Recent Legislative Changes for Public Hospital Trustees

Frequently Asked Questions

In 2018, the Iowa legislature passed and the governor signed Senate File 2290 making several changes for Iowa’s public hospitals. The changes were proposed by the Iowa Hospital Association in response to suggestions by an IHA member workgroup as well as input from the IHA Council on Representation and Advocacy and the IHA Board. The goals of the legislation were to provide clarity where needed, flexibility where permitted and consistency when possible between requirements for city and county public hospitals. Below are some frequently asked questions about the legislation as a resource for public hospitals as they work to implement the changes:

Did SF 2290 change the number of trustees on public hospital boards?
To provide flexibility for public hospital boards to determine the number of trustees that best meets the hospital’s needs, the legislation allows for a county public hospital board to be comprised of either five or seven members starting with the 2018 election. City hospital boards already had this flexibility.

If a board decides to reduce their number of trustees to five members, the board is required to establish a plan for reducing their number of trustees and provide a staggered election cycle for the five-member board. The manner of reducing the number of trustees needs to ensure that the current trustees on the seven-member board will continue to hold office through the end of their respective terms.

A majority of the board of trustees will constitute a quorum necessary for actions by the board.

Did the legislation change the terms for public hospital trustees?
Starting in 2018 elections, the terms for county hospital trustees are four years (from six years). This provides consistency with city hospitals that already had four-year terms. Moving forward, all hospital trustees will have four-year terms. The change responds to concerns raised that six-year terms make it more difficult to recruit and retain trustees.

The new four-year terms will result in a larger number of trustees up for election at the same time in certain years. Can the terms be staggered to provide a more even distribution of trustees running for election at the same time?
IHA has been meeting with the Secretary of State’s office on the best way to accomplish this and will be seeking input on how this impacts Iowa hospitals.

Does the change to four-year terms affect those trustees already elected for six-year terms?
No, those trustees that have been elected to six-year terms should serve out their six-year term. If they run for re-election, their terms moving forward are for four years.
Are there limitations on where trustees must live to be eligible as a trustee?
County hospital trustees must reside in the county in which the hospital is located, though this legislation removed the requirement that not more than four of the trustees shall be residents of the city at which the hospital is located.

There were no changes in this regard for city hospitals. City hospitals trustees must reside in the hospital or health care facility service area within the boundaries of the state at the time of the election at which the person’s name appears on the ballot.

Are there board meeting attendance requirements for public hospital trustees?
Yes, if a board member is absent for four consecutive regular board meetings without being excused prior to the meetings, the member’s position will be declared as being vacant and filled using the procedure of filling a vacancy.* Starting in 2018, all county and city hospital boards may also have more stringent attendance requirement in their bylaws.

How are vacancies filled on public hospital boards?
Vacancies on public hospital boards can be, until the next general election, filled by an appointment by the remaining members of the board, or by the county board of supervisors if fewer than a majority of the trustees are on the hospital board.

The appointment would be for the unexpired balance of the term of the preceding trustee. This practice is the same for city hospital boards.

Can a public hospital institute term limits for their trustees?
The legislation passed during the 2018 session provided hospital boards greater flexibility when it comes to term limits for their trustees. County hospital board bylaws are now allowed to contain limits on the number of terms a trustee may serve on the board.

Are there provisions in the legislation for the removal of a trustee?
The legislation contained a provision that will allow city and county hospital trustees to include a provision in their bylaws for a process for removal of a trustee for which there could be cause for removal for an impropriety as outlined in Iowa Code § 66.1A. There must be a process established to provide for a hearing on written charges filed with the board of trustees.

What steps, if any, do public hospitals need to take regarding these changes?
Public hospitals should review their bylaws and adopt any changes that might be necessary to implement any of the permitted options if the hospital chooses to implement the change.

Any questions on these changes can be directed to Erin Cubit, Director of Government Relations at IHA, at cubite@ihaonline.org or (515)283-9369.

* This is a new provision for those public hospitals organized under 347A of the Iowa Code.