

Senate File 506

H-8210

1 Amend Senate File 506, as amended, passed, and reprinted by
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and
4 inserting:

5 <DIVISION I

6 CERTIFICATE OF NEED

7 Section 1. Section 10A.711, subsection 3, Code 2024, is
8 amended by striking the subsection.

9 Sec. 2. Section 10A.711, subsections 13 and 17, Code 2024,
10 are amended to read as follows:

11 13. "*Institutional health facility*" means any of the
12 following, without regard to whether the facilities referred
13 to are publicly or privately owned or are organized for profit
14 or not or whether the facilities are part of or sponsored by a
15 health maintenance organization:

16 a. A hospital.

17 b. A health care facility.

18 c. An organized outpatient health facility.

19 d. An ambulatory surgical center.

20 ~~e. A community mental health facility.~~

21 ~~f. A birth center.~~

22 17. "*New institutional health service*" or "*changed*
23 *institutional health service*" means any of the following:

24 a. The construction, development or other establishment of a
25 new institutional health facility regardless of ownership.

26 b. Relocation of an institutional health facility.

27 c. Any capital expenditure, lease, or donation by or on
28 behalf of an institutional health facility in excess of ~~one~~
29 ~~million five hundred thousand dollars~~ the following amounts, as
30 applicable, within a twelve-month period:

31 (1) Beginning July 1, 2024, three million five hundred
32 thousand dollars.

33 (2) Beginning July 1, 2029, four million dollars.

34 (3) Beginning July 1, 2034, four million five hundred
35 thousand dollars.

1 (4) Beginning July 1, 2039, five million dollars.

2 *d.* A permanent change in the bed capacity, as determined
3 by the department, of an institutional health facility. For
4 purposes of this paragraph, a change is permanent if it is
5 intended to be effective for one year or more.

6 ~~*e.* Any expenditure in excess of five hundred thousand
7 dollars by or on behalf of an institutional health facility for
8 health services which are or will be offered in or through an
9 institutional health facility at a specific time but which were
10 not offered on a regular basis in or through that institutional
11 health facility within the twelve-month period prior to that
12 time.~~

13 ~~*f.* The deletion of one or more health services, previously
14 offered on a regular basis by an institutional health facility
15 or health maintenance organization or the relocation of one or
16 more health services from one physical facility to another.~~

17 ~~*g.* Any acquisition by or on behalf of a health care provider
18 or a group of health care providers of any piece of replacement
19 equipment with a value in excess of one million five hundred
20 thousand dollars, whether acquired by purchase, lease, or
21 donation.~~

22 ~~*h.* *e.* (1) Any acquisition by or on behalf of a health
23 care provider or group of health care providers of any piece of
24 equipment with a value in excess of one million five hundred
25 thousand dollars the following amounts, as applicable, whether
26 acquired by purchase, lease, or donation, which results in the
27 offering or development of a health service not previously
28 provided.~~

29 (a) Beginning July 1, 2024, three million five hundred
30 thousand dollars.

31 (b) Beginning July 1, 2029, four million dollars.

32 (c) Beginning July 1, 2034, four million five hundred
33 thousand dollars.

34 (d) Beginning July 1, 2039, five million dollars.

35 (2) A mobile service provided on a contract basis is not

1 considered to have been previously provided by a health care
2 provider or group of health care providers.

3 ~~*i.* Any acquisition by or on behalf of an institutional
4 health facility or a health maintenance organization of any
5 piece of replacement equipment with a value in excess of one
6 million five hundred thousand dollars, whether acquired by
7 purchase, lease, or donation.~~

8 ~~*j.*~~ *f.* (1) Any acquisition by or on behalf of an
9 institutional health facility or health maintenance
10 organization of any piece of equipment with a value in excess
11 of ~~one million five hundred thousand dollars~~ the following
12 amounts, as applicable, whether acquired by purchase, lease,
13 or donation, which results in the offering or development of a
14 health service not previously provided.:

15 (a) Beginning July 1, 2024, three million five hundred
16 thousand dollars.

17 (b) Beginning July 1, 2029, four million dollars.

18 (c) Beginning July 1, 2034, four million five hundred
19 thousand dollars.

20 (d) Beginning July 1, 2039, five million dollars.

21 (2) A mobile service provided on a contract basis is not
22 considered to have been previously provided by an institutional
23 health facility.

24 ~~*k.* Any air transportation service for transportation of
25 patients or medical personnel offered through an institutional
26 health facility at a specific time but which was not offered
27 on a regular basis in or through that institutional health
28 facility within the twelve-month period prior to the specific
29 time.~~

30 ~~*l.*~~ *g.* Any mobile health service with a value in excess
31 of ~~one million five hundred thousand dollars.~~ the following
32 amounts, as applicable:

33 (1) Beginning July 1, 2024, three million five hundred
34 thousand dollars.

35 (2) Beginning July 1, 2029, four million dollars.

1 (3) Beginning July 1, 2034, four million five hundred
2 thousand dollars.

3 (4) Beginning July 1, 2039, five million dollars.

4 ~~m.~~ h. Any of the following:

5 (1) Cardiac catheterization service.

6 (2) Open heart surgical service.

7 (3) Organ transplantation service.

8 (4) Radiation therapy service applying ionizing radiation
9 for the treatment of malignant disease using megavoltage
10 external beam equipment.

11 Sec. 3. Section 10A.713, subsection 2, paragraph a, Code
12 2024, is amended to read as follows:

13 a. Private offices and private clinics of an individual
14 physician, dentist, or other practitioner or group of health
15 care providers, except as provided by section 10A.711,
16 subsection 17, paragraphs ~~"g"~~, "e" and "h", and ~~"m"~~, and section
17 10A.711, subsections 2 and 19.

18 Sec. 4. Section 10A.713, subsection 2, paragraph e,
19 subparagraphs (1) and (2), Code 2024, are amended to read as
20 follows:

21 (1) Constructs, develops, renovates, ~~relocates,~~ or
22 otherwise establishes an institutional health facility.

23 (2) Acquires major medical equipment as provided by section
24 10A.711, subsection 17, ~~paragraphs "i" and "j"~~ paragraph "f".

25 Sec. 5. Section 10A.713, subsection 2, paragraph h,
26 subparagraphs (2) and (3), Code 2024, are amended to read as
27 follows:

28 (2) If these conditions are not met, the institutional
29 health facility or health maintenance organization is subject
30 to review as a "new institutional health service" or "changed
31 institutional health service" ~~under section 10A.711, subsection~~
32 ~~17, paragraph "f"~~, and subject to sanctions under section
33 10A.723.

34 (3) If the institutional health facility or health
35 maintenance organization reestablishes the deleted service

1 or services at a later time, review as a "new institutional
2 health service" or "changed institutional health service" may
3 be required pursuant to ~~section 10A.711, subsection 17.~~

4 Sec. 6. Section 135.131, subsection 1, paragraph a, Code
5 2024, is amended to read as follows:

6 a. "*Birth center*" means ~~birth center as defined in section~~
7 ~~10A.711~~ a facility or institution, which is not an ambulatory
8 surgical center or hospital or in a hospital, in which births
9 are planned to occur following a normal, uncomplicated,
10 low-risk pregnancy.

11 DIVISION II

12 BIRTH CENTERS

13 Sec. 7. NEW SECTION. **147.165 Birth centers — civil and**
14 **criminal liability limitations of health care providers.**

15 1. A health care provider accepting the transfer of a
16 patient from a birth center shall not be civilly or criminally
17 liable for any injuries, damages, or outcomes arising from or
18 related to the acts or omissions of the birth center or any of
19 the employees, agents, contractors, or assigns of such birth
20 center.

21 2. For the purposes of this section:

22 a. "*Birth center*" means the same as defined in section
23 135.131.

24 b. "*Health care provider*" means the same as defined in
25 section 147.136A.

26 Sec. 8. BIRTH CENTERS — PROVISIONAL LICENSURE. The
27 department of inspections, appeals, and licensing shall develop
28 minimum standards for provisional licensure of a birth center
29 and shall adopt rules pursuant to chapter 17A to administer
30 birth center provisional licensure. The department shall
31 issue a provisional license to a birth center that meets the
32 minimum standards. A provisional license may be granted
33 for a period of no more than one year from the date the
34 specified administrative rules are adopted. A provisional
35 license shall expire at the end of the license term and is

1 not renewable. During the term of a provisional license, a
2 health care provider accepting the transfer of a patient from
3 a provisionally licensed birth center shall not be civilly
4 or criminally liable for any injuries, damages, or outcomes
5 arising from or related to the acts or omissions of the
6 provisionally licensed birth center or any of the employees,
7 agents, contractors, or assigns of such birth center.

8 Sec. 9. EMERGENCY RULES. The department of inspections,
9 appeals, and licensing shall adopt emergency rules under
10 section 17A.4, subsection 3, and section 17A.5, subsection
11 2, paragraph "b", to implement the birth center provisional
12 licensure provisions of this division of this Act, within six
13 months of the effective date of this division of this Act and
14 shall submit such rules to the administrative rules coordinator
15 and the administrative code editor pursuant to section 17A.5,
16 subsection 1, within the same period. The rules shall be
17 effective immediately upon filing unless a later date is
18 specified in the rules. Any rules adopted in accordance with
19 this section shall also be published as a notice of intended
20 action as provided in section 17A.4.

21 Sec. 10. PROPOSED LEGISLATION — BIRTH CENTER
22 LICENSURE. The department of inspections, appeals, and
23 licensing shall submit proposed legislation under section
24 2.16 that provides for state licensure of and inspection
25 requirements for birth centers to be considered by the 2025
26 session of the general assembly.

27 Sec. 11. DEFINITIONS. For the purposes of this division of
28 this Act:

29 1. "Birth center" means a facility or institution, which
30 is not an ambulatory surgical center or a hospital or in a
31 hospital, in which births are planned to occur following a
32 normal, uncomplicated, low-risk pregnancy.

33 2. "Health care provider" means the same as defined in
34 section 147.136A.

35 Sec. 12. EFFECTIVE DATE. This division of this Act, being

1 deemed of immediate importance, takes effect upon enactment.>
2 2. Title page, line 2, after <process,> by inserting
3 <providing civil and criminal liability limitations for health
4 care providers in certain circumstances,>

COMMITTEE ON HEALTH AND HUMAN SERVICES

A. MEYER of Webster, Chairperson