

CHAPTER 1085

NURSING HOMES

S. F. 456

AN ACT relating to the licensing and registration of nursing home administrators.

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

1 SECTION 1. Chapter one hundred forty-seven (147), Code 1966, is
2 hereby amended by adding as a division the following sections of this
3 Act.

1 SEC. 2. **Definitions.** For the purposes of this Act, and as used
2 herein:

3 1. "Board" means the Iowa state board of examiners for nursing
4 home administrators hereinafter created.

5 2. "Nursing home administrator" means a person who administers,
6 manages, supervises, or is in general administrative charge of a
7 nursing home whether or not such individual has an ownership in-
8 terest in such home and whether or not his functions and duties are
9 shared with one or more individuals. A member of a board of di-
10 rectors, unless also serving in a supervisory or managerial capacity,
11 shall not be considered a nursing home administrator.

12 3. "Nursing home"* means any institution or facility, or part there-
13 of, defined as such for licensing purposes under state law or pursuant
14 to the rules and regulations for nursing homes established by the state
15 department of public health, whether proprietary or nonprofit, includ-
16 ing but not limited to, nursing homes owned or administered by the
17 federal or state government or an agency or political subdivisions
18 thereof.

1 SEC. 3. **Composition of the board.** There is hereby created a state
2 board of examiners for nursing home administrators which shall con-
3 sist of nine members appointed as follows:

4 1. Six members shall be nursing home administrators, one of whom
5 shall be an administrator of a nonproprietary nursing home, chosen
6 by the governor from lists of three or more persons nominated for
7 each such appointment by the respective professional nursing home
8 associations in the state.

9 2. One administrator of a hospital.

10 3. One physician and surgeon, or osteopathic physician and sur-
11 geon.

12 4. One pharmacist, registered nurse, or educator who has had
13 actual administrative experience in a nursing home equivalent to that
14 required of an applicant for a license.

15 In making the initial appointments under this Act, the governor
16 shall appoint three members to serve until June 30, 1971, three mem-
17 bers to serve until June 30, 1972, and three members, including at
18 least two of the nursing home administrators, to serve until June 30,
19 1973. Thereafter, all appointments to the board shall be for terms of
20 three years, except that vacancies shall be filled for the unexpired
21 portion of the term in which the vacancy exists. Any board member
22 may be removed by the governor for good cause after due no-
23 tice and hearing. Initial appointments of nursing home adminis-

*See chapter 1079.

24 trators to the board, after the effective date of this Act, shall be
 25 limited to persons who are actually serving as nursing home admin-
 26 istrators, as defined by this Act, and who have served in such capacity
 27 for at least two years immediately preceding appointment to the board.
 28 After such initial appointments have been made, no administrator
 29 shall be eligible for appointment as a member unless licensed as a
 30 nursing home administrator.

31 The board shall be within the state department of health for admin-
 32 istrative purposes. The department shall furnish the board with the
 33 necessary facilities and employees to perform the duties required by
 34 this Act.

1 **SEC. 4. Qualifications for licensure.** The board shall have au-
 2 thority to issue licenses to qualified persons as nursing home admin-
 3 istrators, and shall establish qualification criteria for such nursing
 4 home administrators. No license shall be issued to a person as a
 5 nursing home administrator unless:

6 1. He is at least twenty-one years of age, of good moral character
 7 and unless he is of sound mental health and physically able to per-
 8 form the duties.

9 2. He has satisfactorily completed a course of instruction and train-
 10 ing prescribed by the board, which course shall be so designed as to
 11 content and so administered as to present sufficient knowledge of the
 12 needs properly to be served by nursing homes; knowledge of the laws
 13 governing the operation of nursing homes and the protection of the
 14 interests of patients therein; and knowledge of the elements of good
 15 nursing home administration; or have presented evidence satisfactory
 16 to the board of sufficient education, training, or experience in the
 17 foregoing fields to administer, supervise, and manage a nursing home.

18 3. He has passed an examination administered by the board and
 19 designed to test for competence in the subject matter referred to in
 20 subsection two (2) of this section.

21 Any person who, on the effective date of this Act, has actually
 22 served as a nursing home administrator or has had equivalent experi-
 23 ence in other health care facilities for at least two years preceding
 24 such date, but who has not complied with subsections two (2) and
 25 three (3) of this section, may be issued a temporary license upon pay-
 26 ment of the required fee, but any such license shall expire no later
 27 than June 30, 1972.

1 **SEC. 5. Licensing function.** The board shall license nursing home
 2 administrators in accordance with rules and regulations issued, and
 3 from time to time revised, by it. A nursing home administrator's
 4 license shall not be transferable and shall be valid until surrendered
 5 for cancellation or suspended or revoked for violation of this Act or
 6 any other laws or regulations relating to the proper administration
 7 and management of a nursing home. Any denial of issuance or re-
 8 newal, suspension, or revocation under any section of this Act shall be
 9 subject to review upon the timely request of the applicant or licensee
 10 and pursuant to Iowa state procedures.

1 **SEC. 6. License fees.** Each person licensed as a nursing home ad-
 2 ministrator shall be required to pay a license fee in an amount to be
 3 fixed by the board, which fee shall not exceed thirty dollars per year.

4 Said license shall expire on the thirty-first day of December of the
5 year following its issuance, and shall be renewable annually and
6 upon payment of the license fee.

1 **SEC. 7. Fund created.** All fees collected under the provisions of
2 this Act shall be paid monthly to the treasurer of state who shall keep
3 the same in a special fund to be known as the state board of examiners
4 for nursing home administrators fund, which fund may be used and
5 expended by the board to pay the compensation and travel expenses
6 of members and employees of the board, and other expenses necessary
7 for the board to administer and carry out the provisions of this Act.

1 **SEC. 8. Organization of board.** The board shall elect from its mem-
2 bership a chairman, vice-chairman, and secretary-treasurer, and shall
3 adopt rules and regulations to govern its proceedings. Each member
4 shall receive, as compensation for his services, an amount agreed upon
5 by the board but not to exceed that of other state boards. All mem-
6 bers shall be allowed necessary travel expenses, as may be approved
7 by the board, which shall be payable in the same manner as travel
8 expenses of other state officials.

1 **SEC. 9. Exclusive jurisdiction of board.** The board shall have
2 authority to determine the qualifications, skill, and fitness of any
3 person to serve as an administrator of a nursing home under the
4 provisions of this Act, and the holder of a license under the provisions
5 of this Act shall be deemed qualified to serve as the administrator of
6 a nursing home.

1 **SEC. 10. Duties of the board.** The board shall have the duty and
2 responsibility to:

3 1. Develop, impose, and enforce standards which must be met by
4 individuals in order to receive a license as a nursing home admin-
5 istrator, which standards shall be designed to insure that nursing
6 home administrators will be individuals who are of good character
7 and are otherwise suitable, and who, by training or experience in
8 the field of institutional administration, are qualified to serve as nurs-
9 ing home administrators.

10 2. Develop and apply appropriate techniques, including examination
11 and investigations, for determining whether an individual meets such
12 standards.

13 3. Issue licenses to individuals who, after application of such tech-
14 niques, are found to have met such standards; and for cause and
15 after due notice and hearing, revoke or suspend licenses previously
16 issued by such board in any case where the individual holding such
17 license is found to have failed substantially to conform to the require-
18 ments of such standards.

19 The board may also accept the voluntary surrender of such license
20 without necessity of a hearing. In the event of the inability of the
21 regular administrator of a nursing home to perform his duties or
22 through death or other cause the nursing home is without a licensed
23 administrator, a provisional administrator may be appointed on a
24 temporary basis by the nursing home owner or owners, to perform
25 such duties for a period not to exceed six months.

26 4. Establish and carry out procedures designed to insure that in-

27 dividuals licensed as nursing home administrators will, during any
28 period that they serve as such, comply with the requirements of such
29 standards.

30 5. Receive, investigate, and take appropriate action with respect
31 to any charge or complaint filed with the board to the effect that any
32 individual licensed as a nursing home administrator has failed to
33 comply with the requirements of such standards. Such appropriate
34 action may include revocation of a license, if necessary, or placing
35 the licensee on probation for a period not exceeding six months, and
36 shall be taken only for cause after due notice and a hearing on the
37 charge or complaint.

38 6. Conduct a continuing study and investigation of nursing homes,
39 and administrators of nursing homes, in this state with a view to
40 the improvement of the standards imposed for the licensing of such
41 administrators and of procedures and methods for the enforcement
42 of such standards with respect to administrators of nursing homes
43 who have been licensed as such.

44 7. Conduct, or cause to be conducted, one or more courses of in-
45 struction and training sufficient to meet the requirements of this Act;
46 and make provisions for such courses and their accessibility to resi-
47 dents of this state unless it finds that there are, and approves, a
48 sufficient number of courses, which courses are conducted by others
49 within this state. In lieu thereof the board may approve courses con-
50 ducted within and without this state as sufficient to meet the educa-
51 tion and training requirements of this Act.

1 **SEC. 11. Renewal of license.** Every holder of a nursing home ad-
2 ministrators license shall renew it annually by making application to
3 the board, except that biennially the individual requesting renewal
4 shall submit evidence satisfactory to the board of continued education
5 in this field. Such renewals shall be granted as a matter of course
6 unless the board finds, after due notice and hearing, that the applicant
7 has acted or failed to act in accordance with the rules or in such a
8 manner or under such circumstances as would constitute grounds for
9 suspension or revocation of a license.

1 **SEC. 12. Reciprocity with other states.** The board may issue a
2 nursing home administrator's license, without examination, to any
3 person who holds a current license as a nursing home administrator
4 from another jurisdiction if reciprocal agreements are entered into
5 with another jurisdiction under sections one hundred forty-seven
6 point forty-five (147.45) through one hundred forty-seven point fifty-
7 four (147.54), inclusive, of the Code.

1 **SEC. 13.** If any provision of this Act is in conflict with the require-
2 ments of section 1908 of the United States Social Security Act (42
3 United States Code, section 1396g), relative to a state program for
4 licensing of administrators of nursing homes, and except for such
5 conflict the state would be entitled to receive contributions from the
6 United States for payment of assistance under the program established
7 pursuant to Title XIX of the United States Social Security Act (42
8 United States Code, sections 1396-1396g, inclusive), such provision
9 of this Act so in conflict with said statute of the United States shall
10 be considered as suspended and of no effect until sixty days after the

11 convening of the next regular session of the General Assembly after
12 such conflict is discovered.

1 **SEC. 14. Misdemeanor.** It shall be a misdemeanor for any person
2 to act or serve in the capacity of a nursing home administrator unless
3 he is the holder of a license as a nursing home administrator issued
4 in accordance with the provisions of this Act.

Approved May 5, 1970.

CHAPTER 1086

DEAD HUMAN BODIES

S. F. 1303

AN ACT relating to the inspection of places where dead human bodies are prepared for burial, or entombment and providing for a license fee and establishing a trust fund.

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

1 **SECTION 1.** Section one hundred fifty-six point ten (156.10), Code
2 1966, is hereby amended as follows:

3 1. By striking from line two (2) the words "have power to".

4 2. By striking from line six (6) the word "may" and inserting in
5 lieu thereof the word "shall".

6 3. By adding after line seven (7) the following paragraphs:

7 "An inspection fee for each place where dead human bodies are pre-
8 pared for burial shall be fifteen dollars per year, which shall be col-
9 lected by the commissioner of public health. The inspection fees col-
10 lected under this section shall be paid to the treasurer of state who
11 shall maintain a trust fund to be used only for paying the cost of in-
12 spection of such places.

13 For the fiscal year beginning July 1, 1970, and ending June 30,
14 1971, the number of inspections made at the direction of the commis-
15 sioner shall be the number which can be paid for from the trust fund."

Approved May 5, 1970.

CHAPTER 1087

STATE APIARIST

H. F. 555

AN ACT relating to the annual report of the state apiarist.

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

1 **SECTION 1.** Section one hundred sixty point thirteen (160.13),
2 Code 1966, is hereby amended by striking from line two (2) the word
3 "governor" and inserting in lieu thereof the words "secretary of
4 agriculture".

Approved February 20, 1970.