

FEB 7 2002  
HUMAN RESOURCES

HOUSE FILE 2256  
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and REEDER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the management and supervision of nursing care  
2 and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2256

1 Section 1. NEW SECTION. 135C.49 NURSING ADMINISTRATOR --  
2 REQUIRED -- PENALTIES.

3 1. As used in this section, unless the context otherwise  
4 requires:

5 a. "Health administrator" means an individual employed by  
6 or under contract with a health care facility to manage  
7 resources, employees, and capital of the health care facility.

8 b. "Nurse administrator" means a registered nurse employed  
9 by or under contract with a health care facility to perform  
10 the day-to-day management of nursing services.

11 c. "Nursing services" means direct and other patient care  
12 provided by a registered nurse including but not limited to  
13 all of the following:

14 (1) Ongoing patient assessments, including the  
15 documentation of the performance and findings of the  
16 assessment in the patient's medical record.

17 (2) The planning, supervision, implementation, and  
18 evaluation of nursing services provided to each patient.

19 (3) The assessment, planning, implementation, and  
20 evaluation of patient education, including ongoing discharge  
21 teaching of each patient.

22 (4) The planning and delivery of patient care in all of  
23 its aspects including assessment, nursing diagnosis, planning,  
24 intervention, evaluation, and, as appropriate, patient  
25 advocacy.

26 (5) Other tasks as may be delegated, assigned, or  
27 supervised by registered nurses as permitted pursuant to  
28 chapter 152.

29 2. a. A health care facility that receives reimbursement  
30 through the federal Medicare or medical assistance program  
31 that employs or contracts with nurses shall provide a minimum  
32 of one nurse administrator to review and oversee nursing  
33 services.

34 b. The duties of the nurse administrator shall include but  
35 are not limited to development and review of patient care

1 systems, nurse staffing and assessment, and analysis of  
2 patient outcomes.

3 c. The nurse administrator may manage financial and  
4 personnel resources to provide adequate nurse staffing.

5 3. A health administrator who is not a licensed registered  
6 nurse or a licensed physician shall not act as a nurse  
7 administrator.

8 4. The director shall issue a written citation to a health  
9 care facility in accordance with section 135C.40, and the  
10 health care facility shall be subject to the citation  
11 procedures and penalties of this chapter, if the director  
12 determines any of the following, based on the findings of an  
13 inspection or investigation of a health care facility:

14 a. That a health administrator is acting as a nurse  
15 administrator, or that a health administrator is negligent in  
16 a manner that results in harm to a resident of a nursing  
17 facility.

18 b. That a nurse administrator is responsible for deficient  
19 nursing services or nurse staffing or that a nurse  
20 administrator is negligent in a manner that results in harm to  
21 a patient of a nursing facility.

22 5. The director shall consider all of the following as  
23 mitigating factors in determining if a health administrator is  
24 acting as a nurse administrator in violation of this section,  
25 if a nurse administrator is responsible for deficient nursing  
26 services or nurse staffing, or if either a health  
27 administrator or a nurse administrator is negligent in a  
28 manner that results in harm to a resident of a nursing  
29 facility:

30 a. Whether the actions of the health administrator or  
31 nurse administrator were in accordance with and followed the  
32 terms of a physician order, medical order, staffing plan, or  
33 valid patient classification system. It shall not be  
34 considered a mitigating factor if the health administrator or  
35 nurse administrator is responsible for the issuance of an

1 erroneous medical or nursing order, or the creation or use of  
2 a deficient staffing plan or patient classification system and  
3 did not take reasonable measures to correct the defect.

4 b. The comparative responsibility between the health  
5 administrator or nurse administrator and the requirements  
6 placed on those members of the staff who are employees,  
7 including but not limited to the adequacy of the facility's  
8 compliance with related regulatory standards, laws, and  
9 regulations; policies and procedures; training, including  
10 individual employees' participation in staff training;  
11 employee supervision; staffing levels; and consideration of  
12 the scope of responsibilities of the health administrator,  
13 nurse administrator, and other staff.

14 c. Whether the health administrator or nurse administrator  
15 followed professional standards in exercising professional  
16 judgment.

17 d. Whether the health administrator properly delegated or  
18 granted authority to the nurse administrator to utilize  
19 funding and develop budgets which when implemented would  
20 provide adequate staffing.

21 6. A health care facility that employs or contracts with a  
22 health administrator or a nurse administrator who violates  
23 this section is subject to the civil penalties established  
24 pursuant to sections 135C.36 and 135C.44.

25 EXPLANATION

26 This bill requires each licensed health care facility or  
27 health care facility that employs or contracts with nurses to  
28 provide a minimum of one nurse administrator to review and  
29 oversee nursing services. The bill prohibits a health  
30 administrator who is not a licensed nurse or physician from  
31 acting as the nurse administrator. The bill provides that if  
32 the director of the department of inspections and appeals  
33 determines, based on the findings of an inspection or  
34 investigation of a health care facility, that a health  
35 administrator is acting as a nurse administrator, or that a

1 health administrator is negligent in a manner that results in  
2 harm to a resident of a nursing facility, or that a nurse  
3 administrator is responsible for deficient nursing services or  
4 nurse staffing, or that a nurse administrator is negligent in  
5 a manner that results in harm to a patient of a nursing  
6 facility, the director is to issue a written citation to the  
7 health care facility and the health care facility is subject  
8 to the citation procedures and penalties established for  
9 violations by health care facilities. The bill provides for  
10 mitigating circumstances to be considered by the director in  
11 determining if a violation has been committed.

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