

INSPECTIONS AND APPEALS DEPARTMENT[481]

Notice of Intended Action

Proposing rulemaking related to hospitals and providing an opportunity for public comment

The Department of Inspections, Appeals, and Licensing hereby proposes to rescind Chapter 51, “Hospitals,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code section 135B.3A as enacted by 2023 Iowa Acts, Senate File 75, and section 135B.7 as amended by 2023 Iowa Acts, Senate File 75.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code sections 135B.3A and 135B.7; 2023 Iowa Acts, Senate File 75; and Executive Order 10 (January 10, 2023).

Purpose and Summary

This rulemaking proposes the repromulgation of Chapter 51. This rulemaking implements Iowa Code chapter 135B as amended by 2023 Iowa Acts, Senate File 75, in accordance with the goals and directives of Executive Order 10. Iowa Code chapter 135B requires that the Department, with approval by the Council on Health and Human Services, adopt rules setting forth standards for the different types of hospitals to be licensed under Iowa Code chapter 135B. Iowa Code section 135B.7 specifically requires that the rules state that a hospital or rural emergency hospital shall not deny clinical privileges to practitioners solely by reason of the license held by the practitioner or school or institution in which the practitioner received training; requires that a hospital or rural emergency hospital establish and implement written criteria for the granting of clinical privileges, including delineation of specified factors; and requires that the Department adopt rules requiring hospitals and rural emergency hospitals to establish and implement protocols for responding to the needs of patients who are victims of domestic abuse and elder abuse.

Pursuant to Iowa Code section 135B.3A, the Department is also required to adopt rules to establish minimum standards for the licensure of rural emergency hospitals consistent with the federal Consolidated Appropriations Act, Pub. L. No. 116-260, §125, and with regulations issued by the United States Secretary of Health and Human Services for rural emergency hospitals. Iowa Code section 135B.7A also requires the Department to adopt rules that require hospitals and rural emergency hospitals to establish procedures for authentication of all verbal orders by a practitioner within a period not to exceed 30 days following a patient’s discharge.

The proposed rules establish basic standards for patient care, including standards related to medical, nursing, and additional staff who provide services in hospitals; hospital response to abuse; hospital delivery of adequate nursing, surgical, anesthesia, emergency, obstetric, neonatal, and pediatric services; implementation of science-based infection control practices; delivery of services for medication administration, pharmacy, pathology and laboratory, and radiological services; organ and tissue procurement; maintenance of patient records; food protection and nutritional services; maintenance and use of patient equipment; and safe standards of construction.

A Regulatory Analysis related to this rulemaking was published in the Iowa Administrative Bulletin on November 29, 2023, and a public hearing was held on December 20, 2023. The Department received two public comments specifically supportive of the rules, including a comment opining that the rules are “appropriate for the chapter’s purpose and are the most effective and efficient implementation of Iowa Code chapter 135B.” The Department also received public comments identifying the need for rural emergency hospitals in the commenters’ communities but without substantive comment on the rules. In

response to comments from the Administrative Rules Review Committee at its hearing on the Regulatory Analysis, a minor and nonsubstantive change was made to proposed rule 481—51.24(135B) to make that rule easier for laypersons to read.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa in an amount requiring a fiscal impact statement pursuant to Iowa Code section 17A.4(4).

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

Public Comment

Any interested person may submit written comments concerning this proposed rulemaking. Written comments in response to this rulemaking must be received by the Department no later than 4:30 p.m. on February 28, 2024. Comments should be directed to:

Ashleigh Hackel
Iowa Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321
Email: ashleigh.hackel@dia.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

February 27, 2024 10:30 a.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa Video call link: meet.google.com/omy-errx-ppx Or dial: 1.570.915.0075 PIN: 255 876 356# More phone numbers: tel.meet/omy-errx-ppx?pin=1328955137110
February 28, 2024 10:30 a.m.	6200 Park Avenue, Suite 100 Des Moines, Iowa Video call link: meet.google.com/omy-errx-ppx Or dial: 1.570.915.0075 PIN: 255 876 356# More phone numbers: tel.meet/omy-errx-ppx?pin=1328955137110

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Emergency Rulemaking Adopted by Reference

This proposed rulemaking is also published herein as an Adopted and Filed Emergency rulemaking (see **ARC 7573C**). The purpose of this Notice of Intended Action is to solicit public comment on that emergency rulemaking, whose subject matter is hereby adopted by reference.