

March 9, 1967

Passed on File

Public Health & Welfare 3-9, Pass 4-20
Appropriations 4-20

Senate File 475

By KLEFSTAD

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

A BILL FOR

An Act relating to the regulation of nursing homes and custodial homes and providing an appropriation therefor.

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

1 Section 1. Section one hundred thirty-five C point one
2 (135C.1), Code 1966, is hereby repealed and the following
3 enacted in lieu thereof:

4 "When used in this Act unless the context otherwise
5 requires:

6 "'Nursing home' means an institution, private home, other
7 place or part or unit thereof however named which houses two
8 (2) or more individuals requiring nursing care and related
9 health services, which is advertised, offered, maintained,
10 or operated for the express or implied purpose of housing
11 two (2) or more individuals not related to the owner or
12 administrator by blood or marriage within the third degree of
13 consanguinity who require nursing care and related health
14 services, which accommodations are for a period of twenty-
15 four (24) or more consecutive hours, but shall not include
16 any place providing care and treatment for the acutely ill.

17 "'Custodial home' means an institution, private home, other
18 place or part or unit thereof however named which houses two
19 (2) or more individuals requiring personal services, which is
20 advertised, offered, maintained, or operated for the express
21 or implied purpose of housing two (2) or more individuals not
22 related to the owner or administrator by blood or marriage
23 within the third degree of consanguinity who require personal

24 services in excess of food, shelter, or laundry, which
25 accommodations are for a period of twenty-four (24) or more
26 consecutive hours, but shall not include any place providing
27 care and treatment for the acutely ill.

28 "'Boarding home for the aged' means any institution, private
29 home, agency, or other place however named in which people
30 live for a period of twenty-four (24) or more consecutive hours
31 who are able to care for themselves and are not in need of
32 personal services in excess of food, shelter, or laundry, but
33 who choose to live in an environment free of the ordinary
34 obligations required of a person providing his own food, shelter,
35 and physical and social comforts. Boarding home for the aged
36 does not mean a custodial home or nursing home.

37 "'Person' means any individual, firm, partnership,
38 corporation, company, association or joint stock association;
39 and includes trustee, receiver, assignee or other similar
40 representative thereof.

41 "'Governmental unit' means the state, or any county,
42 municipality, or other political subdivision or any department,
43 division, board or other agency of any of the foregoing."

1 Sec. 2. Section one hundred thirty-five C point two (135C.2),
2 Code 1966, is hereby amended by striking all of subsection
3 two (2) after the word "arbitrary" in line three (3) and
4 inserting in lieu thereof the words "or unreasonable."

1 Sec. 3. Section one hundred thirty-five C point five
2 (135C.5), Code 1966, is hereby amended by striking from lines
3 three (3) and four (4) the words ", homes for the aged, or
4 boarding homes," and inserting in lieu thereof the words "or
5 boarding homes for the aged".

1 Sec. 4. Section one hundred thirty-five C point seven
2 (135C.7), Code 1966, is hereby amended by striking from line
3 twelve (12) the word "over".

1 Sec. 5. Section one hundred thirty-five C point eight
2 (135C.8), Code 1966, is hereby amended as follows:

3 1. By striking from line six (6) the words "with the"
4 and inserting in lieu thereof the words "upon written
5 application by the present licensee and the purchaser prior
6 to sale and upon".

7 2. By inserting in line seven (7) after the word "health."
8 the following:

9 "No change in the operation, program, or services of a
10 nursing or custodial home which would affect continuing
11 licensing may be made prior to approval by the state
12 department of health except as provided in this section. The
13 state department of health may by rules and regulations
14 determine changes which may be made without prior approval."

1 Sec. 6. Section one hundred thirty-five C point nine
2 (135C.9), Code 1966, is hereby amended as follows:

3 1. By inserting in line one (1) of subsection one (1)
4 after the word "home" the words "or custodial home".

5 2. By striking all of subsection two (2) of such
6 section.

1 Sec. 7. Section one hundred thirty-five C point ten
2 (135C.10), Code 1966, is hereby amended by adding the following
3 subsections thereto:

4 1. "Willful retention of a patient or resident who is in
5 need of care which is not available in the nursing home or
6 custodial home."

7 2. "Payment of any commission, bonus, or gratuity in any
8 form whatsoever to any physician, surgeon, organization,
9 agency or to any person either directly or indirectly for
10 patients referred."

1 Sec. 8. Section one hundred thirty-five C point fourteen
2 (135C.14), Code 1966, is hereby amended as follows:

3 1. By inserting in line five (5) after the word "homes"
4 the words "and rules and regulations classifying nursing homes
5 and custodial homes according to patient and resident needs

6 and available services".

7 2. By inserting in line four (4) of subsection one (1)
8 after the word "health," the word "and".

9 3. By striking from line four (4) of subsection two (2)
10 the words "to residents" and inserting in lieu thereof the
11 word "patients".

1 Sec. 9. Section one hundred thirty-five C point sixteen
2 (135C.16), Code 1966, is hereby amended by striking from line
3 five (5) the word "regulation" and inserting in lieu thereof
4 the word "regulations".

1 Sec. 10. Section one hundred thirty-five C point sixteen
2 (135C.16), Code 1966, is hereby amended by adding thereto the
3 following:

4 "Refusal of inspection upon proper identification by an
5 authorized inspector shall be a misdemeanor. A magistrate may
6 issue a warrant upon application if entrance is refused."

1 Sec. 11. Section one hundred thirty-five C point nineteen
2 (135C.19), Code 1966, is hereby amended by striking from line
3 three (3) the word "inspection" and inserting in lieu thereof
4 the word "inspections".

1 Sec. 12. Section one hundred thirty-five C point twenty-two
2 (135C.22), Code 1966, is hereby amended by adding thereto the
3 following sentence: "Any facility established for the provision
4 of nursing home care or custodial home care and operated by or
5 under the board of control or the board of regents after July
6 4, 1967 shall meet new construction standards."

1 Sec. 13. Chapter one hundred thirty-five C (135C), Code 1966,
2 is hereby amended by adding thereto the following sections:

3 1. "No department, agency, officer, or political subdivision
4 of this state shall pay or approve for payment from public funds
5 any amount or amounts to a nursing home or custodial home under
6 any program of state aid in connection with service provided
7 or to be provided an actual or prospective patient or resident
8 in a nursing home or custodial home unless the nursing home or
9 custodial home has a current license issued by the state

10 department of health and meets such other requirements as may
11 be enforced pursuant to law."

12 2. "There shall be appropriated to the state department
13 of health from the general fund of the state of Iowa the
14 sum of sixty-five thousand (65,000) dollars for each year of
15 the ensuing biennium to administer chapter one hundred thirty-
16 five C (135C) of the Code."

17 3. "If any provision of this Act or the application
18 thereof to any person or circumstance shall be held invalid,
19 such invalidity shall not effect the provisions or applica-
20 tions of this Act which can be given effect without the in-
21 valid provision or application, and to this end the provisions
22 of the Act are declared to be severable."

23 4. "All nursing home licenses and custodial home licenses
24 issued under the provisions of chapter one hundred thirty-
25 five C (135C) of the Code shall be valid as nursing home
26 licenses and custodial home licenses under this Act until
27 expiration. Nursing homes and custodial homes not meeting
28 new construction standards and having an interruption of
29 continuity of operation may not be subsequently licensed."