

Sen. Human Resources To Pass 2/21 (p. 669)

FEB 6 1990

Place On Calendar

HOUSE FILE 2308

BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 575)

Passed House, Date 2-9-90 (p. 366) Passed Senate, Date 3/16/90 (p. 1126)

Vote: Ayes 93 Nays 0 Vote: Ayes 43 Nays 0

Approved March 29, 1990

A BILL FOR

1 An Act relating to freestanding hospice facilities.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2308

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

3 1. "Hospital" means a place which is devoted primarily to
4 the maintenance and operation of facilities for the diagnosis,
5 treatment or care over a period exceeding twenty-four hours of
6 two or more nonrelated individuals suffering from illness,
7 injury, or deformity, or a place which is devoted primarily to
8 the rendering over a period exceeding twenty-four hours of
9 obstetrical or other medical or nursing care for two or more
10 nonrelated individuals, or any institution, place, building or
11 agency in which any accommodation is primarily maintained,
12 furnished or offered for the care over a period exceeding
13 twenty-four hours of two or more nonrelated aged or infirm
14 persons requiring or receiving chronic or convalescent care;
15 and shall include sanatoriums or other related institutions
16 within the meaning of this chapter. Provided, however,
17 nothing in this chapter shall apply to hotels or other similar
18 places that furnish only food and lodging, or either, to their
19 guests or to a freestanding hospice facility which operates a
20 hospice program in accordance with 42 C.F.R. § 418.

21 "Hospital" shall include, in any event, any facilities wholly
22 or partially constructed or to be constructed with federal
23 financial assistance, pursuant to Public Law 725, 79th
24 Congress, approved August 13, 1946.

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

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

31 EXPLANATION

32 This bill exempts freestanding hospice facilities which
33 operate hospice programs in accordance with federal medicare
34 requirements from state licensure requirements for hospitals
35 and health care facilities.

New

HOUSE FILE 2308

BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS
BILL)

Health Care

*Fry
Hammond
Hawthorn
Nielson*

*Plavin
Carpenter
Hoeter*

Passed House, Date _____

Passed Senate, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to licensure of freestanding hospice facilities.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135.90, Code 1989, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 10. "Freestanding hospice facility" means
4 a facility, not licensed under chapter 135B or 135C, which
5 maintains a hospice program and provides accommodations,
6 board, and nursing services to three or more hospice patients
7 for periods exceeding twenty-four consecutive hours.

8 Sec. 2. NEW SECTION. 135.97 FREESTANDING HOSPICE
9 FACILITY.

10 1. Notwithstanding section 135.91, a person or govern-
11 mental unit, acting severally or jointly with any other
12 person, shall not establish or operate a freestanding hospice
13 facility in this state without a license issued pursuant to
14 this division.

15 2. To be licensed a freestanding hospice facility must
16 meet all the requirements of sections 135.90 through 135.97
17 and all current standards for federal medicare certification.

18 3. The department shall recognize in lieu of its own li-
19 censure inspection the comparable federal medicare inspection
20 findings.

21 EXPLANATION

22 This bill requires a hospice program provider, offering
23 services in a freestanding facility which is not a hospital or
24 health care facility licensed under chapter 135B or 135C,
25 respectively, to obtain a license from the department of
26 inspections and appeals. Currently, licensure is voluntary
27 for hospice programs regardless of the location of the
28 services provided.

29 BACKGROUND STATEMENT

30 SUBMITTED BY THE AGENCY

31 This bill allows for the development of freestanding
32 hospice facilities, distinct from hospitals, intermediate care
33 facilities, skilled nursing facilities, and nursing
34 facilities. The department of inspections and appeals
35 currently has the authority to develop standards for hospice

1 programs. This bill provides the authority for the department
2 of inspections and appeals to develop and enforce standards
3 for these facilities.

4 The need for these freestanding hospice facilities has de-
5 veloped in Iowa communities. This legislative change has been
6 requested by some hospice organizations. The department of
7 inspections and appeals wants to ensure that these facilities
8 meet standards to protect the health, safety, and welfare of
9 the residents.

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HOUSE FILE 2308

may be operated without obtaining a license under this chapter and shall not be deemed to be licensed by the state.

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 nonrelated 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

DONALD D. AVENSON
Speaker of the House

JO ANN ZIMMERMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2308, Seventy-third General Assembly.

JOSEPH O'HERN
Chief Clerk of the House
Approved March 29, 1990

TERRY E. BRANSTAD
Governor