

HSB 510

COMMERCE AND REGULATION

HOUSE FILE SF/HF 42

BY (PROPOSED COMMITTEE ON
COMMERCE BILL BY
CHAIRPERSON HANSEN)

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the reporting of the findings of health care
2 facility inspections.

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

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1 Section 1. Section 135C.20A, subsection 1, Code 2001, is
2 amended to read as follows:

3 1. The department shall develop and utilize a report card
4 system for the recording of the findings of any inspection of
5 a health care facility. The report card shall include but is
6 not limited to a summary of the findings of the inspection,
7 any violation found, any enforcement action taken including
8 any citations issued and penalties assessed, any actions taken
9 to correct violations or deficiencies, and the nature and
10 status of any action taken with respect to any uncorrected
11 violation for which a citation was issued. The findings of an
12 inspection shall only be made available to the public in
13 accordance with the following:

14 a. If the health care facility is issued a citation based
15 upon the findings of an inspection and contests the citation
16 pursuant to section 135C.41, subsection 2, the findings of the
17 inspection shall not be made available to the public until the
18 results of the informal conference pursuant to section 135C.42
19 are available. If the health care facility desires to further
20 contest an affirmed or modified citation following an informal
21 conference, the findings of the inspection may be made
22 available to the public if the format of the report card
23 provides for an indication that the citation is contested.
24 The report card shall be updated to reflect the final action
25 of any contested case proceeding or judicial review of the
26 final action.

27 b. If the health care facility is issued a citation based
28 upon the findings of an inspection and initially contests the
29 citation pursuant to section 135C.43, subsection 1, the
30 findings of the inspection shall not be made available to the
31 public until a final decision is rendered pursuant to section
32 17A.15. If the health care facility desires to further
33 contest the final decision and petitions for judicial review
34 pursuant to section 135C.43, subsection 2, the findings of the
35 inspection may be made available to the public if the format

1 of the report card provides for an indication that the
2 citation is contested. The report card shall be updated to
3 reflect the results of judicial review of the final action.

4 EXPLANATION

5 This bill provides criteria for the release of findings of
6 an inspection of a health care facility to the public in a
7 report card format. The bill provides that if, following an
8 inspection, a health care facility is issued a citation, and
9 requests an informal hearing on the citation, the findings of
10 the inspection are not to be released to the public until the
11 results of the informal hearing are available, and if the
12 results of the informal hearing are contested, the findings of
13 the inspection may be made available to the public only if the
14 report card format provides for an indication that the
15 citation is contested. The report card is to be updated to
16 reflect the final action of any contested case proceeding or
17 judicial review of the final agency action. The bill also
18 provides that if, following an inspection, a health care
19 facility is issued a citation and formally contests the
20 citation, the findings of the inspection are not to be
21 released to the public until a final decision is rendered
22 under the contested case proceeding. If the health care
23 facility desires to further contest the final decision
24 rendered under the contested case proceeding and petitions for
25 judicial review, the findings of the inspection may be made
26 available to the public if the format of the report card
27 provides for an indication that the citation is contested.
28 The report card is to be updated to reflect the results of
29 judicial review of the final agency action.

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3/20/02 Rereferred To: Commerce Reg.

FEB 14 2002

Place On Calendar

HOUSE FILE 2342
BY COMMITTEE ON COMMERCE
AND REGULATION

(SUCCESSOR TO HSB 510)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the reporting of the findings of health care
2 facility inspections.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2342

1 Section 1. Section 135C.19, Code 2001, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 4. The findings of an inspection of a
4 health care facility which are not final findings, constitute
5 a public record pursuant to chapter 22. However, a health
6 care facility shall not be required to post the record of such
7 findings in a public place, but shall maintain the record of
8 such findings at the health care facility site and shall make
9 the record available for public inspection, upon request.

10 Sec. 2. Section 135C.20A, subsection 1, Code 2001, is
11 amended to read as follows:

12 1. The department shall develop and utilize a report card
13 system for the recording of the findings of any inspection of
14 a health care facility. The report card shall include but is
15 not limited to a summary of the findings of the inspection,
16 any violation found, any enforcement action taken including
17 any citations issued and penalties assessed, any actions taken
18 to correct violations or deficiencies, and the nature and
19 status of any action taken with respect to any uncorrected
20 violation for which a citation was issued. The findings of an
21 inspection shall only be made available to the public in
22 accordance with the following:

23 a. If the health care facility is issued a citation based
24 upon the findings of an inspection and contests the citation
25 pursuant to section 135C.41, subsection 2, the findings of the
26 inspection shall not be made available to the public utilizing
27 the report card system until the results of the informal
28 conference pursuant to section 135C.42 are available. If the
29 health care facility desires to further contest an affirmed or
30 modified citation following an informal conference, the
31 findings of the inspection may be made available to the public
32 utilizing the report card system if the format of the report
33 card provides for an indication that the citation is
34 contested. The report card shall be updated to reflect the
35 final action of any contested case proceeding or judicial

1 following an inspection, a health care facility is issued a
2 citation and formally contests the citation, the findings of
3 the inspection are not to be released to the public via the
4 report card format until a final decision is rendered under
5 the contested case proceeding. If the health care facility
6 desires to further contest the final decision rendered under
7 the contested case proceeding and petitions for judicial
8 review, the findings of the inspection may be made available
9 to the public via the report card format if the format of the
10 report card provides for an indication that the citation is
11 contested. The report card is to be updated to reflect the
12 results of judicial review of the final agency action.

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H-8059

1 Amend House File 2342 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 507B.10 POLICY OR
5 PREMIUM CHANGES-HEALTH CARE FACILITIES.

6 1. A person shall not deny insurance liability
7 coverage to, cancel or fail to renew an insurance
8 liability policy of, or increase the premiums of the
9 insurance liability policy of a health care facility
10 based upon the findings of an inspection of the health
11 care facility which are not final findings. Any such
12 change in insurance liability policy coverage or
13 premiums may only be taken based upon the findings of
14 inspection in accordance with the following:

15 a. If the health care facility is issued a
16 citation based upon the findings of an inspection and
17 contests the citation pursuant to section 135C.41,
18 subsection 2, the findings of the inspection shall not
19 be used as the basis for such changes in policy or
20 premiums until the results of the informal conference
21 pursuant to section 135C.42 are available. However,
22 if the health care facility desires to further contest
23 an affirmed or modified citation following an informal
24 conference, the findings of the inspection shall not
25 be used as the basis for such changes in policy or
26 premiums until the final action of any contested case
27 proceeding or until judicial review of the final
28 action is completed and a decision is rendered.

29 b. If the health care facility is issued a
30 citation based upon the findings of an inspection and
31 initially contests the citation pursuant to section
32 135C.43, subsection 1, the findings of the inspection
33 shall not be used as the basis for such changes in
34 policy or premiums until a final decision is rendered
35 pursuant to section 17A.15. However, if the health
36 care facility desires to further contest the final
37 decisions and petitions for judicial review pursuant
38 to section 135C.43, subsection 2, the findings of the
39 inspection shall not be used as the basis for such
40 changes in policy or premiums until judicial review of
41 the final action is completed and a decision is
42 rendered.

43 2. For the purposes of this section, "health care
44 facility" means the same as defined in section
45 135C.1."

46 2. Title page, line 1, by striking the word
47 "reporting" and inserting the following: "use".

48 3. Title page, line 2, by inserting after the
49 word "inspections" the following: "in the
50 modification of an insurance policy or insurance

H-8059

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H-8059

Page 2

1 premiums".

By CHIODO of Polk

H-8059 FILED FEBRUARY 18, 2002