

CHAPTER 186
COMPLAINANT CONFIDENTIALITY
H.F. 398

AN ACT relating to the confidentiality of the name of a complainant regarding a person in a long-term care facility.

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

Section 1. NEW SECTION. 249B.36 CONFIDENTIALITY OF COMPLAINANT.

The name of the person who files a complaint with the commission, long-term care resident's aide, or a care review committee regarding a person in a long-term care facility shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than commission employees or care review committee members involved in the initial complaint.

Sec. 2. Section 135C.37, Code 1985, is amended to read as follows:

135C.37 COMPLAINTS ALLEGING VIOLATIONS — CONFIDENTIALITY.

A person may request an inspection of a health care facility by filing with the department, ~~or care review committee of the facility, or the long-term care resident's aide as defined in section 249B.32, subsection 3,~~ a complaint of an alleged violation of applicable requirements of this chapter or the rules adopted pursuant to it this chapter. A copy of a complaint filed with the care review committee or the long-term care resident's aide shall be forwarded to the department. The complaint shall state in a reasonably specific manner the basis of the complaint, and a statement of the nature of the complaint shall be delivered to the facility involved at the time of or prior to the inspection. The name of the person who files a complaint with the department, ~~or care review committee, or the long-term care resident's aide~~ shall be kept confidential and shall not be subject to discovery, subpoena, or other means of legal compulsion for its release to a person other than department employees involved in the investigation of the complaint.

Sec. 3. Section 249B.31, Code 1985, is amended to read as follows:

249B.31 PURPOSE.

The purpose of sections 249B.31 through ~~249B.35~~ 249B.36 is to establish the long-term care resident's aide program operated by the Iowa commission on the aging in accordance with the requirements of the Older Americans Act of 1965, 42 U.S.C. sees. §§ 3026(a)(6)(d), 3027(a)(12) and 3030d(a)(10) amended to July 1, 1983, and to adopt the supporting federal regulations and guidelines for its implementation. In accordance with chapter 17A, the commission on the aging shall adopt and enforce rules for the implementation of sections 249B.31 through ~~249B.35~~ 249B.36.

Sec. 4. Section 249B.32, unnumbered paragraph 1 and subsection 1, Code 1985, is amended to read as follows:

As used in sections 249B.33 through ~~249B.35~~ 249B.36:

1. "Administrative action" means an action or decision made by an owner, employee, or agent of a long-term care facility, or by a governmental agency, which affects the service provided to residents covered in sections 249B.33 through ~~249B.35~~ 249B.36.

Approved May 24, 1985