

**441—81.36(249A) Action when there is immediate jeopardy.**

**81.36(1) *Terminate agreement or appoint temporary manager.*** If there is immediate jeopardy to resident health or safety, the department of inspections and appeals shall appoint a temporary manager to remove the immediate jeopardy or the provider agreement shall be terminated within 23 calendar days of the last date of the survey.

The rules for appointment of a temporary manager in an immediate jeopardy situation are as follows:

*a.* The department of inspections and appeals shall notify the facility that a temporary manager is being appointed.

*b.* If the facility fails to relinquish control to the temporary manager, the provider agreement shall be terminated within 23 calendar days of the last day of the survey if the immediate jeopardy is not removed. In these cases, state monitoring may be imposed pending termination.

*c.* If the facility relinquishes control to the temporary manager, the department of inspections and appeals shall notify the facility that, unless it removes the immediate jeopardy, its provider agreement shall be terminated within 23 calendar days of the last day of the survey.

*d.* The provider agreement shall be terminated within 23 calendar days of the last day of survey if the immediate jeopardy has not been removed.

**81.36(2) *Other remedies.*** The department of inspections and appeals may also impose other remedies, as appropriate.

**81.36(3) *Notification of CMS.*** In a nursing facility or dually participating facility, if the department of inspections and appeals finds that a facility's noncompliance poses immediate jeopardy to resident health or safety, the department of inspections and appeals shall notify CMS of the finding.

**81.36(4) *Transfer of residents.*** The department shall provide for the safe and orderly transfer of residents when the facility is terminated from participation.

**81.36(5) *Notification of physicians and state board.*** If the immediate jeopardy is also substandard quality of care, the department of inspections and appeals shall notify attending physicians and the Iowa board of nursing home administrators of the finding of substandard quality of care.