

**Senate Study Bill 1212 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
WAYS AND MEANS BILL BY  
CHAIRPERSON BOLKCOM)

**A BILL FOR**

1 An Act relating to the application of certificate of need  
2 requirements to specialized outpatient surgical facilities,  
3 providing for fees, and including effective date and  
4 applicability provisions.

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

1 Section 1. Section 135.61, subsection 14, Code 2011, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *g.* A specialized outpatient surgical  
4 facility.

5 Sec. 2. Section 135.61, Code 2011, is amended by adding the  
6 following new subsection:

7 NEW SUBSECTION. 21A. *"Specialized outpatient surgical*  
8 *facility"* means a freestanding facility, not including a  
9 hospital, in which surgical abortion procedures are performed  
10 after the fetus has attained a postfertilization age of  
11 twenty weeks or more. For the purposes of this subsection,  
12 *"postfertilization age"* means the age of the fetus as calculated  
13 from fertilization of the human ovum.

14 Sec. 3. Section 135.63, subsection 2, paragraph a, Code  
15 2011, is amended to read as follows:

16 *a.* Private offices and private clinics of an individual  
17 physician, dentist, or other practitioner or group of  
18 health care providers, except as provided by section 135.61,  
19 subsection 18, paragraphs *"g"*, *"h"*, and *"m"*, and subsections 20,  
20 ~~and 21~~, and 21A.

21 Sec. 4. Section 135.64, subsection 2, Code 2011, is amended  
22 by adding the following new paragraph:

23 NEW PARAGRAPH. *e.* In the case of a specialized outpatient  
24 surgical facility, the specialized outpatient surgical facility  
25 will be located in close proximity to a hospital licensed  
26 pursuant to chapter 135B that provides the appropriate level of  
27 perinatal care consistent with 641 IAC 150 for patients of the  
28 facility in order to preserve the life or health of a pregnant  
29 woman or fetus.

30 Sec. 5. ADMINISTRATIVE RULES. The department of public  
31 health shall adopt rules to determine the certificate of need  
32 application fee, in accordance with section 135.63, for a  
33 specialized outpatient surgical facility as defined in section  
34 135.61, as amended in this Act.

35 Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate

1 importance, takes effect upon enactment.

2       Sec. 7. APPLICABILITY. The provisions of this Act shall  
3 apply to a specialized outpatient surgical facility offered or  
4 developed in this state on or after the effective date of this  
5 Act.

6                               EXPLANATION

7       This bill provides that a specialized outpatient surgical  
8 facility is subject to certificate of need requirements prior  
9 to being offered or developed in Iowa. The bill defines  
10 "specialized outpatient surgical facility"; requires that,  
11 in addition to all other criteria that must be met by such a  
12 facility, a certificate of need may only be granted if the  
13 facility will be located in close proximity to a hospital  
14 that provides the appropriate level of perinatal care for its  
15 patients; and directs the department of public health to adopt  
16 rules to determine the certificate of need application fee for  
17 such facilities. The bill takes effect upon enactment and  
18 is applicable to specialized outpatient surgical facilities  
19 offered or developed in the state on or after the effective  
20 date of the bill.