

CHAPTER 1107**FREESTANDING HOSPICE FACILITIES***H.F. 2308*

AN ACT relating to freestanding hospice facilities.

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

Section 1. Section 135B.1, subsection 1, Code 1989, is amended to read as follows:

1. "Hospital" means a place which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four hours of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four hours of obstetrical or other medical or nursing care for two or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four hours of two or more non-related aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanatoriums or other related institutions within the meaning of this chapter. Provided, however, nothing in this chapter shall apply to hotels or other similar places that furnish only food and lodging, or either, to their guests or to a freestanding hospice facility which operates a hospice program in accordance with 42 C.F.R. § 418. "Hospital" shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Public Law 725, 79th Congress, approved August 13, 1946.

Sec. 2. Section 135C.6, Code 1989, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A freestanding hospice facility which operates a hospice program in accordance with 42 C.F.R. § 418 may be operated without obtaining a license under this chapter and shall not be deemed to be licensed by the state.

Approved March 29, 1990

CHAPTER 1108**REGULATION OF DAMS***H.F. 2296*

AN ACT relating to the regulation and operation of dams.

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

Section 1. Section 111.4, unnumbered paragraph 1, Code 1989, is amended to read as follows:

A person, association, or corporation shall not build or erect any pier, wharf, sluice, piling, wall, fence, obstruction, building, or erection of any kind upon or over any state-owned land or water under the jurisdiction of the commission, without first obtaining from the commission a written permit. ~~However, this provision does not apply to dams constructed and operated under chapter 469.~~ A permit, in matters relating to or in any manner affecting flood control, shall not be issued without approval of the environmental protection commission of the department. A person shall not maintain or erect any structure beyond the line of private ownership along or upon the shores of state-owned waters in a manner to obstruct the passage of pedestrians along the shore between the ordinary high-water mark and the water's edge, except by permission of the commission.

Sec. 2. Section 455A.4, subsection 1, paragraph b, Code 1989, is amended to read as follows: