

FEB 18 1998
HUMAN RESOURCES

HOUSE FILE **2326**
BY BARRY and WARNSTADT

(COMPANION TO LSB 3766SS BY
HANSEN)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to contracts for the medical and surgical
2 treatment and care of indigent persons.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2326

1 Section 1. Section 255.3, Code 1997, is amended to read as
2 follows:

3 255.3 ~~"PATIENT"-DEFINED~~ DEFINITIONS.

4 ~~The word "patient" as used in this chapter~~

5 1. "Health care facility" or "hospital" means a health
6 care facility or hospital under contract with the state
7 university of Iowa to provide treatment or care under this
8 chapter.

9 2. "Patient" means the person against whom the complaint
10 is filed.

11 Sec. 2. Section 255.8, Code 1997, is amended to read as
12 follows:

13 255.8 HEARING -- ORDER -- EMERGENCY CASES -- CANCELLATION
14 OF COMMITMENTS.

15 The county attorney and the general assistance director, or
16 other agent of the board of supervisors of the county, shall
17 appear at the hearing. The complainant, the county attorney,
18 the general assistance director or other agent of the board of
19 supervisors, and the patient, or any person representing the
20 patient, may introduce evidence and be heard. If the court
21 finds that the patient is a legal resident of Iowa and is
22 pregnant or is suffering from a malady or deformity which can
23 probably be improved or cured or advantageously treated by
24 medical or surgical treatment or hospital care, and that
25 neither the patient nor any person legally chargeable with the
26 patient's support is able to pay the expenses, then the clerk
27 of court, ~~except in obstetrical cases and orthopedic cases,~~
28 ~~shall immediately ascertain from the admitting physician at~~
29 ~~the university hospital whether the person can be received as~~
30 ~~a patient within a period of thirty days, and if the patient~~
31 ~~can be received, the court, or in the event of no actual~~
32 ~~contest, the clerk of the court, shall enter an order~~
33 ~~directing that the patient be sent to the university hospital~~
34 ~~for proper medical and surgical treatment and hospital care.~~
35 ~~If the court ascertain, except in obstetrical cases and~~

1 orthopedic-cases,-that-a-person-of-the-age-or-sex-of-the
2 patient,-or-afflicted-by-the-complaint,-disease,-or-deformity
3 with-which-the-person-is-afflicted,-cannot-be-received-as-a
4 patient-at-the-university-hospital-within-the-period-of-thirty
5 days,-then-the-court-or-the-clerk-shall enter an order
6 directing the board of supervisors of the county to provide
7 adequate treatment at county expense for the patient at home
8 or in a the nearest hospital capable of providing appropriate
9 treatment. ~~Obstetrical-cases-and-orthopedic-cases-may-be~~
10 ~~committed-to-the-university-hospital-without-regard-to-the~~
11 ~~limiting-period-of-thirty-days.~~

12 In any case of emergency the court or the clerk without
13 previous inquiry may at its discretion order the patient to be
14 immediately taken to and accepted by the university-hospital
15 nearest hospital capable of providing appropriate treatment
16 for the necessary care as provided in section 255.11,-but-if
17 ~~such-a-patient-cannot-be-immediately-accepted-at-the~~
18 ~~university-hospital-as-ascertained-by-telephone-if-necessary,~~
19 ~~the-court-or-the-clerk-may-enter-an-order-as-in-certain-cases~~
20 ~~above-set-forth-directing-the-board-of-supervisors-to-provide~~
21 ~~adequate-treatment-at-county-expense-for-the-said-patient-at~~
22 ~~home-or-in-a-hospital.~~

23 Sec. 3. Section 255.13, Code 1997, is amended to read as
24 follows:

25 255.13 ATTENDANT -- PHYSICIAN -- COMPENSATION.

26 If the physician appointed to examine the patient shall
27 certify certifies that an attendant to accompany the patient
28 to the said hospital is necessary, and ~~the-university a~~
29 hospital attendant and ambulance service is not available,
30 then the court or judge or clerk of the court may appoint an
31 attendant who shall receive not exceeding more than two
32 dollars per day for the time thus necessarily employed and
33 actual necessary traveling expenses by the most feasible route
34 to said the hospital whether by ambulance, train or
35 automobile; but if such the appointee is a relative of the

1 patient or a member of the patient's immediate family, or
2 receives a salary or other compensation from the public for
3 the appointee's services, no such per diem compensation shall
4 be paid for attendant services. The physician appointed by
5 the court or clerk to make the examination and report shall
6 receive ~~therefor~~ three dollars for each examination and report
7 ~~so~~ made and the physician's actual necessary expenses incurred
8 in making such examination, but if ~~said~~ the physician receives
9 a salary or other compensation from the public for the
10 physician's full-time services, then no such examination fee
11 shall be paid. The actual, necessary expenses of transporting
12 and caring for the patient shall be paid as hereinafter
13 provided in this chapter.

14 Sec. 4. Section 255.14, Code 1997, is amended to read as
15 follows:

16 255.14 EXPENSES -- HOW PAID.

17 An itemized, verified statement of all charges provided for
18 in sections 255.8 and 255.13, in cases where the patient is
19 admitted or accepted for treatment at ~~the-university a~~
20 hospital shall be filed with the superintendent director or
21 administrator of the university hospital, and upon the
22 ~~superintendent's~~ director's or administrator's recommendation
23 when approved by the judge or clerk of the court ~~under-whose~~
24 ~~order-the-same-were-incurred~~ who issued the order for medical
25 or surgical treatment or hospital care, they shall be charged
26 on the regular bill for the maintenance, transportation, and
27 treatment of the patient, and be audited and paid in the
28 manner as hereinafter provided in this chapter.

29 Sec. 5. Section 255.15, Code 1997, is amended to read as
30 follows:

31 255.15 DUTY OF ADMITTING PHYSICIAN AT HOSPITAL.

32 ~~The-authorities-in-control-of-the-medical-college-shall~~
33 ~~designate-some-physician-to-pass-upon-the-admission-of-the~~
34 ~~patient,-and-it-shall-be-the-physician's-duty-to-receive-the~~
35 ~~patient-into-the-hospital-and-to-provide-for-the-patient,-if~~

1 available, a cot, bed, or room in the hospital, and to assign
2 the patient to the appropriate clinic and for treatment by the
3 proper physician, unless, in the physician's judgment, the
4 presence of the patient in the hospital would be dangerous to
5 other patients, or there is no reasonable probability that the
6 patient may be benefited by the proposed treatment or hospital
7 care. If the an admitting physician denies admission to the
8 hospital to which the patient has been assigned by a county
9 for medical or surgical treatment or hospital care in
10 accordance with this chapter, or if a clinic physician or
11 surgeon declines to treat the patient, the physician or
12 surgeon shall make a report of the reasons for the denial of
13 admission or treatment. The director or administrator shall
14 submit the report to the state university of Iowa within ten
15 days of the denial. The hospital shall also preserve a copy
16 in the records of the hospital.

17 Sec. 6. Section 255.16, Code 1997, is amended to read as
18 follows:

19 255.16 COUNTY QUOTAS.

20 Subject to subsequent qualifications in this section, there
21 shall be treated at the university hospital, or at a hospital
22 under contract with the state university of Iowa in accordance
23 with this chapter, during each fiscal year a number of
24 committed indigent patients from each county which bears the
25 same relation to the total number of committed indigent
26 patients admitted during the year as the population of the
27 county bears to the total population of the state according to
28 the last preceding official census. This standard applies to
29 indigent patients, the expenses of whose commitment,
30 transportation, care, and treatment are borne by appropriated
31 funds, and does not govern the admission of obstetrical
32 patients under chapter 255A or obstetrical or orthopedic
33 patients under this chapter in accordance with eligibility
34 standards pursuant to section 255A.5. If the number of
35 patients admitted to hospitals from any county in accordance

1 with this chapter exceeds by more than ten percent the county
2 quota as fixed under the first sentence of this section, the
3 charges and expenses of the care and treatment of the patients
4 in excess of ten percent of the quota shall be paid from the
5 funds of the county at actual cost; but if the number of
6 excess patients from any county does not exceed ten percent,
7 all costs, expenses, and charges incurred in their behalf
8 shall be paid from the state appropriation for the support of
9 the ~~hospital~~ university hospitals. Notwithstanding the quota
10 established for a county under this section, the governor,
11 upon a finding of necessity due to a regional or statewide
12 economic emergency, may increase a county's quota of the
13 number of committed indigent patients admitted to the
14 university a hospital as provided in this chapter.

15 Sec. 7. Section 255.17, Code 1997, is amended to read as
16 follows:

17 255.17 REPORT OF PHYSICIAN ~~IN-CHARGE-OF-CLINIC~~.

18 If the physician or surgeon ~~in-charge-of-the-clinic, or~~ to
19 whom the patient has been assigned for treatment, under this
20 chapter declines to treat the patient, the physician or
21 surgeon shall make a report of the physician's or surgeon's
22 examination of the patient, and state in the report to the
23 state university of Iowa the reasons for declining the
24 treatment.

25 Sec. 8. Section 255.19, Code 1997, is amended to read as
26 follows:

27 255.19 TREATMENT OF OTHER PATIENTS -- USE OF EARNINGS FOR
28 NEW FACILITIES.

29 ~~The-university-hospital~~ Hospital authorities may at their
30 discretion receive into the hospital for medical, obstetrical
31 or surgical treatment or hospital care, patients not committed
32 ~~thereto~~ under the provisions of this chapter; but the
33 treatment or care of such patients shall not in any way
34 interfere with the proper medical or surgical treatment or
35 hospital care of committed patients. ~~The-university-hospital~~

1 Hospital ambulances and ambulance personnel may be used for
2 the transportation of ~~such~~ the patients at a reasonable charge
3 if specialized equipment is required and is not otherwise
4 available and if such use does not interfere with the
5 ambulance transportation of patients committed to the
6 hospital.

7 All of the provisions of this chapter except as to
8 commitment of patients shall apply to such patients. ~~The~~
9 ~~university-hospital~~ Hospital authorities shall collect from
10 the person or persons liable for the support of ~~such-patients~~
11 a patient's reasonable charges for hospital care and service
12 and deposit the same with the treasurer of the ~~university~~
13 hospital for the use and benefit of the ~~university~~ hospital
14 except as specified for obstetrical patients pursuant to
15 ~~section 255A.9. Earnings-of-the-hospital-whether-from-private~~
16 ~~patients,-cost-patients,-or-indigents-shall-be-administered-so~~
17 ~~as-to-increase-as-much-as-possible,-the-service-available-for~~
18 ~~indigents,-including-the-acquisition,-construction,-~~
19 ~~reconstruction,-completion,-equipment,-improvement,-repair,-~~
20 ~~and-remodeling-of-medical-buildings-and-facilities-and~~
21 ~~additions-thereto-and-the-payment-of-principal-and-interest-on~~
22 ~~bonds-issued-to-finance-the-cost-thereof-as-authorized-by-the~~
23 ~~provisions-of-chapter-263A.~~ The physicians and surgeons on
24 the hospital staff who care for patients provided for in this
25 section may charge for their medical services ~~under-such~~
26 ~~rules,-regulations-and-plan-therefor-as-approved-by-the-state~~
27 ~~board-of-regents.~~

28 Sec. 9. Section 255.23, Code 1997, is amended to read as
29 follows:

30 255.23 TREATMENT GRATUITOUS -- EXCEPTION.

31 No A physician, surgeon, or nurse employed by the state
32 board of regents who shall treat or care for ~~such~~ a patient
33 under this chapter shall not charge or receive any
34 compensation ~~therefor~~ for the treatment or care provided
35 except the salary or compensation fixed by the state board of

1 regents to be paid from the hospital funds. If the physician,
2 surgeon, or nurse is not in the regular employ of the state
3 board of regents, the compensation shall be paid by the county
4 upon approval of the board of supervisors.

5 Sec. 10. Section 255.24, Code 1997, is amended to read as
6 follows:

7 255.24 RECORD AND REPORT OF EXPENSES -- PURCHASES.

8 The ~~superintendent~~ director or administrator of ~~said the~~
9 hospital shall keep a correct account of all medicine, care,
10 and maintenance furnished to ~~said patients~~ who receive
11 treatment as provided under this chapter, and shall make and
12 file with the director of revenue and finance an itemized,
13 sworn statement of all expenses ~~thereof~~ incurred in ~~said the~~
14 hospital as provided in this chapter. ~~But-the-superintendent~~
15 The director or administrator shall render separate bills
16 showing the actual cost of all appliances, instruments, X-ray,
17 and other special services used in connection with such
18 treatment, commitments, and transportation to and from the
19 ~~said-university~~ hospital, including the expenses of attendants
20 and escorts.

21 All purchases of materials, appliances, instruments, and
22 supplies by the ~~university~~ hospital, in cases where more than
23 one hundred dollars is to be expended, and where the prices of
24 the commodity or commodities to be purchased are subject to
25 competition, shall be upon open competitive quotations, and
26 all contracts ~~therefor~~ shall be subject to the provisions of
27 chapter 72. However, purchases may be made through a hospital
28 group purchasing organization provided that ~~university~~
29 ~~hospitals~~ the hospital is a member of the organization and the
30 group purchasing organization selects the items to be offered
31 to members through a competitive bidding process.

32 Sec. 11. Section 255.28, Code 1997, is amended to read as
33 follows:

34 255.28 TRANSFER OF PATIENTS FROM STATE INSTITUTIONS.

35 The ~~director of-the-department~~ of human services, in

1 respect to institutions under the director's control, the
2 administrator of any of the divisions of the department, in
3 respect to the institutions under the administrator's control,
4 the director of the Iowa department of corrections, in respect
5 to the institutions under the department's control, and the
6 state board of regents in with respect to the Iowa braille and
7 sight saving school and the Iowa school for the deaf, may send
8 any inmate, student, or patient of an institution, or any
9 person committed or applying for admission to an institution,
10 to the nearest hospital ~~of-the-medical-college-of-the-state~~
11 university for treatment and care as provided in this chapter,
12 without securing the order of court required in other cases.
13 The department of human services, the Iowa department of
14 corrections, and the state board of regents, shall
15 respectively pay the traveling expenses of a patient thus
16 committed, and when necessary the traveling expenses of an
17 attendant for the patient, out of funds appropriated for the
18 use of the institution from which the patient is sent.

19 Sec. 12. Section 255.29, Code 1997, is amended to read as
20 follows:

21 255.29 MEDICAL CARE FOR PAROLEES AND PERSONS ON WORK
22 RELEASE.

23 The director of the Iowa department of corrections may send
24 former inmates of the institutions provided for in section
25 904.102, while on parole or work release, to the nearest
26 hospital ~~of-the-college-of-medicine-of-the-state-University-of~~
27 ~~Iowa~~ for treatment and care as provided in this chapter,
28 without securing the order of the court required in other
29 cases. The director may pay the traveling expenses of any
30 patient thus committed, and when necessary the traveling
31 expenses of an attendant of the patient out of funds
32 appropriated for the use of the department.

33 Sec. 13. NEW SECTION. 255.31 CONTRACTS FOR NEAREST
34 HOSPITAL TREATMENT AND CARE.

35 The state university of Iowa, in consultation with the

1 department of inspections and appeals and the department of
2 public health, shall contract with hospitals and health care
3 facilities licensed under chapter 135B or 135C to provide the
4 nearest safe and adequate treatment possible for patients
5 served under this chapter. All providers of services under
6 this chapter shall agree to accept as full payment the
7 reimbursements allowable under the medical assistance program
8 established pursuant to chapter 249A, adjusted for intensity
9 of care.

10 Sec. 14. Section 255A.2, Code 1997, is amended to read as
11 follows:

12 255A.2 OBSTETRICAL AND NEWBORN INDIGENT PATIENT CARE
13 PROGRAM.

14 A statewide obstetrical and newborn indigent patient care
15 program is established for the purpose of providing
16 obstetrical and newborn care to medically indigent residents
17 of this state. Appropriations by the general assembly for
18 this chapter shall be allocated for the obstetrical and
19 newborn patient care fund within the Iowa department of public
20 health and shall be utilized for the obstetrical and newborn
21 indigent patient care program as specified in this chapter.
22 ~~Indigent-patients-in-need-of-such-care-residing-in-the~~
23 ~~counties-of-Cedar, Clinton, Iowa, Johnson, Keokuk, Louisa,~~
24 ~~Muscatine, Scott, and Washington shall be provided the care at~~
25 ~~the university hospitals under the nonquota obstetrical~~
26 ~~program under chapter 255.~~

27 Sec. 15. Section 255A.4, unnumbered paragraph 2, Code
28 1997, is amended to read as follows:

29 A woman who resides in a county which exceeds the patient
30 quota allocated for the county, and who has been deemed
31 eligible under section 255A.5, shall be served ~~at the~~
32 ~~University of Iowa hospitals and clinics~~ pursuant to section
33 255.16.

34 Sec. 16. Section 255A.8, Code 1997, is amended to read as
35 follows:

1 255A.8 REIMBURSABLE COSTS OF CARE.

2 The obstetrical and newborn care costs of a person
3 certified for such care under this chapter at a licensed
4 hospital or health care facility or from licensed physicians
5 shall be paid by the Iowa department of public health from the
6 obstetrical and newborn patient care fund. However, a
7 physician who is in the employ of the university of Iowa
8 hospitals and clinics and who provides obstetrical or newborn
9 care at the University university of Iowa hospitals and
10 clinics to a person certified for care under this chapter is
11 not entitled to receive any compensation for the provision of
12 such care ~~in accordance with section 255-23.~~

13 EXPLANATION

14 This bill requires the state university of Iowa, in
15 consultation with the department of inspections and appeals
16 and the department of public health, to contract with licensed
17 hospitals and health care facilities to provide the nearest
18 safe and adequate treatment possible for patients served under
19 this Code chapter 255. All providers of services under this
20 Code chapter must agree to accept as full payment the
21 reimbursements allowable under the medical assistance program
22 established pursuant to Code chapter 249A, adjusted for
23 intensity of care.

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