

House File 786 - Enrolled

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HOUSE FILE 786

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1 3 AN ACT
1 4 RELATING TO THE OPERATING OR PROVIDING OF ANOTHER BUSINESS OR
1 5 ACTIVITY IN A HEALTH CARE FACILITY.

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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 9 Section 1. Section 135C.5, Code 2005, is amended to read
1 10 as follows:

1 11 135C.5 LIMITATIONS ON USE.

~~1 12 Another business or activity serving persons other than the
1 13 residents of a health care facility shall not may be carried
1 14 on in a health care facility, or in operated or provided in a
1 15 designated part of the same physical structure with a of the
1 16 health care facility, unless such business or activity is
1 17 under the control of and is directly related to and incidental
1 18 to the operation of the health care facility or unless the
1 19 business or activity is approved by the department and the
1 20 state fire marshal if the other business or activity meets the
1 21 requirements of applicable state and federal laws,~~

~~1 22 administrative rules, and federal regulations. ¶ The
1 23 department shall not limit the ability of a health care
1 24 facility to operate or provide another business or activity
1 25 which is operated within the limitations of this section shall
1 26 in the designated part of the facility if the business or
1 27 activity does not interfere in any manner with the use of the
1 28 facility by the residents or with the services provided to the
1 29 residents, and shall is not be disturbing to them the
1 30 residents. In denying the ability of a health care facility
1 31 to operate or provide another business or activity under this
1 32 section, the burden of proof shall be on the department to
1 33 demonstrate that the other business or activity substantially
1 34 interferes with the use of the facility by the residents or
1 35 the services provided to the residents, or is disturbing to~~

~~2 1 the residents. The department and the state fire marshal, in
2 2 accordance with chapter 17A, shall adopt rules which establish
2 3 criteria for approval of a business or activity to be carried
2 4 on in a health care facility or operated or provided in a
2 5 designated part of the same physical structure with of a
2 6 health care facility. For the purposes of this section,
2 7 "another business or activity" shall not include laboratory
2 8 services with the exception of laboratory services for which a
2 9 waiver from regulatory oversight has been obtained under the
2 10 federal Clinical Laboratory Improvement Amendments of 1988,
2 11 Pub. L. No. 100=578, as amended, radiological services,
2 12 anesthesiology services, obstetrical services, surgical
2 13 services, or emergency room services provided by hospitals
2 14 licensed under chapter 135B.~~

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2 18 _____
CHRISTOPHER C. RANTS

2 19 Speaker of the House

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JEFFREY M. LAMBERTI

2 24 President of the Senate

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2 26 I hereby certify that this bill originated in the House and

2 27 is known as House File 786, Eighty-first General Assembly.

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2 31 _____
MARGARET THOMSON

2 32 Chief Clerk of the House

2 33 Approved _____, 2005

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3 2 THOMAS J. VILSACK

3 3 Governor