

Senate File 385 - Introduced

SENATE FILE 385
BY COMMITTEE ON HEALTH AND HUMAN
SERVICES

(SUCCESSOR TO SSB 1081)

(COMPANION TO HF 309 BY COMMITTEE
ON HEALTH AND HUMAN SERVICES)

A BILL FOR

1 An Act relating to the review by the department of inspections,
2 appeals, and licensing of certain deficient practices by
3 nursing facilities.

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

1 Section 1. Section 135C.40, subsection 1, paragraph d,
2 subparagraph (1), Code 2025, is amended to read as follows:

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

15 EXPLANATION

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

18 This bill relates to the review by the department of
19 inspections, appeals, and licensing (DIAL) of certain deficient
20 practices by nursing facilities (facilities).

21 Under current law, if the director of DIAL determines, based
22 on the findings of an inspection or investigation of a facility,
23 that the facility is in violation of Code chapter 135C (health
24 care facilities) or rules adopted under that chapter, the
25 director may issue a written citation to the facility within
26 five days of the determination. After receiving a citation, the
27 facility may send representatives to provide context and evidence
28 for DIAL to consider when determining a final finding on the
29 matter. A citation issued for noncompliance that has caused, or
30 is likely to cause, serious injury, harm, impairment, or death to
31 a resident is a citation for immediate jeopardy.

32 Under the bill, DIAL must establish and maintain a process to
33 review each deficient practice for which a citation may be issued
34 to a facility so that representatives of the facility may provide
35 context or evidence to DIAL prior to DIAL issuing a citation.