

Reported Recommending
Ind. Postponed
Passed House
Failed to Pass House
Passed Senate
Failed to Pass Senate

House File 255

February 12, 1947.
Public Health.

By LONG.

A BILL FOR

An Act to amend section one hundred forty-seven point ten (147.10), Code 1946, and to provide a uniform method of procedure for the suspension, revocation, cancellation, or denial of renewal of licenses or permits issued by any board, commission, department, or officer of the state for the lawful practice of a profession, trade or occupation; and to provide for due notice and hearing in such cases.

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

1 Section 1. Whenever any board, commission, department or
2 officer of the state has issued to any person, firm or
3 corporation a license or permit to engage in the lawful
4 practice of a profession, trade, or occupation, such license
5 or permit shall not be suspended, revoked, cancelled, or the
6 renewal thereof be denied where such board, commission,
7 department, or officer has the power to so act, except after
8 due notice and a fair and impartial hearing. Where no special
9 procedure is provided by statute for any such hearing the
10 administrative board, commission, department, or officer having
11 the power to act shall proceed as provided in this act.

1 Sec. 2. The administrative board, commission, department,
2 or officer, having issued any such license or permit, herein-

3 after called the licensor, shall before suspending, revoking,
4 canceling, or denying the renewal of such license or permit set
5 the matter down for hearing before the examining department of
6 said administrative board, commission, department, or officer
7 which has charge of the supervision of such profession, trade,
8 or occupation and at least ten days prior to the date set for
9 hearing the licensor shall notify the licensee or permittee in
10 writing of such hearing. Said notice shall contain a statement
11 of the charges made and the date and place of hearing and shall
12 be served and return thereof made in the manner of service and
13 return of original notices of civil actions in the district
14 court, or by registered mail duly addressed to the last known
15 business or residential address of the licensee or permittee.
16 The hearing on such charges shall be at the county seat of the
17 county of residence of the licensee or permittee and he shall
18 have the opportunity to be heard in person and by counsel.

1 Sec. 3. In the preparation and conduct of hearings the
2 licensor shall, subject to the rules applicable to civil actions,
3 have the power to require by subpoena the attendance and
4 testimony of witnesses and the production of books and papers
5 and he may issue subpoenas, administer oaths and affirmations,
6 examine witnesses and receive evidence.

1 Sec. 4. The licensee or permittee shall have the right
2 to the compulsory attendance of witnesses in his behalf at
3 such hearing upon making a request therefor to the licensor
4 and designating the person or persons sought to be subpoenaed.

1 Sec. 5. In case of disobedience to a subpoena the licensor
2 may invoke the aid of any court of competent jurisdiction, or a
3 judge thereof if the court is not in session, requiring the
4 attendance and testimony of witnesses and the production of
5 books and papers; and such court or judge may issue an order
6 requiring the persons to appear at the hearing and give evidence
7 or to produce books and papers as the case may be; any failure
8 to obey such order may be punished as a contempt.

1 Sec. 6. The fees and mileage in such hearing shall be the
2 same as prescribed by law in judicial procedure in the courts
3 of record in civil cases.

1 Sec. 7. Testimony may be taken by deposition as in civil
2 cases, and any person may be compelled to appear and depose in
3 the same manner as witnesses may be compelled to appear and
4 testify as heretofore provided.

1 Sec. 8. Any person who shall neglect or refuse to attend
2 and testify or to answer any lawful inquiry or to produce
3 documentary evidence if in his power to do so in obedience to
4 a subpoena or lawful requirement shall be guilty of a mis-
5 demeanor and upon conviction by a court of competent jurisdiction
6 shall be punished as provided in section 687.7 of the Code.

1 Sec. 9. If a licensor, through the examining department
2 of the profession, trade, or occupation, shall after hearing
3 determine that the licensee or permittee is guilty of the
4 violations as charged the license or permit shall be ordered
5 suspended, revoked or canceled, or renewal thereof shall be

6 denied as the case may be. The licensee or permittee shall,
7 upon request, be furnished with a definite statement of the
8 findings of fact and the reasons for the suspension, revocation,
9 cancellation, or denial of renewal of the license or permit as
10 the case may be. If the license or permit of the licensee or
11 permittee is ordered suspended, revoked or canceled or renewal
12 thereof denied, the licensee or permittee shall have the right
13 of appeal therefrom within ten days after the entry of such
14 order, to the district court of the county of residence of the
15 licensee or permittee, or to a judge thereof, who shall have
16 power to hear all questions of law and fact involved, including
17 any new or other evidence not previously submitted, including
18 such order as may be proper in the premises. The court or judge
19 shall have power to issue a stay order pending an appeal duly
20 taken.

1 Sec. 10. In the case of licenses to practice a profession,
2 issued by the department of health and issued in the name of the
3 examining board which conducted the examination for that
4 particular profession, the term "licensor" as used in this
5 chapter shall be construed to mean such examining board and
6 the term "examining board" shall be substituted for the term
7 "licensor" wherever used in this chapter.

1 Sec. 11. Section one hundred forty-seven point ten
2 (147.10), Code 1946, is amended by inserting
3 after the word "examination" in lines five and six (5 and 6) the
following:

4 “, subject to the approval of the examining board of his
5 profession”.

EXPLANATION OF H. F. 255

Iowa law provides for renewal of licenses upon application. This bill will subject renewal to the approval of the Examining Board of each particular profession.