

Reported Recommending
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Passed House
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Failed to Pass Senate

House File 314

February 20, 1947.
Passed on File.

By PUBLIC HEALTH COMMITTEE.

A BILL FOR

An Act to provide for an inventory of existing hospitals, for a survey of the need for additional hospital facilities, and for the development and administration of a hospital construction program which will, in conjunction with existing facilities, afford hospitals adequate to serve all people of the state, establishing methods of administration and control, providing for compliance with the requirements of the Federal Hospital Survey and Construction Act and regulations thereunder, authorizing the acceptance and expenditure of federal funds.

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

1 Section 1. Title. This act may be cited as the "Iowa
2 Hospital Survey and Construction Act".

1 Sec. 2. Definitions as used in this act:

2 (a) "Commissioner" means the commissioner of public
3 health.

4 (b) "The Federal Act" means Public Law 725 of the
5 79th Congress, approved August 13, 1946, and any
6 amendment thereto, entitled the Hospital Survey
7 and Construction Act.

8 (c) "The Surgeon General" means the surgeon general
9 of the public health service of the United States.

10 (d) "Hospital" includes public health centers and

11 in general, tuberculosis, mental, chronic
12 disease, and other types of hospitals, and related
13 facilities, such as laboratories, out-patient
14 departments, nurses' home and training facilities,
15 and central service facilities operated in
16 connection with hospitals, but does not include
17 any hospital furnishing primarily domiciliary
18 care.

19 (e) "Public health center" means a publicly owned
20 facility for the provision of public health
21 services, including related facilities such as
22 laboratories, clinics, and administrative offices
23 operated in connection with public health centers.

24 (f) "Nonprofit hospital" means any hospital owned
25 and operated by a corporation or association, no
26 part of the net earnings of which inures, or may
27 lawfully inure, directly or indirectly, to the
28 benefit of any private shareholder or individual.

1 Sec. 3. Administration: division of hospital survey
2 and construction. There is hereby established in the state
3 department of health a division of hospital survey and
4 construction which shall be administered by a full-time salaried
5 director under the supervision and direction of the commissioner.
6 The state department of health through such division, shall
7 constitute the agency of the state for the purpose of:

8 (a) Making an inventory of existing hospitals,

9 surveying the need for construction of hospitals,
10 and developing a program of hospital construction
11 as provided in this act, and

12 (b) Developing and administering a state plan for
13 the construction of public and other nonprofit
14 hospitals as provided in this act.

1 Sec. 4. General powers and duties. In carrying out the
2 purposes of the act, the commissioner is authorized and directed:

3 (a) To require such reports, make such inspections
4 and investigations, and, with the advice of the
5 hospital advisory council, prescribe such
6 regulations as he deems necessary. No reports
7 shall be required, inspections and investigations
8 made, or regulations adopted which would have
9 the effect of discriminating against a hospital
10 or other institution contemplated hereunder,
11 solely by reason of the school or system of
12 practice employed or permitted to be employed
13 by physicians therein; provided that such school
14 or system of practice is recognized by the laws
15 of this state.

16 (b) To provide such methods of administration,
17 appoint a director and other personnel of the
18 division and take such other action as may be
19 necessary to comply with the requirements of
20 the federal act and the regulations thereunder.

21 (c) To procure in his discretion the temporary or
22 intermittent services of experts or consultants
23 or organizations thereof, by contract, when
24 such services are to be performed on a part-time
25 or free-for-service basis and do not involve the
26 performance of administrative duties.

27 (d) To the extent that he considers desirable to
28 effectuate the purposes of this act, to enter
29 into agreements for the utilization of the
30 facilities and services of other departments,
31 agencies, and institutions, public or private.

32 (e) To accept on behalf of the state and to deposit
33 with the state treasurer any grant, gift or
34 contribution, subject to the approval by the
35 executive council, made to assist in meeting
36 the cost of carrying out the purposes of this
37 act, and to expend the same for such purposes.

38 (f) On November one (1) of each year, to make an
39 annual report to the governor on activities and
40 expenditures pursuant to this act.

1 Sec. 5. Hospital advisory council. The governor shall
2 appoint a hospital advisory council to advise and consult with
3 the state department of health in carrying out the administration
4 of this act. The council of health shall consist of the
5 commissioner who shall serve as chairman ex officio and twelve
6 members to include: four individuals of recognized ability in

7 the field of hospital administration, three from a list submitted
8 by the Iowa Hospital Association and one from a list submitted
9 by the Iowa Osteopathic Hospital Association; four individuals
10 of recognized ability, one from the field of medicine and surgery,
11 one from the field of osteopathy or osteopathy and surgery,
12 and the remaining two from nursing, welfare, public health, or
13 allied professions in the field of health; and four individuals
14 with broad civic interests representing consumers of hospital
15 services. In each of these three aforesaid groups, members shall
16 be appointed to serve without term and during the pleasure of
17 the governor, and their successors shall be appointed for terms
18 of four years, except when appointed to complete an unexpired
19 term. Members whose terms expire shall hold office until
20 appointment of their successors. Members of the council shall
21 serve without compensation, but shall be reimbursed for actual
22 expenses incurred in the performance of their official duties.
23 The council shall meet quarterly each year, and additional
24 meetings shall be held at the call of the chairman or the request
25 of any four of its members.

1 Sec. 6. Survey and planning activities. The commissioner
2 is authorized and directed to make an inventory of existing
3 hospitals, including public, nonprofit and proprietary hospitals,
4 to survey the need for construction of hospitals, and, on the
5 basis of such inventory and survey, to develop a program for the
6 construction of such public and other nonprofit hospitals as
7 will, in conjunction with existing facilities, afford the

8 necessary physical facilities for furnishing adequate hospital,
9 clinic and similar services to all the people of the state.

1 Sec. 7. Construction program. The construction program
2 shall provide in accordance with regulations prescribed under
3 the federal act, for adequate hospital facilities for the people
4 residing in this state and insofar as possible shall provide for
5 their distribution throughout the state in such manner as to
6 make all types of hospital service reasonably accessible to all
7 persons in the state.

1 Sec. 8. Application for federal funds for survey and
2 planning: expenditure. The commissioner is authorized to make
3 application to the surgeon general for federal funds to assist
4 in carrying out the survey and planning activities herein
5 provided. Such funds shall be deposited in the state treasury
6 and shall be available to the commissioner for expenditure for
7 carrying out the purposes of this act in accordance with the
8 provisions of Public Law 725 of the 79th Congress, any
9 amendments thereto, and the statutes of the state of Iowa.

1 Sec. 9. State plan. The commissioner shall, with the advice
2 of the hospital advisory council, prepare and submit to the
3 surgeon general a state plan which shall include the hospital
4 construction program developed under this act and which shall
5 provide for the establishment, administration and operation of
6 hospital construction activities in accordance with the
7 requirements of the federal act and regulations thereunder.
8 The commissioner shall, prior to the submission of such plan

9 to the surgeon general, give adequate publicity to a general
10 description to all the provisions proposed to be included therein,
11 and hold a public hearing at which all persons or organizations
12 with a legitimate interest in such plan may be given an
13 opportunity to express their views. After approval of the plan
14 by the surgeon general, the commissioner shall make the plan or
15 a copy thereof available upon request to all interested persons
16 or organizations. The commissioner shall from time to time
17 review the hospital construction program and submit to the
18 surgeon general any modifications thereof which he may find
19 necessary and may submit to the surgeon general such modifications
20 of the state plan, not inconsistent with the requirements of the
21 federal act, as he may deem advisable.

1 Sec. 10. Minimum standards for hospital maintenance and
2 operation. The commissioner shall by regulation prescribe
3 minimum standards for the maintenance and operation of hospitals
4 which receive federal aid for construction under the state plan.

1 Sec. 11. Priority of projects. The state plan shall set
2 forth the relative need for the several projects included in
3 the construction program determined in accordance with
4 regulations prescribed pursuant to the federal act, and provide
5 for the construction, insofar as financial resources are
6 available therefor and also for maintenance and operations in
7 the order of such relative need.

1 Sec. 12. Construction projects: applications.
2 Applications for hospital construction projects for which

3 federal funds are requested shall be submitted to the commissioner
4 and may be submitted by the state or any political subdivision
5 thereof or by any public or nonprofit agency authorized to
6 construct and operate a hospital. Each application for a
7 construction project shall conform to federal and state
8 requirements.

1 Sec. 13. Consideration and forwarding of applications.

2 The commissioner shall afford to every applicant for a
3 construction project an opportunity for a fair hearing. If the
4 commissioner, after affording reasonable opportunity for
5 development and presentation of applications in the order of
6 relative need, finds that a project application complies with
7 the requirements of this act and is otherwise in conformity with
8 the state plan, he shall approve such application and shall
9 recommend and forward it to the surgeon general.

1 Sec. 14. Inspection of projects. From time to time the
2 commissioner shall cause to be inspected each construction
3 project approved by the surgeon general, and, if the inspection
4 so warrants, the commissioner shall certify to the surgeon general
5 that work has been performed upon the project, or purchases have
6 been made, in accordance with the approved plans and

4 separate and apart from all public moneys and funds of this
5 state, a hospital construction fund. Money received from the
6 federal government for a construction project approved by the
7 surgeon general shall be deposited to the credit of this fund
8 and shall be used solely for payments due applicants for work
9 performed, or purchases made, in carrying out approved projects.
10 Warrants for all payments from the hospital construction fund
11 shall bear the signature of the commissioner or his duly
12 authorized agent for such purpose.

1 Sec. 16. If any provision of this act or the application
2 thereof to any person or circumstance shall be held invalid,
3 such invalidity shall not affect the provisions or applications
4 of this act which can be given effect without the invalid
5 provision or application, and to this end the provisions of the
6 act are declared to be severable.

1 Sec. 17. All acts or parts of acts which are inconsistent
2 with the provisions of this act are hereby repealed.

EXPLANATION OF H. F. 314

This act is designed to help states take full advantage of the federal hospital survey and construction act (P. L. 725, 79th Congress). The federal act was enacted to assist the states to survey their needs for additional hospital facilities and to develop program of construction to meet those needs.

This act is similar to the model act drawn by the council of state governments and the U. S. Public Health Service.