

Senate Study Bill 1017

Bill Text

PAG LIN

1 1 Section 1. Section [135B.4](#), Code 2001, is amended to read
1 2 as follows:
1 3 135B.4 APPLICATION FOR LICENSE.
1 4 Licenses shall be obtained from the department.
1 5 Applications shall be upon forms and shall contain information
1 6 as the department may reasonably require, which may include
1 7 affirmative evidence of ability to comply with reasonable
1 8 standards and rules prescribed under this chapter. Each
1 9 application for license shall be accompanied by the license
1 10 fee as prescribed by rule of the department, which shall be
1 11 refunded to the applicant if the license is denied and which
1 12 shall be deposited into the state treasury and credited to the
1 13 general fund if the license is issued.

~~1 14 Hospitals having fifty~~

~~1 14~~

~~1 15 beds or less shall pay an initial license fee of fifteen~~

~~1 15~~

~~1 16 dollars; hospitals of more than fifty beds and not more than~~

~~1 16~~

~~1 17 one hundred beds shall pay an initial license fee of twenty~~

~~1 17~~

~~1 18 five dollars; all other hospitals shall pay an initial license~~

~~1 18~~

~~1 19 fee of fifty dollars.~~

1 19 Sec. 2. Section [135B.5](#), unnumbered paragraph 1, Code 2001,
1 20 is amended to read as follows:

1 21 Upon receipt of an application for license and the license
1 22 fee, the department shall issue a license if the applicant and
1 23 hospital facilities comply with this chapter and the rules of
1 24 the department. Each licensee shall receive annual reapproval
1 25 upon payment of

~~1 26 ten dollars~~

~~1 27 the license fee~~ and upon filing of

1 26 an application form which is available from the department.
1 27 Licenses shall be either general or restricted in form. Each
1 28 license shall be issued only for the premises and persons or
1 29 governmental units named in the application and is not
1 30 transferable or assignable except with the written approval of
1 31 the department. Licenses shall be posted in a conspicuous
1 32 place on the licensed premises as prescribed by rule of the
1 33 department.

1 34 Sec. 3. Section [135B.7](#), unnumbered paragraph 1, Code 2001,
1 35 is amended to read as follows:

2 1 The department, with the advice and approval of the
2 2 hospital licensing board

~~and approval of the state board of~~

2 3

~~health~~

~~-, shall adopt rules setting out the standards and~~

2 4 license fees for the different types of hospitals to be
2 5 licensed under this chapter. The department shall enforce the
2 6 rules. Rules or standards shall not be adopted or enforced
2 7 which would have the effect of denying a license to a hospital
2 8 or other institution required to be licensed, solely by reason
2 9 of the school or system of practice employed or permitted to
2 10 be employed by physicians in the hospital, if the school or
2 11 system of practice is recognized by the laws of this state.

2 12 Sec. 4. Section 135B.11, subsection 2, Code 2001, is
2 13 amended to read as follows:

2 14 2. To review and approve rules and standards authorized
2 15 under this chapter prior to their

~~approval by the state board~~

2 16

~~of health and~~

~~adoption by the department.~~

2 17 Sec. 5. Section 135G.4, subsection 3, Code 2001, is
2 18 amended to read as follows:

2 19 3. Each application for a birth center license or renewal
2 20 of a license shall be accompanied by a license fee as
2 21 prescribed by rule of the department.

~~The fee amount shall be~~

2 22

~~equivalent to the fee amount established for a hospital in~~

2 23

~~accordance with section 135B.4.~~

~~The fees shall be deposited~~

2 24 in the general fund of the state.

2 25 Sec. 6. HOSPITAL LICENSE FEE SCHEDULE. Beginning July 1,
2 26 2001, or until such time as the department of inspections and
2 27 appeals adopts rules pursuant to chapter 17A which establish a
2 28 hospital license fee schedule, hospitals shall pay a license
2 29 fee in accordance with the following schedule:

2 30 1. A hospital shall pay a fee of one thousand dollars upon
2 31 filing of an initial application for licensure.

2 32 2. A hospital shall pay an annual license renewal fee of
2 33 one thousand dollars upon filing of a license renewal
2 34 application.

2 35 Sec. 7. BIRTH CENTER LICENSE FEE SCHEDULE. Beginning July
3 1 1, 2001, or until such time as the department of inspections
3 2 and appeals adopts rules pursuant to chapter 17A which
3 3 establish a birth center license fee schedule, birth centers
3 4 shall pay a license fee in accordance with the following
3 5 schedule:

3 6 1. A birth center shall pay a fee of fifteen dollars upon
3 7 filing of an initial application for licensure.

3 8 2. A birth center shall pay an annual license renewal fee
3 9 of fifteen dollars upon filing of a license renewal
3 10 application.

3 11 Sec. 8. EMERGENCY RULES. The department of inspections

3 12 and appeals may adopt rules pursuant to section 17A.4,
3 13 subsection 2, and section 17A.5, subsection 2, paragraph "b",
3 14 to establish a license fee schedule as prescribed in this Act,
3 15 and the rules shall become effective immediately upon filing,
3 16 unless a later effective date is specified in the rules. Any
3 17 rules adopted in accordance with this section shall also be
3 18 published as notice of intended action as provided in section
3 19 17A.4.

3 20 Sec. 9. EFFECTIVE DATE. Section 8 of this Act, being
3 21 deemed of immediate importance, takes effect upon enactment.

3 22 EXPLANATION

3 23 This bill eliminates the hospital license fee schedule and
3 24 birth center license fee from the Code and instead provides
3 25 for the establishment of a hospital license fee schedule and a
3 26 birth center license fee through adoption of rules by the
3 27 department of inspections and appeals. The bill also provides
3 28 that the rules adopted by the department relating to standards
3 29 and license fees for hospitals will no longer require the
3 30 advice and approval of the state board of health, but will
3 31 only require the advice and approval of the hospital licensing
3 32 board. The bill provides a hospital licensing fee schedule
3 33 and a birth center license fee, effective July 1, 2001, or
3 34 until such time as the department adopts rules which establish
3 35 a fee schedule and fee. The hospital license fee for initial
4 1 licensure is \$1,000 and the hospital license fee for annual
4 2 renewal of a license is \$1,000. The birth center license fee
4 3 for initial licensure is \$15 and the birth center license fee
4 4 for annual renewal of a license is \$15. The bill authorizes
4 5 the department to adopt emergency rules to establish the fee
4 6 schedules. The rulemaking provision of the bill takes effect
4 7 upon enactment.

4 8 LSB 1177DP 79

4 9 pf/cls/14.1