

FILED FEB 20 2002

SENATE FILE 2253
BY McCOY

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

A BILL FOR

1 An Act relating to the establishment of enforcement actions
2 relating to assisted living programs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 2253
HUMAN RESOURCES

1 Section 1. NEW SECTION. 231C.3A ENFORCEMENT ACTIONS --
2 RULES.

3 1. The department may deny, suspend, or revoke the
4 certification of an assisted living program, or may take other
5 actions, specified by rule of the department, against an
6 assisted living program if the assisted living program fails
7 to comply with this chapter or the rules or standards adopted
8 pursuant to this chapter. The department shall adopt rules
9 pursuant to chapter 17A, and in consultation with consumer and
10 industry representatives, which establish the enforcement
11 actions which may be taken.

12 2. The department may adopt rules pursuant to chapter 17A
13 as necessary to meet the purposes of this chapter and to
14 enforce this chapter and the rules, standards, and
15 requirements adopted pursuant to this chapter.

16 Sec. 2. NEW SECTION. 231C.3B COMPLAINTS -- ALLEGED
17 VIOLATIONS -- PROCESS -- PROTECTIONS.

18 1. The department may investigate complaints filed with
19 the department alleging a violation of this chapter or the
20 rules or standards adopted pursuant to this chapter. The
21 department shall adopt rules to establish a procedure for the
22 filing of complaints and for the investigation of complaints
23 filed with the department. The procedure shall provide that
24 if the department, upon preliminary review, determines that
25 the complaint is without reasonable basis, or if the
26 department determines following an investigation that the
27 complaint is unsubstantiated, the department may dismiss the
28 complaint. The decision of the department to dismiss the
29 complaint, or the department's determination that the
30 complaint is unsubstantiated, is final agency action and is
31 not subject to contested case proceedings, appeal, or judicial
32 review provisions of chapter 17A.

33 2. An assisted living program certified under this chapter
34 shall not discriminate or retaliate against a tenant, an
35 employee of the program, or any other person who initiates or

1 participates in any proceeding authorized under this chapter
2 or the rules or standards adopted pursuant to this chapter.

3 EXPLANATION

4 This bill establishes enforcement actions that may be taken
5 by the department of elder affairs against an assisted living
6 program if the program fails to comply with the law, rules, or
7 standards applicable to assisted living programs. Enforcement
8 actions include the denial, suspension, or revocation of the
9 certification of the assisted living program and other actions
10 specified by rule of the department.

11 The bill also provides a process for the investigation of
12 complaints filed with the department of elder affairs alleging
13 a violation of the law, rules, or standards applicable to an
14 assisted living program. The bill also prohibits an assisted
15 living program from discriminating or retaliating against any
16 person who initiates or participates in any authorized
17 proceeding.

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