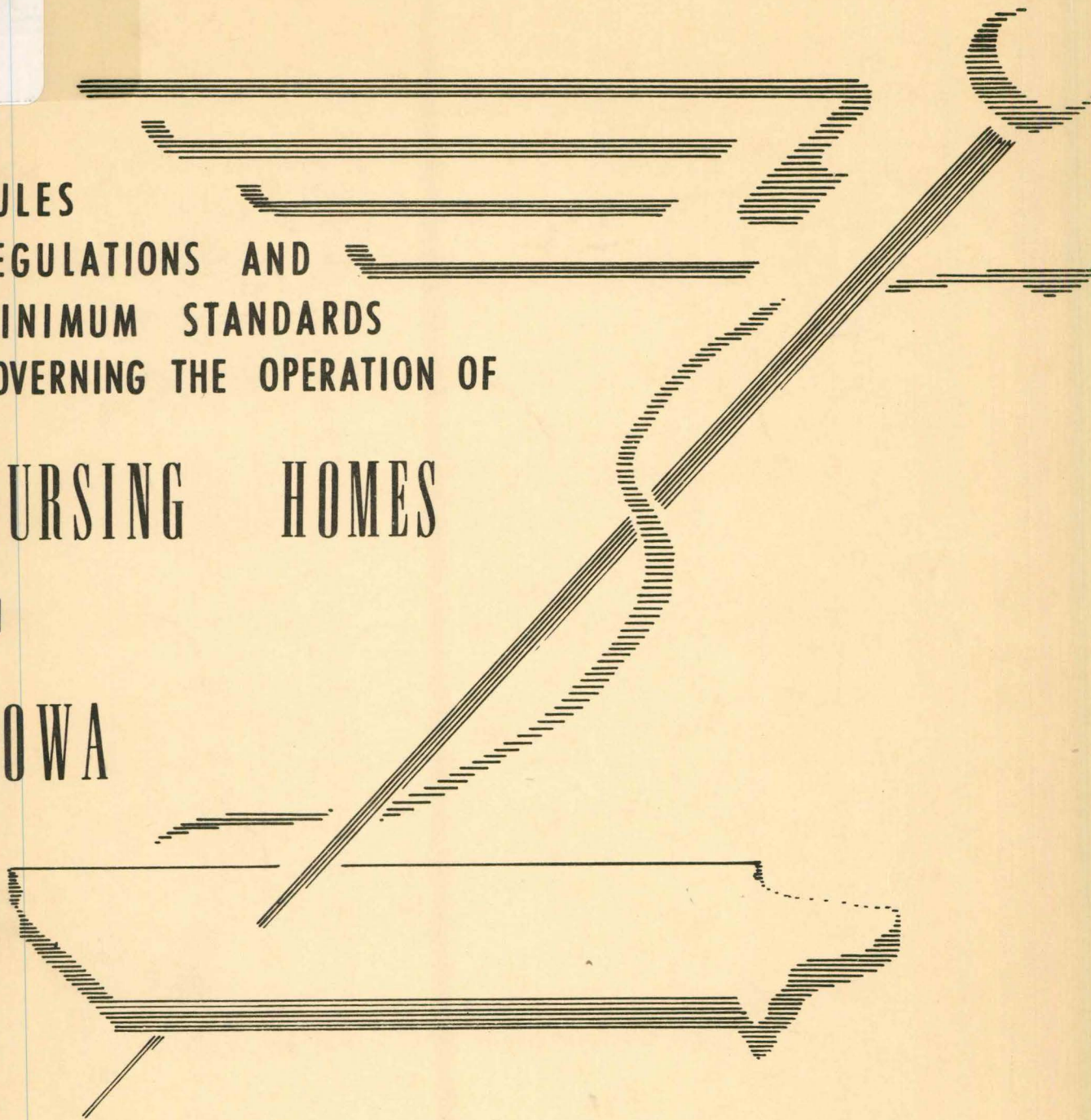


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Iowa Aged and Aging Homes

STATE OF IOWA



RULES
REGULATIONS AND
MINIMUM STANDARDS
GOVERNING THE OPERATION OF
NURSING HOMES
IN
IOWA

REVISED JULY 11, 1950

DIVISION OF HOSPITAL SERVICES ✓
IOWA STATE DEPARTMENT OF HEALTH

STATE OF IOWA

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THE ACT

TO REQUIRE THE LICENSING, INSPECTION AND REGULATION OF NURSING HOMES
AS HEREIN DEFINED AND PROVIDING FOR
REGULATIONS, ENFORCEMENT PROCEDURES AND PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA.

SECTION 1. As used in this Act "Nursing Home" is any institution, place building or agency in which any accommodation is primarily maintained, furnished, or offered for the care over a period exceeding twenty-four hours of two or more non-related aged or infirm persons requiring or receiving chronic or convalescent care, and shall include sanatoriums, rest homes, boarding homes, or other related institutions within the meaning of this Act. Nothing in this Act shall apply to hotels or other similar places that furnish only food and lodging, or either, to their guests.

SECTION 2. After July 4, 1947, no person, persons, or Governmental unit shall establish, conduct or maintain a nursing home in this State without a license.

SECTION 3. Licenses shall be obtained from the State Department of Health. Applications shall be upon such forms and contain such information as the State Department of Health shall require.

SECTION 4. There shall be an annual license fee of ten dollars (\$10.00) which shall be paid into the general fund of the State.

SECTION 5. The State Department of Health shall adopt, amend, promulgate and enforce such rules, regulations and standards with respect to nursing homes to be licensed hereunder as may be designated to accomplish the purposes of this Act. The State Department of Health may, in the name of the State, maintain an action for injunction or other process against any person, persons, or Governmental unit to restrain or prevent the establishment, conduct, or operation of a nursing home without a license.

SECTION 6. Upon receipt of the application and license fee, the State Department of Health shall issue a license if it finds the applicant complies with the provisions of this Act and regulations promulgated hereunder. If at any time, the Department has cause to believe such applicant or licensee has not complied with the rules, regulations, or standards established, the Department shall notify such applicant or licensee of such non-compliance. If, after thirty (30) days, said applicant or licensee has not removed the cause of non-compliance, or furnished satisfactory evidence that such cause will be promptly removed, the State Department of Health shall deny or revoke the license of

such applicant or licensee. Licenses may be renewed annually by payment of license fee and furnishing such reports as the Department of Health shall require.

SECTION 7. Any person or persons establishing, maintaining, or conducting a nursing home without a license shall be guilty of a misdemeanor and shall be liable to a fine of not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) for the first offense and not more than fifty dollars (\$50.00) for each subsequent offense, and each day of a continuing violation after conviction shall be considered a separate offense.

AN ACT

TO AMEND CHAPTER ONE HUNDRED THIRTY-FIVE B (135B), CODE 1950, RELATING TO LICENSURE AND REGULATIONS OF HOSPITALS, AND CHAPTER ONE HUNDRED THIRTY-FIVE C (135C), CODE 1950, RELATING TO THE REGULATIONS OF NURSING HOMES, AND TO PROVIDE THAT COUNTY HOMES SHALL BE EXEMPT FROM THE PROVISIONS THEREOF.

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

Section 1. Chapters one hundred thirty-five B (135B) and one hundred thirty-five C (135C) are amended by inserting therein the following new section:

"The provisions of this chapter shall not apply to county homes established pursuant to chapter 253 and managed by the county board of supervisors".

Section 2. Amend chapter one hundred thirty-five C (135C), Code 1950, by adding the following section:

"The state department of health shall issue a special license to an applicant to care for not to exceed three persons providing that the application for license referred to in this chapter is accompanied by a certificate of the local board of health of the applicant recommending that such special license be issued."

NURSING HOMES FOR AGED OR INFIRM PERSONS
RULES, REGULATIONS AND MINIMUM STANDARDS

DEFINITIONS:

1. **Nursing Home.** As used in this Act "Nursing Home" is any institution, place, building, or agency in which any accommodation is primarily maintained, furnished, or offered for the care over a period exceeding twenty-four hours of two or more non-related aged or infirm persons requiring or receiving chronic or convalescent care, and shall include sanatoriums, rest homes, boarding homes, or other related institutions within the meaning of this Act. Nothing in this Act shall apply to hotels or other similar places that furnish only food and lodging, or either, to their guests.

2. **Patient.** A patient is any individual cared for in a nursing home as defined above.

3. **Physician.** For the purpose of these regulations, a physician shall be one licensed to practice medicine and surgery, as defined in Chapter 148, Code of Iowa, 1946, or osteopathy and surgery, as defined in Chapter 150, Code of Iowa, 1946.

LOCATION AND ENVIRONMENT:

1. The general site area shall be sanitary and of a generally quiet nature. The yard or lawn should be large, and suitable for recreational purposes during good weather. If at all possible, the area should be enclosed by a fence for the safety of ambulatory patients who might become confused and wander away.

2. Local zoning regulations may restrict nursing homes from operating in certain areas. This is for local determination and a nursing home cannot be licensed in an area so restricted.

3. Institutions shall be located on or near streets or roads kept open for traffic at all times. Homes on Main Street or in downtown sections are not acceptable because of noise and danger to ambulatory patients.

GENERAL REGULATIONS:

1. Every nursing home, wherever located, either inside or outside of the boundaries of a municipality, and without regard to the population of the municipality in which it may be located shall comply with the provisions of the Housing Law (Chapter 413, Code of Iowa, 1946). In addition, every nursing home located inside of a municipality shall comply with all local municipal ordinances applicable thereto.

2. No nursing home may be licensed unless and until it conforms to the safety regulations providing minimum standards for prevention of fire and for protection of life and property against fire, and shall secure written approval from either the State Fire Marshal or local fire authority, certifying compliance with such minimum standards.

3. Copies of these regulations shall be available to all employees and patients of the institution and each employee shall be familiar with the provisions of these rules and regulations.

4. An operator of a nursing home shall be of good character.

5. Intoxicants and narcotics shall not be allowed on the premises except as ordered by a physician.

6. Intoxicants and narcotics shall not be habitually used by any employee.

LICENSE:

1. **Separate license.** Separate licenses are required for institutions maintained on separate premises, even though under same management; provided, however, that separate licenses are not required for separate buildings on the same grounds.

2. **License shall be posted.** License shall be conspicuously posted in the area where patients are admitted.

3. **Capacity.** No nursing home shall admit more patients than their licensed capacity.

4. **License non-transferable.** The nursing home license is non-transferable and shall be surrendered to the Iowa State Department of Health on change of ownership, name or location of the nursing home, or in the case of ceasing to operate as a nursing home. In case of change of name or location, a new application shall be filed.

DENIAL OR REVOCATION OF LICENSE:

A license to operate a nursing home shall be denied, revoked, or suspended on any of the following grounds:

1. Fraud in applying for or procuring a license.

2. Willful or repeated violations of Senate File 381, Acts of 52nd General Assembly and/or rules, regulations and minimum standards promulgated by the Iowa State Department of Health thereunder.

3. Habitual intoxication or use of drugs by licensee.

4. Conviction of licensee for an offense involving turpitude.

COMMUNICATION:

There shall be not less than one telephone in the building, and such additional telephones as are required to summon help promptly in case of emergency.

FIRE PREVENTION:

1. There shall be more than one exit leading to the outside of the building from each floor. Exits are to be located as near to opposite ends of the building as practical.

2. Facilities and construction shall be in accordance with rules and regulations of the State and local fire authorities and shall be as certified by the local authority.

3. There shall be at least one piece of first aid fire fighting equipment on each floor of every nursing home building. Where special hazards exist the type of fire fighting equipment recommended by the State Fire Marshal shall be used.

4. Fire extinguishers shall be inspected periodically every six months and recharged; the date of check shall be registered on the tag attached to extinguishers, by reliable persons, preferably the local fire chief or service man from fire extinguisher company.

5. A system of warning occupants and attendants of fire shall be provided. The type, location, device and control point shall be determined by the local fire authority or the State Fire Marshal.

6. All employees shall be instructed in the fire prevention facilities of the institution, use of fire fighting apparatus, and the methods of removing patients from the building. A person within the institution shall be designated to give these instructions and to be responsible for evacuating patients in case of fire.

7. All parts of the heating systems shall be constructed and maintained so as to eliminate fire hazards. Metal and asbestos protection must be provided for all steam pipes and hot water pipes when placed nearer than two (2) inches from woodwork.

8. Laundry chutes and dumb waiter shafts shall be lined with fireproof materials and have close fitting doors. No shaft shall terminate in the attic.

9. Elevator shafts shall be enclosed with fireproof material. There shall be no open grill work in new construction.

10. Plain lettered red exit lights shall be located at fire exits on each floor and shall be kept burning between sunset and sunrise.

11. All exit doors shall open outward.

GENERAL SANITATION:

1. **Building Construction.** The walls and floors shall be of such character, quality and type as to permit frequent cleaning or painting.

Construction shall be of such as to prevent entrance and harboring of rats and other rodents.

The building shall be kept in good repair, clean and sanitary at all times, and provide for proper protection of patients and personnel. This includes basements, attics, porches, and yards.

2. **Heating.** The heating system shall be adequate to maintain a comfortable temperature throughout the building during the coldest weather.

3. **Water Supply.** The water supply shall be approved by the Iowa State Department of Health. Well water shall be tested annually and report sent to the Division of Hospital Services.

4. **Sewage Disposal.** Sewage shall be collected, treated and disposed of in a manner to be approved by the Iowa State Department of Health.

5. **Toilet Facilities:** All plumbing shall comply with the Iowa State Plumbing Code. Toilet and bath facilities shall be provided in number ample for use according to number of patients of both sexes, and personnel of the institution. Minimum requirements shall be one lavatory, one water closet, and one shower or tub for each ten persons, or fraction thereof, of each sex.

6. **Garbage.** All garbage shall be stored and disposed of in a manner that will not permit transmission of diseases, create a nuisance, or provide a breeding place for flies.

7. Screens. Screens of 16 mesh per square inch shall be provided at all openings. Screen doors shall swing outward and be self closing.

8. Lighting. Each room used for patient occupancy shall be an outside room with a minimum window area of 1/8 of the superficial floor area. Greater window area is desirable.

Artificial lighting shall be sufficient to light the entire room area. Exposed light globes shall not be used in patient rooms or areas frequented by patients, such as dining halls, etc. All hallways, entrances and exits shall be clearly lighted at all times.

Emergency lighting shall be available at all times. Flashlights or battery operated lamps shall be ready for use at all times in case of emergency. Open flame emergency lights shall not be used.

9. Ventilation. Kitchens, bathrooms, service rooms, etc., shall have adequate ventilation to prevent any objectionable odors from permeating through the building.

10. Stairways, Elevators. All stairways shall have hand rails. All open stairways shall be adequately protected with guard rails. Non-slip stair treads are recommended. Elevators may be required in multi-story buildings.

11. Linens. All linens shall be properly cleansed. If the institution operates its own laundry all official regulations governing safe and proper operation of laundry shall be complied with.

FOOD SANITATION:

1. Facilities for preparing food shall be adequate and properly maintained. Dining areas shall be adequate for both patients and personnel.

2. Food storage. Store rooms shall be adequate and clean in all respects. No rodents, flies, plumbing leaks shall be tolerated in the food handling area. Drugs, poison, or any other medication shall not be stored with food or in any manner they might be mistaken for food.

3. Refrigeration. All perishables shall be adequately protected by refrigeration. Milk, milk products and meats shall be refrigerated at a temperature of 40° - 45° F. A reliable thermometer shall be in each refrigerator box at all times to check temperature.

4. All dishes and silverware and all utensils used in preparing or serving food shall be effectively cleaned, rinsed and cared for in a sanitary manner. Washing shall be in hot water with adequate soap or detergent. Rinse shall be by clear hot water near the boiling point. Bactericidal treatment shall be accomplished either by immersion for two minutes in water of 180° F. or by boiling for one minute. These results may be obtained with properly designed mechanical washers, or heat cabinets or both. After rinsing, the dishes should be allowed to drain and dry in racks, on non-absorbent surfaces, or in drying cabinets. Dish cloths shall not be used for drying. Clean dishes should be stored in closed cupboards.

5. Drinking water shall be stored and dispensed in a sanitary manner. All ice used in connection with food or drink shall be safe and sanitary and dispensed in a sanitary manner.

6. Fluid milk served shall be pasteurized.

7. Facilities shall be available for washing hands for all food handlers. An adequate supply of individual use towels shall be maintained. Common use towels are not permitted.

8. Health certificates for all personnel, including the operator, shall be available for inspection. A Medical Certificate, given by a reputable physician, for every person caring for patients or handling food, stating as a result of a physical examination, chest x-ray examination and indicated laboratory procedure, that the employee or person is free from any infectious or communicable disease in a communicable stage, or a carrier of disease and is physically and mentally able to perform his duty. Such certificate shall be renewed at least once annually. No person suffering from infectious or contagious disease or who is a carrier shall be employed in a nursing home.

FOOD REQUIREMENTS:

Food requirements shall conform to the U. S. Department of Agriculture Nutritional Standards for the Sedentary or Incapacitated. At least 3 meals per day shall be served each patient at regular hours. The following standards list kind and quantities for a week:

* Milk	5 qts.
Potatoes	2.5 lbs.
Dry beans	4 oz.
Citrus fruits	2 lbs.
Green & yellow vegetables	3 lbs.
Eggs	5
Meat	2.5 lbs.
** Flour-cereals	3 lbs.
Fat	14 ounces
Sugar, syrup & preserves	12 ounces
Other vegetables & fruit	4 lbs.
* Milk or equivalent in cheese, dry milk, evaporated milk, etc.	
** Count 1.5 lbs. of bread as one pound of flour	

Special diets may be ordered by a physician and such orders shall be recorded in the patient's record. Such diets shall be served as prescribed.

PATIENT ACCOMMODATIONS AND CARE:

1. Each room for patient occupancy shall have an outside exposure. Rooms extending below ground level, or a basement room for patient occupancy shall have:

1. At least 7 ft. high ceiling.
2. Ceiling shall be in every part at least 3 ft. 6 inches above the surface of the street or ground outside of or adjoining the same.
3. Toilet and lavatory accessible.
4. Windows at least 12 square feet in area, opens readily and opens in street or court.
5. Shall have second exit.

2. Bedrooms shall be of size to allow a minimum of 60 sq. ft. of floor space per bed.

3. A room or rooms shall be available for use of patients ill or indisposed or in need of isolation.

4. Sexes shall be separated by means of separate wings, floors or rooms, except in cases of husband and wife. Rooms shall be so arranged that it will not be necessary for a patient to pass through rooms of opposite sex to reach toilet facilities or other areas of the home.

5. Acutely ill patients shall be transferred to the nearest general hospital unless a physician indicates in writing that the patient may be cared for satisfactorily in present accommodations. Such authorization shall be preserved with the patient's record.

6. A bed, mattress and pillow shall be provided each patient. Sufficient clean linen and blankets shall be provided to protect the patient's welfare and comfort.

7. Ill patients shall be provided with a bell for calling attendants. A small hand bell is acceptable.

8. The maximum number of patients which may be confined to bed by illness at any one time shall have provided one each of the following items:

(a) thermometer (b) wash basin (c) mouth wash cup (d) bed pan

These shall be thoroughly washed with soap and water with a rotating motion after each use and shall be marked for use of a particular patient. Before being used by another patient they shall be sterilized as follows:

(a) thermometer, by immersion in alcohol or as directed by a physician.

(b) utensils, by boiling for not less than 15 minutes, or, autoclaving 15 lbs. pressure - 10 minutes.

9. Equipment and supplies for first aid shall be available at all times.

10. All medications, poisons, drugs, stimulants or biologicals shall be kept locked in a special cabinet, closet, or refrigerator and accessible only to responsible personnel. All medications shall be clearly labeled.

11. No hypodermic syringes and needles shall be kept on the premises, except that a registered nurse, licensed practical nurse or qualified physician may possess such syringes and shall be responsible for their use and care. Authorization for hypodermic medication for each individual patient shall be signed by the attending physician who assumes the responsibility for the administration of the medication.

12. Disturbed mental patients shall not be cared for in a nursing home licensed under these regulations. A person requiring general use of restraints shall be considered disturbed mentally.

13. Restraints may be applied to a patient only on written order of a physician. In case of emergency restraints may be applied pending arrival of a physician. No door may be locked in a manner which will not permit immediate opening in case of emergency.

14. Visiting shall be permitted. Any friend or relative of a patient shall have access to premises for visiting purposes as established by the operator between the hours of eleven o'clock in the morning and eight o'clock in the evening. Visiting at other hours shall be permitted upon advice of a physician. A parlor, or special visitor's room shall be available for this purpose. Card tables and recreational facilities should be supplied. Comfortable chairs are also necessary.

Hallways are not to be used for sitting rooms or patient bed rooms.

15. The position of the patient in bed should be changed frequently.

16. Patient should be out of bed as much as possible and removed from the bedroom frequently according to doctor's orders.

17. The operator or nurse should observe and report symptoms and complaints of the patient to the attending physician.

18. Careful care of the skin shall be practiced to prevent bedsores.

- a. Baths should be given at least every second day for bed patients. Ambulatory patients, once a week.
- b. If skin is dry, oil rubs shall be used.
- c. For the incontinent patient:
 - (1) Daily baths
 - (2) Partial baths after each voiding
 - (3) Rubber sheeting on bed to protect mattress
 - (4) Cellu pads or diapers applied to keep the bedding dry and for the patients comfort.
 - (5) Very little soap should be used on dry skin.
 - (6) Soothing and healing lotions or creams shall be applied where the skin is irritated.

19. Recreational facilities shall be provided and occupational therapy encouraged for all occupants.

20. Adjustable beds shall be used.

- a. Cots shall not be used
- b. Roll-away beds shall not be used.

Each patient shall have a comfortable bed with at least the minimum of 60 sq. ft. of floor space per bed. The bed shall have a light spring and a mattress which is soft and not less than 4-6 inches in thickness. Each bed shall have adequate sheets, blankets, bed pads, pillow cases and spread.

21. Wheel chairs shall be available to care for the patients who can be up in wheel chairs.

22. Deodorants shall be used to reduce offensive odors.

PERSONNEL:

1. A physician shall thoroughly examine a patient within a week of admission and a permanent record kept of such examination. All patients shall thereafter be thoroughly examined by a duly licensed physician or surgeon or a duly licensed osteopathic physician or surgeon at least annually. A physician shall be called whenever a patient's condition requires professional attention.

2. Any institution caring for 12 or more individuals shall have nursing care supervised by an Iowa registered nurse or by a licensed practical nurse licensed to practice in the State of Iowa as being qualified to properly care for such patients. The Iowa State Department of Health may require the employment of licensed nursing personnel in other institutions if the welfare of the patients so indicates. In any event, the personnel shall be sufficient to provide adequate care as required for all patients during day or night.

3. Each patient shall be given proper personal attention and care consistent with their condition, and/or as ordered by a physician.

4. All personnel including the operator shall give attention to personal neatness.

ADMISSION RECORDS:

1. The operator of the home shall keep a permanent admission record of all residents and shall include in writing the following:

Date of admission
Full name of patient
Home Address
Name and address of nearest relative or friend
Age Race Place of Birth Marital Status
Name and address of physician

2. A thorough physical examination shall be recorded and signed by a physician.

3. Agreement between nursing home and patient relative to cost of care shall be signed by both parties or their lawful agents.

4. Name of person arranging for admission of patient. An itemized list of all personal effects, clothing, jewelry, toilet articles, etc., shall be recorded. A copy of such a list which has been signed by the patient or lawful agent shall be given them at time of admission.

FINANCIAL RECORDS:

A record of all sums received from each patient shall be kept up to date and available for inspection. The operator, or agent, of the home shall make careful inquiry as to the capacity of any patient, or prospective patient, to enter into contract or agreement before such agreement or contract is concluded. Neither the operator of the home nor any agent shall misuse or misappropriate any property, real or personal, belonging to a patient, or prospective patient, of the home. Nor shall undue influence or coercion be used in procuring a transfer of funds or property, or in procuring a contract or agreement providing for payment of funds or delivery of property, belonging to a patient, or a prospective patient, of the home.

RECORDS AND REPORTS:

1. All records shall be permanent in nature, either typewritten or in legible handwriting in pen and ink. Such records shall consist of the following information for each patient:

- a. Name
- b. Address at time of admittance
- c. Age at time of admittance
- d. Sex
- e. Date of admittance
- f. Date of discharge or death
- g. All written orders or instructions of a doctor
- h. Name and address of attending physician
- i. Name and address of responsible relative or agency

2. No medication shall be dispensed except by written order of a physician licensed therefore and a permanent record shall be kept of such order listing name of patient, date given, type of dosage of medication, and signature of physician ordering such medication.

3. Such records shall be preserved. Any nursing home shall apply to the Iowa State Department of Health for instructions as to disposition of such records when such home is closing, moving, or for any other reason.

4. Any occurrence of poisoning, outbreak of epidemic, contagious disease, or any other unusual occurrences shall be immediately reported by telephone or telegram to the Iowa State Department of Health or to the nearest Health Officer. When local Health Officer is notified a written report shall also be mailed immediately to the Iowa State Department of Health.

5. An annual report shall be furnished the Iowa State Department of Health regarding services furnished during the preceding year. Forms will be furnished for this purpose.

RULES, REGULATIONS AND MINIMUM STANDARDS SEPARATE:

The several rules, regulations and minimum standards promulgated under Senate File 381 Acts of the 52nd General Assembly, are hereby declared to be separate, independent rules, and the holding of any part thereof to be unconstitutional or void shall not affect the validity of the remainder of the rules, regulations and minimum standards.

CERTIFICATE

The foregoing rules, regulations and minimum standards governing the conduct of nursing homes for the aged or infirm were approved by the Iowa State Board of Health, July 11, 1950 and are in full force on and after that date.

Signed

A handwritten signature in cursive script, reading "Walter L. Bierring".

Walter L. Bierring, M.D., Commissioner
Iowa State Department of Health

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