



BILL SUMMARY

Health Care Facilities HF 579

Status of Bill: House Calendar
Committee: Human Resources (passed 21-0)
Lead Democrats: Rep. Winckler
Floor Manager: Rep. Best
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Summary

This bill originally was a bill by the Iowa Department of Inspections and Appeals (DIA). The bill deals with multiple aspects of health care facilities, elder group homes, assisted living programs, and adult day services programs. The bill makes similar changes for the various programs.

License and Certificate Holder Applications The bill expands current law so that applications for a license or certificate for a new or newly acquired health care facility, elder group home, assisted living program, or adult day services program may be denied to any applicant for continuing or repeated failure to operate in compliance with applicable law and not just to existing licensees or certificate holders. Under current law, this provision only apply to existing licensees.

Disclosure of Findings Under current law, information relating to a health care facility, an elder group home, an assisted living program, or an adult day services program obtained by DIA which does not constitute the department's findings from an inspection, monitoring evaluation, or complaint investigation of the facility, home, or program is not made available to the public except in proceedings involving the citation of a facility or the denial, suspension, or revocation of a license or certificate. House File 579 adds an additional exception allowing public disclosure in proceedings involving the assessment of a civil penalty against an elder group home, an assisted living program, or an adult day services program.

Health Care Facility Violations Any state penalty, including a fine or citation, issued as a result of a state licensure and federal certification survey or investigation must be dismissed if the corresponding federal deficiency is dismissed or removed. In addition, new language is added so that any state penalty, including a fine or citation, must be retained or reinstated if a federal deficiency is retained or reinstated. Under current law, any state penalty, including a fine or citation, issued as a result of the federal survey and certification process must be dismissed if the corresponding federal deficiency or citation is dismissed or removed.

Contesting Regulatory Insufficiencies A health care facility, elder group home, assisted living program, or adult day services program that decides to contest a regulatory insufficiency, the facility, home, or program may either request an informal conference with an independent reviewer or request a formal contested hearing. Upon the conclusion of an informal conference, the facility, home, or program may further contest an affirmed or modified regulatory insufficiency. A facility, home, or program that has exhausted all adequate administrative remedies may petition for judicial review.

A facility, home, or program that does not decide to further contest an affirmed or modified citation after an informal conference, the facility, home, or program must remit the appropriate penalties or correct the violation within five working days after receipt of the written explanation of the independent reviewer.

Dependent Adult Abuse The bill prohibits an attorney from being both legal counsel and a guardian ad-litem representing a dependent adult in a dependent adult abuse case.

In addition, the code reference for the definition for **dependent adult abuse** is changed. Specifically, the bill strikes the reference to the definition of **dependent adult abuse** in Code section 235B.2, dependent adult abuse that occurs as a result of willful or negligent acts or omissions of a caretaker outside of facilities and programs by a related or nonrelated person who has the responsibility for the protection, care, or custody of a dependent adult as a result of assuming the responsibility voluntarily, by contract, through employment, or by order of the court; and replaces the definition with **dependent adult abuse** that occurs as a result of the willful misconduct or gross negligence or reckless acts or omissions of a caretaker, a staff member of a facility or program who provides care, protection, or services to a dependent adult voluntarily, taking into account the totality of the circumstances.