

CHAPTER 258

MATERNITY HOSPITALS

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258.01 PERSON. The word "person" where used in this chapter includes individuals, partnerships, voluntary associations, and corporations. This chapter shall not be construed to relate to any institution under the management of the commissioner of public welfare or his agents.

[*Ex. 1919 c. 50 s. 1*] (4550)

258.02 MATERNITY HOSPITAL. Any person who receives for care and treatment during pregnancy or during delivery or within ten days after delivery, more than one woman within a period of six months, except women related to him or her by blood or marriage, shall be deemed to maintain a maternity hospital.

[*Ex. 1919 c. 50 s. 1*] (4550)

258.03 LICENSED. The commissioner of public welfare is hereby empowered to grant a license for one year for the conduct of any maternity hospital that is for the public good and that is conducted by a reputable and responsible person. It shall be the duty of the commissioner to prescribe such general regulations and rules for the conduct of all such hospitals as shall be necessary to effect the purposes of all laws of the state relating to children so far as the same are applicable, and to safeguard the well-being of all infants born therein, and the health, morality, and best interests of the parties who are inmates thereof. No maternity hospital shall receive a woman for care therein without first obtaining a license to conduct such hospital from the commissioner. No such license shall be issued unless the premises are in fit sanitary condition. The license shall state the name of the licensee, designate the premises in which the business may be carried on, and the number of women that may be properly treated or cared for therein at any one time. Such license shall be kept posted in a conspicuous place on the licensed premises. No greater number of women shall be kept at any one time on the premises for which the license is issued than is authorized by the license and no woman shall be kept in a building or place not designated in the license. A record of the license so issued shall be kept by the commissioner, who shall forthwith give notice to the state board of health and to the local board of health of the city, village, or town in which the licensee resides of the granting of such license and the conditions thereof. The license shall be valid for one year from the date of the issuance thereof. The commissioner may, after due notice and hearing, revoke the license in case the person to whom the same is issued violates any of the provisions of this chapter; or when in his opinion such maternity hospital is maintained without due regard to sanitation and hygiene, or to the health, comfort, or well-being of the inmates or infants born to such inmates, or in case of the violation of any law of the state in a manner disclosing moral turpitude or unfitness to maintain such hospital, or that any such hospital is conducted by a person of ill repute or bad moral character.

Written charges against the licensee shall be served upon him at least three days before hearing shall be had thereon and a written copy of the findings and decision of the commissioner upon hearing shall be served upon the licensee in the manner prescribed for the service of a summons in civil actions.

Any licensee feeling himself aggrieved by any decision of the commissioner may appeal to the district court by filing with the clerk thereof in the county where his hospital is situated within ten days after written notice of such decision a written notice of appeal specifying the grounds upon which the appeal is made.

The appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the commissioner should not be confirmed, amended, or set aside. The written notices and decisions shall be treated as the pleadings in the case and may be amended in the discretion of the court. The issues shall be tried anew by the court and findings made upon the issues tried.

Either party may appeal to the supreme court from the determination of the district court within five days after notice of filing the decision in the manner provided for appeals in civil action.

No revocation of license shall become effective until any appeal made shall have been determined. In case of the revocation of a license, the commissioner shall make a notation thereof upon his records and give written notice of such revocation to the licensee by delivery of a copy of the order of revocation to the licensee or leaving a copy thereof with a person of suitable age and discretion living upon the premises. In case of revocation the commissioner shall notify the state board of health and the local board of health of the city, village, or town in which the hospital is situated.

[*Ex. 1919 c. 50 s. 2*] (4551)

258.04 PLACEMENT OF CHILDREN. No person, as an inducement to a woman to go to any maternity hospital during confinement, shall in any way offer to dispose of any child or advertise that he will give children for adoption or hold himself out as being able to dispose of children in any manner.

[*Ex. 1919 c. 50 s. 3*] (4552)

258.05 TO PRESCRIBE FORMS. The commissioner of public welfare may prescribe forms for the registration and record of persons cared for in any such hospital, and the licensee shall be entitled to receive gratuitously from the commissioner a book of forms for such registration and record. Each book shall contain a printed copy of this chapter. The licensee of a maternity hospital shall keep a record in the form to be prescribed by the commissioner wherein shall be entered the true name of every patient, together with all her places of residence during the year preceding admission to the hospital, the name and address of the physician or midwife who attended at each birth taking place at such hospital, or who attended any sick infant therein, and the name and address of the mother of such child; the name and age of each child who is given out, adopted, or taken away to or by any person, together with the name and residence of the person so adopting or taking away such child, and such other information as will be within the knowledge of the licensee and as the commissioner shall prescribe.

[*Ex. 1919 c. 50 s. 4*] (4553)

258.06 PHYSICIAN OR MIDWIFE TO MAKE REPORT. Every birth occurring in a maternity hospital shall be attended by a legally qualified physician or midwife. The licensee owning or conducting such hospital shall within 24 hours after the birth therein of a child known to be of illegitimate birth, make a written report thereof to the commissioner of public welfare, giving the name of the mother, the sex of the child and such additional information as shall be within the knowledge of the licensee and as may be required by the commissioner. The licensee owning or conducting any such hospital shall immediately after the death in a maternity hospital of a woman, or an infant born therein or brought thereto, cause notice thereof to be given to the local board of health of the city, village or town in which such hospital is located.

[*Ex. 1919 c. 50 s. 5; 1943 c. 16 s. 1*] (4554)

258.07 INSPECTION OF HOSPITALS. The authorized agents of the commissioner of public welfare and the officers and authorized agents of the state board of health and the local board of health of the city, village, or town in which a licensed maternity hospital is located may inspect such hospital at any time and examine every part thereof. The agents of the commissioner of public welfare may call for and examine the records which are required to be kept by the provisions of this chapter and inquire into all matters concerning such hospital and patients and infants therein; and the authorized agents of the commissioner of public welfare shall visit and inspect such hospitals at least once every six months and shall preserve reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility for viewing the premises and seeing the patients therein.

[*Ex. 1919 c. 50 s. 6*] (4555)

258.08 INFORMATION AS TO LEGITIMACY OF CHILD. When a woman who, within ten days after delivery of a child, or a woman, who is pregnant, is received for care in a maternity hospital, the licensee of such maternity hospital or the officer in charge of such other hospital, shall use due diligence to ascertain whether such child is legitimate; and, if there is reason to believe that such child is illegitimate or will be when born illegitimate, such licensee shall report to the commissioner of public welfare forthwith the presence of such woman, together with such other information as shall be within the knowledge of the licensee and as the commissioner may require.

[*Ex. 1919 c. 50 s. 7*] (4556)

258.09 DISCLOSURE OF CONTENTS. No authorized agent of the commissioner of public welfare, no officer or authorized agent of the state board of health or the local boards of health of the city, village, or town where such licensed hospital is located, or the licensee of such a hospital, or any of its agents, or any other person, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, or facts learned about such hospital, or the inmates thereof, except upon inquiry before a court of law, at a coroner's inquest, or before some other tribunal, or for the information of the commissioner of public welfare, state board of health, or the local board of health of the village, city, or town in which the hospital is located. Nothing herein shall prohibit the commissioner, with the consent of any patient in such hospital, disclosing such facts to such proper persons as may be in the interest of such patient or the infant born to her.

[*Ex. 1919 c. 50 s. 8*] (4557)

258.10 BURDEN OF PROOF. In a prosecution under the provisions of this chapter or any penal law relating thereto, a defendant who relies for defense upon the relationship of any woman or infant to himself shall have the burden of proof.

[*Ex. 1919 c. 50 s. 9*] (4558)

258.11 VIOLATIONS; PENALTIES. Every person who violates any of the provisions of this chapter shall, upon conviction of the first offense, be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor.

[*Ex. 1919 c. 50 s. 10*] (4559)