

## CHAPTER 90

## HOSPITAL SURVEY

H. F. 314

AN ACT to provide for an inventory of existing hospitals, for a survey of the need for additional hospital facilities, and for the development and administration of a hospital construction program which will, in conjunction with existing facilities, afford hospitals adequate to serve all people of the state, establishing methods of administration and control, providing for compliance with the requirements of the federal hospital survey and construction act and regulations thereunder, authorizing the acceptance and expenditure of federal funds.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Title. This act may be cited as the "Iowa Hospital  
2 Survey and Construction Act".

1 SEC. 2. Definitions as used in this act:

2 (a) "Commissioner" means the commissioner of public health.

3 (b) "The Federal Act" means Public Law 725 of the 79th Congress,  
4 approved August 13, 1946, and any amendments thereto, entitled the  
5 Hospital Survey and Construction Act.\*

6 (c) "The Surgeon General" means the surgeon general of the public  
7 health service of the United States.

8 (d) "Hospital" includes public health centers and general, tuber-  
9 culosis, mental, chronic disease, and other types of hospitals, and  
10 related facilities, such as laboratories, out-patient departments, nurses'  
11 home and training facilities, and central service facilities operated  
12 in connection with hospitals, but does not include any hospital  
13 furnishing primarily domiciliary care.

14 (e) "Public health center" means a publicly owned facility for the  
15 provision of public health services, including related facilities such  
16 as laboratories, clinics, and administrative offices operated in connec-  
17 tion with public health centers.

18 (f) "Nonprofit hospital" means any hospital owned and operated  
19 by a corporation or association, no part of the net earnings of which  
20 inures, or may lawfully inure, directly or indirectly, to the benefit  
21 of any private shareholder or individual.

1 SEC. 3. Administration: division of hospital survey and construc-  
2 tion. There is hereby established in the state department of health  
3 a division of hospital survey and construction which shall be admin-  
4 istered by a full-time salaried director under the supervision and  
5 direction of the commissioner. The state department of health through  
6 such division, shall constitute the sole agency of the state for the  
7 purpose of:

8 (a) Making an inventory of existing hospitals, surveying the need  
9 for construction of hospitals, and developing a program of hospital  
10 construction as provided in this act, and

11 (b) Developing and administering a state plan for the construction  
12 of public and other nonprofit hospitals as provided in this act.

1 SEC. 4. General powers and duties. In carrying out the purposes  
2 of the act, the commissioner is authorized and directed:

\*60 Stat. L. —.

3 (a) To require such reports, make such inspections and investiga-  
4 tions, and, with the advice of the hospital advisory council, prescribe  
5 such regulations as he deems necessary. No reports shall be required,  
6 inspections and investigations made, or regulations adopted which  
7 would have the effect of discriminating against a hospital or other  
8 institution contemplated hereunder, solely by reason of the school or  
9 system of practice employed or permitted to be employed by physicians  
10 therein; provided that such school or system of practice is recognized  
11 by the laws of this state.

12 (b) To provide such methods of administration, appoint a director  
13 and other personnel of the division and take such other action as may  
14 be necessary to comply with the requirements of the federal act and  
15 the regulations thereunder.

16 (c) To procure in his discretion the temporary or intermittent  
17 services of experts or consultants or organizations thereof, by contract,  
18 when such services are to be performed on a part-time or fee-for-  
19 service basis and do not involve the performance of administrative  
20 duties.

21 (d) To the extent that he considers desirable to effectuate the  
22 purposes of this act, to enter into agreements for the utilization of  
23 the facilities and services of other departments, agencies, and institu-  
24 tions, public or private.

25 (e) To accept on behalf of the state and to deposit with the state  
26 treasurer any grant, gift or contribution, subject to the approval by  
27 the executive council, made to assist in meeting the cost of carrying  
28 out the purposes of this act, and to expend the same for such purposes.

29 (f) On November one (1) of each year, to make an annual report  
30 to the governor on activities and expenditures pursuant to this act.

1 **SEC. 5. Hospital advisory council.** The governor shall appoint a  
2 hospital advisory council to advise and consult with the state depart-  
3 ment of health in carrying out the administration of this act. The  
4 hospital advisory council shall consist of the commissioner who shall  
5 serve as chairman ex officio and twelve members to include: five  
6 individuals of recognized ability in the field of hospital adminis-  
7 tration, (four from a list submitted by the Iowa Hospital Association  
8 and one from a list submitted by the Iowa Osteopathic Hospital  
9 Association); three individuals of recognized ability in the field of  
10 health; and four individuals with broad civic interests representing  
11 consumers of hospital services. The governor shall appoint three  
12 members for terms of one year, three members for terms of two  
13 years, three members for terms of three years, and three members  
14 for terms of four years, provided, however, that the terms of no  
15 more than two members of any of the three aforesaid groups shall  
16 expire in the same year. Their successors shall be appointed for  
17 terms of four years, except when appointed to complete an unexpired  
18 term. Members whose terms expire shall hold office until appointment  
19 of their successors. Members of the council shall serve without  
20 compensation, but shall be reimbursed for actual expenses incurred  
21 in the performance of their official duties. The council shall meet  
22 quarterly each year, and additional meetings shall be held at the call  
23 of the chairman or the request of any four of its members.

1     **SEC. 6. Survey and planning activities.** The commissioner is  
2 authorized and directed to make an inventory of existing hospitals,  
3 including public, nonprofit and proprietary hospitals, to survey the  
4 need for construction of hospitals, and, on the basis of such inventory  
5 and survey, to develop a program for the construction of such public  
6 and other nonprofit hospitals as will, in conjunction with existing  
7 facilities, afford the necessary physical facilities for furnishing  
8 adequate hospital, clinic and similar services to all the people of the  
9 state.

1     **SEC. 7. Construction program.** The construction program shall  
2 provide in accordance with regulations prescribed under the federal  
3 act, for adequate hospital facilities for the people residing in this  
4 state and insofar as possible shall provide for their distribution  
5 throughout the state in such manner as to make all types of hospital  
6 service reasonably accessible to all persons in the state.

1     **SEC. 8. Application for federal funds for survey and planning:**  
2 **expenditure.** The commissioner is authorized to make application to  
3 the surgeon general for federal funds to assist in carrying out the  
4 survey and planning activities herein provided. Such funds shall be  
5 deposited in the state treasury and shall be available to the commis-  
6 sioner for expenditure for carrying out the purposes of this act in  
7 accordance with the provisions of Public Law 725\* of the 79th  
8 Congress, any amendments thereto, and the statutes of the state of  
9 Iowa.

1     **SEC. 9. State plan.** The commissioner shall, with the advice  
2 of the hospital advisory council, prepare and submit to the surgeon  
3 general a state plan which shall include the hospital construction  
4 program developed under this act and which shall provide for the  
5 establishment, administration and operation of hospital construction  
6 activities in accordance with the requirements of the federal act  
7 and regulations thereunder. The commissioner shall, prior to the  
8 submission of such plan to the surgeon general, give adequate publicity  
9 to a general description to all the provisions proposed to be included  
10 therein, and hold a public hearing at which all persons or organizations  
11 with a legitimate interest in such plan may be given an opportunity  
12 to express their views. After approval of the plan by the surgeon  
13 general, the commissioner shall make the plan or a copy thereof  
14 available upon request to all interested persons or organizations.  
15 The commissioner shall from time to time review the hospital con-  
16 struction program and submit to the surgeon general any modifications  
17 thereof which he may find necessary and may submit to the surgeon  
18 general such modifications of the state plan, not inconsistent with the  
19 requirements of the federal act, as he may deem advisable.

1     **SEC. 10. Minimum standards for hospital maintenance and opera-**  
2 **tion.** The commissioner shall by regulation prescribe minimum  
3 standards for the maintenance and operation of hospitals which  
4 receive federal aid for construction under the state plan.

1     **SEC. 11. Priority of projects.** The state plan shall set forth the  
2 relative need for the several projects included in the construction

\*60 Stat. L. —.

3 program determined in accordance with regulations prescribed pur-  
4 suant to the federal act, and provide for the construction, insofar  
5 as financial resources are available therefor and also for maintenance  
6 and operations in the order of such relative need.

1 **SEC. 12. Construction projects: applications.** Applications for  
2 hospital construction projects for which federal funds are requested  
3 shall be submitted to the commissioner and may be submitted by  
4 the state or any political subdivision thereof or by any public or  
5 nonprofit agency authorized to construct and operate a hospital. Each  
6 application for a construction project shall conform to federal and  
7 state requirements.

1 **SEC. 13. Consideration and forwarding of applications.** The com-  
2 missioner shall afford to every applicant for a construction project  
3 an opportunity for a fair hearing. If the commissioner, after affording  
4 reasonable opportunity for development and presentation of applica-  
5 tions in the order of relative need, finds that a project application  
6 complies with the requirements of this act and is otherwise in con-  
7 formity with the state plan, he shall approve such application and shall  
8 recommend and forward it to the surgeon general.

1 **SEC. 14. Inspection of projects.** From time to time the commis-  
2 sioner shall cause to be inspected each construction project approved  
3 by the surgeon general, and, if the inspection so warrants, the com-  
4 missioner shall certify to the surgeon general that work has been  
5 performed upon the project, or purchases have been made, in accord-  
6 ance with the approved plans and specifications, and that payment of  
7 an installment of federal funds is due to the applicant.

1 **SEC. 15. Hospital construction fund.** The commissioner is hereby  
2 authorized to receive federal funds in behalf of, and transmit them  
3 to, such applicants. There is hereby established, separate and apart  
4 from all public moneys and funds of this state, a hospital construction  
5 fund. Money received from the federal government for a construction  
6 project approved by the surgeon general shall be deposited to the  
7 credit of this fund and shall be used solely for payments due applicants  
8 for work performed, or purchases made, in carrying out approved  
9 projects. Warrants for all payments from the hospital construction  
10 fund shall bear the signature of the commissioner or his duly author-  
11 ized agent for such purpose.

1 **SEC. 16.** If any provision of this act or the application thereof to  
2 any person or circumstance shall be held invalid, such invalidity shall  
3 not affect the provisions or applications of this act which can be given  
4 effect without the invalid provision or application, and to this end  
5 the provisions of the act are declared to be severable.

1 **SEC. 17.** All acts or parts of acts which are inconsistent with the  
2 provisions of this act are hereby repealed.

Approved April 17, 1947.