

Senate File 531 - Introduced

SENATE FILE 531
BY CELSI

A BILL FOR

1 An Act relating to nursing facilities and submission of the
2 financial and statistical report.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NURSING FACILITIES FINANCIAL AND STATISTICAL
2 REPORT REIMBURSABLE COSTS. The department of health and human
3 services shall adopt rules pursuant to chapter 17A to amend 441
4 IAC 81.6(11)(o) to do all of the following:

5 1. Include the following in certain expenses that are not
6 normally incurred in providing patient care that shall be
7 eliminated or limited from a nursing facility's financial and
8 statistical report:

- 9 a. Association dues.
- 10 b. Fees or a portion of fees used or designated for lobbying.
- 11 c. Nonrefundable and unused retainers.
- 12 d. Fees paid by the nursing facility for the benefit of the
13 nursing facility's employees.
- 14 e. Legal fees, expenses related to expert witnesses,
15 accounting fees, and other consulting fees incurred in
16 an administrative or judicial proceeding unless allowed in
17 subsection 2.

18 2. A nursing facility may include the following in the
19 nursing facility's financial and statistical report in the
20 following circumstances:

21 a. Accounting, consulting, and other professional fees if the
22 fees are directly related to patient care and individually listed
23 in the nursing facility's cost reports.

24 b. Reasonable legal expenses incurred in an administrative or
25 judicial proceeding if all of the following apply:

26 (1) The expense has been incurred and has been paid, and is
27 reported in the fiscal period in which a final determination was
28 made in the administrative or judicial proceeding.

29 (2) The expense is a reasonable expenditure for the
30 services obtained by the nursing facility. Reasonable attorney
31 compensation may not exceed the following:

32 (a) Seventy-eight dollars per hour for a class I violation or
33 an immediate jeopardy safety violation.

34 (b) Seventy-three dollars per hour for a class II violation.

35 (c) Sixty-eight dollars per hour for all other cases.

1 (3) The nursing facility made a good-faith effort to
2 settle the disputed issue before the administrative or judicial
3 proceeding concluded.

4 (4) The facility prevailed on the challenged deficient
5 practice.

6 EXPLANATION

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

9 This bill relates to reimbursable costs submitted by nursing
10 facilities for the financial and statistical report (report).

11 The bill requires the department of health and human services
12 to adopt rules to amend 441 IAC 81.6(11)(o), the reimbursable
13 costs a nursing facility is allowed to submit in the report.

14 A nursing facility shall not include certain expenses in the
15 report that are related to association dues, lobbying costs,
16 retainers, employees, and certain legal fees as detailed in the
17 bill. Certain professional fees and certain legal fees that are
18 directly related to patient-related care may be included in the
19 report as described in the bill.