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SENATE FILE 193 HUMAN RESOURCES  
BY TINSMAN and JOHNSON

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the providing of another business or activity  
2 in a health care facility.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 193 HUMAN RESOURCES

1 Section 1. Section 135C.5, Code 2005, is amended to read  
2 as follows:

3 135C.5 LIMITATIONS ON USE.

4 Another business or activity servicing persons other than the  
5 residents of a health care facility shall not may be carried  
6 on-in-a-health-care-facility,-or-in provided in a designated  
7 part of the same physical structure with-a of the health care  
8 facility, unless-such-business-or-activity-is-under-the  
9 control-of-and-is-directly-related-to-and-incidental-to-the  
10 operation-of-the-health-care-facility-or-unless-the-business  
11 or-activity-is-approved-by-the-department-and-the-state-fire  
12 marshal if the other business or activity meets the  
13 requirements of applicable state and federal laws,  
14 administrative rules, and federal regulations. A The  
15 department shall not limit the ability of a health care  
16 facility to provide another business or activity which-is  
17 operated-within-the-limitations-of-this-section-shall in the  
18 designated part of the facility if the business or activity  
19 does not interfere in-any-manner with the use of the facility  
20 by the residents or with the services provided to the  
21 residents, and shall is not be disturbing to them the  
22 residents. In denying the ability of a health care facility  
23 to provide another business or activity under this section,  
24 the burden of proof shall be on the department to demonstrate  
25 that the other business or activity substantially interferes  
26 with the use of the facility by the residents or the services  
27 provided to the residents, or is disturbing to the residents.  
28 The department-and-the state fire marshal, in accordance with  
29 chapter 17A, shall adopt rules which establish criteria for  
30 approval of a business or activity to be carried-on-in-a  
31 health-care-facility-or provided in a designated part of the  
32 same physical structure with of a health care facility.

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EXPLANATION

34 This bill allows a health care facility to provide another  
35 business or activity, servicing persons other than the residents

1 of the health care facility, in a designated part of the  
2 physical structure of the health care facility, if the other  
3 business or activity meets the requirements of applicable  
4 state and federal laws, administrative rules, and federal  
5 regulations. The bill prohibits the department of inspections  
6 and appeals from limiting the ability of a health care  
7 facility to provide another business or activity in the  
8 designated part of the facility if the business or activity  
9 does not interfere with the use of the facility by the  
10 residents or with the services provided to the residents, and  
11 is not disturbing to the residents. In denying the ability of  
12 a health care facility to provide another business or activity  
13 in the physical structure of the health care facility, the  
14 burden of proof is on the department to demonstrate that the  
15 business or activity substantially interferes with the use of  
16 the facility by, or the services provided to, the residents,  
17 or is disturbing to the residents. The bill also directs the  
18 state fire marshal to adopt rules to establish criteria for  
19 approval of a business or activity to be provided in a  
20 designated part of the physical structure of a health care  
21 facility.

22 Current law provides that another business or activity is  
23 prohibited from being carried on in the health care facility  
24 or in the same physical structure as the health care facility  
25 unless the business or activity is under the control of and is  
26 directly related and incidental to, the operation of the  
27 health care facility, or unless the department of inspections  
28 and appeals and the state fire marshal approve the business or  
29 activity. Current law does not specify that the population  
30 served by the business or activity is persons other than  
31 residents of the facility. Current law also directs the  
32 department of inspections and appeals and the state fire  
33 marshal to adopt rules to establish criteria for approval of a  
34 business or activity being carried on in a health care  
35 facility or the same physical structure with a health care

S.F. 193 H.F. \_\_\_\_\_

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