

NEW SUBSECTION. Annually inspect for sanitation the areas where food is prepared and where food is served, including but not limited to the utensils, machinery, and other equipment, in the adult penal or correctional facilities operated by the department of social services and in the Eldora training school, the Mitchellville training school, and the Iowa juvenile home. For purposes of this subsection, community-based correctional facilities shall be considered operated by the department of social services.

If a municipal corporation wants its local board of health to make the inspections required by this section on facilities located within its jurisdiction, the municipal corporation may enter into an agreement with the secretary. The secretary may enter into such an agreement if the secretary finds that the local board of health has adequate resources to perform the required functions.

The secretary of agriculture shall prepare a report on the inspections and shall send a copy of the report concerning the adult penal or correctional facilities to the director of the division of corrections of the department of social services. A copy of the report concerning the Eldora training school, the Mitchellville training school, and the Iowa juvenile home shall be sent to the director of the division of child and family services of the department of social services.

Sec. 3. Sections 356.9, 356.10, 356.11, 356.12 and 356.13, Code 1981, are repealed.

Approved May 11, 1981

CHAPTER 60
HEALTH CARE FACILITIES
H. F. 825

AN ACT relating to the rights of residents of health care facilities and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 135C.14, Code 1981, is amended by adding the following new subsection:

NEW SUBSECTION. Facility policies and procedures regarding the treatment, care, and rights of residents. The rules shall apply the federal resident's bill of rights contained in 42 C.F.R.* 442.311, as amended to January 1, 1981, to all health care facilities as defined in this chapter and shall include procedures for implementing and enforcing the federal rules. The department shall also adopt rules relating to the following:

- a. The transfer of residents to other rooms within a facility.
- b. The involuntary discharge or transfer of residents from a facility including provisions for notice and agency hearings and for the development

*Code of Federal Regulations

of a patient discharge or transfer plan and for providing counseling services to a patient being discharged or transferred.

c. The required holding of a bed for a resident under designated circumstances upon payment of a prescribed charge for the bed.

d. The notification of care review committees by the department of all complaints relating to health care facilities and the involvement of the care review committees in resolution of the complaints.

Sec. 2. Chapter 135C, Code 1981, is amended by adding the following new section as section 135C.31:

135C.31 DISCHARGE OF MEDICAID PATIENTS. A resident of a health care facility shall not be discharged solely because the cost of the resident's care is being paid under chapter 249A or because the resident's source of payment is changing from private support to payment under chapter 249A.

Sec. 3. Section 135C.36, subsection 2, Code 1981, is amended to read as follows:

2. A Class II violation is one which has a direct or immediate relationship to the health, safety or security of residents of a health care facility, but which presents no imminent danger nor substantial probability of death or physical harm to them. A physical condition or one or more practices within a facility, including either physical abuse of any resident or failure to treat any resident with consideration, respect and full recognition of the resident's dignity and individuality, in violation of a specific rule adopted by the department, may constitute a Class II violation. A violation of section 1 or 2 of this Act and rules adopted under those sections shall be at least a Class II violation and may be a Class I violation. A Class II violation shall be corrected within a stated period of time determined by the department and specified in the citation issued under section 135C.40. The stated period of time specified in the citation may subsequently be modified by the department for good cause shown. A licensee ~~shall--be~~ is subject to a penalty of not less than one hundred nor more than five hundred dollars for each Class II violation for which the licensee's facility is cited, however the commissioner may waive the penalty if the violation is corrected within the time specified in the citation.

Approved May 5, 1981