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Passed Senate
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Failed to Pass House

Senate File 397

February 26, 1947.
Passed on File.

By VITTETOE.

A BILL FOR

An Act to require the licensing, inspection and regulation of hospitals as herein defined; providing for regulations, enforcement procedures and penalties.

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

1 Section 1. Definitions. As used in this act.

2 (a) "Hospital" means a place which is devoted primarily

3 to the maintenance and operation of facilities for the diag-

4 nosis, treatment or care over a period exceeding twenty-four

5 hours of two or more non-related individuals suffering from

6 illness, injury, or deformity, or a place which is devoted

7 primarily to the rendering over a period exceeding twenty-four

8 hours of obstetrical or other medical or nursing care for two

9 or more non-related individuals, or any institution, place,

10 building or agency in which any accommodation is primarily main-

11 tained, furnished or offered for the care over a period exceed-

12 ing twenty-four hours of two or more non-related aged or infirm

13 persons requiring or receiving chronic or convalescent care; and

14 shall include sanatoriums, rest homes, nursing homes, boarding

15 homes, or other related institutions within the meaning of this

16 act. Provided, however, nothing in this act shall apply to

17 hotels or other similar places that furnish only food and lodg-
18 ing, or either, to their guests. "Hospital" shall include, in
19 any event, any facilities wholly or partially constructed or to
20 be constructed with federal financial assistance, pursuant to
21 Public Law 275—79th Congress, approved August 13, 1946.

22 (b) "Person" means any individual, firm, partnership, cor-
23 poration, company, association, or joint stock association; and
24 includes any trustee, receiver, assignee or other similar repre-
25 sentative thereof.

26 (c) "Governmental unit" means the state, or any county,
27 municipality, or other political subdivision or any department,
28 division, board or other agency of any of the foregoing.

1 Sec. 2. Purpose. The purpose of this act is to provide
2 for the development, establishment and enforcement of basic
3 standards (1) for the care and treatment of individuals in hos-
4 pitals and (2) for the construction, maintenance and operation
5 of such hospitals, which, in the light of existing knowledge,
6 will ensure safe and adequate treatment of such individuals in
7 hospitals.

1 Sec. 3. Licensure. After January 2, 1948, no person or
2 governmental unit, acting severally or jointly with any other
3 person or governmental unit shall establish, conduct or maintain
4 a hospital in this state without a license.

1 Sec. 4. Application for License. Licenses shall be ob-
2 tained from the State Department of Health. Application shall
3 be upon such forms and shall contain such information as the

4 said Department may reasonably require, which may include affirma-
5 tive evidence of ability to comply with such reasonable standards,
6 rules and regulations as may be lawfully prescribed hereunder.
7 Each application for license shall be accompanied by the license
8 fee of ten dollars (\$10), which shall be refunded to the appli-
9 cant if the license is denied and which shall be paid over into
10 the State Treasury credited to the general fund if the license is
11 issued.

1 Sec. 5. Issuance and Renewal of License. Upon receipt of
2 an application for license and the license fee, the State De-
3 partment of Health shall issue a license if it finds that the
4 applicant and hospital facilities comply with the provisions of
5 this act and the regulations of the said Department. Each such
6 license, unless sooner suspended or revoked, shall be renewable
7 annually without charge upon filing by the licensee, and approval
8 by the Department, of an annual report upon such uniform dates
9 and containing such information in such form as the State Depart-
10 ment of Health shall prescribe by regulation. Each license shall
11 be issued only for the premises and persons or governmental units
12 named in the application and shall not be transferable or assign-
13 able except with the written approval of the State Department of
14 Health. Licenses shall be posted in a conspicuous place on the
15 licensed premises as prescribed by regulation of the said Depart-
16 ment.

1 Sec. 6. Denial or Revocation of License; Hearing and Review.

2 The State Department of Health shall have the authority to deny,

3 suspend or revoke a license in any case where it finds that there
4 has been a substantial failure to comply with the provisions of
5 this act or the rules, regulations or minimum standards promul-
6 gated under this act.

7 Such denial, suspension, or revocation shall be effected by
8 mailing to the applicant or licensee by registered mail, or by
9 personal service of, a notice setting forth the particular rea-
10 sons for such action. Such denial, suspension, or revocation
11 shall become effective thirty (30) days after the mailing or ser-
12 vice of the notice, unless the applicant or licensee, within such
13 thirty (30) day period shall give written notice to the Department
14 requesting a hearing, in which case the notice shall be deemed to
15 be suspended. If a hearing has been requested, the applicant
16 or licensee shall be given an opportunity for a prompt and fair
17 hearing before the Department. At any time at or prior to hear-
18 ing, the Department may rescind the notice of denial, suspension
19 or revocation upon being satisfied that the reasons for the de-
20 nial, suspension or revocation have been or will be removed. On
21 the basis of any such hearing, or upon default of the applicant
22 or licensee the determination involved in the notice may be affirm-
23 ed, modified, or set aside by the Department. A copy of such de-
24 cision, setting forth the finding of facts and the particular
25 reasons for the decision shall be sent by registered mail, or
26 served personally upon, the applicant or licensee. The decision
27 shall become final thirty (30) days after it is so mailed or
28 served, unless the applicant or licensee, within such thirty (30)

29 day period, appeals the decision to the court pursuant to section
30 12 hereof.

31 The procedure governing hearings authorized by this section
32 shall be in accordance with rules promulgated by said Department.
33 A full and complete record shall be kept of all proceedings, and
34 all testimony shall be reported but need not be transcribed un-
35 less the decision is appealed pursuant to section 12 hereof. A
36 copy or copies of the transcript may be obtained by an interested
37 party on payment of the cost of preparing such copy or copies.
38 Witnesses may be subpoenaed by either party and shall be allowed
39 fees at a rate prescribed by the aforesaid rules.

1 Sec. 7. Rules, Regulations, and Enforcement. The State De-
2 partment of Health shall adopt, amend, promulgate and enforce
3 such rules, regulations and standards with respect to the differ-
4 ent types of hospitals to be licensed hereunder as may be designed
5 to further the accomplishment of the purposes of the act. No such
6 rules, regulations or standards shall be adopted or enforced which
7 would have the effect of denying a license to a hospital or other
8 institution required to be licensed hereunder, solely by reason
9 of the school or system of practice employed or permitted to be
10 employed by physicians therein; provided that such school or sys-
11 tem of practice is recognized by the laws of this state.

1 Sec. 8. Effective Date of Regulations. Any hospital which
2 is in operation at the time of promulgation of any applicable
3 rules or regulations or minimum standards under this act shall be
4 given a reasonable time, not to exceed one year from the date of

5 such promulgation, within which to comply with such rules and reg-
6 ulations and minimum standards.

1 Sec. 9. Inspections and Consultations. The State Depart-
2 ment of Health shall make or cause to be made such inspections as
3 it may deem necessary. The State Department of Health shall pre-
4 scribe by regulations that any licensee or applicant for license
5 desiring to make specified types of alteration or addition to its
6 facilities or to construct new facilities shall before commencing
7 such alteration, addition or new construction, submit plans and
8 specifications therefor to the State Department of Health for pre-
9 liminary inspection and approval or recommendations with respect
10 to compliance with the regulations and standards herein authorized.

1 Sec. 10. Information Confidential. Information received by
2 the State Department of Health through filed reports, inspection,
3 or as otherwise authorized under this act, shall not be disclosed
4 publicly in such manner as to identify individuals or hospitals,
5 except in a proceeding involving the question of licensure or the
6 denial, suspension or revocation of a license.

1 Sec. 11. Annual Report of Department. The State Department
2 of Health shall prepare and publish an annual report of its activi-
3 ties and operations under this act.

1 Section 12. Judicial Review. Any applicant or licensee who
2 is dissatisfied with the decision of the commissioner of public
3 health as a result of the hearing provided herein may, within thirty
4 (30) days after the mailing or serving of notice of the decision
5 as provided in said section, file a notice of appeal in the Dis-

6 trict Court of the county in which the hospital is located or
7 be located, and serve a copy of said notice of appeal upon th
8 partment. Thereupon the Department shall within thirty (3
9 certify and file with the Court a copy of the record and dec
10 including the transcript of the hearings on which the decisi
11 based. The trial before the Court shall be de novo and all le

1 Sec. 15. If any provision of this act or the application
2 thereof to any person or circumstance shall be held invalid, such
3 invalidity shall not affect the provisions or application of this
4 act which can be given effect without the invalid provision or
5 application, and to this end the provisions of this act are declared
6 to be severable.