HOUSE FILE 2585
BY COMMITTEE ON HEALTH AND
HUMAN SERVICES

(SUCCESSOR TO HSB 691)

(As Amended and Passed by the House February 26, 2024)

[= New Language by the House

* = Language Stricken by the House

A BILL FOR

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

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

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

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

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

Upon receipt of a complaint made in accordance with section 135C.37, the department shall make a preliminary review of the complaint. Unless the department concludes that the complaint is intended to harass a facility or a licensee, ~~or~~ is without reasonable basis, involves an issue that is either the same subject of an incident self-reported by a facility [or of a complaint for which the self-reported incident or complaint investigation concluded within the immediately preceding ninety calendar days, or is a complaint that may] be investigated by the department off site through access to electronic records and via telephonic interviews, the department shall make or cause to be made an on-site inspection of the health care facility which is the subject of the complaint within the time period determined pursuant to the following guidelines, which period shall commence on the date of receipt of the complaint:

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

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

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

(2) For the purposes of this paragraph:

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

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

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