

House File 224 - Introduced

HOUSE FILE 224
BY DIEKEN

A BILL FOR

- 1 An Act eliminating certificate of need requirements and the state
- 2 health facilities council.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 135.131, subsection 1, paragraph a, Code
2 2025, is amended to read as follows:

3 a. "*Birth center*" means ~~birth center as defined in section~~
4 ~~10A.711~~ a facility or institution, which is not an ambulatory
5 surgical center or a hospital or in a hospital in which births
6 are planned to occur following a normal, uncomplicated, low-risk
7 pregnancy.

8 Sec. 2. Section 135C.2, subsection 5, unnumbered paragraph 1,
9 Code 2025, is amended to read as follows:

10 The department shall establish a special classification within
11 the residential care facility category in order to foster the
12 development of residential care facilities which serve persons
13 with an intellectual disability, chronic mental illness, a
14 developmental disability, or brain injury, as described under
15 section 225C.26, and which contain five or fewer residents. A
16 ~~facility within the special classification established pursuant~~
17 ~~to this subsection is exempt from the requirements of section~~
18 ~~10A.713.~~ The department shall adopt rules which are consistent
19 with rules previously developed for the waiver demonstration
20 project pursuant to 1986 Iowa Acts, ch. 1246, §206, and which
21 include all of the following provisions:

22 Sec. 3. Section 135P.1, subsection 3, Code 2025, is amended
23 to read as follows:

24 3. "*Health facility*" means an institutional health facility
25 ~~as defined in section 10A.711~~, a hospice licensed under chapter
26 135J, a home health agency as defined in section 144D.1,
27 an assisted living program certified under chapter 231C, a
28 clinic, a community health center, or the university of Iowa
29 hospitals and clinics, and includes any corporation, professional
30 corporation, partnership, limited liability company, limited
31 liability partnership, or other entity comprised of such health
32 facilities. For purposes of this subsection, institutional
33 health facility includes any of the following, without regard
34 to whether the facilities referred to are publicly or privately
35 owned or are organized for profit or not or whether the

1 facilities are part of or sponsored by a health maintenance
2 organization:

- 3 a. A hospital.
- 4 b. A health care facility.
- 5 c. An organized outpatient health facility.
- 6 d. An ambulatory surgical center.
- 7 e. A community mental health facility.
- 8 f. A birth center.

9 Sec. 4. Section 231C.3, subsection 2, Code 2025, is amended
10 to read as follows:

11 2. Each assisted living program operating in this state shall
12 be certified by the department. If an assisted living program
13 is voluntarily accredited by a recognized accrediting entity,
14 the department shall certify the assisted living program on
15 the basis of the voluntary accreditation. An assisted living
16 program that is certified by the department on the basis of
17 voluntary accreditation shall not be subject to payment of the
18 certification fee prescribed in section 231C.18, but shall be
19 subject to an administrative fee as prescribed by rule. ~~An~~
20 ~~assisted living program certified under this section is exempt~~
21 ~~from the requirements of section 10A.713 relating to certificate~~
22 ~~of need requirements.~~

23 Sec. 5. Section 249K.2, subsection 5, Code 2025, is amended
24 to read as follows:

25 5. "New construction" means the construction of a new
26 nursing facility which does not replace an existing licensed
27 and certified facility and ~~requires the provider to obtain a~~
28 ~~certificate of need pursuant to chapter 10A, subchapter VII.~~

29 Sec. 6. Section 505.27, subsection 5, paragraph a, Code 2025,
30 is amended to read as follows:

31 a. "Health care provider" means ~~the same as defined in~~
32 section 10A.711, a any of the following:

33 (1) A person licensed or certified under chapter 147, 148,
34 148A, 148C, 149, 151, 152, 153, 154, 154B, 154F, or 155A to
35 provide in this state professional health care service to an

1 individual during that individual's medical care, treatment, or
2 confinement.

3 (2) A hospital licensed pursuant to chapter 135B, ~~or a.~~

4 (3) A health care facility licensed pursuant to chapter 135C.
5 Sec. 7. Section 708.3A, subsection 5, paragraph d, Code 2025,
6 is amended to read as follows:

7 d. "Health care provider" means an emergency medical care
8 provider as defined in chapter 147A or a person licensed
9 or registered under chapter 148, 148C, 148D, or 152 who is
10 providing or ~~who is attempting to provide~~ emergency medical
11 services, as defined in section 147A.1, or ~~who is providing~~
12 ~~or who is attempting to provide~~ health services as defined
13 ~~in section 10A.711~~ clinically related diagnostic, curative, or
14 rehabilitative services, including substance use disorder and
15 mental health services, in a hospital. A person who commits
16 an assault under this section against a health care provider in
17 a hospital, or at the scene or during out-of-hospital patient
18 transportation in an ambulance, is presumed to know that the
19 person against whom the assault is committed is a health care
20 provider.

21 Sec. 8. REPEAL. Sections 10A.711, 10A.712, 10A.713, 10A.714,
22 10A.715, 10A.716, 10A.717, 10A.718, 10A.719, 10A.720, 10A.721,
23 10A.722, 10A.723, and 135B.5A, Code 2025, are repealed.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill eliminates certificate of need (CON) requirements
28 and the state health facilities council (council).

29 Under current law, certain health care providers are required
30 to obtain a CON from the department of inspections, appeals,
31 and licensing (DIAL) prior to creating or expanding a medical
32 facility or introducing certain medical services within a
33 specific area. To obtain a CON, a health care provider
34 must proceed through an application process implemented and
35 administered by DIAL and the council.

1 The bill makes conforming changes to Code sections 135.131
2 (universal newborn and infant hearing screening), 135C.2 (health
3 care facilities — purpose — rules — special classifications
4 — protection and advocacy agency), 135P.1 (adverse health care
5 incidents — definitions), 231C.3 (certification of assisted
6 living programs), 249K.2 (nursing facility construction or
7 expansion), 505.27 (medical malpractice insurance — annual
8 claims reports required), and 708.3A (assaults on persons engaged
9 in certain occupations).

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