

## CHAPTER 91

## LICENSE AND REGULATION OF HOSPITALS

H. F. 465

AN ACT to require the licensing, inspection and regulation of hospitals as herein defined; creating a hospital licensing board and prescribing its powers; providing for regulations, enforcement procedures and penalties.

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

1 SECTION. 1. **Definitions.** As used in this act:

2 (a) "*Hospital*" means a place which is devoted primarily to the  
3 maintenance and operation of facilities for the diagnosis, treatment  
4 or care over a period exceeding 24 hours of two or more non-related  
5 individuals suffering from illness, injury, or deformity, or a place  
6 which is devoted primarily to the rendering over a period exceeding  
7 24 hours of obstetrical or other medical or nursing care for two or  
8 more non-related individuals, or any institution, place, building or  
9 agency in which any accommodation is primarily maintained, furnished  
10 or offered for the care over a period exceeding 24 hours of two or  
11 more non-related aged or infirm persons requiring or receiving chronic  
12 or convalescent care; and shall include sanatoriums, rest homes,  
13 nursing homes, boarding homes, or other related institutions within  
14 the meaning of this act. Provided, however, nothing in this act  
15 shall apply to hotels or other similar places that furnish only food  
16 and lodging, or either, to their guests. "Hospital" shall include, in  
17 any event, any facilities wholly or partially constructed or to be  
18 constructed with federal financial assistance, pursuant to Public Law  
19 725—79th Congress, approved August 13, 1946.\*

20 (b) "*Person*" means any individual, firm, partnership, corporation,  
21 company, association, or joint stock association; and includes any  
22 trustee, receiver, assignee or other similar representative thereof.

23 (c) "*Governmental unit*" means the state, or any county, municipi-  
24 pality, or other political subdivision or any department, division,  
25 board or other agency of any of the foregoing.

1 SEC. 2. **Purpose.** The purpose of this act is to provide for the  
2 development, establishment and enforcement of basic standards  
3 (1) for the care and treatment of individuals in hospitals and (2)  
4 for the construction, maintenance and operation of such hospitals,  
5 which, in the light of existing knowledge, will promote safe and  
6 adequate treatment of such individuals in hospitals, in the interest  
7 of the health, welfare and safety of the public.

1 SEC. 3. **Licensure.** After January 2, 1948, no person or govern-  
2 mental unit, acting severally or jointly with any other person or  
3 governmental unit shall establish, conduct or maintain a hospital  
4 in this state without a license.

1 SEC. 4. **Application for License.** Licenses shall be obtained from  
2 the State Department of Health. Applications shall be upon such  
3 forms and shall contain such information as the said Department  
4 may reasonably require, which may include affirmative evidence of  
5 ability to comply with such reasonable standards, rules and regulations

\*60 Stat. L. —.

6 as may be lawfully prescribed hereunder. Each application for license  
7 shall be accompanied by the license fee, which shall be refunded to  
8 the applicant if the license is denied and which shall be paid over  
9 into the State Treasury credited to the general fund if the license is  
10 issued. In case of death of any person holding such license or the  
11 sale of any hospital licensed hereunder within the first year of the  
12 tenure of such license the department shall certify to the state  
13 comptroller a claim on behalf of the licensee for refund of a proportion-  
14 ate share of the license fee. Said refund shall be based on one-twelfth  
15 the amount thereof multiplied by the remaining months in the year.  
16 The comptroller shall thereupon draw a warrant against the general  
17 fund payable to the order of the licensee. Hospitals having fifty  
18 beds or less shall pay an initial license fee of \$15; hospitals of more  
19 than fifty beds and not more than one hundred beds shall pay an  
20 initial license fee of \$25; all other hospitals shall pay an initial  
21 license fee of \$50.

1 **SEC. 5. Issuance and Renewal of License.** Upon receipt of an  
2 application for license and the license fee, the State Department of  
3 Health shall issue a license if the applicant and hospital facilities  
4 comply with the provisions of this Act and the regulations of the said  
5 Department. Each such license, unless sooner suspended or revoked,  
6 shall be renewable annually upon payment of \$10 and upon filing by  
7 the licensee, and approval by the Department, of an annual report  
8 upon such uniform dates and containing such information in such form  
9 as the State Department of Health, with the advice of the Hospital  
10 Licensing Board, shall prescribe by regulation. Each license shall be  
11 issued only for the premises and persons or governmental units named  
12 in the application and shall not be transferable or assignable except  
13 with the written approval of the State Department of Health. Licenses  
14 shall be posted in a conspicuous place on the licensed premises as  
15 prescribed by regulation of the said Department.

1 **SEC. 6. Denial or Revocation of License; Hearings and Review.**  
2 The State Department of Health shall have the authority to deny,  
3 suspend or revoke a license in any case where it finds that there has  
4 been a substantial failure to comply with the provisions of this act  
5 or the rules, regulations or minimum standards promulgated under  
6 this act.

7 Such denial, suspension, or revocation shall be effected by mailing  
8 to the applicant or licensee by registered mail, or by personal service  
9 of, a notice setting forth the particular reasons for such action. Such  
10 denial, suspension, or revocation shall become effective thirty days  
11 after the mailing or service of the notice, unless the applicant or  
12 licensee, within such thirty day period shall give written notice to  
13 the Department requesting a hearing, in which case the notice  
14 shall be deemed to be suspended. If a hearing has been requested,  
15 the applicant or licensee shall be given an opportunity for a prompt  
16 and fair hearing before the Department. At any time at or prior to  
17 hearing, the Department may rescind the notice of denial, suspen-  
18 sion or revocation upon being satisfied that the reasons for the denial,  
19 suspension or revocation have been or will be removed. On the basis  
20 of any such hearing, or upon default of the applicant or licensee the  
21 determination involved in the notice may be affirmed, modified, or set

22 aside, by the Department. A copy of such decision, setting forth the  
23 finding of facts and the particular reasons for the decision shall be  
24 sent by registered mail, or served personally upon, the applicant or  
25 licensee. The decision shall become final thirty days after it is so  
26 mailed or served, unless the applicant or licensee, within such thirty  
27 day period, appeals the decision to the Court, pursuant to section 14  
28 hereof.

29 The procedure governing hearings authorized by this section shall  
30 be in accordance with rules promulgated by said Department with the  
31 advice of the Hospital Licensing Board. A full and complete record  
32 shall be kept of all proceedings, and all testimony shall be reported  
33 but need not be transcribed unless the decision is appealed pursuant  
34 to section 14 hereof. A copy or copies of the transcript may be  
35 obtained by an interested party on payment of the cost of preparing  
36 such copy or copies. Witnesses may be subpoenaed by either party  
37 and shall be allowed fees at a rate prescribed by the aforesaid rules.

1 **SEC. 7. Rules, Regulations, and Enforcement.** The State Depart-  
2 ment of Health with the advice of the Hospital Licensing Board,  
3 shall adopt, amend, promulgate and enforce such rules, regulations  
4 and standards with respect to the different types of hospitals to be  
5 licensed hereunder as may be designed to further the accomplishment  
6 of the purposes of the Act. Rules, regulations and standards may be  
7 adopted imposing requirements in excess of those provided in chapter  
8 413 of the Code, but no rule, regulation or standard shall be adopted  
9 imposing requirements less than those provided by said chapter. No  
10 rules, regulations or standards shall be adopted or enforced which  
11 would have the effect of denying a license to a hospital or other  
12 institution required to be licensed hereunder, solely by reason of the  
13 school or system of practice employed or permitted to be employed  
14 by physicians therein; provided that such school or system of practice  
15 is recognized by the laws of this state.

1 **SEC. 8. Effective Date of Regulations.** Any hospital which is in  
2 operation at the time of promulgation of any applicable rules or  
3 regulations or minimum standards under this act shall be given a  
4 reasonable time, not to exceed one year from the date of such promulga-  
5 tion, within which to comply with such rules and regulations and  
6 minimum standards.

1 **SEC. 9. Inspections and Consultations.** The State Department of  
2 Health shall make or cause to be made such inspections as it may  
3 deem necessary. The State Department of Health shall, with the  
4 advice of the Hospital Licensing Board, prescribe by regulations  
5 that any licensee or applicant for license desiring to make specified  
6 types of alteration or addition to its facilities or to construct new  
7 facilities shall before commencing such alteration, addition or new  
8 construction, submit plans and specifications therefor to the State  
9 Department of Health for preliminary inspection and approval or  
10 recommendations with respect to compliance with the regulations  
11 and standards herein authorized.

1 **SEC. 10. Hospital licensing board.** The five individuals appointed  
2 by the governor to the Hospital Advisory Council as individuals of

3 recognized ability in the field of hospital administration, shall function  
4 as and be the Hospital Licensing Board.

1 **SEC. 11. Functions of Hospital Licensing Board.** The Hospital  
2 Licensing Board shall have the following responsibilities and duties,

3 (a) To consult and advise with the Department of Health in matters  
4 of policy affecting administration of this act, and in the development  
5 of rules, regulations and standards provided for hereunder.

6 (b) To review and approve such rules, regulations and standards  
7 authorized hereunder prior to their promulgation by the Department  
8 of Health as specified herein.

9 The members of the board shall receive no compensation or expenses  
10 for their services as members thereof.

1 **SEC. 12. Information Confidential.** Information received by the  
2 State Department of Health through filed reports, inspection, or as  
3 otherwise authorized under this act, shall not be disclosed publicly  
4 in such manner as to identify individuals or hospitals, except in a  
5 proceeding involving the question of licensure or the denial, suspension  
6 or revocation of a license.

1 **SEC. 13. Annual Report of Department.** The State Department  
2 of Health shall prepare and publish an annual report of its activities  
3 and operations under this act.

1 **SEC. 14. Judicial Review.** Any applicant or licensee who is dis-  
2 satisfied with the decision of the commissioner of public health as  
3 a result of the hearing provided herein may, within thirty days after  
4 the mailing or serving of notice of the decision as provided in said  
5 section, file a notice of appeal in the District Court of the County  
6 in which the hospital is located or to be located, and serve a copy  
7 of said notice of appeal upon the Department. Thereupon the Depart-  
8 ment shall within thirty days certify and file with the Court a copy  
9 of the record and decision, including the transcript of the hearings  
10 on which the decision is based. The trial before the Court shall be  
11 de novo and all legal evidence pertaining to the matter of whether or  
12 not such license shall be denied, suspended or revoked, as the case  
13 may be, may be submitted including new or additional evidence not  
14 submitted to the Commissioner, and the Court shall have power to  
15 affirm, modify or reverse the decision of the Commissioner. Pending  
16 final disposition of the matter the status quo of the applicant or licensee  
17 shall be preserved.

1 **SEC. 15. Penalties.** Any person establishing, conducting, man-  
2 aging, or operating any hospital without a license shall be guilty of  
3 a misdemeanor and upon conviction thereof shall be fined not less  
4 than one hundred dollars or more than five hundred dollars, and each  
5 day of continuing violation after conviction shall be considered a  
6 separate offense.

1 **SEC. 16. Injunction.** Notwithstanding the existence or pursuit  
2 of any other remedy, the Department may, in the manner provided  
3 by law, maintain an action in the name of the State for injunction or  
4 other process against any person or governmental unit to restrain  
5 or prevent the establishment, conduct, management or operation of  
6 a hospital without a license.

1 SEC. 17. Amend section two hundred thirty-six point twelve  
 2 (236.12), Code 1946, by substituting a comma (,) for the period (.)  
 3 in line four (4), and adding the following: "or any institution which  
 4 holds a hospital license under any other general hospital licensure  
 5 law."

1 SEC. 18. 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 application of this act which can be  
 4 given effect without the invalid provision or application, and to this  
 5 end the provisions of the act are declared to be severable.

1 SEC. 19. All laws or parts of laws in conflict herewith, are hereby  
 2 repealed; provided however that this Act shall not be construed as  
 3 affecting, modifying or repealing any provision of chapter four  
 4 hundred thirteen (.413), Code 1946, except as provided in section  
 5 seven (7) hereof, and provided further that said act shall be construed  
 6 as being in addition to and not in conflict with chapter two hundred  
 7 thirty-five (235) and chapter two hundred thirty-six (236), Code  
 8 1946.

Approved April 22, 1947.

## CHAPTER 92

### NURSING HOMES REGULATION

S. F. 381

AN ACT to require licensing, inspection and regulation of nursing homes as herein defined and providing for regulations, enforcement procedures and penalties.

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

1 SECTION 1. As used in this act "Nursing Home" is any institution,  
 2 place, building or agency in which any accomodation\* is primarily  
 3 maintained, furnished, or offered for the care over a period exceeding  
 4 twenty-four hours of two or more nonrelated aged or infirm persons  
 5 requiring or receiving chronic or convalescent care, and shall include  
 6 sanatoriums, rest homes, boarding homes, or other related institutions  
 7 within the meaning of this act. Nothing in this act shall apply to  
 8 hotels or other similar places that furnish only food and lodging,  
 9 or either, to their guests.

1 SEC. 2. After July 4, 1947, no person, persons, or governmental  
 2 unit shall establish, conduct or maintain a nursing home in this state  
 3 without a license.

1 SEC. 3. Licenses shall be obtained from the state department of  
 2 health. Applications shall be upon such forms and contain such  
 3 information as the state department of health shall require.

1 SEC. 4. There shall be an annual license fee of ten dollars which  
 2 shall be paid into the general fund of the state.

1 SEC. 5. The state department of health shall adopt, amend, promul-  
 2 gate and enforce such rules, regulations and standards with respect

\*According to enrolled act.