

The department shall adopt rules pursuant to chapter 17A to assess and collect, with interest, a civil penalty for each day a health care facility which receives medical assistance reimbursements does not comply with the requirements of the federal Social Security Act, § 1919, as codified in 42 U.S.C. § 1396r. A civil penalty shall not exceed the amount authorized under section 135C.36 for health care facility violations. Any moneys collected by the department pursuant to this subsection shall be applied to the protection of the health or property of the residents of the health care facilities which are determined by the state or by the federal health care financing administration to be out of compliance. The purposes for which the collected moneys shall be applied may include payment for the costs of relocation of residents to other facilities, maintenance or operation of a health care facility pending correction of deficiencies or closure of the facility, and reimbursing residents for personal funds lost. If a health care facility is assessed a civil penalty under this section, the health care facility shall not be assessed a penalty under section 135C.36 for the same violation.

Approved March 23, 1990

CHAPTER 1032

NOTIFICATION OF HAZARDOUS CONDITIONS TO WATER SUPPLY SYSTEM OPERATORS

H.F. 2401

AN ACT relating to the reporting of a hazardous condition involving a hazardous substance to the department of natural resources, to the local law enforcement agency, and to operators of affected public or private water supply systems.

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

Section 1. Section 455B.386, Code 1989, is amended to read as follows:
455B.386 NOTIFICATION OF SPILLS — PENALTY.

A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the department, and the local police department, or the office of the sheriff of the affected county of the occurrence of a hazardous condition as soon as possible but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. A sheriff or police chief who has been notified of a hazardous condition shall immediately notify the department. The department, upon receiving notice of a hazardous condition, shall immediately notify the operator of any public water supply system or private water supply system which may be affected by the hazardous condition. If requested, a person shall submit within thirty days of the department's request a written report of particulars of the incident. A person violating this section is subject to a civil penalty of not more than one thousand dollars.

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