

FEB 24 2003
STATE GOVERNMENT

HOUSE FILE 273
BY JOCHUM

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

A BILL FOR

1 An Act relating to physical access by patients to medical care.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 273

1 Section 1. NEW SECTION. 145.1 SHORT TITLE.

2 This chapter may be cited as the "Physical Access To Health
3 Care Act".

4 Sec. 2. NEW SECTION. 145.2 LEGISLATIVE INTENT.

5 The general assembly finds that every day, in this state
6 and across this country, men and women, children and adults,
7 who are challenged by various forms of physical disability,
8 must confront the additional challenge of overcoming physical
9 barriers to their accessing the health care services they
10 need. These barriers include a widespread lack of physical
11 accommodations and medical equipment in the offices maintained
12 by health care professionals, such as examination tables,
13 dental chairs, and scanning devices, that are designed to
14 readily accommodate health care consumers with physical
15 disabilities. A clear and present public interest would be
16 served by the adoption of a statewide requirement for health
17 care professionals to ensure that their office facilities and
18 medical equipment meet the specialized needs of patients with
19 physical disabilities, in order to ensure that these
20 individuals have authentic and meaningful access to those
21 health care services that are available to all patients,
22 whether in a health care facility setting or the professional
23 office of a doctor, dentist, or other health care
24 professional. The requirements of this chapter are intended
25 to ensure compliance with, and facilitate enforcement of, the
26 provisions of the federal Americans With Disabilities Act of
27 1990, 42 U.S.C. § 12101 et seq., with respect to health care
28 professionals practicing, and health care facilities
29 operating, in this state, and to provide for even stronger
30 protections for physical access to health care.

31 Sec. 3. NEW SECTION. 145.3 DEFINITIONS.

32 As used in this chapter unless the context otherwise
33 requires:

34 1. "Advanced imaging technology" means computerized
35 tomography, magnetic resonance imaging, positron emission

1 tomography, or other technology that may be so designated by
2 the department.

3 2. "Board" means the examining board for the applicable
4 professions licensed pursuant to Title IV, subtitle 3, and
5 listed in subsection 5 of this section.

6 3. "Department" means the Iowa department of public
7 health.

8 4. "Health care facility" means a facility licensed
9 pursuant to section 135C.6, or a hospital licensed pursuant to
10 chapter 135B.

11 5. "Health care professional" means a person who owns or
12 operates the professional office in which the person conducts
13 the person's professional private practice and who is licensed
14 or otherwise authorized, pursuant to Title IV, subtitle 3, to
15 practice a health care profession that is regulated by the
16 boards of medical examiners, physician assistant examiners,
17 podiatry examiners, chiropractic examiners, physical and
18 occupational therapy examiners, nursing, dental examiners,
19 optometry examiners, speech pathology and audiology examiners,
20 pharmacy examiners, respiratory care therapists, massage
21 therapy examiners, and athletic training examiners.

22 6. "Physical accommodations" means accommodations that
23 comprise the professional office in which a health care
24 professional engages in practice, regardless of whether the
25 office is owned or leased by the health care professional, or
26 the accommodations that comprise a health care facility,
27 including all of the following:

28 a. The means of entrance to, or exit from, a health care
29 professional's office or a health care facility, including any
30 parking area that is provided for patients and members of the
31 general public.

32 b. The physical configuration of the interior of the
33 office or facility, including any toilet facility available to
34 patients.

35 c. The equipment used by the health care professional or

1 health care facility to examine or treat patients.

2 Sec. 4. NEW SECTION. 145.4 CERTIFICATION OF COMPLIANCE.

3 A board shall require that a health care professional, as a
4 condition of licensure or other authorization to practice a
5 health care profession that is regulated by that board, or a
6 health care facility as a condition of licensure pursuant to
7 section 135B.3 or 135C.6, shall certify in writing to the
8 director of the department, on a form and in a manner
9 established by the department by rule, that the health care
10 professional or health care facility is in compliance with the
11 requirements of this chapter.

12 Sec. 5. NEW SECTION. 145.5 PHYSICAL ACCESS REQUIREMENTS.

13 1. By January 1, 2005, or any date that may be specified
14 in federal regulations adopted pursuant to the federal
15 Americans With Disabilities Act, whichever date is sooner, a
16 health care professional shall, within their professional
17 office, or a health care facility shall, within the facility:

18 a. Maintain at least one height-adjustable patient
19 examination table that is designed so that it can be lowered
20 to a level that is no more than eighteen inches above the
21 finished floor, and to facilitate the transfer of a patient
22 with a mobility impairment to and from its surface. At least
23 one height-adjustable patient examination table shall be
24 maintained by a health care facility within its emergency
25 department and outpatient clinic that is suitable for
26 gynecological examinations and meets the height requirements
27 of this paragraph.

28 b. Maintain, if that professional office or health care
29 facility provides radiological or advanced imaging technology
30 services, at least one height-adjustable, wheeled ambulance
31 litter, which is designed so that it can be lowered to a level
32 that is no more than eighteen inches above the finished floor,
33 which shall be used to facilitate the transfer of a patient
34 with a mobility impairment to and from the surface of
35 equipment that utilizes radiological technology or other

1 equipment used by patients as provided by the department by
2 rule and that is not adjustable in height.

3 c. If a nursing home as defined in section 155.1 provides
4 any treatment or diagnostic medical services to residents, the
5 requirements of paragraphs "a" and "b" of this section shall
6 apply and certification shall be required pursuant to section
7 145.4.

8 d. An emergency medical care service provider authorized
9 pursuant to section 147A.5 that provides radiological or
10 advanced imaging technology services shall maintain at least
11 one height-adjustable, wheeled ambulance litter, which is
12 designed so that it can be lowered to a level that is no more
13 than eighteen inches above the finished floor, which shall be
14 used to facilitate the transfer of a patient with a mobility
15 impairment to and from the surface of equipment that utilizes
16 radiological technology or other equipment used by patients as
17 provided by the department by rule and that is not adjustable
18 in height. An emergency medical care service provider to
19 which this paragraph applies shall comply with the
20 certification requirements pursuant to section 145.4.

21 2. By January 1, 2007, or any date that may be specified
22 in federal regulations adopted pursuant to the federal
23 Americans With Disabilities Act, whichever date is sooner, a
24 health care professional's physical accommodations, the
25 physical accommodations of a health care facility, or the
26 physical accommodations of a nursing home, if applicable,
27 shall be accessible to persons with mobility impairments,
28 including, but not limited to, those using wheelchairs, in
29 accordance with rules adopted by the department.

30 Sec. 6. NEW SECTION. 145.6 TOLL-FREE TELEPHONE SERVICE.

31 1. The department shall establish a toll-free telephone
32 service designed to be accessible to persons who are deaf or
33 otherwise hearing impaired. The telephone service shall
34 identify, at the request of patients and other members of the
35 general public utilizing the service, those health care

1 professionals who are practicing in a specific area of
2 professional specialty or practice in a patient's geographic
3 area of residence, or health care facilities located in the
4 geographic area of residence, that have certified their
5 compliance with the requirements of this chapter pursuant to
6 section 145.4.

7 2. The telephone service shall receive complaints from
8 patients and other members of the general public about any
9 health care professional, health care facility, nursing home,
10 or emergency medical care services provider who is alleged to
11 be in violation of the provisions of this chapter. The
12 department shall establish by rule procedures to ensure that
13 any such complaint is referred to the appropriate board for
14 investigation and follow-up action as necessary.

15 c. The department shall distribute information in all
16 accessible formats about the toll-free telephone service and
17 the requirements of this chapter to persons with physical
18 disabilities and other members of the general public.

19 EXPLANATION

20 This bill establishes a new Code chapter dealing with
21 physical access by patients to health care.

22 The bill provides legislative intent regarding a statewide
23 requirement for health care professionals to ensure that their
24 office facilities and medical equipment meet the specialized
25 needs of patients with physical disabilities, and compliance
26 with the provisions of the federal Americans With Disabilities
27 Act of 1990.

28 The bill provides for several definitions, including that a
29 "health care facility" refers to a facility licensed pursuant
30 to Code section 135C.6, or a hospital licensed pursuant to
31 Code chapter 135B. A "health care professional" refers to a
32 person who owns or operates the professional office in which
33 the person conducts the person's professional private practice
34 and who is licensed to practice a health care profession
35 regulated by the boards of medical examiners, physician

1 assistant examiners, podiatry examiners, chiropractic
2 examiners, physical and occupational therapy examiners,
3 nursing, dental examiners, optometry examiners, speech
4 pathology and audiology examiners, pharmacy examiners,
5 respiratory care therapists, massage therapy examiners, and
6 athletic training examiners. The bill also defines "physical
7 accommodations" as referring to accommodations that comprise
8 the professional office in which a health care professional
9 engages in practice, regardless of whether the office is owned
10 or leased by the health care professional, or the
11 accommodations that comprise a health care facility.

12 The bill provides that health care professionals, health
13 care facilities, and, if applicable, nursing homes and
14 emergency medical care providers, shall, as a condition of
15 licensure, certify in writing to the director of the Iowa
16 department of public health that the individual or entity is
17 in compliance with the requirements of the bill.

18 The bill provides several requirements relating to patient
19 access to physical accommodations. The bill provides that by
20 January 1, 2005, or any date that may be specified in federal
21 regulations adopted pursuant to the federal Americans With
22 Disabilities Act, if sooner, a health care professional shall,
23 within their professional office, or a health care facility
24 shall, within the facility, maintain certain equipment to
25 accommodate persons with a mobility impairment.

26 The bill provides that a nursing home or emergency medical
27 care provider service shall meet some of these requirements if
28 providing certain services.

29 The bill additionally provides that by January 1, 2007, or
30 any date that may be specified in federal regulations adopted
31 pursuant to the federal Americans With Disabilities Act, if
32 sooner, a health care professional's physical accommodations,
33 the physical accommodations of a health care facility, and the
34 physical accommodations of a nursing home, if applicable,
35 shall be accessible to persons with mobility impairments,

1 including, but not limited to, those using wheelchairs, in
2 accordance with rules adopted by the department.

3 The bill also provides for the establishment of a toll-free
4 telephone service by the department, to provide information
5 regarding the location of and compliance by health care
6 professionals, health care facilities, nursing homes, or
7 emergency medical care service providers, if applicable, with
8 the provisions of the bill. The telephone service shall be
9 designed to be accessible to persons who are deaf or otherwise
10 hearing impaired, and may also be utilized to forward
11 complaints from patients and members of the general public
12 about any health care professional, health care facility,
13 nursing home, or emergency medical care services provider who
14 is alleged to be in violation of the bill's provisions. The
15 bill provides that the department shall distribute information
16 in all accessible formats about the toll-free telephone
17 service and the requirements of the new chapter to persons
18 with physical disabilities and other members of the general
19 public.

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