to July 1, 2023:

22 The section of this Act amending 2023 Iowa Acts, chapter 108,
23 section 7, subsection 4, relating to health facilities.

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 provides for oversight for long-term care
28 facilities (facilities).

29 The bill creates a long-term care facility safety council
30 (safety council) under the department of inspections, appeals,
31 and licensing (DIAL) to: determine and approve standards,
32 including those relating to health and safety, for long-term
33 care facilities; conduct informal conferences and reviews of
34 health care facility applicants and licensees that have been
35 issued three or more class I violations (a violation which

1 presents an imminent danger or a substantial probability
2 of death or physical harm to the residents of the facility
3 in which the violation occurs) within a 12-month period
4 for which a penalty was assessed, and of assisted living
5 program applicants or certificate holders that have been
6 issued notice of three violations in a 12-month period which
7 presented imminent danger or a substantial probability of
8 resultant death or physical harm to a tenant and for which
9 a penalty was assessed, and make recommendations to DIAL for
10 departmental action; review and make recommendations to DIAL
11 regarding violations and penalties; make recommendations to
12 DIAL regarding the adoption or amendment of administrative
13 rules; review the operation of long-term care facilities for
14 which the department has referred a complaint received by
15 the department to the office of long-term care ombudsman;
16 receive recommendations from the state long-term care ombudsman
17 and submit an annual report to the general assembly with
18 recommendations for changes in law to better protect residents
19 and tenants, and a summary of recommendations made by long-term
20 care facilities in informal conferences. The voting members
21 of the safety council include the director of health and human
22 services, or the director's designee; the state long-term care
23 ombudsman, or the ombudsman's designee; the director of an
24 area agency on aging, or the director's designee; the state
25 director of AARP, or the state director's designee; and three
26 public members, appointed by the governor, and subject to
27 confirmation by the senate. The safety council also includes
28 the director of DIAL, or the director's designee as a nonvoting
29 member. The members shall annually elect a public member as
30 the chairperson of the council. The safety council shall
31 hold an organizational meeting in July each year and hold
32 other meetings as necessary to enable the safety council to
33 expeditiously discharge its duties.

34 The bill provides that at the time DIAL serves notice on an
35 applicant or licensee of a health care facility for denial,

1 suspension, or revocation of a license, because the health
2 care facility has been issued three or more class I violations
3 within a 12-month period for which a penalty was assessed, DIAL
4 shall also notify the safety council. The safety council shall
5 hold an informal conference with the applicant or licensee
6 within 10 working days of the mailing or service of notice to
7 review the applicant's or licensee's history of violations for
8 which a penalty was assessed, and the response by the applicant
9 or licensee in correcting such violations. Following the
10 informal conference and review, the council shall report its
11 findings to DIAL including recommendations for departmental
12 action, in accordance with which DIAL shall proceed. A
13 facility may subsequently request a formal hearing.

14 The bill also requires that at the time DIAL effects
15 delivery of notice on an assisted living program applicant or
16 certificate holder, based on the assisted living program having
17 been issued notice of three violations in a 12-month period
18 which presented imminent danger or a substantial probability
19 of resultant death or physical harm to a tenant, and for which
20 a penalty was assessed, DIAL shall also notify the long-term
21 care facility safety council. As with health care facilities,
22 the safety council shall hold an informal conference with the
23 applicant or certificate holder within 10 working days of
24 the mailing or service of notice to review the applicant's
25 or certificate holder's history of violations for which a
26 penalty was assessed, and the response by the applicant or
27 certificate holder in correcting such violations. Following
28 the informal conference and review, the safety council shall
29 report its findings to DIAL, including any recommendations
30 for departmental action, with which DIAL shall proceed. An
31 assisted living program may subsequently request a contested
32 case hearing.

33 The bill also requires DIAL to adopt and enforce
34 administrative rules that set minimum standards for facilities
35 with the approval of the safety council, rather than the

1 approval of the council on health and human services.

2 Additionally, the rules and standards must be formulated in
3 consultation with the state long-term care ombudsman.

4 The bill requires that the administrative rules and
5 standards to be adopted and enforced by DIAL as part of the
6 rule relating to equipment essential to the health and welfare
7 of the resident, require that a facility that receives state
8 funding annually adopt and provide to the department the
9 facility's policies regarding competitive procurement for
10 supplies and equipment including transactions and associated
11 reimbursement structures with any related party. Additionally,
12 the rules and standards shall include policies and procedures
13 regarding the use of arbitration agreements. Specifically,
14 the rules shall prohibit any facility that accepts state
15 funding from offering a resident, or requiring a resident to
16 sign, an arbitration agreement that limits the resident's
17 inalienable right to seek full judicial review of a dispute as
18 a precondition for being admitted to the facility.

19 The bill increases the monetary amount for the bottom of the
20 range of the penalty for a class I violation by a health care
21 facility from \$2,000 to \$5,000, and maintains the upper part
22 of the range at \$10,000. The bill also increases the penalty
23 for repeated class I violations in a 12-month period for which
24 a penalty is assessed by quadrupling rather than tripling the
25 amount.

26 The bill adds as a class I violation for a health care
27 facility any confirmed instance of a facility retaliating
28 against a resident or employee for filing a complaint or
29 otherwise cooperating with the department or the office of
30 long-term care ombudsman.

31 The bill provides that a member of the general assembly or
32 an employee of the legislative or executive branch shall not
33 attempt to influence a decision of DIAL during the course of
34 an investigation, inspection, or appeal. An allegation of a
35 violation shall be investigated by the office of ombudsman. If

1 the office of ombudsman determines a violation has occurred,
2 the office shall report the recommendations, including
3 disciplinary action, to an agency. A person who is recommended
4 for disciplinary action for a violation is subject to a
5 civil penalty of up to \$5,000 per violation. A civil penalty
6 collected shall be credited to DIAL, considered repayment
7 receipts, and used by DIAL to enforce Code chapter 135C. DIAL
8 shall assess the civil penalty for violations committed by
9 an employee of the executive branch, and a civil penalty for
10 violations committed by a member or employee of the general
11 assembly shall be assessed pursuant to a resolution or by the
12 legislative council if the general assembly is not in session
13 at the time a recommendation is received from the office of
14 ombudsman.

15 The bill requires the long-term care facility safety council
16 to study the feasibility of creating a special focus list for
17 long-term care facilities in the state based on a review of
18 special focus lists in other states, and to submit a report to
19 the general assembly by February 1, 2025, including specific
20 descriptions of successful special focus lists in other states,
21 and recommendations for the creation of a special focus list
22 in Iowa including necessary Code changes and the potential
23 framework for the special focus list.

24 The bill requires that, on average, DIAL perform at least one
25 general unannounced inspection of a health care facility within
26 a 12-month period not to exceed a period of 15 months, rather
27 than the current 30-month period.

28 The bill amends the required time period within which DIAL
29 must respond upon receipt of a complaint. Under the bill, for
30 nursing facilities, an on-site inspection shall be initiated
31 within one working day rather than the current two working days
32 for a complaint determined by DIAL to be an alleged immediate
33 jeopardy situation; and within five rather than the current
34 10 working days for a complaint determined by DIAL to be an
35 alleged high-level, nonimmediate jeopardy situation. Under

1 the bill for all other types of health care facilities, an
2 on-site inspection shall be initiated within one working day
3 rather than two working days for a complaint determined by
4 DIAL to be an alleged immediate jeopardy situation; and within
5 five working days rather than 20 working days for a complaint
6 determined by DIAL to be an alleged high-level, nonimmediate
7 jeopardy situation.

8 The bill includes, as a duty of the state long-term care
9 ombudsman, making recommendations to the long-term care
10 facility safety council.

11 The bill amends the appropriation for FY 2023-2024 to DIAL
12 for health facilities to provide for an increase of \$1.4
13 million and 30.0 additional full-time equivalent positions.
14 Of the total appropriation, \$2.4 million is to be used for
15 additional nursing facility inspectors and assisted living
16 program monitors to perform additional safety inspections.
17 This provision takes effect upon enactment and is retroactively
18 applicable to July 1, 2023.

19 The bill appropriates funds from the general fund of
20 the state to the office of long-term care ombudsman for FY
21 2024-2025 to be used to increase the number of local long-term
22 care ombudsmen. The funding appropriated is in addition to any
23 other funds appropriated from the general fund of the state and
24 any other full-time equivalent positions authorized for local
25 long-term care ombudsmen during the same fiscal year. The
26 funding shall be used to support local ombudsmen in fulfilling
27 their required duties including to provide the resources
28 necessary to complete site visits and to carry out other duties
29 to protect and improve the health, safety, welfare, and rights
30 of residents and tenants.