

CHAPTER 1079
HEALTH CARE FACILITIES
H. F. 1243

AN ACT relating to the definition, licensing, inspection, and regulation of health care facilities, and providing for adoption of rules, enforcement procedures, and penalties.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section one hundred thirty-five C point one (135C.1),
2 Code 1966, is hereby amended as follows:

3 1. By striking subsections one (1) and two (2) and inserting in
4 lieu thereof the following new subsections:

5 "1. 'Adult foster home' means any private dwelling or other suit-
6 able place providing for a period exceeding twenty-four consecutive
7 hours accommodation, board, and supervision, for which a charge is
8 made, to not more than two individuals, not related to the owner or
9 occupant of the dwelling or place within the third degree of consan-
10 guinity, who by reason of age, illness, disease, or physical or mental
11 infirmity are unable to sufficiently or properly care for themselves,
12 but who are essentially capable of managing their own affairs.

13 2. 'Boarding home' means any institution, place, building, or
14 agency providing for a period exceeding twenty-four consecutive hours
15 accommodation, board, and supervision to three or more individuals,
16 not related to the administrator or owner thereof within the third
17 degree of consanguinity, who by reason of age, illness, disease, or
18 physical or mental infirmity are unable to sufficiently or properly care
19 for themselves, but who are essentially capable of managing their own
20 affairs.

21 3. 'Custodial home' means any institution, place, building, or agency
22 providing for a period exceeding twenty-four consecutive hours accom-
23 modation, board, and personal assistance in feeding, dressing, and
24 other essential daily living activities to three or more individuals, not
25 related to the administrator or owner thereof within the third degree
26 of consanguinity, who by reason of age, illness, disease, or physical
27 or mental infirmity are unable to sufficiently or properly care for
28 themselves or manage their own affairs, but who do not require the
29 daily services of a registered or licensed practical nurse.

30 4. 'Basic nursing home'* means any institution, place, building, or
31 agency providing for a period exceeding twenty-four consecutive hours
32 accommodation, board, and personal care and treatment or simple
33 nursing care to three or more individuals, not related to the admini-
34 strator or owner thereof within the third degree of consanguinity,
35 who by reason of age, illness, disease, or physical or mental infirmity
36 require domiciliary care, simple nursing care, or occasional skilled
37 nursing care, but who do not require hospital or skilled nursing home
38 care.

39 5. 'Intermediate nursing home' means any institution, place, build-
40 ing, or agency providing for a period exceeding twenty-four consecu-
41 tive hours accommodation, board, and nursing care and supporting
42 services as directed by a physician to three or more individuals, not
43 related to the administrator or owner thereof within the third degree

*See chapter 1085.

44 of consanguinity, who by reason of age, illness, disease, or physical
45 or mental infirmity require continuous nursing care and related medi-
46 cal services, or occasional skilled nursing care, but who do not require
47 hospital care.

48 6. 'Skilled nursing home' means any institution, place, building, or
49 agency providing for a period exceeding twenty-four consecutive hours
50 accommodation, board, and the health care services necessary for
51 certification as a skilled nursing home under Title XIX of the United
52 States Social Security Act (Title XLII, United States Code, sections
53 1396 through 1396g), as amended to January 1, 1970, to three or more
54 individuals not related to the administrator or owner thereof within
55 the third degree of consanguinity.

56 7. 'Extended care facility' means any institution, place, building,
57 or agency providing for a period exceeding twenty-four consecutive
58 hours accommodation, board, and the health care services necessary
59 for certification as an extended care facility under Title XVIII of the
60 United States Social Security Act (Title XLII, United States Code,
61 sections 1395 through 1395(l)), as amended to January 1, 1970, to
62 three or more individuals not related to the administrator or owner
63 thereof within the third degree of consanguinity.

64 8. 'Health care facility' or 'facility' means any adult foster home,
65 boarding home, custodial home, basic nursing home, intermediate
66 nursing home, skilled nursing home, or extended care facility.

67 9. 'Patient' means an individual admitted to a basic nursing home,
68 intermediate nursing home, skilled nursing home, or extended care
69 facility in the manner prescribed by section twenty-three (23) of
70 this Act for care requiring, at a minimum, the daily services of a
71 registered or licensed practical nurse.

72 10. 'Resident' means an individual admitted to a health care facil-
73 ity in the manner prescribed by section twenty-three (23) of this Act,
74 who does not require the daily services of a registered or licensed
75 practical nurse. An employee of, or an individual related within the
76 third degree of consanguinity to the administrator or owner of, a
77 health care facility shall not be deemed a resident thereof for the pur-
78 poses of this Act solely by reason of being provided living quarters
79 within such facility.

80 11. 'Physician' means a person licensed to practice medicine and
81 surgery, osteopathy and surgery or osteopathy under the laws of this
82 state.

83 12. 'Commissioner' means the commissioner of public health ap-
84 pointed pursuant to section one hundred thirty-five point two (135.2)
85 of the Code.

86 13. 'Department' means the state department of health."

87 2. By renumbering the succeeding subsections.

1 SEC. 2. Section one hundred thirty-five C point two (135C.2), Code
2 1966, is hereby amended as follows:

3 1. By striking from lines three (3) and four (4) the words "aged,
4 infirm and convalescent persons" and inserting in lieu thereof the
5 words "individuals who are aged or who, regardless of age, are infirm,
6 convalescent, or mentally or physically dependent,"

7 2. By inserting in line seven (7) after the word "the" the word

8 "housing,"

9 3. By striking from line eight (8) the words "nursing homes and
10 custodial homes" and inserting in lieu thereof the words "health care
11 facilities".

12 4. By inserting in line ten (10) before the word "and" the word
13 ", renovation,".

14 5. By striking from lines ten (10) and eleven (11) the words "nurs-
15 ing homes and custodial homes" and inserting in lieu thereof the words
16 "health care facilities".

1 SEC. 3. Section one hundred thirty-five C point three (135C.3),
2 Code 1966, is hereby amended as follows:

3 1. By striking from lines one (1) and two (2) the words "An insti-
4 tution licensed as a nursing home" and inserting in lieu thereof the
5 words "Each facility licensed as an extended care facility, a skilled
6 nursing home, an intermediate nursing home, or a basic nursing
7 home,".

8 2. By striking all of such section after the period in line fifteen
9 (15) and inserting in lieu thereof the following:

10 "All admissions to extended care facilities, skilled nursing homes,
11 intermediate nursing homes, and basic nursing homes shall be based
12 on an order written by a physician certifying that the individual being
13 admitted requires no greater degree of nursing care than the facility
14 to which the admission is made is capable of providing."

1 SEC. 4. Section one hundred thirty-five C point four (135C.4),
2 Code 1966, is hereby amended as follows:

3 1. By striking from lines one (1) and two (2) the words "An insti-
4 tution licensed as a custodial home" and inserting in lieu thereof the
5 words "Each facility licensed as a custodial home or boarding home".

6 2. By striking all of such section after the period in line eight (8)
7 and inserting in lieu thereof the following:

8 "All admissions to custodial homes, boarding homes, or adult foster
9 homes shall be based on an order written by a physician certifying
10 that the individual being admitted does not require nursing care."

1 SEC. 5. Section one hundred thirty-five C point five (135C.5), Code
2 1966, is hereby repealed and the following enacted in lieu thereof:

3 "No other business or activity shall be carried on in a health care
4 facility, nor in the same physical structure with a health care facility
5 except as hereinafter provided, unless such business or activity is
6 directly related to or necessary for the operation of the health care
7 facility. No business or activity which is operated within the limita-
8 tions of this section shall interfere in any manner with the use of
9 the facility by the patients or residents, nor be disturbing to them.
10 Any part of such business or activity open to customers other than
11 patients or residents of the health care facility shall be physically
12 separated from the facility, and an entrance shall be provided for
13 such customers so that they do not pass through the health care fa-
14 cility in entering or leaving the area where such business or activity
15 is conducted."

1 SEC. 6. Section one hundred thirty-five C point six (135C.6), Code
2 1966, is hereby amended as follows:

3 1. By striking from lines one (1) and two (2) the words and figures
4 "After July 4, 1957, no" and inserting in lieu thereof the figure and
5 word "1. No".

6 2. By striking from line five (5) the words "nursing home or cus-
7 todial home" and inserting in lieu thereof the words "health care facil-
8 ity".

9 3. By striking from line six (6) the word "home" and inserting in
10 lieu thereof the word "facility".

11 4. By adding thereto the following new subsections:

12 "2. A health care facility suitable for separation and operation
13 with distinct parts may, where otherwise qualified in all respects, be
14 issued multiple licenses authorizing various parts of such facilities to
15 be operated as health care facilities of different license categories.

16 3. No change in a health care facility, its operation, program, or
17 services, of a degree or character affecting continuing licensability
18 shall be made without prior approval thereof by the department. The
19 department may by rule specify the types of changes which shall not
20 be made without its prior approval.

21 4. No department, agency, or officer of this state or of any of its
22 political subdivisions shall pay or approve for payment from public
23 funds any amount or amounts to a health care facility under any pro-
24 gram of state aid in connection with services provided or to be pro-
25 vided an actual or prospective patient or resident in a health care
26 facility, unless the facility has a current license issued by the depart-
27 ment and meets such other requirements as may be in effect pursuant
28 to law.

29 5. No health care facility established and operated in compliance
30 with law prior to the effective date of this Act shall be required to
31 change its corporate or business name by reason of the definitions pre-
32 scribed in section one hundred thirty-five C point one (135C.1) of the
33 Code, provided that no health care facility shall at any time represent
34 or hold out to the public or to any individual that it is licensed as, or
35 provides the services of, a health care facility of a type offering a
36 higher grade of care than such health care facility is licensed to pro-
37 vide. Any health care facility which, by virtue of this section, oper-
38 ates under a name not accurately descriptive of the type of license
39 which it holds shall clearly indicate in any printed advertisement,
40 letterhead, or similar material, the type of license which it has in
41 fact been issued. No health care facility established or renamed after
42 July 1, 1971 shall use any name indicating that it holds a higher type
43 of license than it has been issued."

1 SEC. 7. Section one hundred thirty-five C point seven (135C.7),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "state department of
4 health" and inserting in lieu thereof the word "department".

5 2. By striking from line four (4) the word "require" and inserting
6 in lieu thereof the word "include".

7 3. By striking from line four (4) the word "said".

8 4. By striking from lines nine (9) and ten (10) the words "license
9 fee, which shall be refunded" and inserting in lieu thereof the words
10 "annual license fee prescribed by this section, subject to refund".

11 5. By striking all of such section after the word "the" in line fifteen

- 12 (15) and inserting in lieu thereof the following:
 13 "health care facility, as follows:
 14 1. For extended care facilities, skilled nursing homes, intermediate
 15 nursing homes, and basic nursing homes having a total of:
 16 a. Ten beds or less, ten dollars.
 17 b. More than ten and not more than twenty-five beds, twenty dol-
 18 lars.
 19 c. More than twenty-five and not more than seventy-five beds, thirty
 20 dollars.
 21 d. More than seventy-five and not more than one hundred fifty beds,
 22 forty dollars.
 23 e. More than one hundred fifty beds, fifty dollars.
 24 2. For adult foster homes, boarding homes, and custodial homes,
 25 having a total of:
 26 a. Ten beds or less, five dollars.
 27 b. More than ten and not more than twenty-five beds, ten dollars.
 28 c. More than twenty-five and not more than seventy-five beds, fifteen
 29 dollars.
 30 d. More than seventy-five and not more than one hundred fifty beds,
 31 twenty dollars.
 32 e. More than one hundred fifty beds, twenty-five dollars."

- 1 SEC. 8. Section one hundred thirty-five C point eight (135C.8),
 2 Code 1966, is hereby amended as follows:
 3 1. By striking from lines one (1) and two (2) the words "nursing
 4 homes or custodial homes" and inserting in lieu thereof the words
 5 "health care facilities".
 6 2. By striking from lines six (6) and seven (7) the words "state
 7 department of health" and inserting in lieu thereof the words "depart-
 8 ment, obtained prior to the purchase of the facility involved".
 9 3. By inserting in line seventeen (17) after the word "license" the
 10 words "in accordance with regulations promulgated by the depart-
 11 ment. Health care facilities which have allowed their licenses to lapse
 12 through failure to make timely application for renewal of their licenses
 13 shall pay an additional fee of twenty-five percent of the annual license
 14 fee prescribed in section one hundred thirty-five C point seven (135C.7)
 15 of the Code".

- 1 SEC. 9. Section one hundred thirty-five C point nine (135C.9),
 2 Code 1966, is hereby amended as follows:
 3 1. By striking lines one (1) through twenty-three (23), inclusive,
 4 and inserting in lieu thereof the following:
 5 "The department shall not issue a health care facility license to any
 6 applicant until:
 7 1. The department has ascertained that the staff and equipment of
 8 the facility is adequate to provide the care and services required of
 9 a health care facility of the category for which the license is sought.
 10 Prior to the review and approval of plans and specifications for any
 11 new facility and initial licensing under a new licensee, a resume of
 12 the programs and services to be furnished and of the means available
 13 to the applicant for providing the same and for meeting requirements
 14 for staffing, equipment, and operation of the health care facility, with
 15 particular reference to the professional requirements for services to

16 be rendered, shall be submitted in writing to the department for
17 review and approval.

18 2. The facility has been inspected by the state fire marshal or his
19 deputy”.

20 2. By adding thereto the following:

21 “The rules, regulations and standards shall be substantially in keep-
22 ing with the latest generally recognized safety criteria for the facilities
23 covered, of which the applicable criteria recommended and published
24 from time to time by the national fire protection association shall be
25 prima facie evidence.”

1 SEC. 10. Section one hundred thirty-five C point ten (135C.10),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line one (1) the words “state department of
4 health” and inserting in lieu thereof the word “department”.

5 2. By striking line nine (9) and inserting in lieu thereof the words
6 “health care facility residents or patients.”

7 3. By striking from line eleven (11) the words “nursing home or
8 custodial home” and inserting in lieu thereof the words “health care
9 facility resident or”.

10 4. By striking from line fifteen (15) the word “home” and insert-
11 ing in lieu thereof the words “health care facility”.

12 5. By striking from lines eighteen (18) and nineteen (19) the
13 words “nursing home or custodial home” and inserting in lieu thereof
14 the words “health care facility”.

15 6. By striking from line twenty-one (21) the words “nursing home
16 or custodial home” and inserting in lieu thereof the words “health care
17 facility”.

18 7. By inserting in line twenty-five (25) after the word “obtain”
19 the words “or retain”.

20 8. By striking from line twenty-six (26) the word “or” and insert-
21 ing in lieu thereof a comma.

22 9. By inserting before the period in line twenty-seven (27) the
23 words “, or by submitting false information”.

24 10. By striking from lines thirty (30) and thirty-one (31) the
25 words “nursing home or custodial home” and inserting in lieu thereof
26 the words “health care facility”.

27 11. By striking from lines thirty-three (33) and thirty-four (34)
28 the words “nursing home and custodial home” and inserting in lieu
29 thereof the words “health care facility”.

1 SEC. 11. Section one hundred thirty-five C point eleven (135C.11),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line thirty-five (35) the word “said” and in-
4 serting in lieu thereof the word “the”.

5 2. By adding thereto the following:

6 “The commissioner may, with the advice and consent of the care
7 review committee established pursuant to section twenty-five (25) of
8 this Act, remove all residents and patients and suspend the license or
9 licenses of any health care facility, prior to a hearing, when he finds
10 that the health or safety of residents or patients of the health care
11 facility requires such action on an emergency basis.”

1 SEC. 12. Section one hundred thirty-five C point twelve (135C.12),
2 Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "of health".

4 2. By striking from line eleven (11) the words "nursing home or
5 custodial home" and inserting in lieu thereof the words "health care
6 facility".

7 3. By adding thereto the following:

8 "No health care facility shall be operated on a conditional license
9 for more than one year. The department, in evaluating corrections of
10 deficiencies in a facility, may determine what is satisfactory compli-
11 ance, provided that in so doing it shall employ established criteria
12 which shall be uniformly applied to all facilities of the same license
13 category."

1 SEC. 13. Section one hundred thirty-five C point thirteen
2 (135C.13), Code 1966, is hereby amended as follows:

3 1. By striking from line three (3) the words "of public health".

4 2. By striking from line eight (8) the word "home" and inserting
5 in lieu thereof the word "facility".

6 3. By striking from line nine (9) the word "home" and inserting
7 in lieu thereof the word "facility".

8 4. By inserting before the period in line twenty-five (25) the words
9 "except when the commissioner, with the advice and consent of the
10 care review committee established pursuant to section twenty-five (25)
11 of this Act, determines that the health, safety or welfare of the resi-
12 dents or patients of the facility are in immediate danger, in which
13 case he may order the immediate removal of such residents or pa-
14 tients".

1 SEC. 14. Section one hundred thirty-five C point fourteen
2 (135C.14), Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "of health shall adopt,"
4 and inserting in lieu thereof the words "may adopt by reference na-
5 tionally recognized standards and rules and regulations, or otherwise".

6 2. By striking from lines four (4) and five (5) the words "nurs-
7 ing homes and custodial homes" and inserting in lieu thereof the words
8 "health care facilities".

9 3. By inserting in line six (6) after the word "standards" the
10 words "shall be formulated in consultation with the commissioner of
11 social services or his designee, and".

12 4. By striking from line nine (9) the word "home" and inserting
13 in lieu thereof the word "facility".

14 5. By striking from line twenty-one (21) the semicolon, and insert-
15 ing in lieu thereof the words ", and shall be in keeping with the latest
16 generally recognized safety criteria for the facilities covered of which
17 the applicable criteria recommended and published from time to time
18 by the national fire protection association shall be prima facie evi-
19 dence."

20 6. By striking from line twenty-five (25) the words "given to resi-
21 dents;" and inserting in lieu thereof the words "provided to residents
22 or patients."

23 7. By striking from line twenty-six (26) the word "home" and in-
24 serting in lieu thereof the word "facility".

25 8. By striking from line thirty (30) the word "residents;" and in-

- 26 serting in lieu thereof the words "residents or patients."
27 9. By inserting at the end of line thirty-one (31) the words "or
28 patient".
29 10. By striking from line thirty-four (34) the words "resident;
30 and" and inserting in lieu thereof the words "resident or patient."
31 11. By inserting in line thirty-six (36) after the word "resident"
32 the words "or patient".

1 SEC. 15. Section one hundred thirty-five C point fifteen (135C.15),
2 Code 1966, is hereby amended as follows:
3 1. By striking from lines one (1) and two (2) the words "nursing
4 home or custodial home" and inserting in lieu thereof the words
5 "health care facility".
6 2. By inserting in line three (3) before the word "promulgation"
7 the words "adoption or".
8 3. By striking the period from line eight (8) and inserting in lieu
9 thereof the following:
10 "as provided for by the department. Renovation of an existing
11 health care facility, not already in compliance with all applicable
12 standards, shall be permitted only if the fixtures and equipment to be
13 installed and the services to be provided in the renovated portion of
14 the facility will conform substantially to current operational stand-
15 ards. Construction of an addition to an existing health care facility
16 shall be permitted only if the design of the structure, the fixtures and
17 equipment to be installed, and the services to be provided in the addi-
18 tion will conform substantially to current construction and operational
19 standards."

1 SEC. 16. Section one hundred thirty-five C point sixteen (135C.16),
2 Code 1966, is hereby amended as follows:
3 1. By striking from lines one (1) and two (2) the words "state
4 department of health" and inserting in lieu thereof the word "depart-
5 ment".
6 2. By striking the period from line three (3) and inserting in lieu
7 thereof a comma.
8 3. By striking from line four (4) the words "The state department
9 of health" and inserting in lieu thereof the word "and".
10 4. By inserting in line seven (7) after the word "of" the words
11 "physical or functional".
12 5. By striking from line eleven (11) the words "state department
13 of health" and inserting in lieu thereof the word "department".
14 6. By striking from line sixteen (16) the words "of health" and
15 inserting in lieu thereof the words ", department of social services".
16 7. By striking from lines seventeen (17) and eighteen (18) the
17 words "nursing home or custodial home" and inserting in lieu thereof
18 the words "health care facility".
19 8. By striking from lines eighteen (18) and nineteen (19) the
20 words "or purported nursing home or custodial home".
21 9. By adding at the end thereof the following:
22 "If any such inspector has probable cause to believe that any institu-
23 tion, place, building, or agency not licensed as a health care facility is
24 in fact a health care facility as defined by this Act, and upon properly
25 identifying himself he is denied entry thereto for the purpose of mak-

26 ing an inspection, he may, with the assistance of the county attorney
 27 of the county in which the purported health care facility is located,
 28 apply to the district court for an order requiring the owner or occu-
 29 pant to permit entry and inspection of the premises to determine
 30 whether there have been any violations of this Act."

1 SEC. 17. Section one hundred thirty-five C point seventeen
 2 (135C.17), Code 1966, as amended by chapter two hundred nine
 3 (209), section thirty-seven (37), Acts of the Sixty-second General
 4 Assembly, is hereby further amended as follows:

5 1. By striking lines two (2) and three (3) and inserting in lieu
 6 thereof the following:
 7 "shall be the duty of the department of social services, state fire mar-
 8 shal, and the".

9 2. By striking from line five (5) the words "state department of
 10 health" and inserting in lieu thereof the word "department".

11 3. By striking all of such section after the word "any" in line nine
 12 (9) and inserting in lieu thereof the following:

13 "resident or patient of any health care facility."

1 SEC. 18. Section one hundred thirty-five C point eighteen
 2 (135C.18), Code 1966, is hereby amended by striking from lines one
 3 (1) and two (2) the words "state department of health may employ"
 4 and inserting in lieu thereof the words "department may employ,
 5 pursuant to chapter ninety-five (95), Acts of the Sixty-second General
 6 Assembly,".

1 SEC. 19. Section one hundred thirty-five C point nineteen
 2 (135C.19), Code 1966, is hereby amended as follows:

3 1. By striking from lines two (2) and three (3) the words "state
 4 department of health" and inserting in lieu thereof the word "depart-
 5 ment".

6 2. By striking from lines six (6) and seven (7) the words "nurs-
 7 ing homes or custodial homes" and inserting in lieu thereof the words
 8 "health care facilities without the written authorization of the licensee
 9 involved".

10 3. By inserting in line eight (8) after the word "or" the words "in
 11 the matter of".

1 SEC. 20. Section one hundred thirty-five C point twenty (135C.20),
 2 Code 1966, is hereby amended as follows:

3 1. By striking from lines (1) and two (2) the words "state depart-
 4 ment of health" and inserting in lieu thereof the word "department".

5 2. By striking from lines three (3) and four (4) the words "nurs-
 6 ing and custodial homes" and inserting in lieu thereof the words
 7 "health care facilities".

8 3. By striking all of such section after the word "of" in line eight
 9 (8) and inserting in lieu thereof the words "health care facilities, and
 10 publish for public distribution copies of the laws, standards, and rules
 11 and regulations pertaining to their operation."

1 SEC. 21. Section one hundred thirty-five C point twenty-one
 2 (135C.21), Code 1966, is hereby amended as follows:

3 1. By striking from lines two (2) and three (3) the words "nurs-

4 ing home or custodial home" and inserting in lieu thereof the words
5 "health care facility".

6 2. By striking from line fourteen (14) the words "nursing home
7 or custodial home" and inserting in lieu thereof the words "health care
8 facility".

1 SEC. 22. Section one hundred thirty-five C point twenty-two
2 (135C.22), Code 1966, as amended by chapter two hundred nine (209),
3 section thirty-eight (38), Acts of the Sixty-second General Assembly,
4 is hereby repealed and the following enacted in lieu thereof:

5 "The provisions of this chapter shall be applicable to institutions
6 operated by or under the control of the department of social services,
7 the state board of regents, or any other governmental unit."

1 SEC. 23. No individual shall be admitted to or permitted to remain
2 in a health care facility as a patient or resident, except in accordance
3 with the requirements of this section.

4 1. Each patient or resident shall be covered by a contract executed
5 at the time of admission or prior thereto by the patient or resident,
6 or his legal representative, and the health care facility. Each party
7 to the contract shall be entitled to a duplicate original thereof, and
8 the health care facility shall keep on file all contracts which it has
9 with patients or residents and shall not destroy or otherwise dispose
10 of any such contract for at least one year after its expiration or such
11 longer period as the department may by rule require. Each such con-
12 tract shall expressly set forth:

13 a. The terms of the contract.

14 b. The services and accommodations to be provided by the health
15 care facility and the rates or charges therefor.

16 c. Specific descriptions of any duties and obligations of the parties
17 in addition to those required by operation of law.

18 d. Any other matters deemed appropriate by the parties to the con-
19 tract. No contract or any provision thereof shall be drawn or con-
20 strued so as to relieve any health care facility of any requirement or
21 obligation imposed upon it by this Act or any standards or rules in
22 force pursuant to this Act.

23 2. No health care facility shall knowingly admit or retain any
24 patient or resident:

25 a. Who is dangerous to himself or other patients or residents.

26 b. Who is in an active or acute stage of alcoholism, drug addiction,
27 mental illness, or communicable disease.

28 c. Whose condition or conduct is such that he would be unduly
29 disturbing to other patients or residents.

30 d. Who is in need of medical procedures, as determined by a physi-
31 cian, or services, as determined by the care review committee, which
32 cannot be carried out in the facility.

33 3. Except in emergencies, a patient or resident who is not essen-
34 tially capable of managing his own affairs shall be transferred out
35 of a health care facility or discharged for any reason only after prior
36 notification to the next of kin, legal representative, or agency acting
37 on the patient's or resident's behalf. When such next of kin, legal
38 representative, or agency cannot be reached or refuses to cooperate,
39 proper arrangements shall be made by the home for the welfare of the

40 patient or resident before his transfer or discharge.

41 4. No owner, administrator, employee, or representative of a health
42 care facility shall pay any commission, bonus, or gratuity in any form
43 whatsoever, directly or indirectly, to any person for patients or resi-
44 dents referred to such facility.

1 SEC. 24. The admission of a patient or resident to a health care
2 facility and his presence therein shall not in and of itself confer on
3 such facility, its owner, administrator, employees, or representatives
4 any authority to manage, use, or dispose of any property of the pa-
5 tient or resident, nor any authority or responsibility for the personal
6 affairs of the patient or resident, except as may be necessary for the
7 safety and orderly management of the facility and as required by this
8 section.

9 1. No health care facility, and no owner, administrator, employee
10 or representative thereof shall act as guardian, trustee or conservator
11 for any patient or resident of such facility, or any of such patient's
12 or resident's property, unless such patient or resident is related to
13 the person acting as guardian within the third degree of consanguinity.

14 2. A health care facility shall provide for the safekeeping of per-
15 sonal effects, funds and other property of its patients or residents,
16 provided that whenever necessary for the protection of valuables or
17 in order to avoid unreasonable responsibility therefor, the facility
18 may require that they be excluded or removed from the premises of
19 the facility and kept at some place not subject to the control of the
20 facility.

21 3. A health care facility shall keep complete and accurate records
22 of all funds and other effects and property of its patients or residents
23 received by it for safekeeping.

24 4. Any funds or other property belonging to or due a patient or
25 resident, or expendable for his account, which are received by a health
26 care facility shall be trust funds, shall be kept separate from the
27 funds and property of the facility and of its other patients or resi-
28 dents, or specifically credited to such patient or resident, and shall
29 be used or otherwise expended only for the account of the patient or
30 resident. Upon request the facility shall furnish the patient or resi-
31 dent, the guardian, trustee or conservator, if any, for any patient or
32 resident, or any governmental unit or private charitable agency con-
33 tributing funds or other property on account of any patient or resi-
34 dent, a complete and certified statement of all funds or other property
35 to which this subsection applies detailing the amounts and items
36 received, together with their sources and disposition.

1 Sec. 25. Each health care facility shall have a care review com-
2 mittee, established in accordance with the rules of the department,
3 which shall periodically review the needs of each individual patient
4 or resident of the facility. The composition of the care review com-
5 mittee shall be in accordance with rules of the department, which shall
6 in formulating such rules give consideration to the needs of patients
7 and residents of each license category of health care facility and the
8 services facilities of each category are authorized to render.

1 Sec. 26. The commissioner shall be notified within twenty-four
2 hours, by the most expeditious means available, of any accident caus-

3 ing major injury or death, and any fire or natural or other disaster
4 occurring in a health care facility.

1 SEC. 27. If the department's services are necessary in order to
2 assist another governmental unit to implement a federal program, the
3 department may accept in compensation for such services federal
4 funds initially available from the federal government to such other
5 governmental unit for such purpose. Any governmental unit is
6 authorized to transfer to the department for such services any fed-
7 eral funds available to such governmental unit, in accordance with
8 applicable federal laws and regulations.

1 SEC. 28. This Act shall take effect July 1, 1971. All nursing
2 home and custodial home licenses issued by the department pursuant
3 to chapter one hundred thirty-five C (135C), Code 1966, prior to July
4 1, 1971 shall continue in force, unless suspended or revoked pursuant
5 to law, until their normal expiration date.

1 Sec. 29. Section one hundred point one (100.1), Code 1966, is
2 hereby amended by striking from subsection four (4), paragraph *d*,
3 line four (4), the words "nursing homes" and inserting in lieu thereof
4 the words "health care facilities as defined in section one hundred
5 thirty-five C point one (135C.1) of the Code".

1 SEC. 30. Section one hundred point thirty-five (100.35), Code
2 1966, is hereby amended by striking from line six (6) the words "nurs-
3 ing homes, custodial homes" and inserting in lieu thereof the words
4 "health care facilities as defined in section one hundred thirty-five
5 C point one (135C.1) of the Code".

1 SEC. 31. Section one hundred three point one (103.1), Code 1966,
2 is hereby amended by striking from line three (3) the words "nursing
3 home" and inserting in lieu thereof the words "health care facility
4 as defined in section one hundred thirty-five C point one (135C.1) of
5 the Code".

1 SEC. 32. Section one hundred forty-eight A point three (148A.3),
2 Code 1966, is hereby amended by striking from subsection four (4),
3 line two (2), the words "nursing homes" and inserting in lieu thereof
4 the words "health care facilities as defined in section one hundred
5 thirty-five C point one (135C.1) of the Code".

1 SEC. 33. Section one hundred fifty-two point two (152.2), Code
2 1966, is hereby amended by striking from subsection five (5), line two
3 (2), the words "nursing homes" and inserting in lieu thereof the
4 words "health care facilities as defined in section one hundred thirty-
5 five C point one (135C.1) of the Code".

1 SEC. 34. Section two hundred twenty-nine point forty-three
2 (229.43), Code 1966, is hereby amended by striking from lines six (6)
3 and seven (7) the words "custodial or nursing homes" and inserting
4 in lieu thereof the words "any health care facility licensed under chap-
5 ter one hundred thirty-five C (135C) of the Code".

1 SEC. 35. Section two hundred thirty point thirty-two (230.32),
2 Code 1966, is hereby amended by striking from lines four (4) and five
3 (5) the words "a custodial or nursing home" and inserting in lieu

4 thereof the words "any health care facility licensed under chapter one
5 hundred thirty-five C (135C) of the Code".

1 SEC. 36. Section three hundred forty-seven point fourteen
2 (347.14), Code 1966, is hereby amended by striking from subsection
3 twelve (12), line one (1), the words "nursing home" and inserting in
4 lieu thereof the words "health care facility as defined in section one
5 hundred thirty-five C point one (135C.1) of the Code".

1 SEC. 37. Section three hundred forty-seven point twenty-six
2 (347.26), Code 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "nursing home" and
4 inserting in lieu thereof the words "health care facility as defined in
5 section one hundred thirty-five C point one (135C.1) of the Code".

6 2. By striking from line eight (8) the words "nursing homes" and
7 inserting in lieu thereof the words "such facilities".

8 3. By striking from line eleven (11) the words "nursing homes"
9 and inserting in lieu thereof the word "facilities".

1 SEC. 38. Section three hundred eighty point thirteen (380.13),
2 Code 1966, is hereby amended by striking from line five (5) the words
3 "nursing home" and inserting in lieu thereof the words "health care
4 facility".

1 SEC. 39. Chapter two hundred thirteen (213), section one (1),
2 Acts of the Sixty-second General Assembly, as amended by chapter
3 one hundred fifty-two (152), section thirty-nine (39), Acts of the
4 Sixty-third General Assembly, First Session, is hereby further
5 amended by striking from line four (4) the words "custodial and nurs-
6 ing home service" and inserting in lieu thereof the words "services in
7 a health care facility licensed under chapter one hundred thirty-five
8 C (135C) of the Code".

1 SEC. 40. Chapter two hundred thirteen (213), section two (2),
2 Acts of the Sixty-second General Assembly, as amended by chapter
3 one hundred fifty-two (152), section forty (40), Acts of the Sixty-
4 third General Assembly, First Session, is hereby further amended by
5 striking from line four (4) the words "custodial and nursing home
6 service" and inserting in lieu thereof the words "services in a health
7 care facility licensed under chapter one hundred thirty-five C (135C)
8 of the Code".

1 SEC. 41. Chapter two hundred thirteen (213), section three (3),
2 Acts of the Sixty-second General Assembly, as amended by chapter
3 one hundred fifty-two (152), section forty-one (41), Acts of the Sixty-
4 third General Assembly, First Session, is hereby further amended by
5 striking from line four (4) the words "custodial and nursing home
6 service" and inserting in lieu thereof the words "services in a health
7 care facility licensed under chapter one hundred thirty-five C (135C)
8 of the Code".

1 SEC. 42. Chapter two hundred thirteen (213), section four (4),
2 Acts of the Sixty-second General Assembly, as amended by chapter
3 one hundred fifty-two (152), section forty-two (42), Acts of the Sixty-
4 third General Assembly, First Session, is hereby further amended by
5 striking from line four (4) the words "custodial and nursing home

6 service" and inserting in lieu thereof the words "services in a health
7 care facility licensed under chapter one hundred thirty-five C (135C)
8 of the Code".

1 SEC. 43. Chapter three hundred seventeen (317), section one (1),
2 Acts of the Sixty-second General Assembly, is hereby amended by
3 striking from lines three (3) and four (4) the words "nursing home
4 or custodial home but only if a fully constructed and equipped nursing
5 home or custodial home" and inserting in lieu thereof the words "health
6 care facility which is or may be licensed under chapter one hundred
7 thirty-five C (135C) of the Code, but only if such health care facility
8 is fully constructed and equipped and".

1 SEC. 44. Chapter three hundred seventeen (317), section two (2),
2 Acts of the Sixty-second General Assembly, is hereby amended as
3 follows:

4 1. By striking line four (4) and inserting in lieu thereof the words
5 "or health care facility established as permitted by section three
6 hundred sixty-eight point twenty-seven (368.27) of the Code,".

7 2. By striking from line six (6) the words ", nursing home, or
8 custodial home" and inserting in lieu thereof the words "or health care
9 facility".

10 3. By striking from line eight (8) the words ", nursing home, or
11 custodial home" and inserting in lieu thereof the words "or health
12 care facility".

13 4. By striking from line ten (10) the words ", nursing home, or
14 custodial home" and inserting in lieu thereof the words "or health
15 care facility".

16 5. By striking from line twelve (12) the words ", nursing home,
17 or custodial home" and inserting in lieu thereof the words "or health
18 care facility".

19 6. By striking from line fourteen (14) the words ", nursing home,
20 or custodial home" and inserting in lieu thereof the words "or health
21 care facility".

1 SEC. 45. Chapter three hundred seventeen (317), section three
2 (3), Acts of the Sixty-second General Assembly, is hereby amended as
3 follows:

4 1. By striking from line four (4) the words ", nursing home, or
5 custodial home" and inserting in lieu thereof the words "or health care
6 facility".

7 2. By striking from line six (6) the words ", nursing homes, or
8 custodial homes" and inserting in lieu thereof the words "or health
9 care facilities".

1 SEC. 46. Chapter three hundred seventeen (317), Section four (4),
2 Acts of the Sixty-second General Assembly, is hereby amended by
3 striking from line three (3) the words ", nursing home, or custodial
4 home" and inserting in lieu thereof the words "or health care facility".

1 SEC. 47. Chapter three hundred seventeen (317), section five (5),
2 Acts of the Sixty-second General Assembly, is hereby amended by
3 striking from line three (3) the words "'nursing home' and 'custodial
4 home'" and inserting in lieu thereof the words "'health care facility'".

1 SEC. 48. Chapter three hundred seventeen (317), section six (6),
 2 Acts of the Sixty-second General Assembly, is hereby amended by
 3 striking from lines four (4) and five (5) the words “, a municipal
 4 nursing home, a municipal custodial home” and inserting in lieu
 5 thereof the words “or municipal health care facilities licensed under
 6 any of the categories established by section one hundred thirty-five
 7 C point one (135C.1) of the Code”.

Approved May 5, 1970.

CHAPTER 1080

TAXATION OF MOBILE HOMES

H. F. 1268

AN ACT relating to taxation of mobile homes, providing for allocation of the proceeds of such tax, and requiring that manufacturers and dealers notify the county treasurer of the sale and delivery of a mobile home.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section one hundred thirty-five D point twenty-two
 2 (135D.22), Code 1966, is hereby amended as follows:

3 1. By striking from line thirteen (13) the words “seven and one-
 4 half” and inserting in lieu thereof the word “ten”.

5 2. By inserting in line thirteen (13) after the word “cents” the
 6 words “, except that if the owner of a mobile home is sixty-five years
 7 of age or older and his net income as defined in section four hundred
 8 twenty-two point seven (422.7) of the Code, plus interest and divi-
 9 dends from federal securities and income from social security and
 10 other tax-exempt retirement or pension plans, when included with
 11 that of his spouse is less than thirty-five hundred dollars per year,
 12 the semiannual tax shall be computed by multiplying the number of
 13 square feet of floor space the mobile home contains when parked and
 14 in use by seven and one-half cents”.

1 SEC. 2. Section one hundred thirty-five D point twenty-five
 2 (135D.25), Code 1966, is hereby repealed and the following enacted
 3 in lieu thereof:

4 “Seventy-five percent of the tax and penalties collected under the
 5 provisions of section one hundred thirty-five D point twenty-four
 6 (135D.24) of the Code shall be allocated to the school fund of the
 7 district in which the mobile home is located, and the remaining twenty-
 8 five percent shall be allocated as prescribed by section four hundred
 9 forty-five point fifty-seven (445.57) of the Code, in the same manner
 10 as though they were the proceeds of taxes levied on real property at
 11 the same location as such mobile home; however, no allocation from
 12 the remaining twenty-five percent shall be made to the school fund.”

1 Sec. 3. Chapter one hundred thirty-five D (135D), Code 1966, is
 2 hereby amended by adding thereto the following new sections:

3 1. “Mobile home manufacturers and dealers shall, within ten days
 4 after any retail sale and delivery of a mobile home, notify the county