

IN THE SENATE

SENATE BILL NO. 1341, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO RESIDENTIAL CARE OR ASSISTED LIVING FACILITIES; AMENDING SECTION 39-3357, IDAHO CODE, TO PROVIDE THAT RESIDENTIAL CARE OR ASSISTED LIVING FACILITIES MAY BE CITED ONLY FOR VIOLATIONS OF A REQUIREMENT THAT IS SPECIFIED IN AN APPLICABLE LAW OR RULE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 39-3357, Idaho Code, be, and the same is hereby amended to read as follows:

39-3357. ENFORCEMENT PROCESS. (1) If the licensing agency finds, on the basis of inspections as defined in this chapter or otherwise, that a residential or assisted living facility no longer meets a requirement of this chapter, and further finds that the facility's deficiencies:

(a) Immediately jeopardize the health or safety of its residents, the department shall take immediate action to remove the jeopardy and correct the deficiencies through the remedy specified in section 39-3358(1)(c), Idaho Code, or prohibit the facility from keeping or admitting residents and may provide, in addition, for one (1) or more of the other remedies described in section 39-3358, Idaho Code.

(b) Do not immediately jeopardize the health or safety of its residents, the department shall provide for one (1) or more of the remedies described in section 39-3358, Idaho Code.

(2) Nothing in this section shall be construed as restricting the remedies available to the department to remedy a facility's deficiencies. If the department finds that a facility meets the requirements of this chapter, but, as of a previous period, intentionally did not meet such requirements, the department may provide for a civil money penalty under section 39-3358(1)(b), Idaho Code, for the days in which it finds that the facility was not in compliance with such requirements.

(3) Residential care or assisted living facilities may be cited only for a violation of a requirement that is specified in an applicable law or in a rule promulgated in compliance with an applicable law. Facilities may not be cited for an act that is not expressly proscribed by an applicable law or rule or for an omission when an applicable law or rule does not expressly require the conduct omitted. If the department requires a specific corrective action in relation to a citation, that requirement must be in writing and reference the corresponding rule.