

February 11, 1970

HOUSE FILE 1243

Place on Calendar

San. Comm. on Children 3/9
Pass 3/9

By COMMITTEE ON SOCIAL SERVICES

Passed House, Date *2-27-70* Passed Senate, Date *3-30-70*

Vote: Ayes *77* Nays *5* Vote: Ayes *37* Nays *21*

Approved.....

Passed House as amended by Senate
4/3/70
aye 96, nays 5

A BILL FOR

Sub for H. F. 1243 3/3
Motion to indefinitely postpone
Withdrawn 3/30

- 1 An Act relating to the definition, licensing, inspection, and
- 2 regulation of health care facilities, and providing for
- 3 adoption of rules, enforcement procedures, and penalties.
- 4 *Be It Enacted by the General Assembly of the State of Iowa:*
- 5 Section 1. Section one hundred thirty-five C point one
- 6 (135C.1), Code 1966, is hereby amended as follows:
- 7 1. By striking subsections one (1) and two (2) and insert-
- 8 ing in lieu thereof the following new subsections:
- 9 "1. 'Adult foster home' means any private dwelling or other
- 10 suitable place providing for a period exceeding twenty-four
- 11 consecutive hours accommodation, board, and supervision, for
- 12 which a charge is made, to not more than two individuals, not
- 13 related to the owner or occupant of the dwelling or place
- 14 within the third degree of consanguinity, who by reason of age,
- 15 illness, disease, or physical or mental infirmity are unable
- 16 to sufficiently or properly care for themselves, but who are
- 17 essentially capable of managing their own affairs.
- 18 2. 'Boarding home' means any institution, place, building,
- 19 or agency providing for a period exceeding twenty-four consecu-
- 20 tive hours accommodation, board, and supervision to three or
- 21 more individuals, not related to the administrator or owner
- 22 thereof within the third degree of consanguinity, who by rea-
- 23 son of age, illness, disease, or physical or mental infirmity
- 24 are unable to sufficiently or properly care for themselves, but
- 25 who are essentially capable of managing their own affairs.

1 3. 'Custodial home' means any institution, place, building,
2 or agency providing for a period exceeding twenty-four consecu-
3 tive hours accommodation, board, and personal assistance in
4 feeding, dressing, and other essential daily living activities
5 to individuals, not related to the administrator or owner thereof
6 within the third degree of consanguinity, who by reason of age,
7 illness, disease, or physical or mental infirmity are unable
8 to sufficiently or properly care for themselves or manage their
9 own affairs, but who do not require the daily services of a
10 registered or licensed practical nurse.

11 4. 'Basic nursing home' means any institution, place, build-
12 ing, or agency providing for a period exceeding twenty-four con-
13 secutive hours accommodation, board, and personal care and treat-
14 ment or simple nursing care to individuals, not related to the
15 administrator or owner thereof within the third degree of con-
16 sanguinity, who by reason of age, illness, disease, or physical
17 or mental infirmity require domiciliary care, simple nursing
18 care, or occasional skilled nursing care, but who do not require
19 hospital or skilled nursing home care.

20 5. 'Intermediate nursing home' means any institution, place,
21 building, or agency providing for a period exceeding twenty-four
22 consecutive hours accommodation, board, and nursing care and
23 supporting services as directed by a physician to individuals,
24 not related to the administrator or owner thereof within the
25 third degree of consanguinity, who by reason of age, illness,
26 disease, or physical or mental infirmity require continuous
27 nursing care and related medical services, or occasional skilled
28 nursing care, but who do not require hospital care.

29 6. 'Skilled nursing home' means any institution, place,
30 building, or agency providing for a period exceeding twenty-
31 four consecutive hours accommodation, board, and the health
32 care services necessary for certification as a skilled nursing
33 home under Title XIX of the United States Social Security Act
34 (Title XLII, United States Code, sections 1396 through 1396g),
35 as amended to January 1, 1970, to individuals not related to

1 the administrator or owner thereof within the third degree of
2 consanguinity.

3 7. 'Extended care facility' means any institution, place,
4 building, or agency providing for a period exceeding twenty-
5 four consecutive hours accommodation, board, and the health
6 care services necessary for certification as an extended care
7 facility under Title XVIII of the United States Social Security
8 Act (Title XLII, United States Code, section 1395 through
9 1395ll), as amended to January 1, 1970, to individuals not
10 related to the administrator or owner thereof within the third
11 degree of consanguinity.

12 8. 'Health care facility' or 'facility' means any adult
13 foster home, boarding home, custodial home, basic nursing home,
14 intermediate nursing home, skilled nursing home, or extended
15 care facility.

16 9. 'Patient' means an individual admitted to a basic nurs-
17 ing home, intermediate nursing home, skilled nursing home, or
18 extended care facility in the manner prescribed by section
19 twenty-three (23) of this Act for care requiring, at a mini-
20 mum, the daily services of a registered or licensed practical
21 nurse.

22 10. 'Resident' means an individual admitted to a health
23 care facility in the manner prescribed by section twenty-three
24 (23) of this Act, who does not require the daily services of
25 a registered or licensed practical nurse. An employee of, or
26 an individual related within the third degree of consanguinity
27 to the administrator or owner of, a health care facility shall
28 not be deemed a resident thereof for the purposes of this Act
29 solely by reason of being provided living quarters within such
30 facility.

31 11. 'Physician' means a physician as defined by section one
32 hundred thirty-five point one (135.1) of the Code.

33 12. 'Commissioner' means the commissioner of public health
34 appointed pursuant to section one hundred thirty-five point
35 two (135.2) of the Code.

1 13. 'Department' means the state department of health."

2 2. By renumbering the succeeding subsections.

3 Sec. 2. Section one hundred thirty-five C point two (135C.2),
4 Code 1966, is hereby amended as follows:

5 1. By striking from lines three (3) and four (4) the words
6 "aged, infirm and convalescent persons" and inserting in lieu
7 thereof the words "individuals who are aged or who, regardless
8 of age, are infirm, convalescent, or mentally or physically de-
9 pendent,".

10 2. By inserting in line seven (7) after the word "the" the
11 word "housing,".

12 3. By striking from line eight (8) the words "nursing homes
13 and custodial homes" and inserting in lieu thereof the words
14 "health care facilities".

15 4. By inserting in line ten (10) before the word "and" the
16 word ", renovation,".

17 5. By striking from lines ten (10) and eleven (11) the
18 words "nursing homes and custodial homes" and inserting in
19 lieu thereof the words "health care facilities".

20 Sec. 3. Section one hundred thirty-five C point three
21 (135C.3), Code 1966, is hereby amended as follows:

22 1. By striking from lines one (1) and two (2) the words
23 "An institution licensed as a nursing home" and inserting in
24 lieu thereof the words "Each facility licensed as an extended
25 care facility, a skilled nursing home, an intermediate nursing
26 home, or a basic nursing home,".

27 2. By striking all of such section after the period in
28 line fifteen (15) and inserting in lieu thereof the following:

29 "All admissions to extended care facilities, skilled nurs-
30 ing homes, intermediate nursing homes, and basic nursing homes
31 shall be based on an order written by a physician certifying
32 that the individual being admitted requires no greater degree
33 of nursing care than the facility to which the admission is
34 made capable of providing.

35 Sec. 4. Section one hundred thirty-five C point four (135C.4),

1 Code 1966, is hereby amended as follows:

2 1. By striking from lines one (1) and two (2) the words
3 "An institution licensed as a custodial home" and inserting in
4 lieu thereof the words "Each facility licensed as a custodial
5 home or boarding home".

6 2. By striking all of such section after the period in line
7 eight (8) and inserting in lieu thereof the following:

8 "All admissions to custodial homes, boarding homes, or adult
9 foster homes shall be based on an order written by a physician
10 certifying that the individual being admitted does not require
11 nursing care."

12 Sec. 5. Section one hundred thirty-five C point five (135C.5),
13 Code 1966, is hereby repealed and the following enacted in lieu
14 thereof:

15 "No other business or activity shall be carried on in a
16 health care facility, nor in the same physical structure with
17 a health care facility except as hereinafter provided, unless
18 such business or activity is directly related to or necessary
19 for the operation of the health care facility. No business or
20 activity which is operated within the limitations of this sec-
21 tion shall interfere in any manner with the use of the facility
22 by the patients or residents, nor be disturbing to them. Any
23 part of such business or activity open to customers other than
24 patients or residents of the health care facility shall be phy-
25 sically separated from the facility, and an entrance shall be
26 provided for such customers so that they do not pass through
27 the health care facility in entering or leaving the area where
28 such business or activity is conducted."

29 Sec. 6. Section one hundred thirty-five C point six (135C.6),
30 Code 1966, is hereby amended as follows:

31 1. By striking from lines one (1) and two (2) the words
32 and figures "After July 4, 1957, no" and inserting in lieu
33 thereof the figure and word "1. No".

34 2. By striking from line five (5) the words "nursing home
35 or custodial home" and inserting in lieu thereof the words

1 "health care facility".

2 3. By striking from line six (6) the word "home" and in-
3 serting in lieu thereof the word "facility".

4 4. By adding thereto the following new subsections:

5 "2. A health care facility suitable for separation and
6 operation with distinct parts may, where otherwise qualified
7 in all respects, be issued multiple licenses authorizing var-
8 ious parts of such facilities to be operated as health care
9 facilities of different license categories.

10 3. No change in a health care facility, its operation,
11 program, or services, of a degree or character affecting con-
12 tinuing licensability shall be made without prior approval
13 thereof by the department. The department may by rule specify
14 the types of changes which shall not be made without its prior
15 approval.

16 4. No department, agency, or officer of this state or of
17 any of its political subdivisions shall pay or approve for
18 payment from public funds any amount or amounts to a health
19 care facility under any program of state aid in connection with
20 services provided or to be provided an actual or prospective
21 patient or resident in a health care facility, unless the fa-
22 cility has a current license issued by the department and meets
23 such other requirements as may be in effect pursuant to law.

24 5. No health care facility established and operated in com-
25 pliance with law prior to the effective date of this Act shall
26 be required to change its corporate or business name by reason
27 of the definitions prescribed in section one hundred thirty-
28 five C point one (135C.1) of the Code, provided that no health
29 care facility shall at any time represent or hold out to the
30 public or to any individual that it is licensed as, or provides
31 the services of, a health care facility of a type offering a
32 higher grade of care than such health care facility is licensed
33 to provide. Any health care facility which, by virtue of this
34 section, operates under a name not accurately descriptive of
35 the type of license which it holds shall clearly indicate in

1 any printed advertisement, letterhead, or similar material, the
2 type of license which it has in fact been issued. No health
3 care facility established or renamed after July 1, 1971 shall
4 use any name indicating that it holds a higher type of license
5 than it has been issued.”

6 Sec. 7. Section one hundred thirty-five C point seven
7 (135C.7), Code 1966, is hereby amended as follows:

8 1. By striking from line two (2) the words “state depart-
9 ment of health” and inserting in lieu thereof the word “depart-
10 ment”.

11 2. By striking from line four (4) the word “require” and
12 inserting in lieu thereof the word “include”.

13 3. By striking from line four (4) the word “said”.

14 4. By striking from lines nine (9) and ten (10) the words
15 “license fee, which shall be refunded” and inserting in lieu
16 thereof the words “annual license fee prescribed by this sec-
17 tion, subject to refund”.

18 5. By striking all of such section after the word “the” in
19 line fifteen (15) and inserting in lieu thereof the following:

20 “health care facility, as follows:

21 1. For extended care facilities, skilled nursing homes, in-
22 termediate nursing homes, and basic nursing homes having a total
23 of:

24 a. Ten beds or less, ten dollars.

25 b. More than ten and not more than twenty-five beds, twenty
26 dollars.

27 c. More than twenty-five and not more than seventy-five
28 beds, thirty dollars.

29 d. More than seventy-five and not more than one hundred
30 fifty beds, forty dollars.

31 e. More than one hundred fifty beds, fifty dollars.

32 2. For adult foster homes, boarding homes, and custodial
33 homes, having a total of:

34 a. Ten beds or less, five dollars.

35 b. More than ten and not more than twenty-five beds, ten

1 dollars.

2 c. More than twenty-five and not more than seventy-five
3 beds, fifteen dollars.

4 d. More than seventy-five and not more than one hundred
5 fifty beds, twenty dollars.

6 e. More than one hundred fifty beds, twenty-five dollars.”

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

9 1. By striking from lines one (1) and two (2) the words
10 “nursing homes or custodial homes” and inserting in lieu
11 thereof the words “health care facilities”.

12 2. By striking from lines six (6) and seven (7) the words
13 “state department of health” and inserting in lieu thereof
14 the words “department, obtained prior to the purchase of
15 the facility involved”.

16 3. By inserting in line seventeen (17) after the word
17 “license” the words “in accordance with regulations promulgated
18 by the department. Health care facilities which have allowed
19 their licenses to lapse through failure to make timely appli-
20 cation for renewal of their licenses shall pay an additional
21 fee of twenty-five percent of the annual license fee prescribed
22 in section one hundred thirty-five C point seven (135C.7) of
23 the Code”.

24 Sec. 9. Section one hundred thirty-five C point nine
25 (135C.9), Code 1966, is hereby amended as follows:

26 1. By striking lines one (1) through twenty-three (23), in-
27 clusive, and inserting in lieu thereof the following:

28 “The department shall not issue a health care facility li-
29 cense to any applicant until:

30 1. The department has ascertained that the staff and equip-
31 ment of the facility is adequate to provide the care and ser-
32 vices required of a health care facility of the category for
33 which the license is sought. Prior to the review and approval
34 of plans and specifications for any new facility and initial
35 licensing under a new licensee, a resume of the programs and

1 services to be furnished and of the means available to the ap-
2 plicant for providing the same and for meeting requirements
3 for staffing, equipment, and operation of the health care fa-
4 cility, with particular reference to the professional require-
5 ments for services to be rendered, shall be submitted in writ-
6 ing to the department for review and approval.

7 2. The facility has been inspected by the state fire mar-
8 shal or his deputy”.

9 2. By adding thereto the following:

10 “The rules, regulations and standards shall be in keeping
11 with the latest generally recognized safety criteria for the
12 facilities covered, of which the applicable criteria recom-
13 mended and published from time to time by the national fire
14 protection association shall be prima facie evidence.”

15 Sec. 10. Section one hundred thirty-five C point ten
16 (135C.10), Code 1966, is hereby amended as follows:

17 1. By striking from line one (1) the words “state depart-
18 ment of health” and inserting in lieu thereof the word “depart-
19 ment”.

20 2. By striking line nine (9) and inserting in lieu thereof
21 the words “health care facility residents or patients.”

22 3. By striking from line eleven (11) the words “nursing
23 home or custodial home” and inserting in lieu thereof the words
24 “health care facility resident or”.

25 4. By striking from line fifteen (15) the word “home” and
26 inserting in lieu thereof the words “health care facility”.

27 5. By striking from lines eighteen (18) and nineteen (19)
28 the words “nursing home or custodial home” and inserting in
29 lieu thereof the words “health care facility”.

30 6. By striking from line twenty-one (21) the words “nurs-
31 ing home or custodial home” and inserting in lieu thereof the
32 words “health care facility”.

33 7. By inserting in line twenty-five (25) after the word
34 “obtain” the words “or retain”.

35 8. By striking from line twenty-six (26) the word “or”

1 and inserting in lieu thereof a comma.

2 9. By inserting before the period in line twenty-seven
3 (27) the words “, or by submitting false information”.

4 10. By striking from lines thirty (30) and thirty-one (31)
5 the words “nursing home or custodial home” and inserting in
6 lieu thereof the words “health care facility”.

7 11. By striking from lines thirty-three (33) and thirty-
8 four (34) the words “nursing home and custodial home” and
9 inserting in lieu thereof the words “health care facility”.

10 Sec. 11. Section one hundred thirty-five C point eleven
11 (135C.11), Code 1966, is hereby amended as follows:

12 1. By striking from line thirty-five (35) the word “said”
13 and inserting in lieu thereof the word “the”.

14 2. By adding thereto the following:

15 “The commissioner may, with the advice and consent of the
16 care review committee established pursuant to section twenty-
17 five (25) of this Act, remove all residents and patients and
18 suspend the license or licenses of any health care facility,
19 prior to a hearing, when he finds that the health or safety
20 of residents or patients of the health care facility requires
21 such action on an emergency basis.”

22 Sec. 12. Section one hundred thirty-five C point twelve
23 (135C.12), Code 1966, is hereby amended as follows:

24 1. By striking from line two (2) the words “of health”.

25 2. By striking from line eleven (11) the words “nursing
26 home or custodial home” and inserting in lieu thereof the words
27 “health care facility”.

28 3. By adding thereto the following:

29 “No health care facility shall be operated on a conditional
30 license for more than one year. The department, in evaluating
31 corrections of deficiencies in a facility, may determine what
32 is satisfactory compliance, provided that in so doing it shall
33 employ established criteria which shall be uniformly applied
34 to all facilities of the same license category.”

35 Sec. 13. Section one hundred thirty-five C point thirteen

1 (135C.13), Code 1966, is hereby amended as follows:

2 1. By striking from line three (3) the words "of public
3 health".

4 2. By striking from line eight (8) the word "home" and in-
5 serting in lieu thereof the word "facility".

6 3. By striking from line nine (9) the word "home" and in-
7 serting in lieu thereof the word "facility".

8 4. By inserting before the period in line twenty-five (25)
9 the words "except when the commissioner, with the advice and
10 consent of the care review committee established pursuant to
11 section twenty-five (25) of this Act, determines that the health,
12 safety or welfare of the residents or patients of the facility
13 are in immediate danger, in which case he may order the immedi-
14 ate removal of such residents or patients".

15 Sec. 14. Section one hundred thirty-five C point fourteen
16 (135C.14), Code 1966, is hereby amended as follows:

17 1. By striking from line two (2) the words "of health shall
18 adopt," and inserting in lieu thereof the words "may adopt by
19 reference nationally recognized standards and rules and regu-
20 lations, or otherwise".

21 2. By striking from lines four (4) and five (5) the words
22 "nursing homes and custodial homes" and inserting in lieu
23 thereof the words "health care facilities".

24 3. By inserting in line six (6) after the word "standards"
25 the words "shall be formulated in consultation with the com-
26 missioner of social services or his designee, and".

27 4. By striking from line nine (9) the word "home" and in-
28 serting in lieu thereof the word "facility".

29 5. By striking from line twenty-one (21) the semicolon,
30 and inserting in lieu thereof the words ", and shall be in
31 keeping with the latest generally recognized safety criteria
32 for the facilities covered of which the applicable criteria
33 recommended and published from time to time by the national
34 fire protection association shall be prima facie evidence."

35 6. By striking from line twenty-five (25) the words "given

1 to residents;” and inserting in lieu thereof the words “provided
2 to residents or patients.”

3 7. By striking from line twenty-six (26) the word “home”
4 and inserting in lieu thereof the word “facility”.

5 8. By striking from line thirty (30) the word “residents;”
6 and inserting in lieu thereof the words “residents or patients.”

7 9. By inserting at the end of line thirty-one (31) the
8 words “or patient”.

9 10. By striking from line thirty-four (34) the words “resi-
10 dent; and” and inserting in lieu thereof the words “resident or
11 patient.”

12 11. By inserting in line thirty-six (36) after the word
13 “resident” the words “or patient”.

14 12. By adding to the end thereof the following new sub-
15 sections:

16 “Operation, administration, and programming of activities
17 in the facility.”

18 “The classification of health care facilities according to
19 character, size, and range of services provided. The depart-
20 ment may make distinctions among such classifications of health
21 care facilities in its standards, rules, and regulations, when
22 it deems such distinctions appropriate.”

23 Sec. 15. Section one hundred thirty-five C point fifteen
24 (135C.15), Code 1966, is hereby amended as follows:

25 1. By striking from lines one (1) and two (2) the words
26 “nursing home or custodial home” and inserting in lieu thereof
27 the words “health care facility”.

28 2. By inserting in line three (3) before the word “promul-
29 gation” the words “adoption or”.

30 3. By striking the period from line eight (8) and insert-
31 ing in lieu thereof the following:

32 “as provided for by the department. Renovation of an exist-
33 ing health care facility, not already in compliance with all
34 applicable standards, shall be permitted only if the fixtures
35 and equipment to be installed and the services to be provided

1 in the renovated portion of the facility will conform substan-
2 tially to current operational standards. Construction of an
3 addition to an existing health care facility shall be permitted
4 only if the design of the structure, the fixtures and equipment
5 to be installed, and the services to be provided in the addi-
6 tion will conform substantially to current construction and
7 operational standards.”

8 Sec. 16. Section one hundred thirty-five C point sixteen
9 (135C.16), Code 1966, is hereby amended as follows:

10 1. By striking from lines one (1) and two (2) the words
11 “state department of health” and inserting in lieu thereof
12 the word “department”.

13 2. By striking the period from line three (3) and insert-
14 ing in lieu thereof a comma.

15 3. By striking from line four (4) the words “The state de-
16 partment of health” and inserting in lieu thereof the word
17 “and”.

18 4. By inserting in line seven (7) after the word “of” the
19 words “physical or functional”.

20 5. By striking from line eleven (11) the words “state de-
21 partment of health” and inserting in lieu thereof the word
22 “department”.

23 6. By striking from line sixteen (16) the words “of health”
24 and inserting in lieu thereof the words “, department of social
25 services”.

26 7. By striking from lines seventeen (17) and eighteen (18)
27 the words “nursing home or custodial home” and inserting in
28 lieu thereof the words “health care facility”.

29 8. By striking from line nineteen (19) the words “nursing
30 home or custodial home” and inserting in lieu thereof the
31 words “health care facility”.

32 9. By adding to the end thereof the following:

33 “If a search warrant becomes necessary, it shall be obtained
34 by the inspector with the assistance of the county attorney of
35 the county in which the facility or purported facility is lo-

1 cated.”

2 Sec. 17. Section one hundred thirty-five C point seventeen
3 (135C.17), Code 1966, as amended by chapter two hundred nine
4 (209), section thirty-seven (37), Acts of the Sixty-second
5 General Assembly, is hereby further amended as follows:

6 1. By striking lines two (2) and three (3) and inserting
7 in lieu thereof the following:

8 “shall be the duty of the department of social services,
9 state fire marshal, and the”.

10 2. By striking from line five (5) the words “state depart-
11 ment of health” and inserting in lieu thereof the word “depart-
12 ment”.

13 3. By striking all of such section after the word “any” in
14 line nine (9) and inserting in lieu thereof the following:

15 “resident or patient of any health care facility.”

16 Sec. 18. Section one hundred thirty-five C point eighteen
17 (135C.18), Code 1966, is hereby amended by striking from lines
18 one (1) and two (2) the words “state department of health may
19 employ” and inserting in lieu thereof the words “department
20 may employ, pursuant to chapter ninety-five (95), Acts of the
21 Sixty-second General Assembly,”.

22 Sec. 19. Section one hundred thirty-five C point nineteen
23 (135C.19), Code 1966, is hereby amended as follows:

24 1. By striking from lines two (2) and three (3) the words
25 “state department of health” and inserting in lieu thereof the
26 word “department”.

27 2. By striking from lines six (6) and seven (7) the words
28 “nursing homes or custodial homes” and inserting in lieu thereof
29 the words “health care facilities without the written authoriza-
30 tion of the licensee involved”.

31 3. By inserting in line eight (8) after the word “or” the
32 words “in the matter of”.

33 Sec. 20. Section one hundred thirty-five C point twenty
34 (135C.20), Code 1966, is hereby amended as follows:

35 1. By striking from lines one (1) and two (2) the words

1 "state department of health" and inserting in lieu thereof
2 the word "department".

3 2. By striking from lines three (3) and four (4) the words
4 "nursing and custodial homes" and inserting in lieu thereof
5 the words "health care facilities".

6 3. By striking all of such section after the word "of" in
7 line eight (8) and inserting in lieu thereof the words "health
8 care facilities, and publish for public distribution copies of
9 the laws, standards, and rules and regulations pertaining to
10 their operation."

11 Sec. 21. Section one hundred thirty-five C point twenty-
12 one (135C.21), Code 1966, is hereby amended as follows:

13 1. By striking from lines two (2) and three (3) the words
14 "nursing home or custodial home" and inserting in lieu thereof
15 the words "health care facility".

16 2. By striking from line fourteen (14) the words "nursing
17 home or custodial home" and inserting in lieu thereof the words
18 "health care facility".

19 Sec. 22. Section one hundred thirty-five C point twenty-
20 two (135C.22), Code 1966, as amended by chapter two hundred
21 nine (209), section thirty-eight (38), Acts of the Sixty-second
22 General Assembly, is hereby repealed and the following enacted
23 in lieu thereof:

24 "The provisions of this chapter shall be applicable to in-
25 stitutions operated by or under the control of the department
26 of social services, the state board of regents, or any other
27 governmental unit."

28 Sec. 23. No individual shall be admitted to or permitted to
29 remain in a health care facility as a patient or resident, ex-
30 cept in accordance with the requirements of this section.

31 1. Each patient or resident shall be covered by a contract
32 executed at the time of admission or prior thereto by the pa-
33 tient or resident, or his legal representative, and the health
34 care facility. Each party to the contract shall be entitled
35 to a duplicate original thereof, and the health care facility

- 1 shall keep on file all contracts which it has with patients
- 2 or residents and shall not destroy or otherwise dispose of any
- 3 such contract for at least one year after its expiration or
- 4 such longer period as the department may by rule require. Each
- 5 such contract shall expressly set forth:
 - 6 a. The terms of the contract.
 - 7 b. The services and accommodations to be provided by the
 - 8 health care facility and the rates or charges therefor.
 - 9 c. Specific descriptions of any duties and obligations of
 - 10 the parties in addition to those required by operation of law.
 - 11 d. Any other matters deemed appropriate by the parties to
 - 12 the contract. No contract or any provision thereof shall be
 - 13 drawn or construed so as to relieve any health care facility
 - 14 of any requirement or obligation imposed upon it by this Act
 - 15 or any standards or rules in force pursuant to this Act.
- 16 2. No health care facility shall knowingly admit or retain
- 17 any patient or resident:
 - 18 a. Who is dangerous to himself or other patients or resi-
 - 19 dents.
 - 20 b. Who is in an active or acute stage of alcoholism, drug
 - 21 addiction, mental illness, or communicable disease.
 - 22 c. Whose condition or conduct is such that he would be un-
 - 23 duly disturbing to other patients or residents.
 - 24 d. Who is in need of medical procedures, as determined by
 - 25 a physician, or services, as determined by the care review com-
 - 26 mittee, which cannot be carried out in the facility.
- 27 3. Except in emergencies, a patient or resident who is not
- 28 essentially capable of managing his own affairs shall be trans-
- 29 ferred out of a health care facility or discharged for any rea-
- 30 son only after prior notification to the next of kin, legal
- 31 representative, or agency acting on the patient's or resident's
- 32 behalf. When such next of kin, legal representative, or agency
- 33 cannot be reached or refuses to cooperate, proper arrangements
- 34 shall be made by the home for the welfare of the patient or
- 35 resident before his transfer or discharge.

1 4. No owner, administrator, employee, or representative of
2 a health care facility shall pay any commission, bonus, or
3 gratuity in any form whatsoever, directly or indirectly, to
4 any person for patients or residents referred to such facility.

5 Sec. 24. The admission of a patient or resident to a health
6 care facility and his presence therein shall not in and of
7 itself confer on such facility, its owner, administrator, em-
8 ployees, or representatives any authority to manage, use, or
9 dispose of any property of the patient or resident, nor any
10 authority or responsibility for the personal affairs of the
11 patient or resident, except as may be necessary for the safety
12 and orderly management of the facility and as required by this
13 section.

14 1. No health care facility, and no owner, administrator,
15 employee or representative thereof shall act as guardian,
16 trustee or conservator for any patient or resident of such
17 facility, or any of such patient's or resident's property.

18 2. A health care facility shall provide for the safekeep-
19 ing of personal effects, funds and other property of its pa-
20 tients or residents, provided that whenever necessary for the
21 protection of valuables or in order to avoid unreasonable
22 responsibility therefor, the facility may require that they
23 be excluded or removed from the premises of the facility and
24 kept at some place not subject to the control of the facility.

25 3. A health care facility shall keep complete and accurate
26 records of all funds and other effects and property of its
27 patients or residents received by it for safekeeping.

28 4. Any funds or other property belonging to or due a pa-
29 tient or resident, or expendable for his account, which are
30 received by a health care facility shall be trust funds, shall
31 be kept separate from the funds and property of the facility
32 and of its other patients or residents, or specifically cred-
33 ited to such patient or resident, and shall be used or other-
34 wise expended only for the account of the patient or resident.
35 Upon request the facility shall furnish the patient or resi-

1 dent, the guardian, trustee or conservator, if any, for any
2 patient or resident, or any governmental unit or private char-
3 itable agency contributing funds or other property on account
4 of any patient or resident, a complete and certified statement
5 of all funds or other property to which this subsection applies
6 detailing the amounts and items received, together with their
7 sources and disposition.

8 Sec. 25. Each health care facility shall have a care review
9 committee, established in accordance with the rules of the de-
10 partment, which shall periodically review the needs of each
11 individual patient or resident of the facility. The composi-
12 tion of the care review committee shall be in accordance with
13 rules of the department, which shall in formulating such rules
14 give consideration to the needs of patients and residents of
15 each license category of health care facility and the services
16 facilities of each category are authorized to render.

17 Sec. 26. The commissioner shall be notified within twenty-
18 four hours, by the most expeditious means available, of any
19 accident causing major injury or death, and any fire or nat-
20 ural or other disaster occurring in a health care facility.

21 Sec. 27. If the department's services are necessary in or-
22 der to assist another governmental unit to implement a federal
23 program, the department may accept in compensation for such
24 services federal funds initially available from the federal
25 government to such other governmental unit for such purpose.
26 Any governmental unit is authorized to transfer to the depart-
27 ment for such services any federal funds available to such
28 governmental unit, in accordance with applicable federal laws
29 and regulations.

30 Sec. 28. This Act shall take effect July 1, 1971. All nurs-
31 ing home and custodial home licenses issued by the department
32 pursuant to chapter one hundred thirty-five C (135C), Code 1966,
33 prior to July 1, 1971 shall continue in force, unless suspended
34 or revoked pursuant to law, until their normal expiration date.

35 Sec. 29. Section one hundred point one (100.1), Code 1966,

1 is hereby amended by striking from subsection four (4), para-
2 graph d, line four (4), the words "nursing homes" and insert-
3 ing in lieu thereof the words "health care facilities as de-
4 fined in section one hundred thirty-five C point one (135C.1)
5 of the Code".

6 Sec. 30. Section one hundred point thirty-five (100.35),
7 Code 1966, is hereby amended by striking from line six (6) the
8 words "nursing homes, custodial homes" and inserting in lieu
9 thereof the words "health care facilities as defined in sec-
10 tion one hundred thirty-five C point one (135C.1) of the Code".

11 Sec. 31. Section one hundred three point one (103.1), Code
12 1966, is hereby amended by striking from line three (3) the
13 words "nursing home" and inserting in lieu thereof the words
14 "health care facility as defined in section one hundred thirty-
15 five C point one (135C.1) of the Code".

16 Sec. 32. Section one hundred forty-eight A point three
17 (148A.3), Code 1966, is hereby amended by striking from subsec-
18 tion four (4), line two (2), the words "nursing homes" and in-
19 serting in lieu thereof the words "health care facilities as
20 defined in section one hundred thirty-five C point one (135C.1)
21 of the Code".

22 Sec. 33. Section one hundred fifty-two point two (152.2),
23 Code 1966, is hereby amended by striking from subsection five
24 (5), line two (2), the words "nursing homes" and inserting in
25 lieu thereof the words "health care facilities as defined in
26 section one hundred thirty-five C point one (135C.1) of the
27 Code".

28 Sec. 34. Section two hundred twenty-nine point forty-three
29 (229.43), Code 1966, is hereby amended by striking from lines
30 six (6) and seven (7) the words "custodial or nursing homes"
31 and inserting in lieu thereof the words "any health care facil-
32 ity licensed under chapter one hundred thirty-five C (135C)
33 of the Code".

34 Sec. 35. Section two hundred thirty point thirty-two (230.32),
35 Code 1966, is hereby amended by striking from lines four (4) and

1 five (5) the words "a custodial or nursing home" and inserting
2 in lieu thereof the words "any health care facility licensed
3 under chapter one hundred thirty-five C (135C) of the Code".

4 Sec. 36. Section three hundred forty-seven point fourteen
5 (347.14), Code 1966, is hereby amended by striking from subsec-
6 tion twelve (12), line one (1), the words "nursing home" and
7 inserting in lieu thereof the words "health care facility as
8 defined in section one hundred thirty-five C point one (135C.1)
9 of the Code".

10 Sec. 37. Section three hundred forty-seven point twenty-six
11 (347.26), Code 1966, is hereby amended as follows:

12 1. By striking from line two (2) the words "nursing home"
13 and inserting in lieu thereof the words "health care facility
14 as defined in section one hundred thirty-five C point one
15 (135.1) of the Code".

16 2. By striking from line eight (8) the words "nursing homes"
17 and inserting in lieu thereof the words "such facilities".

18 3. By striking from line eleven (11) the words "nursing
19 homes" and inserting in lieu thereof the word "facilities".

20 Sec. 38. Section three hundred eighty point thirteen (380.13),
21 Code 1966, is hereby amended by striking from line five (5) the
22 words "nursing home" and inserting in lieu thereof the words
23 "health care facility".

24 Sec. 39. Chapter two hundred thirteen (213), section one
25 (1), Acts of the Sixty-second General Assembly, as amended by
26 chapter one hundred fifty-two (152), section thirty-nine (39),
27 Acts of the Sixty-third General Assembly, First Session, is
28 hereby further amended by striking from line four (4) the words
29 "custodial and nursing home service" and inserting in lieu
30 thereof the words "services in a health care facility licensed
31 under chapter one hundred thirty-five C (135C) of the Code".

32 Sec. 40. Chapter two hundred thirteen (213), section two
33 (2), Acts of the Sixty-second General Assembly, as amended by
34 chapter one hundred fifty-two (152), section forty (40), Acts
35 of the Sixty-third General Assembly, First Session, is hereby

1 further amended by striking from line four (4) the words "cus-
2 todial and nursing home service" and inserting in lieu thereof
3 the words "services in a health care facility licensed under
4 chapter one hundred thirty-five C (135C) of the Code".

5 Sec. 41. Chapter two hundred thirteen (213), section three
6 (3), Acts of the Sixty-second General Assembly, as amended by
7 chapter one hundred fifty-two (152), section forty-one (41),
8 Acts of the Sixty-third General Assembly, First Session, is
9 hereby further amended by striking from line four (4) the words
10 "custodial and nursing home service" and inserting in lieu
11 thereof the words "services in a health care facility licensed
12 under chapter one hundred thirty-five C (135C) of the Code".

13 Sec. 42. Chapter two hundred thirteen (213), section four
14 (4), Acts of the Sixty-second General Assembly, as amended by
15 chapter one hundred fifty-two (152), section forty-two (42),
16 Acts of the Sixty-third General Assembly, First Session, is
17 hereby further amended by striking from line four (4) the words
18 "custodial and nursing home service" and inserting in lieu
19 thereof the words "services in a health care facility licensed
20 under chapter one hundred thirty-five C (135C) of the Code".

21 Sec. 43. Chapter three hundred seventeen (317), section
22 one (1), Acts of the Sixty-second General Assembly, is hereby
23 amended by striking from lines three (3) and four (4) the words
24 "nursing home or custodial home but only if a fully constructed
25 and equipped nursing home or custodial home" and inserting in
26 lieu thereof the words "health care facility which is or may
27 be licensed under chapter one hundred thirty-five C (135C) of
28 the Code, but only if such health care facility is fully con-
29 structed and equipped and".

30 Sec. 44. Chapter three hundred seventeen (317), section two
31 (2), Acts of the Sixty-second General Assembly, is hereby amended
32 as follows:

33 1. By striking line four (4) and inserting in lieu thereof
34 the words "or health care facility established as permitted by
35 section three hundred sixty-eight point twenty-seven (368.27)

1 of the Code.”.

2 2. By striking from line six (6) the words “, nursing home,
3 or custodial home” and inserting in lieu thereof the words “or
4 health care facility”.

5 3. By striking from line eight (8) the words “, nursing
6 home, or custodial home” and inserting in lieu thereof the words
7 “or health care facility”.

8 4. By striking from line ten (10) the words “, nursing home,
9 or custodial home” and inserting in lieu thereof the words “or
10 health care facility”.

11 5. By striking from line twelve (12) the words “, nursing
12 home, or custodial home” and inserting in lieu thereof the words
13 “or health care facility”.

14 6. By striking from line fourteen (14) the words “, nursing
15 home, or custodial home” and inserting in lieu thereof the words
16 “or health care facility”.

17 Sec. 45. Chapter three hundred seventeen (317), section
18 three (3), Acts of the Sixty-second General Assembly, is hereby
19 amended as follows:

20 1. By striking from line four (4) the words “, nursing home,
21 or custodial home” and inserting in lieu thereof the words “or
22 health care facility”.

23 2. By striking from line six (6) the words “, nursing homes,
24 or custodial homes” and inserting in lieu thereof the words “or
25 health care facilities”.

26 Sec. 46. Chapter three hundred seventeen (317), section
27 four (4), Acts of the Sixty-second General Assembly, is hereby
28 amended by striking from line three (3) the words “, nursing
29 home, or custodial home” and inserting in lieu thereof the words
30 “or health care facility”.

31 Sec. 47. Chapter three hundred seventeen (317), section
32 five (5), Acts of the Sixty-second General Assembly, is hereby
33 amended by striking from line three (3) the words “ ‘nursing
34 home’ and ‘custodial home’ ” and inserting in lieu thereof the
35 words “ ‘health care facility’ ”.

1 Sec. 48. Chapter three hundred seventeen (317), section
2 six (6), Acts of the Sixty-second General Assembly, is hereby
3 amended by striking from lines four (4) and five (5) the words
4 “, a municipal nursing home, a municipal custodial home” and
5 inserting in lieu thereof the words “or municipal health care
6 facilities licensed under any of the categories established by
7 section one hundred thirty-five C point one (135C.1) of the
8 Code”.

EXPLANATION

It is believed that the two types of licenses now issued by the Department of Health pursuant to chapter 135C of the Code—nursing home and custodial home licenses—are no longer sufficient to adequately describe the range of health care facilities below hospital level for which needs now exist. This bill creates a total of seven license categories. One, adult foster homes, is an entirely new licensing concept in Iowa, and provides for care for one or two persons in a family living situation. The other six license categories range from facilities offering simple boarding care and a minimum of supervision, to skilled nursing care facilities offering care approaching that available in hospitals.

The bill updates the existing provisions of chapter 135C to correspond to the new multiple license category approach, and adds several new sections to the chapter. The requirements of law governing the relationship between health care facilities licensed under the chapter and their patients and residents are strengthened and expanded, with the intent of placing emphasis on the quality of care the patient or resident receives as well as on the physical plant of the facility providing the care.

1 Amend House File 1243 as follows:
2 1. Page 2, by inserting in line 5 before the word "individuals"
3 the words "three or more".
4 2. Page 2, by inserting in line 14 before the word "individuals"
5 the words "three or more".
6 3. Page 2, by inserting in line 23 before the word "individuals"
7 the words "three or more".
8 4. Page 2, by inserting in line 35 before the word "individuals"
9 the words "three or more".

10 5. Page 3, by inserting in line 9 before the word "individuals"
11 the words "three or more".

12 6. Page 13, by striking lines 29 through 35, inclusive, and
13 page 14, by striking line 1, and inserting in lieu thereof the
14 following:

15 8. By striking from lines eighteen (18) and nineteen (19)
16 the words "or purported nursing home or custodial home".

17 9. By adding at the end thereof the following:

18 "If any such inspector has probable cause to believe that
19 any institution, place, building, or agency not licensed as a
20 health care facility is in fact a health care facility as de-
21 fined by this Act, and upon properly identifying himself he is
22 denied entry thereto for the purpose of making an inspection,
23 he may, with the assistance of the county attorney of the county
24 in which the purported health care facility is located, apply to
25 the district court for an order requiring the owner or occupant to
26 permit entry and inspection of the premises to determine whether
27 there have been any violations of this Act."

28 7. Page 17, by inserting in line 17 before the period the words
29 " , unless such patient or resident is related to the person acting
30 as guardian within the third degree of consanguinity".

Offered from the floor and adopted
February 27, 1970

HOLDEN of Scott

SENATE AMENDMENT TO HOUSE FILE 1243

1 Amend House File 1243, as amended and passed by the House,
2 as follows:

3 1. Page 3, by striking from lines 32 and 33 the words
4 "physician as defined by section one hundred thirty-five
5 point one (135.1) of the Code" and inserting in lieu thereof
6 the following: "person licensed to practice medicine and
7 surgery, osteopathy and surgery or osteopathy under the
8 laws of this state".

9 2. Page 9, line 10, by inserting after the word "be" the
10 word "substantially".

11 3. Page 12, by striking lines 14 through 22, inclusive.

Received from the Senate
April 1, 1970

FISCAL NOTE

Date prepared March 6, 1970

Requested by Senator Kosek.

Prepared in regard to House File 1243, a bill for an act relating to the definition, licensing, inspection, and regulation of health care facilities, and providing for adoption of rules, enforcement procedures and penalties.

Following is the fiscal effect in dollars of the legislative proposal as required by Rule 31:

The following estimates concerning House File 1243 as submitted for Senate File 1258, were prepared by the State Department of Health:

The proposed amendment to chapter 135C, Nursing and Custodial Home Licensing Act, does not change the fee schedule for institutions licensed under the existing act. Therefore, there will not be any increased income from the amended act for those institutions presently licensed under 135C. The present income from this activity is \$13,260 for nursing homes and \$3,566 for custodial homes.

There are eleven (11) licensed custodial county homes which also have a nursing home license.

The only additional income which can be anticipated would be from the Adult Foster Homes and Room and Board institutions which would be licensed under the amendment. An accurate record of the number of each of these categories of institutions is not available, and we can only estimate the additional income to be derived. Since the schedule is extremely nominal for both categories, (that is, \$5 for Foster Homes and from \$5 to \$25 for Boarding Homes) it is reasonable to estimate that the additional income is in the neighborhood of \$4,000.

The added cost of administering the program is a direct result of two major factors. First, the additional staff and travel cost involved in making periodic inspections of 300 custodial homes presently inspected by local welfare workers and, secondly, the added professional capabilities necessary to increase emphasis on the services rendered within all institutions.

This cost is estimated as follows:

Filed
March 6, 1970

Job Classification	Yearly Salary	Total
(1) Psychologist III	@11,928	11,928
(1) Assistant Director	@13,152	13,152
(1) Facilities Engineer II	@11,928	11,928
(3) Sanitarians P.H. II	@ 8,076	24,228
(1) Physical Therapist II	@11,928	11,928
(1) Clerk Stenographer III	@ 4,704	4,704
(1) Clerk Stenographer II	@ 4,056	4,056
(3) P.H. Nurse Consultants	@ 7,692	23,076
Travel and Expenses	@ 1,600 month	19,200
Equipment		3,000
Retirement		10,000
Communications		4,000
Printing		2,000
Supplies		2,000
Total		<u>\$145,200</u>

GERRY D. RANKIN

- 1 Amend House File 1243 as follows:
- 2 Page 16, line 21, by striking the words "mental
- 3 illness, or ", by striking the period (.) in line 21
- 4 and inserting a comma (,) in lieu thereof, and by
- 5 adding the following words thereafter: "or mental
- 6 illness that as certified by two staff psychiatrists
- 7 of a mental health institution is incapable of
- 8 treatment or the patient is incapable of societal
- 9 rehabilitation, and that the facilities available
- 10 at such health care facility are adequate to provide
- 11 such care as may be necessary in the judgment of
- 12 the said two staff psychiatrists."

Filed and withdrawn
March 30, 1970

By GLENN

- 1 Amend House File 1243 as follows:
- 2 1. Page 6, by striking from line 3 the words "word 'facility' "
- 3 and inserting in lieu thereof the words "words 'facility, except
- 4 that no license shall be required for establishment or operation
- 5 of a county home under chapter two hundred fifty-three (253) of
- 6 the Code' ".
- 7 2. Page 15, line 27, by inserting after the word "unit" the
- 8 words ", except that such provisions shall not be applicable to
- 9 the operation of county homes established under chapter two
- 10 hundred fifty-three (253) of the Code".

Filed and withdrawn
March 30, 1970

By LAMBORN

- 1 Amend House File 1243 by adding in line 12,
- 2 page 9, after the word "be" the word "substantially".

Filed - *withdrawn 3/30*
March 6, 1970

By O'MALLEY

- 1 Amend House File 1243, as amended and passed by
- 2 the House, on page 3, by striking from lines thirty-two
- 3 (32) and thirty-three (33) the words "physician as defined
- 4 by section one hundred thirty-five point one (135.1) of
- 5 the Code" and inserting in lieu thereof the words "person
- 6 licensed to practice medicine and surgery, osteopathy and
- 7 surgery or osteopathy under the laws of this state".

Filed - *adopted 3/30*
March 9, 1970

By KOSEK

- 1 Amend House File 1243 by adding in line 10,
- 2 page 9, after the word "be" the word "substantially".

Filed - *adopted 3/30*
March 9, 1970

By O'MALLEY

- 1 Amend House File 1243, page 12, by striking
- 2 lines 14 through 22.

Filed - *adopted 3/30*
March 23, 1970

By SULLIVAN