

*Roberts
Boddicker
Kreiman*

HSB 697

HUMAN RESOURCES

Sub. introduced by
SF 02547

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to certain programs and public health issues
2 under the purview of the Iowa department of public health, and
3 providing a penalty.

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

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1 Section 1. Section 124.210, subsection 3, Code 2001, is
2 amended by adding the following new paragraph o and
3 relettering the subsequent paragraphs:

4 NEW PARAGRAPH. o. Dichloralphenazone.

5 Sec. 2. Section 124B.2, subsection 1, paragraph o, Code
6 2001, is amended to read as follows:

7 o. ~~Insosafrole~~ Isosafrole.

8 Sec. 3. Section 124B.2, subsection 1, Code 2001, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. w. Gamma-Butyrolactone (also known as GBL;
11 Dihydro-2(3H)-furanone; 1,2-Butanolide; 1,4-Butanolide; 4-
12 Hydroxybutanoic acid lactone; or gamma-hydroxy-butyric acid
13 lactone).

14 Sec. 4. Section 125.13, subsection 1, unnumbered paragraph
15 2, Code 2001, is amended to read as follows:

16 ~~Three~~ Four types of licenses may be issued by the
17 department. A renewable license may be issued for one, or
18 two, or three years. ~~Treatment-programs~~ A treatment program
19 applying for ~~their~~ its initial license may be issued a license
20 for two hundred seventy days. A license issued for two
21 hundred seventy days shall not be renewed or extended.

22 Sec. 5. Section 125.14, Code 2001, is amended to read as
23 follows:

24 125.14 LICENSES -- RENEWAL -- FEES.

25 The commission shall meet to consider all cases involving
26 initial issuance, and renewal, denial, suspension, or
27 revocation of a license. The department shall issue a license
28 to an applicant whom the commission determines meets the
29 licensing requirements of this chapter. Licenses shall expire
30 no later than ~~two~~ three years from the date of issuance and
31 shall be renewed upon timely application made in the same
32 manner as for initial issuance of a license unless notice of
33 nonrenewal is given to the licensee at least thirty days prior
34 to the expiration of the license. The department shall not
35 charge a fee for licensing or renewal of programs contracting

1 with the department for provision of treatment services. A
2 fee may be charged to other licensees.

3 Sec. 6. Section 135.11, Code Supplement 2001, is amended
4 by adding the following new subsection:

5 NEW SUBSECTION. 9A. Establish, publish, and enforce rules
6 which require persons, companies, corporations, and other
7 entities to obtain a permit from the department prior to
8 scattering cremated human remains.

9 Sec. 7. Section 135.24, subsection 5, Code Supplement
10 2001, is amended to read as follows:

11 5. For the purposes of this section, "health care
12 provider" means a physician licensed under chapter 148, 150,
13 or 150A, a physician assistant licensed and practicing under a
14 supervising physician pursuant to chapter 148C, a licensed
15 practical nurse, a registered nurse, or a dentist, dental
16 hygienist, or dental assistant registered or licensed to
17 practice under chapter 153.

18 Sec. 8. Section 135.104, subsection 3, Code 2001, is
19 amended to read as follows:

20 3. A screening program for children, with emphasis on
21 children less than ~~five~~ six years of age.

22 Sec. 9. Section 136C.4, subsection 1, Code 2001, is
23 amended to read as follows:

24 1. It is unlawful to operate or use radiation machines or
25 radioactive material in violation of this chapter or of any
26 rule adopted pursuant to this chapter. Persons convicted of
27 violating a provision of this chapter are guilty of a ~~simple~~
28 serious misdemeanor.

29 Sec. 10. Section 144.26, Code 2001, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 4. a. The department shall establish by
32 rule procedures for making a finding of presumption of death
33 when no body can be found. The department shall also provide
34 by rule the responsibility for completing and signing the
35 medical certification of cause of death in such circumstances.

1 The presumptive death certificate shall be in a form
2 prescribed by the state registrar and filed in the county
3 where the death was presumed to occur.

4 b. The division shall provide for the correction,
5 substitution, or removal of a presumptive death certificate
6 when the body of the person is later found, additional facts
7 are discovered, or the person is discovered to be alive.

8 Sec. 11. Section 147.10, Code 2001, is amended to read as
9 follows:

10 147.10 RENEWAL.

11 Every license to practice a profession shall expire in
12 multiyear intervals and be renewed as determined by the board
13 upon application by the licensee, without examination.

14 Application for renewal shall be made ~~in-writing~~ to the
15 department accompanied by the required fee at least thirty
16 days prior to the expiration of such license. Every renewal
17 shall be displayed in connection with the original license.
18 ~~The department shall notify each licensee by mail prior to the~~
19 ~~expiration of a license.~~ Failure to renew the license within
20 a reasonable time after the expiration shall not invalidate
21 the license, but a reasonable penalty may be assessed by the
22 board.

23 Sec. 12. Section 147.107, subsection 2, unnumbered
24 paragraphs 1 and 2, Code Supplement 2001, are amended to read
25 as follows:

26 A pharmacist, physician, dentist, or podiatric physician
27 who dispenses prescription drugs, including but not limited to
28 controlled substances, for human use, may delegate
29 nonjudgmental dispensing functions to staff assistants only
30 when verification of the accuracy and completeness of the
31 prescription is determined by the pharmacist or practitioner
32 in the pharmacist's or practitioner's physical presence.

33 However, the physical presence requirement does not apply when
34 a pharmacist or practitioner is utilizing an automated
35 dispensing system. When using an automated dispensing system

1 the pharmacist or practitioner shall utilize an internal
2 quality control assurance plan that ensures accuracy for
3 dispensing. Verification of automated dispensing accuracy and
4 completeness remains the responsibility of the pharmacist or
5 practitioner and shall be determined in accordance with rules
6 adopted by the boards of pharmacy, medicine, dentistry, and
7 podiatry for their respective licensees.

8 A dentist, physician, or podiatric physician who dispenses
9 prescription drugs, other than drug samples, pursuant to this
10 subsection, shall ~~annually~~ register the fact that they
11 dispense prescription drugs with the practitioner's respective
12 examining board at least biennially. ~~A-physician-doing-so~~
13 ~~shall-register-biennially~~.

14 Sec. 13. Section 147.151, subsections 3 and 4, Code 2001,
15 are amended to read as follows:

16 3. The "practice of audiology" means the application of
17 principles, methods, and procedures for assessment,
18 measurement, testing, evaluation, prediction, consultation,
19 counseling, instruction, research, habilitation,
20 rehabilitation, conservation, prevention, or remediation
21 related to hearing, and disorders of hearing, balance, and
22 associated communication disorders for the purpose of
23 nonmedically evaluating, identifying, preventing,
24 ameliorating, modifying, or remediating such disorders and
25 conditions in individuals or groups of individuals, including
26 the determination and use of appropriate amplification.

27 4. The "practice of speech pathology" means the
28 application of principles, methods, and procedures for the
29 assessment, measurement, testing, evaluation, prediction,
30 consultation, counseling, instruction, research, habilitation,
31 rehabilitation, prevention, or remediation related to the
32 development and disorders of speech, fluency, voice, or
33 language for the purposes of nonmedically evaluating,
34 preventing, ameliorating, modifying, or remediating such
35 disorders and conditions in individuals or groups of

1 individuals.

2 Sec. 14. Section 147.153, subsection 2, Code 2001, is
3 amended to read as follows:

4 2. For a license as an audiologist meet either of the
5 following requirements:

6 a. Satisfaction of all of the following requirements:

7 (1) Possess a master's degree or its equivalent from an
8 accredited school, college, or university with a major in
9 audiology.

10 b. (2) Show evidence of completion of not less than three
11 hundred hours of supervised clinical training in audiology as
12 a student in an accredited school, college, or university.

13 c. (3) Show evidence of completion of not less than nine
14 months clinical experience under the supervision of a licensed
15 audiologist following the receipt of the master's degree.

16 b. Hold a doctoral degree in audiology, or its equivalent,
17 from an accredited educational institution which incorporates
18 the academic course work and the minimum hours of supervised
19 training required by the rules adopted by the board.

20 Sec. 15. NEW SECTION. 147.157 REFERRAL.

21 Audiology evaluation and treatment may be rendered by an
22 audiologist with or without a referral from a physician.
23 Speech pathology evaluation and treatment may be rendered by a
24 speech pathologist with or without a referral from a
25 physician.

26 Sec. 16. Section 148A.4, subsection 1, Code 2001, is
27 amended to read as follows:

28 ~~1. Complete a course of study in, and hold a diploma or~~
29 ~~certificate issued by, a school of physical therapy accredited~~
30 ~~by the American physical therapy association or another~~
31 ~~appropriate accrediting body~~ Be a graduate of a professional
32 physical therapy education program accredited by a national
33 accreditation agency approved by the board of physical and
34 occupational therapy examiners, and meet requirements as
35 established by rules of the board of physical and occupational

1 therapy examiners.

2 Sec. 17. Section 148A.6, subsection 3, paragraph a, Code
3 2001, is amended to read as follows:

4 a. ~~Successfully complete a course of study for the~~
5 ~~physical therapist assistant accredited by the commission on~~
6 ~~accreditation in education of the American physical therapy~~
7 ~~association, or another appropriate accrediting body~~ Be a
8 graduate of a professional physical therapist assistant
9 education program accredited by a national accreditation
10 agency approved by the board of physical and occupational
11 therapy examiners, and meet other requirements established by
12 the rules of the board of physical and occupational therapy
13 examiners.

14 Sec. 18. Section 148B.5, subsection 2, Code 2001, is
15 amended by striking the subsection.

16 Sec. 19. NEW SECTION. 153.19 TEMPORARY PERMIT -- FEES.

17 1. The board may, in its discretion, issue a temporary
18 permit authorizing the permit holder to practice dentistry or
19 dental hygiene in a specific location or locations and for a
20 specified period of time if, in the opinion of the board, a
21 need exists and the person possesses the qualifications
22 prescribed by the board for the permit, which shall be
23 substantially equivalent to those required for licensure under
24 this chapter. The board shall determine in each instance
25 those eligible for this permit, whether or not examinations
26 shall be given, and the type of examinations. None of the
27 requirements for regular licensure under this chapter are
28 mandatory for a temporary permit except as specifically
29 designated by the board. The issuance of a temporary permit
30 shall not in any way indicate that the permit holder is
31 necessarily eligible for regular licensure, nor is the board
32 in any way obligated to so license the person.

33 2. A temporary permit shall be issued for a period
34 determined by the board and may be renewed at the discretion
35 of the board. The fee for a temporary permit and the fee for

1 renewal shall be set by the board. The fees shall be based on
2 the administrative costs of issuing and renewing the permits.
3 The board may revoke a temporary permit at any time, without a
4 hearing, for reasons deemed sufficient by the board.

5 3. If the board revokes a temporary permit, it shall
6 promptly notify the permit holder by registered mail, at the
7 last known address of the permit holder, and the temporary
8 permit shall be revoked and of no further force and effect
9 three days after the giving of the notice to the permit
10 holder.

11 Sec. 20. Section 153.21, Code 2001, is amended by striking
12 the section and inserting in lieu thereof the following:

13 153.21 LICENSE BY CREDENTIALS.

14 The board may issue a license under this chapter without
15 examination to an applicant who furnishes satisfactory proof
16 that the applicant holds a license from a similar dental board
17 under equal or substantially equal requirements to those of
18 this state, and who for three consecutive years immediately
19 prior to the filing of the application in this state has been
20 in a legal practice of dentistry or dental hygiene in such
21 other state, territory, or district of the United States, and
22 who furnishes such other evidence as to the applicant's
23 qualifications and lawful practice as the board may require.

24 Sec. 21. Section 153.22, Code 2001, is amended to read as
25 follows:

26 153.22 RESIDENT DENTIST LICENSE.

27 Any A dentist, or dental hygienist who ~~is-a-graduate-of-an~~
28 ~~accredited-dental-school-and~~ is serving only as a resident,
29 intern, or graduate student dentist and who is not licensed to
30 practice dentistry in this state, ~~shall-be~~ is required to
31 obtain from the board of dentistry a temporary or special
32 license to practice as a resident, intern, or graduate dentist
33 student. The license shall be designated "Resident Dentist
34 License" and shall authorize the licensee to serve as a
35 resident, intern, or graduate student only, under the

1 supervision of a licensed practitioner of dentistry, in an
 2 institution approved for this purpose by the board. Such
 3 license shall be ~~valid-for-one-year-and-may-be~~ renewed at the
 4 discretion of the board. The fee for ~~this~~ a resident license
 5 and the ~~annual~~ renewal fee shall be set by the board based
 6 upon the cost of issuance of the license. The board shall
 7 determine in each instance those eligible for ~~this~~ a resident
 8 license, whether or not examinations shall be given, and the
 9 type of examination. ~~No~~ None of the requirements ~~of-the-law~~
 10 ~~pertaining-to~~ for regular permanent licensure ~~shall-be~~ are
 11 mandatory for ~~this~~ resident licensure except as specifically
 12 designated by the board. The ~~granting~~ issuance of a resident
 13 ~~dentist's~~ license ~~does~~ shall not in any way indicate that the
 14 person so licensed is necessarily eligible for regular
 15 licensure, nor is the board in any way obligated to so license
 16 such individual. The board may revoke ~~said~~ a resident license
 17 at any time it shall determine either that the caliber of work
 18 done by a licensee or the type of supervision being given such
 19 licensee does not conform to reasonable standards established
 20 by the board.

21 Sec. 22. Section 153.31, Code 2001, is amended to read as
 22 follows:

23 153.31 FALSIFICATION IN APPLICATION FOR RENEWAL.

24 A license to practice either dentistry or dental hygiene,
 25 or registration as a dental assistant, shall be revoked or
 26 suspended in the manner and upon the grounds elsewhere
 27 provided in this chapter, and also when the certificate
 28 accompanying the application of such licensee or registrant
 29 for renewal of license or registration filed with the board is
 30 not in all material respects true.

31 Sec. 23. Section 153.33, subsections 1 and 2, Code 2001,
 32 are amended to read as follows:

33 1. To initiate investigations of and conduct hearings on
 34 all matters or complaints relating to the practice of
 35 dentistry, or dental hygiene, or dental assisting or

1 pertaining to the enforcement of any provision of this
2 chapter, to provide for mediation of disputes between
3 licensees or registrants and their patients when specifically
4 recommended by the board, to revoke or suspend licenses or
5 registrations, or the renewal thereof, issued under this or
6 any prior chapter, to provide for restitution to patients, and
7 to otherwise discipline licensees and registrants.

8 Subsequent to an investigation by the board, the board may
9 appoint a disinterested third party to mediate disputes
10 between licensees or registrants and patients. Referral of a
11 matter to mediation shall not preclude the board from taking
12 disciplinary action against the affected licensee or
13 registrant.

14 2. To appoint investigators, who shall not be members of
15 the examining board, to administer and aid in the enforcement
16 of the provisions of law relating to those persons licensed to
17 practice dentistry and dental hygiene, and persons registered
18 as dental assistants. The amount of compensation for the
19 investigators shall be determined pursuant to chapter 19A.
20 Investigators authorized by the board of dental examiners have
21 the powers and status of peace officers when enforcing this
22 chapter and chapters 147 and 272C.

23 Sec. 24. Section 153.33, subsection 5, paragraph f, Code
24 2001, is amended to read as follows:

25 f. If the licensee or registrant pleads guilty, or after
26 hearing shall be found guilty by the board of any of the
27 charges made, it may suspend for a limited period or revoke
28 the license or registration, and the last renewal thereof, and
29 shall enter the order on its records and notify the accused of
30 the revocation or suspension of the person's license or
31 registration, as the case may be, who shall thereupon
32 forthwith surrender that license or registration to the board.
33 Any such person whose license or registration has been so
34 revoked or suspended shall not thereafter and while such
35 revocation or suspension is in force and effect practice

1 dentistry, or dental hygiene, or dental assisting within this
2 state.

3 Sec. 25. Section 153.34, Code 2001, is amended to read as
4 follows:

5 153.34 DISCIPLINE.

6 The board may issue an order to discipline a licensed
7 dentist or dental hygienist, or registered dental assistant,
8 for any of the grounds set forth in this chapter, chapter
9 272C, or Title IV. Notwithstanding section 272C.3, licensee
10 or registrant discipline may include a civil penalty not to
11 exceed ten thousand dollars. Pursuant to this section, the
12 board may discipline a licensee or registrant for any of the
13 following reasons:

14 1. For fraud or deceit in procuring the license or
15 registration or the renewal thereof to practice dentistry, or
16 dental hygiene, or dental assisting.

17 2. For being guilty of willful and gross malpractice or
18 willful and gross neglect in the practice of dentistry, or
19 dental hygiene, or dental assisting.

20 3. For fraud in representation as to skill or ability.

21 4. For willful or repeated violations of this chapter,
22 this subtitle, or the rules of the state board of dentistry.

23 5. For obtaining any fee by fraud or misrepresentation.

24 6. For having failed to pay license or registration fees
25 as provided herein.

26 7. For gross immorality or dishonorable or unprofessional
27 conduct in the practice of dentistry, or dental hygiene, or
28 dental assisting.

29 ~~8.--For-the-use-of-the-name-"clinic",-"institute",-or-other~~
30 ~~title-of-similar-import-that-may-suggest-a-public-or~~
31 ~~semipublic-activity-to-designate-what-is-in-fact-an-individual~~
32 ~~or-group-private-practice-~~

33 9- 8. For failure to maintain a reasonably satisfactory
34 standard of competency in the practice of dentistry, or dental
35 hygiene, or dental assisting.

1 ~~10-~~ 9. For the conviction of a felony in the courts of
2 this state or another state, territory, or country.
3 Conviction as used in this subsection includes a conviction of
4 an offense which if committed in this state would be a felony
5 without regard to its designation elsewhere, and includes a
6 finding or verdict of guilt made or returned in a criminal
7 proceeding even if the adjudication of guilt is withheld or
8 not entered. A certified copy of the final order or judgment
9 of conviction or plea of guilty in this state or in another
10 state constitutes conclusive evidence of the conviction.

11 ~~11-~~ 10. For a violation of a law of this state, another
12 state, or the United States, without regard to its designation
13 as either a felony or misdemeanor, which law relates to the
14 practice of dentistry, or dental hygiene, or dental assisting.
15 A certified copy of the final order or judgment of conviction
16 or plea of guilty in this state or in another state
17 constitutes conclusive evidence of the conviction.

18 ~~12-~~ 11. The revocation or suspension of a license or
19 registration to practice dentistry, or dental hygiene, or
20 dental assisting or other disciplinary action taken by a
21 licensing authority of another state, territory, or country.
22 A certified copy of the record or order of suspension,
23 revocation, or disciplinary action is conclusive or prima
24 facie evidence.

25 ~~13-~~ 12. Knowingly aiding, assisting, procuring, or
26 advising a person to unlawfully practice dentistry, or dental
27 hygiene, or dental assisting.

28 ~~14-~~ 13. For an adjudication of mental incompetence by a
29 court of competent jurisdiction. Such adjudication shall
30 automatically suspend a license or registration for the
31 duration of the license or registration unless the board
32 orders otherwise.

33 ~~15-~~ 14. Inability to practice dentistry, or dental
34 hygiene, or dental assisting with reasonable skill and safety
35 by reason of illness, drunkenness, or habitual or excessive

1 use of drugs, intoxicants, narcotics, chemicals, or other
 2 types of materials or as a result of a mental or physical
 3 condition. At reasonable intervals following suspension or
 4 revocation under this subsection, a dentist, ~~or a dental~~
 5 hygienist, or dental assistant shall be afforded an
 6 opportunity to demonstrate that the dentist, ~~or the dental~~
 7 hygienist, or dental assistant can resume the competent
 8 practice of dentistry, ~~or dental hygiene, or dental assisting~~
 9 with reasonable skill and safety to patients.

10 ~~±6-~~ 15. For being a party to or assisting in any violation
 11 of any provision of this chapter.

12 Sec. 26. Section 153.37, Code 2001, is amended to read as
 13 follows:

14 153.37 DENTAL COLLEGE AND DENTAL HYGIENE PROGRAM FACULTY
 15 PERMITS.

16 The state board of dental examiners may issue ~~to members of~~
 17 ~~the faculty of the college of dentistry~~ a faculty permit
 18 entitling the holder to practice dentistry or dental hygiene
 19 within the a college of dentistry or a dental hygiene program
 20 and affiliated teaching facilities as an adjunct to the
 21 faculty members' member's teaching ~~positions~~ position,
 22 associated responsibilities, and functions. The dean of the
 23 college of dentistry or chairperson of a dental hygiene
 24 program shall certify to the state board of dental examiners
 25 those bona fide members of the college's or a dental hygiene
 26 program's faculty who are not licensed and registered to
 27 practice dentistry or dental hygiene in Iowa. Any faculty
 28 member so certified shall, prior to commencing the member's
 29 duties in the college of dentistry or a dental hygiene
 30 program, make written application to the state board of dental
 31 examiners for a permit. The permit shall ~~expire on the first~~
 32 day of July next following the date of issuance be for a
 33 period determined by the board and may be renewed at the
 34 discretion of the state board of dental examiners, ~~be renewed~~
 35 on a yearly basis. The fee for the faculty permit and the

1 renewal shall be set by the state board of dental examiners
2 based upon the administrative cost of issuance of the permit.
3 The fee shall be deposited in the same manner as fees provided
4 for in section 147.82. The faculty permit shall be valid
5 during the time the holder remains a member of the faculty of
6 ~~the college of dentistry~~ and shall subject the holder to all
7 provisions of this chapter.

8 Sec. 27. Section 153.39, subsection 3, Code 2001, is
9 amended to read as follows:

10 3. Individuals employed as a dental assistant as of July
11 1, 2001, shall be registered with the board and receive a
12 certificate of registration, and individuals employed as a
13 dental assistant after July 1, 2001, shall have a ~~sixty-day~~
14 six-month period following their first date of employment
15 after July 1, 2001, to comply with the provisions of
16 subsection 1.

17 Sec. 28. Section 155A.3, subsection 31, Code 2001, is
18 amended to read as follows:

19 31. "Prescription drug order" means a written order from a
20 practitioner or an oral order from a practitioner or the
21 practitioner's authorized agent who communicates the
22 practitioner's instructions, ~~to a pharmacist~~ for a
23 prescription drug or device to be dispensed.

24 Sec. 29. Section 155A.33, Code Supplement 2001, is amended
25 to read as follows:

26 155A.33 DELEGATION OF TECHNICAL FUNCTIONS.

27 A pharmacist may delegate technical dispensing functions to
28 pharmacy technicians, but only if the pharmacist is physically
29 present to verify the accuracy and completeness of the
30 patient's prescription prior to the delivery of the
31 prescription to the patient or the patient's representative.
32 However, the physical presence requirement does not apply when
33 a pharmacist is utilizing an automated dispensing system.
34 When using an automated dispensing system, the pharmacist
35 shall utilize an internal quality control assurance plan that

1 ensures accuracy for dispensing. Verification of automated
2 dispensing system accuracy and completeness remains the
3 responsibility of the pharmacist and shall be determined in
4 accordance with rules adopted by the board.

5 Sec. 30. Section 272C.3, subsection 1, paragraph d, Code
6 Supplement 2001, is amended to read as follows:

7 d. Determine in any case whether an investigation, or
8 further investigation, or a disciplinary proceeding is
9 warranted. Notwithstanding the provisions of chapter 17A, a
10 determination by a licensing board that an investigation is
11 not warranted or that an investigation should be closed
12 without initiating a disciplinary proceeding is not subject to
13 judicial review pursuant to section 17A.19;

14 Sec. 31. Section 272C.5, subsection 2, paragraph c, Code
15 Supplement 2001, is amended to read as follows:

16 c. Shall state whether the procedures are an alternative
17 to or an addition to the procedures stated in sections 147.58
18 through 147.71, 148.6 through 148.9, 152.10 and 152.11, ~~153.23~~
19 ~~through-153.30~~, 153.33, and 154A.23, 542B.22, 542C.23,
20 543B.35, 543B.36, and 544B.16.

21 Sec. 32. Section 272C.6, subsection 6, unnumbered
22 paragraph 1, Code Supplement 2001, is amended to read as
23 follows:

24 A board created pursuant to chapter 147, 154A, 155, 169,
25 542B, 542C, 543B, 543D, 544A, or 544B may charge a fee not to
26 exceed ~~seventy-five~~ seven hundred fifty dollars for conducting
27 a disciplinary hearing pursuant to this chapter which results
28 in disciplinary action taken against the licensee by the
29 board, and in addition to the fee, may recover from a licensee
30 the costs for the following procedures and associated
31 personnel:

32 Sec. 33. Section 272C.6, Code Supplement 2001, is amended
33 by adding the following new subsection:

34 NEW SUBSECTION. 7. A board may include in a settlement
35 agreement or disciplinary order a provision that the board

1 recover from a licensee or registrant actual costs associated
2 with monitoring a licensee's or registrant's compliance with
3 the settlement agreement or disciplinary order. Actual costs
4 include, but are not limited to, mileage, meals, lodging, and
5 the hourly rate of compensation paid to the board employees
6 responsible for monitoring compliance. The fees and costs
7 shall be considered repayment receipts as defined in section
8 8.2.

9 Sec. 34. NEW SECTION. 633.518 PRESUMPTION OF DEATH --
10 PETITION AND INQUIRY.

11 If a petition is presented by an interested person to a
12 district judge or magistrate alleging that a designated person
13 has disappeared and after a diligent search cannot be found,
14 and if it appears to the satisfaction of the judge or
15 magistrate that the circumstances surrounding the
16 disappearance afford reasonable grounds for the belief that
17 the person has suffered death from accidental or other violent
18 means, the judge or magistrate shall summon and impanel a jury
19 of six qualified persons to inquire into the facts surrounding
20 and the presumption to be raised from the disappearance. If
21 no one submits a petition within forty days of the reported
22 disappearance, a judge or magistrate may submit the petition
23 from personal knowledge of the case.

24 Sec. 35. NEW SECTION. 633.519 PRESUMPTION OF DEATH --
25 VERDICT AND ENTRY OF ORDER.

26 If a jury in an inquiry regarding the disappearance of an
27 individual renders a unanimous verdict in writing that
28 sufficient evidence has been presented to them from which it
29 fairly may be presumed that the missing person has met death,
30 and if the judge or magistrate concurs in the verdict, then,
31 after a period of six months has elapsed, the person shall be
32 presumed to be dead and the judge or magistrate shall enter an
33 order to that effect. However, in cases where there is clear
34 and convincing evidence of the presumed death, the judge or
35 magistrate may enter the order prior to the elapsing of the

1 six-month period.

2 Sec. 36. NEW SECTION. 633.520 PRESUMPTION OF DEATH --
3 NATURAL OR MAN-MADE DISASTER.

4 A written finding of presumed death of a person resulting
5 from a natural or man-made disaster, made by a local, state,
6 or federal officer or employee authorized to make such a
7 finding, or a duly certified copy of such a finding, shall be
8 received by a judge or magistrate as evidence of the death of
9 the person therein found to be dead, and of the date,
10 circumstances, and place of the disappearance. Upon receipt
11 of such evidence the judge or magistrate may enter an order of
12 presumption of death of the person. Upon presentation of a
13 certified court order, a certificate of death shall be filed
14 pursuant to section 144.26.

15 Sec. 37. Sections 153.23 through 153.30, Code 2001, are
16 repealed.

17 EXPLANATION

18 This bill provides for changes relating to certain programs
19 and public health issues under the purview of the Iowa
20 department of public health.

21 The bill provides for the addition and designation of the
22 substance dichloralphenazone as a controlled substance, and
23 the substance gamma-butyrolactone as a precursor substance.

24 The bill provides that the licensure period for substance
25 abuse treatment programs shall be changed from two to three
26 years.

27 The bill provides that an additional duty of the department
28 shall be to establish, publish, and enforce rules which
29 require persons, companies, corporations, and other entities
30 to obtain a permit from the department prior to scattering
31 cremated human remains.

32 The bill provides for the addition of dental hygienists and
33 dental assistants to the list of health care providers
34 eligible to participate in the voluntary health care provider
35 program.

1 The bill provides for a change in the age range for blood
2 lead screening for children, which is one of the requirements
3 for a program by a local board of health or city receiving
4 matching funds for an approved childhood lead poisoning
5 prevention grant program, from less than five to less than six
6 years of age.

7 The bill provides that the penalty for violations of the
8 radiological health statute shall be changed from a simple to
9 a serious misdemeanor.

10 The bill establishes a process for completion of
11 presumptive death certificates whereby procedures shall be
12 adopted by rule for a finding of presumption of death in
13 situations where no body can be found. The bill also
14 establishes procedures for situations in which a body cannot
15 be found based upon a natural or man-made disaster. The bill
16 provides that the department shall adopt rules providing for
17 responsibility for completing and signing the medical
18 certification of death in presumptive death circumstances, as
19 well as procedures for the correction, substitution, or
20 removal of certification when additional facts so warranting
21 arise or the person is discovered to be alive.

22 The bill provides for changes in the professional licensure
23 renewal notification requirements and application process
24 requirements to facilitate electronic renewal and alternative
25 notification processes.

26 The bill provides that the requirement that the dispensing
27 of prescription drugs may be delegated to staff assistants
28 only when verification of the prescription takes place in the
29 physical presence of a pharmacist or practitioner shall not
30 apply to utilization of an automated dispensing system. The
31 bill provides that the pharmacist or practitioner shall
32 utilize an internal quality control assurance plan that
33 ensures accuracy for the dispensing of prescriptions, and that
34 verification of an automated dispensing system's accuracy and
35 completeness remains the pharmacist's or practitioner's

1 responsibility. The bill provides that, in addition to
2 dentists and podiatric physicians, a physician dispensing
3 prescription drugs other than drug samples by means of an
4 automated dispensing system shall register that fact with the
5 appropriate examining board at least biennially.

6 The bill provides updated definitions and educational
7 requirements for audiologists and speech pathologists and
8 provides that these practitioners may provide services without
9 a referral from a physician.

10 The bill provides for a modification to national
11 accreditation standards for physical therapists, providing
12 that physical therapists shall be graduates of a professional
13 physical therapy education program accredited by a national
14 accreditation agency approved by the board of physical and
15 occupational therapy examiners.

16 The bill eliminates the ability of the board of physical
17 and occupational therapy examiners to waive educational
18 requirements relating to occupational therapists with five
19 years of practice.

20 The bill provides the board of dental examiners with
21 greater discretion in the granting of temporary practice
22 privileges, changes the experience requirement for out-of-
23 state dental license applicants from five to three years, and
24 makes changes regarding standards applicable to resident,
25 intern, and graduate dental students.

26 The bill provides for the addition of dental assisting and
27 registration of dental assistants to applicable licensure and
28 disciplinary Code sections.

29 The bill provides for a modification in the period of time
30 for dental faculty permits from one year to a period of time
31 determined by the board of dental examiners.

32 The bill provides that the period of time for dental
33 assistant registration for individuals employed as a dental
34 assistant after July 1, 2001, shall be expanded from 60 days
35 to six months following employment.

1 The bill provides for the specification of professional
2 licensure board authority to determine when further
3 investigation may be considered unwarranted, and that this
4 determination shall not be subject to judicial review.

5 The bill provides that the fee authorized to be charged by
6 an examining board for conducting a disciplinary hearing which
7 results in a disciplinary action being taken against a
8 licensee by the board shall be increased from \$75 to \$750.

9 The bill provides for a professional licensing board's
10 recovery of actual costs associated with monitoring compliance
11 with a settlement agreement or disciplinary order.

12 The bill provides for the repeal of provisions relating to
13 actions by the board of dental examiners concerning an
14 intention not to renew a license to practice dentistry or
15 dental hygiene. Specifically, provisions relating to a notice
16 of intent not to renew a license, time and place of a hearing
17 on that intention, confidentiality of that hearing, judicial
18 review, and reinstatement by examination, are repealed.

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FEB 28 2002
Place On Calendar

REPRINTED

HOUSE FILE 2547
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 697)

Passed House, Date 3-12-02 Passed Senate, Date 4/3/02
Vote: Ayes 94 Nays 0 Vote: Ayes 48 Nays 0
Approved April 11, 2002

*re-passed 4/12/02
vote 39-5 (P. 1186)*

A BILL FOR

1 An Act relating to certain programs and public health issues
2 under the purview of the Iowa department of public health, and
3 providing a penalty.

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

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HF 2547

1 Section 1. Section 124.210, subsection 3, Code 2001, is
2 amended by adding the following new paragraph o and
3 relettering the subsequent paragraphs:

4 NEW PARAGRAPH. o. Dichloralphenazone.

5 Sec. 2. Section 124B.2, subsection 1, paragraph o, Code
6 2001, is amended to read as follows:

7 o. ~~Isosafrole~~ Isosafrole.

8 Sec. 3. Section 124B.2, subsection 1, Code 2001, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. w. Gamma-Butyrolactone (also known as GBL;
11 Dihydro-2(3H)-furanone; 1,2-Butanolide; 1,4-Butanolide; 4-
12 Hydroxybutanoic acid lactone; or gamma-hydroxy-butyric acid
13 lactone).

14 Sec. 4. Section 125.13, subsection 1, unnumbered paragraph
15 2, Code 2001, is amended to read as follows:

16 ~~Three~~ Four types of licenses may be issued by the
17 department. A renewable license may be issued for one, ~~or~~
18 two, or three years. ~~Treatment-programs~~ A treatment program
19 ~~applying for their~~ its initial license may be issued a license
20 for two hundred seventy days. A license issued for two
21 hundred seventy days shall not be renewed or extended.

22 Sec. 5. Section 125.14, Code 2001, is amended to read as
23 follows:

24 125.14 LICENSES -- RENEWAL -- FEES.

25 The commission shall meet to consider all cases involving
26 initial issuance, and renewal, denial, suspension, or
27 revocation of a license. The department shall issue a license
28 to an applicant whom the commission determines meets the
29 licensing requirements of this chapter. Licenses shall expire
30 no later than ~~two~~ three years from the date of issuance and
31 shall be renewed upon timely application made in the same
32 manner as for initial issuance of a license unless notice of
33 nonrenewal is given to the licensee at least thirty days prior
34 to the expiration of the license. The department shall not
35 charge a fee for licensing or renewal of programs contracting

1 with the department for provision of treatment services. A
2 fee may be charged to other licensees.

3 Sec. 6. Section 135.11, Code Supplement 2001, is amended
4 by adding the following new subsection:

5 NEW SUBSECTION. 9A. Establish, publish, and enforce rules
6 which require persons, companies, corporations, and other
7 entities to obtain a permit from the department prior to
8 scattering cremated human remains.

9 Sec. 7. Section 135.24, subsection 5, Code Supplement
10 2001, is amended to read as follows:

11 5. For the purposes of this section, "health care
12 provider" means a physician licensed under chapter 148, 150,
13 or 150A, a physician assistant licensed and practicing under a
14 supervising physician pursuant to chapter 148C, a licensed
15 practical nurse, a registered nurse, or a dentist, dental
16 hygienist, or dental assistant registered or licensed to
17 practice under chapter 153.

18 Sec. 8. Section 135.104, subsection 3, Code 2001, is
19 amended to read as follows:

20 3. A screening program for children, with emphasis on
21 children less than ~~five~~ six years of age.

22 Sec. 9. Section 136C.4, subsection 1, Code 2001, is
23 amended to read as follows:

24 1. It is unlawful to operate or use radiation machines or
25 radioactive material in violation of this chapter or of any
26 rule adopted pursuant to this chapter. Persons convicted of
27 violating a provision of this chapter are guilty of a ~~simple~~
28 serious misdemeanor.

29 Sec. 10. Section 144.26, Code 2001, is amended by adding
30 the following new subsection:

31 NEW SUBSECTION. 4. a. The department shall establish by
32 rule procedures for making a finding of presumption of death
33 when no body can be found. The department shall also provide
34 by rule the responsibility for completing and signing the
35 medical certification of cause of death in such circumstances.

1 The presumptive death certificate shall be in a form
2 prescribed by the state registrar and filed in the county
3 where the death was presumed to occur.

4 b. The division shall provide for the correction,
5 substitution, or removal of a presumptive death certificate
6 when the body of the person is later found, additional facts
7 are discovered, or the person is discovered to be alive.

8 Sec. 11. Section 147.10, Code 2001, is amended to read as
9 follows:

10 147.10 RENEWAL.

11 Every license to practice a profession shall expire in
12 multiyear intervals and be renewed as determined by the board
13 upon application by the licensee, without examination.

14 Application for renewal shall be made ~~in-writing~~ to the
15 department accompanied by the required fee at least thirty
16 days prior to the expiration of such license. Every renewal
17 shall be displayed in connection with the original license.
18 ~~The department shall notify each licensee by mail prior to the~~
19 ~~expiration of a license.~~ Failure to renew the license within
20 a reasonable time after the expiration shall not invalidate
21 the license, but a reasonable penalty may be assessed by the
22 board.

23 Sec. 12. Section 147.107, subsection 2, unnumbered
24 paragraphs 1 and 2, Code Supplement 2001, are amended to read
25 as follows:

26 A pharmacist, physician, dentist, or podiatric physician
27 who dispenses prescription drugs, including but not limited to
28 controlled substances, for human use, may delegate
29 nonjudgmental dispensing functions to staff assistants only
30 when verification of the accuracy and completeness of the
31 prescription is determined by the pharmacist or practitioner
32 in the pharmacist's or practitioner's physical presence.

33 However, the physical presence requirement does not apply when
34 a pharmacist or practitioner is utilizing an automated
35 dispensing system. When using an automated dispensing system

1 the pharmacist or practitioner shall utilize an internal
2 quality control assurance plan that ensures accuracy for
3 dispensing. Verification of automated dispensing accuracy and
4 completeness remains the responsibility of the pharmacist or
5 practitioner and shall be determined in accordance with rules
6 adopted by the boards of pharmacy, medicine, dentistry, and
7 podiatry for their respective licensees.

8 A dentist, physician, or podiatric physician who dispenses
9 prescription drugs, other than drug samples, pursuant to this
10 subsection, shall ~~annually~~ register the fact that they
11 dispense prescription drugs with the practitioner's respective
12 examining board at least biennially. ~~A-physician-doing-so~~
13 ~~shall-register-biennially~~.

14 Sec. 13. Section 147.151, subsections 3 and 4, Code 2001,
15 are amended to read as follows:

16 3. The "practice of audiology" means the application of
17 principles, methods, and procedures for assessment,
18 measurement, testing, evaluation, prediction, consultation,
19 counseling, instruction, research, habilitation,
20 rehabilitation, conservation, prevention, or remediation
21 related to hearing, and disorders of hearing, balance, and
22 associated communication disorders for the purpose of
23 nonmedically evaluating, identifying, preventing,
24 ameliorating, modifying, or remediating such disorders and
25 conditions in individuals or groups of individuals, including
26 the determination and use of appropriate amplification.

27 4. The "practice of speech pathology" means the
28 application of principles, methods, and procedures for the
29 assessment, measurement, testing, evaluation, prediction,
30 consultation, counseling, instruction, research, habilitation,
31 rehabilitation, prevention, or remediation related to the
32 development and disorders of speech, fluency, voice, or
33 language for the purposes of nonmedically evaluating,
34 preventing, ameliorating, modifying, or remediating such
35 disorders and conditions in individuals or groups of

1 individuals.

2 Sec. 14. Section 147.153, subsection 2, Code 2001, is
3 amended to read as follows:

4 2. For a license as an audiologist meet either of the
5 following requirements:

6 a. Satisfaction of all of the following requirements:

7 (1) Possess a master's degree or its equivalent from an
8 accredited school, college, or university with a major in
9 audiology.

10 b. (2) Show evidence of completion of not less than three
11 hundred hours of supervised clinical training in audiology as
12 a student in an accredited school, college, or university.

13 c. (3) Show evidence of completion of not less than nine
14 months clinical experience under the supervision of a licensed
15 audiologist following the receipt of the master's degree.

16 b. Hold a doctoral degree in audiology, or its equivalent,
17 from an accredited educational institution which incorporates
18 the academic course work and the minimum hours of supervised
19 training required by the rules adopted by the board.

20 Sec. 15. NEW SECTION. 147.157 REFERRAL.

21 Audiology evaluation and treatment may be rendered by an
22 audiologist with or without a referral from a physician.
23 Speech pathology evaluation and treatment may be rendered by a
24 speech pathologist with or without a referral from a
25 physician.

26 Sec. 16. Section 148A.4, subsection 1, Code 2001, is
27 amended to read as follows:

28 ~~1. Complete-a-course-of-study-in,-and-hold-a-diploma-or~~
29 ~~certificate-issued-by,-a-school-of-physical-therapy-accredited~~
30 ~~by-the-American-physical-therapy-association-or-another~~
31 ~~appropriate-accrediting-body~~ Be a graduate of a professional
32 physical therapy education program accredited by a national
33 accreditation agency approved by the board of physical and
34 occupational therapy examiners, and meet requirements as
35 established by rules of the board of physical and occupational

1 therapy examiners.

2 Sec. 17. Section 148A.6, subsection 3, paragraph a, Code
3 2001, is amended to read as follows:

4 a. ~~Successfully-complete-a-course-of-study-for-the~~
5 ~~physical-therapist-assistant-accredited-by-the-commission-on~~
6 ~~accreditation-in-education-of-the-American-physical-therapy~~
7 ~~association,-or-another-appropriate-accrediting-body~~ Be a
8 graduate of a professional physical therapist assistant
9 education program accredited by a national accreditation
10 agency approved by the board of physical and occupational
11 therapy examiners, and meet other requirements established by
12 the rules of the board of physical and occupational therapy
13 examiners.

14 Sec. 18. Section 148B.5, subsection 2, Code 2001, is
15 amended by striking the subsection.

16 Sec. 19. NEW SECTION. 153.19 TEMPORARY PERMIT -- FEES.

17 1. The board may, in its discretion, issue a temporary
18 permit authorizing the permit holder to practice dentistry or
19 dental hygiene in a specific location or locations and for a
20 specified period of time if, in the opinion of the board, a
21 need exists and the person possesses the qualifications
22 prescribed by the board for the permit, which shall be
23 substantially equivalent to those required for licensure under
24 this chapter. The board shall determine in each instance
25 those eligible for this permit, whether or not examinations
26 shall be given, and the type of examinations. None of the
27 requirements for regular licensure under this chapter are
28 mandatory for a temporary permit except as specifically
29 designated by the board. The issuance of a temporary permit
30 shall not in any way indicate that the permit holder is
31 necessarily eligible for regular licensure, nor is the board
32 in any way obligated to so license the person.

33 2. A temporary permit shall be issued for a period
34 determined by the board and may be renewed at the discretion
35 of the board. The fee for a temporary permit and the fee for

1 renewal shall be set by the board. The fees shall be based on
2 the administrative costs of issuing and renewing the permits.
3 The board may revoke a temporary permit at any time, without a
4 hearing, for reasons deemed sufficient by the board.

5 3. If the board revokes a temporary permit, it shall
6 promptly notify the permit holder by registered mail, at the
7 last known address of the permit holder, and the temporary
8 permit shall be revoked and of no further force and effect
9 three days after the giving of the notice to the permit
10 holder.

11 Sec. 20. Section 153.21, Code 2001, is amended by striking
12 the section and inserting in lieu thereof the following:

13 153.21 LICENSE BY CREDENTIALS.

14 The board may issue a license under this chapter without
15 examination to an applicant who furnishes satisfactory proof
16 that the applicant holds a license from a similar dental board
17 under equal or substantially equal requirements to those of
18 this state, and who for three consecutive years immediately
19 prior to the filing of the application in this state has been
20 in a legal practice of dentistry or dental hygiene in such
21 other state, territory, or district of the United States, and
22 who furnishes such other evidence as to the applicant's
23 qualifications and lawful practice as the board may require.

24 Sec. 21. Section 153.22, Code 2001, is amended to read as
25 follows:

26 153.22 RESIDENT ~~DENTIST~~ LICENSE.

27 Any A dentist, or dental hygienist who ~~is-a-graduate-of-an~~
28 ~~accredited-dental-school-and~~ is serving only as a resident,
29 intern, or graduate student dentist and who is not licensed to
30 practice dentistry in this state, ~~shall-be~~ is required to
31 obtain from the board of dentistry a temporary or special
32 license to practice as a resident, intern, or graduate dentist
33 student. The license shall be designated "Resident Dentist
34 License" and shall authorize the licensee to serve as a
35 resident, intern, or graduate student only, under the

1 supervision of a licensed practitioner ~~of dentistry~~, in an
2 institution approved for this purpose by the board. Such
3 license shall be ~~valid for one year and may be~~ renewed at the
4 discretion of the board. The fee for ~~this~~ a resident license
5 and the ~~annual~~ renewal fee shall be set by the board based
6 upon the cost of issuance of the license. The board shall
7 determine in each instance those eligible for ~~this~~ a resident
8 license, whether or not examinations shall be given, and the
9 type of examination. ~~No~~ None of the requirements ~~of the law~~
10 ~~pertaining to~~ for regular permanent licensure ~~shall be~~ are
11 mandatory for ~~this~~ resident licensure except as specifically
12 designated by the board. The ~~granting~~ issuance of a resident
13 ~~dentist's~~ license ~~does~~ shall not in any way indicate that the
14 person so licensed is necessarily eligible for regular
15 licensure, nor is the board in any way obligated to so license
16 such individual. The board may revoke ~~said~~ a resident license
17 at any time it shall determine either that the caliber of work
18 done by a licensee or the type of supervision being given such
19 licensee does not conform to reasonable standards established
20 by the board.

21 Sec. 22. Section 153.31, Code 2001, is amended to read as
22 follows:

23 153.31 FALSIFICATION IN APPLICATION FOR RENEWAL.

24 A license to practice either dentistry or dental hygiene,
25 or registration as a dental assistant, shall be revoked or
26 suspended in the manner and upon the grounds elsewhere
27 provided in this chapter, and also when the certificate
28 accompanying the application of such licensee or registrant
29 for renewal of license or registration filed with the board is
30 not in all material respects true.

31 Sec. 23. Section 153.33, subsections 1 and 2, Code 2001,
32 are amended to read as follows:

33 1. To initiate investigations of and conduct hearings on
34 all matters or complaints relating to the practice of
35 dentistry, or dental hygiene, or dental assisting or

1 pertaining to the enforcement of any provision of this
2 chapter, to provide for mediation of disputes between
3 licensees or registrants and their patients when specifically
4 recommended by the board, to revoke or suspend licenses or
5 registrations, or the renewal thereof, issued under this or
6 any prior chapter, to provide for restitution to patients, and
7 to otherwise discipline licensees and registrants.

8 Subsequent to an investigation by the board, the board may
9 appoint a disinterested third party to mediate disputes
10 between licensees or registrants and patients. Referral of a
11 matter to mediation shall not preclude the board from taking
12 disciplinary action against the affected licensee or
13 registrant.

14 2. To appoint investigators, who shall not be members of
15 the examining board, to administer and aid in the enforcement
16 of the provisions of law relating to those persons licensed to
17 practice dentistry and dental hygiene, and persons registered
18 as dental assistants. The amount of compensation for the
19 investigators shall be determined pursuant to chapter 19A.
20 Investigators authorized by the board of dental examiners have
21 the powers and status of peace officers when enforcing this
22 chapter and chapters 147 and 272C.

23 Sec. 24. Section 153.33, subsection 5, paragraph f, Code
24 2001, is amended to read as follows:

25 f. If the licensee or registrant pleads guilty, or after
26 hearing shall be found guilty by the board of any of the
27 charges made, it may suspend for a limited period or revoke
28 the license or registration, and the last renewal thereof, and
29 shall enter the order on its records and notify the accused of
30 the revocation or suspension of the person's license or
31 registration, as the case may be, who shall thereupon
32 forthwith surrender that license or registration to the board.
33 Any such person whose license or registration has been so
34 revoked or suspended shall not thereafter and while such
35 revocation or suspension is in force and effect practice

1 dentistry, or dental hygiene, or dental assisting within this
2 state.

3 Sec. 25. Section 153.34, Code 2001, is amended to read as
4 follows:

5 153.34 DISCIPLINE.

6 The board may issue an order to discipline a licensed
7 dentist or dental hygienist, or registered dental assistant,
8 for any of the grounds set forth in this chapter, chapter
9 272C, or Title IV. Notwithstanding section 272C.3, licensee
10 or registrant discipline may include a civil penalty not to
11 exceed ten thousand dollars. Pursuant to this section, the
12 board may discipline a licensee or registrant for any of the
13 following reasons:

14 1. For fraud or deceit in procuring the license or
15 registration or the renewal thereof to practice dentistry, or
16 dental hygiene, or dental assisting.

17 2. For being guilty of willful and gross malpractice or
18 willful and gross neglect in the practice of dentistry, or
19 dental hygiene, or dental assisting.

20 3. For fraud in representation as to skill or ability.

21 4. For willful or repeated violations of this chapter,
22 this subtitle, or the rules of the state board of dentistry.

23 5. For obtaining any fee by fraud or misrepresentation.

24 6. For having failed to pay license or registration fees
25 as provided herein.

26 7. For gross immorality or dishonorable or unprofessional
27 conduct in the practice of dentistry, or dental hygiene, or
28 dental assisting.

29 ~~8. For the use of the name "clinic", "institute", or other~~
30 ~~title of similar import that may suggest a public or~~
31 ~~semipublic activity to designate what is in fact an individual~~
32 ~~or group private practice.~~

33 9- 8. For failure to maintain a reasonably satisfactory
34 standard of competency in the practice of dentistry, or dental
35 hygiene, or dental assisting.

1 ~~10-~~ 9. For the conviction of a felony in the courts of
2 this state or another state, territory, or country.
3 Conviction as used in this subsection includes a conviction of
4 an offense which if committed in this state would be a felony
5 without regard to its designation elsewhere, and includes a
6 finding or verdict of guilt made or returned in a criminal
7 proceeding even if the adjudication of guilt is withheld or
8 not entered. A certified copy of the final order or judgment
9 of conviction or plea of guilty in this state or in another
10 state constitutes conclusive evidence of the conviction.

11 ~~11-~~ 10. For a violation of a law of this state, another
12 state, or the United States, without regard to its designation
13 as either a felony or misdemeanor, which law relates to the
14 practice of dentistry, or dental hygiene, or dental assisting.
15 A certified copy of the final order or judgment of conviction
16 or plea of guilty in this state or in another state
17 constitutes conclusive evidence of the conviction.

18 ~~12-~~ 11. The revocation or suspension of a license or
19 registration to practice dentistry, or dental hygiene, or
20 dental assisting or other disciplinary action taken by a
21 licensing authority of another state, territory, or country.
22 A certified copy of the record or order of suspension,
23 revocation, or disciplinary action is conclusive or prima
24 facie evidence.

25 ~~13-~~ 12. Knowingly aiding, assisting, procuring, or
26 advising a person to unlawfully practice dentistry, or dental
27 hygiene, or dental assisting.

28 ~~14-~~ 13. For an adjudication of mental incompetence by a
29 court of competent jurisdiction. Such adjudication shall
30 automatically suspend a license or registration for the
31 duration of the license or registration unless the board
32 orders otherwise.

33 ~~15-~~ 14. Inability to practice dentistry, or dental
34 hygiene, or dental assisting with reasonable skill and safety
35 by reason of illness, drunkenness, or habitual or excessive

1 use of drugs, intoxicants, narcotics, chemicals, or other
2 types of materials or as a result of a mental or physical
3 condition. At reasonable intervals following suspension or
4 revocation under this subsection, a dentist, ~~or a~~ dental
5 hygienist, or dental assistant shall be afforded an
6 opportunity to demonstrate that the dentist, ~~or the~~ dental
7 hygienist, or dental assistant can resume the competent
8 practice of dentistry, or dental hygiene, or dental assisting
9 with reasonable skill and safety to patients.

10 ~~16~~ 15. For being a party to or assisting in any violation
11 of any provision of this chapter.

12 Sec. 26. Section 153.37, Code 2001, is amended to read as
13 follows:

14 153.37 DENTAL COLLEGE AND DENTAL HYGIENE PROGRAM FACULTY
15 PERMITS.

16 The state board of dental examiners may issue ~~to members of~~
17 ~~the faculty of the college of dentistry~~ a faculty permit
18 entitling the holder to practice dentistry or dental hygiene
19 within ~~the~~ a college of dentistry or a dental hygiene program
20 and affiliated teaching facilities as an adjunct to the
21 faculty members' member's teaching ~~positions~~ position,
22 associated responsibilities, and functions. The dean of the
23 college of dentistry or chairperson of a dental hygiene
24 program shall certify to the state board of dental examiners
25 those bona fide members of the college's or a dental hygiene
26 program's faculty who are not licensed and registered to
27 practice dentistry or dental hygiene in Iowa. Any faculty
28 member so certified shall, prior to commencing the member's
29 duties in the college of dentistry or a dental hygiene
30 program, make written application to the state board of dental
31 examiners for a permit. The permit shall ~~expire on the first~~
32 day of July next following the date of issuance ~~be for a~~
33 period determined by the board and may be renewed at the
34 discretion of the state board of dental examiners, ~~be renewed~~
35 on a yearly basis. The fee for the faculty permit and the

1 renewal shall be set by the state board of dental examiners
2 based upon the administrative cost of issuance of the permit.
3 The fee shall be deposited in the same manner as fees provided
4 for in section 147.82. The faculty permit shall be valid
5 during the time the holder remains a member of the faculty of
6 ~~the college of dentistry~~ and shall subject the holder to all
7 provisions of this chapter.

8 Sec. 27. Section 153.39, subsection 3, Code 2001, is
9 amended to read as follows:

10 3. Individuals employed as a dental assistant as of July
11 1, 2001, shall be registered with the board and receive a
12 certificate of registration, and individuals employed as a
13 dental assistant after July 1, 2001, shall have a ~~sixty-day~~
14 six-month period following their first date of employment
15 after July 1, 2001, to comply with the provisions of
16 subsection 1.

17 Sec. 28. Section 155A.3, subsection 31, Code 2001, is
18 amended to read as follows:

19 31. "Prescription drug order" means a written order from a
20 practitioner or an oral order from a practitioner or the
21 practitioner's authorized agent who communicates the
22 practitioner's instructions, ~~to a pharmacist~~ for a
23 prescription drug or device to be dispensed.

24 Sec. 29. Section 155A.33, Code Supplement 2001, is amended
25 to read as follows:

26 155A.33 DELEGATION OF TECHNICAL FUNCTIONS.

27 A pharmacist may delegate technical dispensing functions to
28 pharmacy technicians, but only if the pharmacist is physically
29 present to verify the accuracy and completeness of the
30 patient's prescription prior to the delivery of the
31 prescription to the patient or the patient's representative.
32 However, the physical presence requirement does not apply when
33 a pharmacist is utilizing an automated dispensing system.
34 When using an automated dispensing system, the pharmacist
35 shall utilize an internal quality control assurance plan that

1 ensures accuracy for dispensing. Verification of automated
2 dispensing system accuracy and completeness remains the
3 responsibility of the pharmacist and shall be determined in
4 accordance with rules adopted by the board.

5 Sec. 30. Section 272C.3, subsection 1, paragraph d, Code
6 Supplement 2001, is amended to read as follows:

7 d. Determine in any case whether an investigation, or
8 further investigation, or a disciplinary proceeding is
9 warranted. Notwithstanding the provisions of chapter 17A, a
10 determination by a licensing board that an investigation is
11 not warranted or that an investigation should be closed
12 without initiating a disciplinary proceeding is not subject to
13 judicial review pursuant to section 17A.19;

14 Sec. 31. Section 272C.5, subsection 2, paragraph c, Code
15 Supplement 2001, is amended to read as follows:

16 c. Shall state whether the procedures are an alternative
17 to or an addition to the procedures stated in sections 147.58
18 through 147.71, 148.6 through 148.9, 152.10 and 152.11, ~~153-23~~
19 ~~through-153-307~~, 153.33, and 154A.23, 542B.22, 542C.23,
20 543B.35, 543B.36, and 544B.16.

21 Sec. 32. Section 272C.6, subsection 6, unnumbered
22 paragraph 1, Code Supplement 2001, is amended to read as
23 follows:

24 A board created pursuant to chapter 147, 154A, 155, 169,
25 542B, 542C, 543B, 543D, 544A, or 544B may charge a fee not to
26 exceed seventy-five seven hundred fifty dollars for conducting
27 a disciplinary hearing pursuant to this chapter which results
28 in disciplinary action taken against the licensee by the
29 board, and in addition to the fee, may recover from a licensee
30 the costs for the following procedures and associated
31 personnel:

32 Sec. 33. Section 272C.6, Code Supplement 2001, is amended
33 by adding the following new subsection:

34 NEW SUBSECTION. 7. A board may include in a settlement
35 agreement or disciplinary order a provision that the board

1 recover from a licensee or registrant actual costs associated
2 with monitoring a licensee's or registrant's compliance with
3 the settlement agreement or disciplinary order. Actual costs
4 include, but are not limited to, mileage, meals, lodging, and
5 the hourly rate of compensation paid to the board employees
6 responsible for monitoring compliance. The fees and costs
7 shall be considered repayment receipts as defined in section
8 8.2.

9 Sec. 34. NEW SECTION. 633.518 PRESUMPTION OF DEATH --
10 PETITION AND INQUIRY.

11 If a petition is presented by an interested person to a
12 district judge or magistrate alleging that a designated person
13 has disappeared and after a diligent search cannot be found,
14 and if it appears to the satisfaction of the judge or
15 magistrate that the circumstances surrounding the
16 disappearance afford reasonable grounds for the belief that
17 the person has suffered death from accidental or other violent
18 means, the judge or magistrate shall summon and impanel a jury
19 of six qualified persons to inquire into the facts surrounding
20 and the presumption to be raised from the disappearance. If
21 no one submits a petition within forty days of the reported
22 disappearance, a judge or magistrate may submit the petition
23 from personal knowledge of the case.

24 Sec. 35. NEW SECTION. 633.519 PRESUMPTION OF DEATH --
25 VERDICT AND ENTRY OF ORDER.

26 If a jury in an inquiry regarding the disappearance of an
27 individual renders a unanimous verdict in writing that
28 sufficient evidence has been presented to them from which it
29 fairly may be presumed that the missing person has met death,
30 and if the judge or magistrate concurs in the verdict, then,
31 after a period of six months has elapsed, the person shall be
32 presumed to be dead and the judge or magistrate shall enter an
33 order to that effect. However, in cases where there is clear
34 and convincing evidence of the presumed death, the judge or
35 magistrate may enter the order prior to the elapsing of the

1 six-month period.

2 Sec. 36. NEW SECTION. 633.520 PRESUMPTION OF DEATH --
3 NATURAL OR MAN-MADE DISASTER.

4 A written finding of presumed death of a person resulting
5 from a natural or man-made disaster, made by a local, state,
6 or federal officer or employee authorized to make such a
7 finding, or a duly certified copy of such a finding, shall be
8 received by a judge or magistrate as evidence of the death of
9 the person therein found to be dead, and of the date,
10 circumstances, and place of the disappearance. Upon receipt
11 of such evidence the judge or magistrate may enter an order of
12 presumption of death of the person. Upon presentation of a
13 certified court order, a certificate of death shall be filed
14 pursuant to section 144.26.

15 Sec. 37. Sections 153.23 through 153.30, Code 2001, are
16 repealed.

17 EXPLANATION

18 This bill provides for changes relating to certain programs
19 and public health issues under the purview of the Iowa
20 department of public health.

21 The bill provides for the addition and designation of the
22 substance dichloralphenazone as a controlled substance, and
23 the substance gamma-butyrolactone as a precursor substance.

24 The bill provides that the licensure period for substance
25 abuse treatment programs shall be changed from two to three
26 years.

27 The bill provides that an additional duty of the department
28 shall be to establish, publish, and enforce rules which
29 require persons, companies, corporations, and other entities
30 to obtain a permit from the department prior to scattering
31 cremated human remains.

32 The bill provides for the addition of dental hygienists and
33 dental assistants to the list of health care providers
34 eligible to participate in the voluntary health care provider
35 program.

1 The bill provides for a change in the age range for blood
2 lead screening for children, which is one of the requirements
3 for a program by a local board of health or city receiving
4 matching funds for an approved childhood lead poisoning
5 prevention grant program, from less than five to less than six
6 years of age.

7 The bill provides that the penalty for violations of the
8 radiological health statute shall be changed from a simple to
9 a serious misdemeanor.

10 The bill establishes a process for completion of
11 presumptive death certificates whereby procedures shall be
12 adopted by rule for a finding of presumption of death in
13 situations where no body can be found. The bill also
14 establishes procedures for situations in which a body cannot
15 be found based upon a natural or man-made disaster. The bill
16 provides that the department shall adopt rules providing for
17 responsibility for completing and signing the medical
18 certification of death in presumptive death circumstances, as
19 well as procedures for the correction, substitution, or
20 removal of certification when additional facts so warranting
21 arise or the person is discovered to be alive.

22 The bill provides for changes in the professional licensure
23 renewal notification requirements and application process
24 requirements to facilitate electronic renewal and alternative
25 notification processes.

26 The bill provides that the requirement that the dispensing
27 of prescription drugs may be delegated to staff assistants
28 only when verification of the prescription takes place in the
29 physical presence of a pharmacist or practitioner shall not
30 apply to utilization of an automated dispensing system. The
31 bill provides that the pharmacist or practitioner shall
32 utilize an internal quality control assurance plan that
33 ensures accuracy for the dispensing of prescriptions, and that
34 verification of an automated dispensing system's accuracy and
35 completeness remains the pharmacist's or practitioner's

1 responsibility. The bill provides that, in addition to
2 dentists and podiatric physicians, a physician dispensing
3 prescription drugs other than drug samples by means of an
4 automated dispensing system shall register that fact with the
5 appropriate examining board at least biennially.

6 The bill provides updated definitions and educational
7 requirements for audiologists and speech pathologists and
8 provides that these practitioners may provide services without
9 a referral from a physician.

10 The bill provides for a modification to national
11 accreditation standards for physical therapists, providing
12 that physical therapists shall be graduates of a professional
13 physical therapy education program accredited by a national
14 accreditation agency approved by the board of physical and
15 occupational therapy examiners.

16 The bill eliminates the ability of the board of physical
17 and occupational therapy examiners to waive educational
18 requirements relating to occupational therapists with five
19 years of practice.

20 The bill provides the board of dental examiners with
21 greater discretion in the granting of temporary practice
22 privileges, changes the experience requirement for out-of-
23 state dental license applicants from five to three years, and
24 makes changes regarding standards applicable to resident,
25 intern, and graduate dental students.

26 The bill provides for the addition of dental assisting and
27 registration of dental assistants to applicable licensure and
28 disciplinary Code sections.

29 The bill provides for a modification in the period of time
30 for dental faculty permits from one year to a period of time
31 determined by the board of dental examiners.

32 The bill provides that the period of time for dental
33 assistant registration for individuals employed as a dental
34 assistant after July 1, 2001, shall be expanded from 60 days
35 to six months following employment.

1 The bill provides for the specification of professional
2 licensure board authority to determine when further
3 investigation may be considered unwarranted, and that this
4 determination shall not be subject to judicial review.

5 The bill provides that the fee authorized to be charged by
6 an examining board for conducting a disciplinary hearing which
7 results in a disciplinary action being taken against a
8 licensee by the board shall be increased from \$75 to \$750.

9 The bill provides for a professional licensing board's
10 recovery of actual costs associated with monitoring compliance
11 with a settlement agreement or disciplinary order.

12 The bill provides for the repeal of provisions relating to
13 actions by the board of dental examiners concerning an
14 intention not to renew a license to practice dentistry or
15 dental hygiene. Specifically, provisions relating to a notice
16 of intent not to renew a license, time and place of a hearing
17 on that intention, confidentiality of that hearing, judicial
18 review, and reinstatement by examination, are repealed.

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HOUSE FILE 2547

H-8232

1 Amend House File 2547 as follows:

2 1. Page 1, by inserting after line 21 the
3 following:

4 "Sec. ____ . Section 125.13, subsection 2, Code
5 2001, is amended by adding the following new
6 paragraph:

7 NEW PARAGRAPH. j. A hospital substance abuse
8 treatment program that is accredited or licensed by
9 the joint commission on the accreditation of health
10 care organizations, the commission on the
11 accreditation of rehabilitation facilities, the
12 American osteopathic association, or another
13 recognized organization approved by the commission.
14 All survey reports for the hospital substance abuse
15 treatment program from the accrediting or licensing
16 body shall be sent to the department."

17 2. Page 2, line 6, by striking the word
18 "persons,".

19 3. Page 3, by striking lines 11 through 22 and
20 inserting the following:

21 "Every license to practice a profession shall
22 expire in multiyear intervals and be renewed as
23 determined by the board upon application by the
24 licensee, without examination. Application for
25 renewal shall be made in writing to the department
26 accompanied by the required fee at least thirty days
27 prior to the expiration of such license. Every
28 renewal shall be displayed in connection with the
29 original license. The department shall notify each
30 licensee ~~by mail~~ prior to the expiration of a license.
31 Failure to renew the license within a reasonable time
32 after the expiration shall not invalidate the license,
33 but a reasonable penalty may be assessed by the
34 board."

35 4. By striking page 4, line 14, through page 6,
36 line 13.

37 5. Page 14, line 2, by striking the word
38 "system".

39 6. By striking page 14, line 21, through page 15,
40 line 8.

41 7. By renumbering as necessary.

By ROBERTS of Carroll

H-8232 FILED MARCH 11, 2002

adopted
3-12-02
(P. 751)

HOUSE FILE 2547

H-8250

- 1 Amend House File 2547 as follows:
2 1. Page 2, by inserting after line 8, the
3 following:
4 "Sec. ____ Section 135.24, subsection 2, paragraph
5 a, Code Supplement 2001, is amended to read as
6 follows:
7 a. Procedures for registration of health care
8 providers deemed qualified by the board of medical
9 examiners, the board of physician assistant examiners,
10 the board of dental examiners, ~~and~~ the board of
11 nursing, and the board of chiropractic examiners."
12 2. Page 2, by striking line 13, and inserting the
13 following: "~~or~~ 150A, or 151, a physician assistant
14 licensed and practicing under a".
15 3. By renumbering as necessary.

By VAN FOSSEN of Scott

HUSER of Polk

GARMAN of Story

SMITH of Marshall

H-8250 FILED MARCH 12, 2002

C/O

3-12-02

(p. 953)

HOUSE FILE 2547

H-8270

1 Amend House File 2547 as follows:

2 1. Page 2, by striking lines 9 through 17 and
3 inserting the following:

4 "Sec. ____ Section 135.24, Code Supplement 2001,
5 is amended to read as follows:

6 135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM
7 ESTABLISHED -- IMMUNITY FROM CIVIL LIABILITY.

8 1. The director shall establish within the
9 department a program to provide to eligible hospitals,
10 clinics, or other health care facilities, health care
11 referral programs, or charitable organizations, free
12 medical, ~~and~~ dental, and chiropractic services given
13 on a voluntary basis by health care providers. A
14 participating health care provider shall register with
15 the department and obtain from the department a list
16 of eligible, participating hospitals, clinics, or
17 other health care facilities, health care referral
18 programs, or charitable organizations.

19 2. The department, in consultation with the
20 department of human services, shall adopt rules to
21 implement the volunteer health care provider program
22 which shall include the following:

23 a. Procedures for registration of health care
24 providers deemed qualified by the board of medical
25 examiners, the board of physician assistant examiners,
26 the board of dental examiners, ~~and~~ the board of
27 nursing, and the board of chiropractic examiners.

28 b. Criteria for and identification of hospitals,
29 clinics, or other health care facilities, health care
30 referral programs, or charitable organizations,
31 eligible to participate in the provision of free
32 medical, ~~or~~ dental, or chiropractic services through
33 the volunteer health care provider program. A health
34 care facility, a health care referral program, a
35 charitable organization, or a health care provider
36 participating in the program shall not bill or charge
37 a patient for any health care provider service
38 provided under the volunteer health care provider
39 program.

40 c. Identification of the medical services to be
41 provided under the program. The medical services
42 provided may include, but shall not be limited to,
43 obstetrical and gynecological medical services, ~~and~~
44 psychiatric services provided by a physician licensed
45 under chapter 148, 150, or 150A, or services provided
46 under chapter 151.

47 3. A health care provider providing free care
48 under this section shall be considered an employee of
49 the state under chapter 669 and shall be afforded
50 protection as an employee of the state under section

H-8270

H-8270

Page 2

1 669.21, provided that the health care provider has
2 done all of the following:

3 a. Registered with the department pursuant to
4 subsection 1.

5 b. Provided medical, ~~or~~ dental, or chiropractic
6 services through a hospital, clinic, or other health
7 care facility, health care referral program, or
8 charitable organization listed as eligible and
9 participating by the department pursuant to subsection
10 1.

11 4. For the purposes of this section, "charitable
12 organization" means a charitable organization within
13 the meaning of section 501(c)(3) of the Internal
14 Revenue Code which has as its primary purpose the
15 sponsorship or support of programs designed to improve
16 the quality, awareness, and availability of medical,
17 ~~or~~ dental, or chiropractic services to children and to
18 serve as a funding mechanism for provision of medical,
19 ~~or~~ dental, or chiropractic services, including but not
20 limited to immunizations, to children in this state.

21 5. For the purposes of this section, "health care
22 provider" means a physician licensed under chapter
23 148, 150, ~~or~~ 150A, or 151, a physician assistant
24 licensed and practicing under a supervising physician
25 pursuant to chapter 148C, a licensed practical nurse,
26 a registered nurse, or a dentist, dental hygienist, or
27 dental assistant registered or licensed to practice
28 under chapter 153."

29 2. By renumbering as necessary.

By VAN FOSSEN of Scott

H-8270 FILED MARCH 12, 2002

0/0

3/12/02

(P. 753)

HOUSE FILE 2547

H-8274

1 Amend House File 2547 as follows:

2 1. Page 2, by striking lines 9 through 17 and
3 inserting the following:

4 "Sec. ____ . Section 135.24, Code Supplement 2001,
5 is amended to read as follows:

6 135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM
7 ESTABLISHED -- IMMUNITY FROM CIVIL LIABILITY.

8 1. The director shall establish within the
9 department a program to provide to eligible hospitals,
10 clinics, or other health care facilities, health care
11 referral programs, or charitable organizations, free
12 medical, ~~and~~ dental, and chiropractic services given
13 on a voluntary basis by health care providers. A
14 participating health care provider shall register with
15 the department and obtain from the department a list
16 of eligible, participating hospitals, clinics, or
17 other health care facilities, health care referral
18 programs, or charitable organizations.

19 2. The department, in consultation with the
20 department of human services, shall adopt rules to
21 implement the volunteer health care provider program
22 which shall include the following:

23 a. Procedures for registration of health care
24 providers deemed qualified by the board of medical
25 examiners, the board of physician assistant examiners,
26 the board of dental examiners, ~~and~~ the board of
27 nursing, and the board of chiropractic examiners.

28 b. Criteria for and identification of hospitals,
29 clinics, or other health care facilities, health care
30 referral programs, or charitable organizations,
31 eligible to participate in the provision of free
32 medical, ~~or~~ dental, or chiropractic services through
33 the volunteer health care provider program. A health
34 care facility, a health care referral program, a
35 charitable organization, or a health care provider
36 participating in the program shall not bill or charge
37 a patient for any health care provider service
38 provided under the volunteer health care provider
39 program.

40 c. Identification of the ~~medical~~ services to be
41 provided under the program. The ~~medical~~ services
42 provided may include, but shall not be limited to,
43 obstetrical and gynecological medical services, ~~and~~
44 psychiatric services provided by a physician licensed
45 under chapter 148, 150, or 150A, or services provided
46 under chapter 151.

47 3. A health care provider providing free care
48 under this section shall be considered an employee of
49 the state under chapter 669 and shall be afforded
50 protection as an employee of the state under section

H-8274

H-8274

Page 2

1 669.21, provided that the health care provider has
2 done all of the following:

3 a. Registered with the department pursuant to
4 subsection 1.

5 b. Provided medical, ~~or~~ dental, or chiropractic
6 services through a hospital, clinic, or other health
7 care facility, health care referral program, or
8 charitable organization listed as eligible and
9 participating by the department pursuant to subsection
10 1.

11 4. For the purposes of this section, "charitable
12 organization" means a charitable organization within
13 the meaning of section 501(c)(3) of the Internal
14 Revenue Code which has as its primary purpose the
15 sponsorship or support of programs designed to improve
16 the quality, awareness, and availability of
17 chiropractic, dental, or medical ~~or dental~~ services to
18 children and to serve as a funding mechanism for
19 provision of chiropractic, dental, or medical ~~or~~
20 ~~dental~~ services, including but not limited to
21 immunizations, to children in this state.

22 5. For the purposes of this section, "health care
23 provider" means a physician licensed under chapter
24 148, 150, ~~or~~ 150A, or 151, a physician assistant
25 licensed and practicing under a supervising physician
26 pursuant to chapter 148C, a licensed practical nurse,
27 a registered nurse, or a dentist, dental hygienist, or
28 dental assistant registered or licensed to practice
29 under chapter 153."

30 2. By renumbering as necessary.

By VAN FOSSEN of Scott

H-8274 FILED MARCH 12, 2002

Adopted

3-12-02

(P.753)

Substitutes for SF 2250
4/12/02
(P 1186)

S-3/13/02 Humon Lee.
S-3/13/02 Do Pass

HOUSE FILE **2547**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 697)

(As Amended and Passed by the House March 12, 2002)

Passed House, Date _____ Passed Senate, Date 4/3/02
Vote: Ayes _____ Nays _____ Vote: Ayes 48 Nays 0
Approved April 11, 2002

Re-Pass 4-12-02
Vote 39-5
(P. 1186)

A BILL FOR

1 An Act relating to certain programs and public health issues
2 under the purview of the Iowa department of public health, and
3 providing a penalty.

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

House Amendments _____
Deleted Language *

HOUSE FILE 2547

S-5284

1 Amend House File 2547, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 4, by inserting after line 27 the
4 following:
5 "Sec. ____ Section 139A.8, subsection 3, Code
6 2001, is amended to read as follows:
7 3. Subject to the provision of subsection 4, the
8 state board of health may modify or delete any of the
9 immunizations in subsection 2 to include immunizations
10 consistent with the current recommendations of the
11 advisory committee on immunization practices and the
12 American academy of pediatric's committee on
13 infectious diseases."
14 2. By renumbering as necessary.

W/D 4/3/02 (P. 938) By MAGGIE TINSMAN

S-5284 FILED APRIL 1, 2002

1 Section 1. Section 124.210, subsection 3, Code 2001, is
2 amended by adding the following new paragraph o and
3 relettering the subsequent paragraphs:

4 NEW PARAGRAPH. o. Dichloralphenazone.

5 Sec. 2. Section 124B.2, subsection 1, paragraph o, Code
6 2001, is amended to read as follows:

7 o. ~~Insosafrole~~ Isosafrole.

8 Sec. 3. Section 124B.2, subsection 1, Code 2001, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. w. Gamma-Butyrolactone (also known as GBL;
11 Dihydro-2(3H)-furanone; 1,2-Butanolide; 1,4-Butanolide; 4-
12 Hydroxybutanoic acid lactone; or gamma-hydroxy-butyric acid
13 lactone).

14 Sec. 4. Section 125.13, subsection 1, unnumbered paragraph
15 2, Code 2001, is amended to read as follows:

16 ~~Three~~ Four types of licenses may be issued by the
17 department. A renewable license may be issued for one, or
18 two, or three years. ~~Treatment-programs~~ A treatment program
19 applying for their its initial license may be issued a license
20 for two hundred seventy days. A license issued for two
21 hundred seventy days shall not be renewed or extended.

22 Sec. 5. Section 125.13, subsection 2, Code 2001, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. j. A hospital substance abuse treatment
25 program that is accredited or licensed by the joint commission
26 on the accreditation of health care organizations, the
27 commission on the accreditation of rehabilitation facilities,
28 the American osteopathic association, or another recognized
29 organization approved by the commission. All survey reports
30 for the hospital substance abuse treatment program from the
31 accrediting or licensing body shall be sent to the department.

32 Sec. 6. Section 125.14, Code 2001, is amended to read as
33 follows:

34 125.14 LICENSES -- RENEWAL -- FEES.

35 The commission shall meet to consider all cases involving

1 initial issuance, and renewal, denial, suspension, or
 2 revocation of a license. The department shall issue a license
 3 to an applicant whom the commission determines meets the
 4 licensing requirements of this chapter. Licenses shall expire
 5 no later than ~~two~~ three years from the date of issuance and
 6 shall be renewed upon timely application made in the same
 7 manner as for initial issuance of a license unless notice of
 8 nonrenewal is given to the licensee at least thirty days prior
 9 to the expiration of the license. The department shall not
 10 charge a fee for licensing or renewal of programs contracting
 11 with the department for provision of treatment services. A
 12 fee may be charged to other licensees.

13 Sec. 7. Section 135.11, Code Supplement 2001, is amended
 14 by adding the following new subsection:

15 NEW SUBSECTION. 9A. Establish, publish, and enforce rules
 *16 which require companies, corporations, and other entities to
 17 obtain a permit from the department prior to scattering
 18 cremated human remains.

19 Sec. 8. Section 135.24, Code Supplement 2001, is amended
 20 to read as follows:

21 135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM ESTABLISHED
 22 -- IMMUNITY FROM CIVIL LIABILITY.

23 1. The director shall establish within the department a
 24 program to provide to eligible hospitals, clinics, or other
 25 health care facilities, health care referral programs, or
 26 charitable organizations, free medical, and dental, and
 27 chiropractic services given on a voluntary basis by health
 28 care providers. A participating health care provider shall
 29 register with the department and obtain from the department a
 30 list of eligible, participating hospitals, clinics, or other
 31 health care facilities, health care referral programs, or
 32 charitable organizations.

33 2. The department, in consultation with the department of
 34 human services, shall adopt rules to implement the volunteer
 35 health care provider program which shall include the

1 following:

2 a. Procedures for registration of health care providers
3 deemed qualified by the board of medical examiners, the board
4 of physician assistant examiners, the board of dental
5 examiners, and the board of nursing, and the board of
6 chiropractic examiners.

7 b. Criteria for and identification of hospitals, clinics,
8 or other health care facilities, health care referral
9 programs, or charitable organizations, eligible to participate
10 in the provision of free medical, or dental, or chiropractic
11 services through the volunteer health care provider program.
12 A health care facility, a health care referral program, a
13 charitable organization, or a health care provider
14 participating in the program shall not bill or charge a
15 patient for any health care provider service provided under
16 the volunteer health care provider program.

17 c. Identification of the medical services to be provided
18 under the program. The medical services provided may include,
19 but shall not be limited to, obstetrical and gynecological
20 medical services, and psychiatric services provided by a
21 physician licensed under chapter 148, 150, or 150A, or
22 services provided under chapter 151.

23 3. A health care provider providing free care under this
24 section shall be considered an employee of the state under
25 chapter 669 and shall be afforded protection as an employee of
26 the state under section 669.21, provided that the health care
27 provider has done all of the following:

28 a. Registered with the department pursuant to subsection
29 1.

30 b. Provided medical, or dental, or chiropractic services
31 through a hospital, clinic, or other health care facility,
32 health care referral program, or charitable organization
33 listed as eligible and participating by the department
34 pursuant to subsection 1.

35 4. For the purposes of this section, "charitable

1 organization" means a charitable organization within the
2 meaning of section 501(c)(3) of the Internal Revenue Code
3 which has as its primary purpose the sponsorship or support of
4 programs designed to improve the quality, awareness, and
5 availability of chiropractic, dental, or medical or-dental
6 services to children and to serve as a funding mechanism for
7 provision of chiropractic, dental, or medical or-dental
8 services, including but not limited to immunizations, to
9 children in this state.

10 5. For the purposes of this section, "health care
11 provider" means a physician licensed under chapter 148, 150,
12 or 150A, or 151, a physician assistant licensed and practicing
13 under a supervising physician pursuant to chapter 148C, a
14 licensed practical nurse, a registered nurse, or a dentist,
15 dental hygienist, or dental assistant registered or licensed
16 to practice under chapter 153.

17 Sec. 9. Section 135.104, subsection 3, Code 2001, is
18 amended to read as follows:

19 3. A screening program for children, with emphasis on
20 children less than five six years of age.

21 Sec. 10. Section 136C.4, subsection 1, Code 2001, is
22 amended to read as follows:

23 1. It is unlawful to operate or use radiation machines or
24 radioactive material in violation of this chapter or of any
25 rule adopted pursuant to this chapter. Persons convicted of
26 violating a provision of this chapter are guilty of a simple
27 serious misdemeanor.

28 Sec. 11. Section 144.26, Code 2001, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 4. a. The department shall establish by
31 rule procedures for making a finding of presumption of death
32 when no body can be found. The department shall also provide
33 by rule the responsibility for completing and signing the
34 medical certification of cause of death in such circumstances.
35 The presumptive death certificate shall be in a form

1 prescribed by the state registrar and filed in the county
2 where the death was presumed to occur.

3 b. The division shall provide for the correction,
4 substitution, or removal of a presumptive death certificate
5 when the body of the person is later found, additional facts
6 are discovered, or the person is discovered to be alive.

7 Sec. 12. Section 147.10, Code 2001, is amended to read as
8 follows:

9 147.10 RENEWAL.

10 Every license to practice a profession shall expire in
11 multiyear intervals and be renewed as determined by the board
12 upon application by the licensee, without examination.
13 Application for renewal shall be made in writing to the
14 department accompanied by the required fee at least thirty
15 days prior to the expiration of such license. Every renewal
16 shall be displayed in connection with the original license.
17 The department shall notify each licensee by-mail prior to the
18 expiration of a license. Failure to renew the license within
19 a reasonable time after the expiration shall not invalidate
20 the license, but a reasonable penalty may be assessed by the
21 board.

22 Sec. 13. Section 147.107, subsection 2, unnumbered
23 paragraphs 1 and 2, Code Supplement 2001, are amended to read
24 as follows:

25 A pharmacist, physician, dentist, or podiatric physician
26 who dispenses prescription drugs, including but not limited to
27 controlled substances, for human use, may delegate
28 nonjudgmental dispensing functions to staff assistants only
29 when verification of the accuracy and completeness of the
30 prescription is determined by the pharmacist or practitioner
31 in the pharmacist's or practitioner's physical presence.
32 However, the physical presence requirement does not apply when
33 a pharmacist or practitioner is utilizing an automated
34 dispensing system. When using an automated dispensing system
35 the pharmacist or practitioner shall utilize an internal

1 quality control assurance plan that ensures accuracy for
2 dispensing. Verification of automated dispensing accuracy and
3 completeness remains the responsibility of the pharmacist or
4 practitioner and shall be determined in accordance with rules
5 adopted by the boards of pharmacy, medicine, dentistry, and
6 podiatry for their respective licensees.

7 A dentist, physician, or podiatric physician who dispenses
8 prescription drugs, other than drug samples, pursuant to this
9 subsection, shall ~~annually~~ register the fact that they
10 dispense prescription drugs with the practitioner's respective
11 examining board at least biennially. ~~A-physician-doing-so~~
12 ~~shall-register-biennially-~~

*13 Sec. 14. Section 148B.5, subsection 2, Code 2001, is
14 amended by striking the subsection.

15 Sec. 15. NEW SECTION. 153.19 TEMPORARY PERMIT -- FEES.

16 1. The board may, in its discretion, issue a temporary
17 permit authorizing the permit holder to practice dentistry or
18 dental hygiene in a specific location or locations and for a
19 specified period of time if, in the opinion of the board, a
20 need exists and the person possesses the qualifications
21 prescribed by the board for the permit, which shall be
22 substantially equivalent to those required for licensure under
23 this chapter. The board shall determine in each instance
24 those eligible for this permit, whether or not examinations
25 shall be given, and the type of examinations. None of the
26 requirements for regular licensure under this chapter are
27 mandatory for a temporary permit except as specifically
28 designated by the board. The issuance of a temporary permit
29 shall not in any way indicate that the permit holder is
30 necessarily eligible for regular licensure, nor is the board
31 in any way obligated to so license the person.

32 2. A temporary permit shall be issued for a period
33 determined by the board and may be renewed at the discretion
34 of the board. The fee for a temporary permit and the fee for
35 renewal shall be set by the board. The fees shall be based on

1 the administrative costs of issuing and renewing the permits.
2 The board may revoke a temporary permit at any time, without a
3 hearing, for reasons deemed sufficient by the board.

4 3. If the board revokes a temporary permit, it shall
5 promptly notify the permit holder by registered mail, at the
6 last known address of the permit holder, and the temporary
7 permit shall be revoked and of no further force and effect
8 three days after the giving of the notice to the permit
9 holder.

10 Sec. 16. Section 153.21, Code 2001, is amended by striking
11 the section and inserting in lieu thereof the following:

12 153.21 LICENSE BY CREDENTIALS.

13 The board may issue a license under this chapter without
14 examination to an applicant who furnishes satisfactory proof
15 that the applicant holds a license from a similar dental board
16 under equal or substantially equal requirements to those of
17 this state, and who for three consecutive years immediately
18 prior to the filing of the application in this state has been
19 in a legal practice of dentistry or dental hygiene in such
20 other state, territory, or district of the United States, and
21 who furnishes such other evidence as to the applicant's
22 qualifications and lawful practice as the board may require.

23 Sec. 17. Section 153.22, Code 2001, is amended to read as
24 follows:

25 153.22 RESIDENT ~~DENTIST~~ LICENSE.

26 Any A dentist, or dental hygienist who ~~is-a-graduate-of-an~~
27 ~~accredited-dental-school-and~~ is serving only as a resident,
28 intern, or graduate student ~~dentist~~ and who is not licensed to
29 practice ~~dentistry~~ in this state, ~~shall-be~~ is required to
30 obtain from the board of dentistry a temporary or special
31 license to practice as a resident, intern, or graduate ~~dentist~~
32 student. The license shall be designated "Resident ~~Dentist~~
33 License" and shall authorize the licensee to serve as a
34 resident, intern, or graduate student only, under the
35 supervision of a licensed practitioner ~~of-dentistry~~, in an

1 institution approved for this purpose by the board. Such
2 license shall be ~~valid-for-one-year-and-may-be~~ renewed at the
3 discretion of the board. The fee for ~~this~~ a resident license
4 and the ~~annual~~ renewal fee shall be set by the board based
5 upon the cost of issuance of the license. The board shall
6 determine in each instance those eligible for ~~this~~ a resident
7 license, whether or not examinations shall be given, and the
8 type of examination. ~~No~~ None of the requirements ~~of-the-law~~
9 ~~pertaining-to~~ for regular permanent licensure ~~shall-be~~ are
10 mandatory for ~~this~~ resident licensure except as specifically
11 designated by the board. The ~~granting~~ issuance of a resident
12 ~~dentist's~~ license ~~does~~ shall not in any way indicate that the
13 person so licensed is necessarily eligible for regular
14 licensure, nor is the board in any way obligated to so license
15 such individual. The board may revoke ~~said~~ a resident license
16 at any time it shall determine either that the caliber of work
17 done by a licensee or the type of supervision being given such
18 licensee does not conform to reasonable standards established
19 by the board.

20 Sec. 18. Section 153.31, Code 2001, is amended to read as
21 follows:

22 153.31 FALSIFICATION IN APPLICATION FOR RENEWAL.

23 A license to practice either dentistry or dental hygiene,
24 or registration as a dental assistant, shall be revoked or
25 suspended in the manner and upon the grounds elsewhere
26 provided in this chapter, and also when the certificate
27 accompanying the application of such licensee or registrant
28 for renewal of license or registration filed with the board is
29 not in all material respects true.

30 Sec. 19. Section 153.33, subsections 1 and 2, Code 2001,
31 are amended to read as follows:

32 1. To initiate investigations of and conduct hearings on
33 all matters or complaints relating to the practice of
34 dentistry, or dental hygiene, or dental assisting or
35 pertaining to the enforcement of any provision of this

1 chapter, to provide for mediation of disputes between
2 licensees or registrants and their patients when specifically
3 recommended by the board, to revoke or suspend licenses or
4 registrations, or the renewal thereof, issued under this or
5 any prior chapter, to provide for restitution to patients, and
6 to otherwise discipline licensees and registrants.

7 Subsequent to an investigation by the board, the board may
8 appoint a disinterested third party to mediate disputes
9 between licensees or registrants and patients. Referral of a
10 matter to mediation shall not preclude the board from taking
11 disciplinary action against the affected licensee or
12 registrant.

13 2. To appoint investigators, who shall not be members of
14 the examining board, to administer and aid in the enforcement
15 of the provisions of law relating to those persons licensed to
16 practice dentistry and dental hygiene, and persons registered
17 as dental assistants. The amount of compensation for the
18 investigators shall be determined pursuant to chapter 19A.
19 Investigators authorized by the board of dental examiners have
20 the powers and status of peace officers when enforcing this
21 chapter and chapters 147 and 272C.

22 Sec. 20. Section 153.33, subsection 5, paragraph f, Code
23 2001, is amended to read as follows:

24 f. If the licensee or registrant pleads guilty, or after
25 hearing shall be found guilty by the board of any of the
26 charges made, it may suspend for a limited period or revoke
27 the license or registration, and the last renewal thereof, and
28 shall enter the order on its records and notify the accused of
29 the revocation or suspension of the person's license or
30 registration, as the case may be, who shall thereupon
31 forthwith surrender that license or registration to the board.
32 Any such person whose license or registration has been so
33 revoked or suspended shall not thereafter and while such
34 revocation or suspension is in force and effect practice
35 dentistry, or dental hygiene, or dental assisting within this

1 state.

2 Sec. 21. Section 153.34, Code 2001, is amended to read as
3 follows:

4 153.34 DISCIPLINE.

5 The board may issue an order to discipline a licensed
6 dentist or dental hygienist, or registered dental assistant,
7 for any of the grounds set forth in this chapter, chapter
8 272C, or Title IV. Notwithstanding section 272C.3, licensee
9 or registrant discipline may include a civil penalty not to
10 exceed ten thousand dollars. Pursuant to this section, the
11 board may discipline a licensee or registrant for any of the
12 following reasons:

13 1. For fraud or deceit in procuring the license or
14 registration or the renewal thereof to practice dentistry, or
15 dental hygiene, or dental assisting.

16 2. For being guilty of willful and gross malpractice or
17 willful and gross neglect in the practice of dentistry, or
18 dental hygiene, or dental assisting.

19 3. For fraud in representation as to skill or ability.

20 4. For willful or repeated violations of this chapter,
21 this subtitle, or the rules of the state board of dentistry.

22 5. For obtaining any fee by fraud or misrepresentation.

23 6. For having failed to pay license or registration fees
24 as provided herein.

25 7. For gross immorality or dishonorable or unprofessional
26 conduct in the practice of dentistry, or dental hygiene, or
27 dental assisting.

28 ~~8. For the use of the name "clinic", "institute", or other~~
29 ~~title of similar import that may suggest a public or~~
30 ~~semipublic activity to designate what is in fact an individual~~
31 ~~or group private practice.~~

32 9. 8. For failure to maintain a reasonably satisfactory
33 standard of competency in the practice of dentistry, or dental
34 hygiene, or dental assisting.

35 ~~10.~~ 9. For the conviction of a felony in the courts of

1 this state or another state, territory, or country.

2 Conviction as used in this subsection includes a conviction of
3 an offense which if committed in this state would be a felony
4 without regard to its designation elsewhere, and includes a
5 finding or verdict of guilt made or returned in a criminal
6 proceeding even if the adjudication of guilt is withheld or
7 not entered. A certified copy of the final order or judgment
8 of conviction or plea of guilty in this state or in another
9 state constitutes conclusive evidence of the conviction.

10 ~~10~~ 10. For a violation of a law of this state, another
11 state, or the United States, without regard to its designation
12 as either a felony or misdemeanor, which law relates to the
13 practice of dentistry, or dental hygiene, or dental assisting.
14 A certified copy of the final order or judgment of conviction
15 or plea of guilty in this state or in another state
16 constitutes conclusive evidence of the conviction.

17 ~~11~~ 11. The revocation or suspension of a license or
18 registration to practice dentistry, or dental hygiene, or
19 dental assisting or other disciplinary action taken by a
20 licensing authority of another state, territory, or country.
21 A certified copy of the record or order of suspension,
22 revocation, or disciplinary action is conclusive or prima
23 facie evidence.

24 ~~12~~ 12. Knowingly aiding, assisting, procuring, or
25 advising a person to unlawfully practice dentistry, or dental
26 hygiene, or dental assisting.

27 ~~13~~ 13. For an adjudication of mental incompetence by a
28 court of competent jurisdiction. Such adjudication shall
29 automatically suspend a license or registration for the
30 duration of the license or registration unless the board
31 orders otherwise.

32 ~~14~~ 14. Inability to practice dentistry, or dental
33 hygiene, or dental assisting with reasonable skill and safety
34 by reason of illness, drunkenness, or habitual or excessive
35 use of drugs, intoxicants, narcotics, chemicals, or other

1 types of materials or as a result of a mental or physical
2 condition. At reasonable intervals following suspension or
3 revocation under this subsection, a dentist, ~~or a dental~~
4 hygienist, or dental assistant shall be afforded an
5 opportunity to demonstrate that the dentist, ~~or the dental~~
6 hygienist, or dental assistant can resume the competent
7 practice of dentistry, ~~or dental hygiene,~~ or dental assisting
8 with reasonable skill and safety to patients.

9 ~~16-~~ 15. For being a party to or assisting in any violation
10 of any provision of this chapter.

11 Sec. 22. Section 153.37, Code 2001, is amended to read as
12 follows:

13 153.37 DENTAL COLLEGE AND DENTAL HYGIENE PROGRAM FACULTY
14 PERMITS.

15 The state board of dental examiners may issue ~~to members of~~
16 ~~the faculty of the college of dentistry~~ a faculty permit
17 entitling the holder to practice dentistry or dental hygiene
18 within the a college of dentistry or a dental hygiene program
19 and affiliated teaching facilities as an adjunct to the
20 faculty members' member's teaching positions position,
21 associated responsibilities, and functions. The dean of the
22 college of dentistry or chairperson of a dental hygiene
23 program shall certify to the state board of dental examiners
24 those bona fide members of the college's or a dental hygiene
25 program's faculty who are not licensed and registered to
26 practice dentistry or dental hygiene in Iowa. Any faculty
27 member so certified shall, prior to commencing the member's
28 duties in the college of dentistry or a dental hygiene
29 program, make written application to the state board of dental
30 examiners for a permit. The permit shall ~~expire on the first~~
31 ~~day of July next following the date of issuance~~ be for a
32 period determined by the board and may be renewed at the
33 discretion of the state board of dental examiners, ~~be renewed~~
34 ~~on a yearly basis~~. The fee for the faculty permit and the
35 renewal shall be set by the state board of dental examiners

1 based upon the administrative cost of issuance of the permit.
2 The fee shall be deposited in the same manner as fees provided
3 for in section 147.82. The faculty permit shall be valid
4 during the time the holder remains a member of the faculty of
5 ~~the college of dentistry~~ and shall subject the holder to all
6 provisions of this chapter.

7 Sec. 23. Section 153.39, subsection 3, Code 2001, is
8 amended to read as follows:

9 3. Individuals employed as a dental assistant as of July
10 1, 2001, shall be registered with the board and receive a
11 certificate of registration, and individuals employed as a
12 dental assistant after July 1, 2001, shall have a ~~sixty-day~~
13 six-month period following their first date of employment
14 after July 1, 2001, to comply with the provisions of
15 subsection 1.

16 Sec. 24. Section 155A.3, subsection 31, Code 2001, is
17 amended to read as follows:

18 31. "Prescription drug order" means a written order from a
19 practitioner or an oral order from a practitioner or the
20 practitioner's authorized agent who communicates the
21 practitioner's instructions, ~~to a pharmacist~~ for a
22 prescription drug or device to be dispensed.

23 Sec. 25. Section 155A.33, Code Supplement 2001, is amended
24 to read as follows:

25 155A.33 DELEGATION OF TECHNICAL FUNCTIONS.

26 A pharmacist may delegate technical dispensing functions to
27 pharmacy technicians, but only if the pharmacist is physically
28 present to verify the accuracy and completeness of the
29 patient's prescription prior to the delivery of the
30 prescription to the patient or the patient's representative.

31 However, the physical presence requirement does not apply when
32 a pharmacist is utilizing an automated dispensing system.
33 When using an automated dispensing system, the pharmacist
34 shall utilize an internal quality control assurance plan that
35 ensures accuracy for dispensing. Verification of automated

*1 dispensing accuracy and completeness remains the
 2 responsibility of the pharmacist and shall be determined in
 3 accordance with rules adopted by the board.

4 Sec. 26. Section 272C.3, subsection 1, paragraph d, Code
 5 Supplement 2001, is amended to read as follows:

6 d. Determine in any case whether an investigation, or
 7 further investigation, or a disciplinary proceeding is
 8 warranted. Notwithstanding the provisions of chapter 17A, a
 9 determination by a licensing board that an investigation is
 10 not warranted or that an investigation should be closed
 11 without initiating a disciplinary proceeding is not subject to
 12 judicial review pursuant to section 17A.19;

13 Sec. 27. Section 272C.5, subsection 2, paragraph c, Code
 14 Supplement 2001, is amended to read as follows:

15 c. Shall state whether the procedures are an alternative
 16 to or an addition to the procedures stated in sections 147.58
 17 through 147.71, 148.6 through 148.9, 152.10 and 152.11, ~~153.23~~
 18 ~~through-153.30~~, 153.33, and 154A.23, 542B.22, 542C.23,
 19 543B.35, 543B.36, and 544B.16.

*20 Sec. 28. NEW SECTION. 633.518 PRESUMPTION OF DEATH --
 21 PETITION AND INQUIRY.

22 If a petition is presented by an interested person to a
 23 district judge or magistrate alleging that a designated person
 24 has disappeared and after a diligent search cannot be found,
 25 and if it appears to the satisfaction of the judge or
 26 magistrate that the circumstances surrounding the
 27 disappearance afford reasonable grounds for the belief that
 28 the person has suffered death from accidental or other violent
 29 means, the judge or magistrate shall summon and impanel a jury
 30 of six qualified persons to inquire into the facts surrounding
 31 and the presumption to be raised from the disappearance. If
 32 no one submits a petition within forty days of the reported
 33 disappearance, a judge or magistrate may submit the petition
 34 from personal knowledge of the case.

35 Sec. 29. NEW SECTION. 633.519 PRESUMPTION OF DEATH --

1 VERDICT AND ENTRY OF ORDER.

2 If a jury in an inquiry regarding the disappearance of an
3 individual renders a unanimous verdict in writing that
4 sufficient evidence has been presented to them from which it
5 fairly may be presumed that the missing person has met death,
6 and if the judge or magistrate concurs in the verdict, then,
7 after a period of six months has elapsed, the person shall be
8 presumed to be dead and the judge or magistrate shall enter an
9 order to that effect. However, in cases where there is clear
10 and convincing evidence of the presumed death, the judge or
11 magistrate may enter the order prior to the elapsing of the
12 six-month period.

13 Sec. 30. NEW SECTION. 633.520 PRESUMPTION OF DEATH --
14 NATURAL OR MAN-MADE DISASTER.

15 A written finding of presumed death of a person resulting
16 from a natural or man-made disaster, made by a local, state,
17 or federal officer or employee authorized to make such a
18 finding, or a duly certified copy of such a finding, shall be
19 received by a judge or magistrate as evidence of the death of
20 the person therein found to be dead, and of the date,
21 circumstances, and place of the disappearance. Upon receipt
22 of such evidence the judge or magistrate may enter an order of
23 presumption of death of the person. Upon presentation of a
24 certified court order, a certificate of death shall be filed
25 pursuant to section 144.26.

26 Sec. 31. Sections 153.23 through 153.30, Code 2001, are
27 repealed.

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HOUSE FILE 2547

AN ACT

RELATING TO CERTAIN PROGRAMS AND PUBLIC HEALTH ISSUES UNDER
THE PURVIEW OF THE IOWA DEPARTMENT OF PUBLIC HEALTH, AND
PROVIDING A PENALTY.

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

Section 1. Section 124.210, subsection 3, Code 2001, is amended by adding the following new paragraph o and relettering the subsequent paragraphs:

NEW PARAGRAPH. o. Dichloralphenazone.

Sec. 2. Section 124B.2, subsection 1, paragraph o, Code 2001, is amended to read as follows:

o. ~~Insosafrole~~ Isosafrole.

Sec. 3. Section 124B.2, subsection 1, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. w. Gamma-Butyrolactone (also known as GBL; Dihydro-2(3H)-furanone; 1,2-Butanolide; 1,4-Butanolide; 4-Hydroxybutanoic acid lactone; or gamma-hydroxy-butyric acid lactone).

Sec. 4. Section 125.13, subsection 1, unnumbered paragraph 2, Code 2001, is amended to read as follows:

Three ~~Four~~ types of licenses may be issued by the department. A renewable license may be issued for one, or two, or three years. ~~Treatment-programs~~ A treatment program applying for ~~their~~ its initial license may be issued a license for two hundred seventy days. A license issued for two hundred seventy days shall not be renewed or extended.

Sec. 5. Section 125.13, subsection 2, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. j. A hospital substance abuse treatment program that is accredited or licensed by the joint commission on the accreditation of health care organizations, the

commission on the accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the commission. All survey reports for the hospital substance abuse treatment program from the accrediting or licensing body shall be sent to the department.

Sec. 6. Section 125.14, Code 2001, is amended to read as follows:

125.14 LICENSES -- RENEWAL -- FEES.

The commission shall meet to consider all cases involving initial issuance, and renewal, denial, suspension, or revocation of a license. The department shall issue a license to an applicant whom the commission determines meets the licensing requirements of this chapter. Licenses shall expire no later than two three years from the date of issuance and shall be renewed upon timely application made in the same manner as for initial issuance of a license unless notice of nonrenewal is given to the licensee at least thirty days prior to the expiration of the license. The department shall not charge a fee for licensing or renewal of programs contracting with the department for provision of treatment services. A fee may be charged to other licensees.

Sec. 7. Section 135.11, Code Supplement 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 9A. Establish, publish, and enforce rules which require companies, corporations, and other entities to obtain a permit from the department prior to scattering cremated human remains.

Sec. 8. Section 135.24, Code Supplement 2001, is amended to read as follows:

135.24 VOLUNTEER HEALTH CARE PROVIDER PROGRAM ESTABLISHED -- IMMUNITY FROM CIVIL LIABILITY.

1. The director shall establish within the department a program to provide to eligible hospitals, clinics, or other health care facilities, health care referral programs, or charitable organizations, free medical, and dental, and

chiropractic services given on a voluntary basis by health care providers. A participating health care provider shall register with the department and obtain from the department a list of eligible, participating hospitals, clinics, or other health care facilities, health care referral programs, or charitable organizations.

2. The department, in consultation with the department of human services, shall adopt rules to implement the volunteer health care provider program which shall include the following:

a. Procedures for registration of health care providers deemed qualified by the board of medical examiners, the board of physician assistant examiners, the board of dental examiners, and the board of nursing, and the board of chiropractic examiners.

b. Criteria for and identification of hospitals, clinics, or other health care facilities, health care referral programs, or charitable organizations, eligible to participate in the provision of free medical, or dental, or chiropractic services through the volunteer health care provider program. A health care facility, a health care referral program, a charitable organization, or a health care provider participating in the program shall not bill or charge a patient for any health care provider service provided under the volunteer health care provider program.

c. Identification of the medical services to be provided under the program. The medical services provided may include, but shall not be limited to, obstetrical and gynecological medical services, and psychiatric services provided by a physician licensed under chapter 148, 150, or 150A, or services provided under chapter 151.

3. A health care provider providing free care under this section shall be considered an employee of the state under chapter 669 and shall be afforded protection as an employee of the state under section 669.21, provided that the health care provider has done all of the following:

a. Registered with the department pursuant to subsection 1.

b. Provided medical, or dental, or chiropractic services through a hospital, clinic, or other health care facility, health care referral program, or charitable organization listed as eligible and participating by the department pursuant to subsection 1.

4. For the purposes of this section, "charitable organization" means a charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code which has as its primary purpose the sponsorship or support of programs designed to improve the quality, awareness, and availability of chiropractic, dental, or medical or-dental services to children and to serve as a funding mechanism for provision of chiropractic, dental, or medical or-dental services, including but not limited to immunizations, to children in this state.

5. For the purposes of this section, "health care provider" means a physician licensed under chapter 148, 150, or 150A, or 151, a physician assistant licensed and practicing under a supervising physician pursuant to chapter 148C, a licensed practical nurse, a registered nurse, or a dentist, dental hygienist, or dental assistant registered or licensed to practice under chapter 153.

Sec. 9. Section 135.104, subsection 3, Code 2001, is amended to read as follows:

3. A screening program for children, with emphasis on children less than five six years of age.

Sec. 10. Section 136C.4, subsection 1, Code 2001, is amended to read as follows:

1. It is unlawful to operate or use radiation machines or radioactive material in violation of this chapter or of any rule adopted pursuant to this chapter. Persons convicted of violating a provision of this chapter are guilty of a simple serious misdemeanor.

Sec. 11. Section 144.26, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 4. a. The department shall establish by rule procedures for making a finding of presumption of death when no body can be found. The department shall also provide by rule the responsibility for completing and signing the medical certification of cause of death in such circumstances. The presumptive death certificate shall be in a form prescribed by the state registrar and filed in the county where the death was presumed to occur.

b. The division shall provide for the correction, substitution, or removal of a presumptive death certificate when the body of the person is later found, additional facts are discovered, or the person is discovered to be alive.

Sec. 12. Section 147.10, Code 2001, is amended to read as follows:

147.10 RENEWAL.

Every license to practice a profession shall expire in multiyear intervals and be renewed as determined by the board upon application by the licensee, without examination. Application for renewal shall be made in writing to the department accompanied by the required fee at least thirty days prior to the expiration of such license. Every renewal shall be displayed in connection with the original license. The department shall notify each licensee by mail prior to the expiration of a license. Failure to renew the license within a reasonable time after the expiration shall not invalidate the license, but a reasonable penalty may be assessed by the board.

Sec. 13. Section 147.107, subsection 2, unnumbered paragraphs 1 and 2, Code Supplement 2001, are amended to read as follows:

A pharmacist, physician, dentist, or podiatric physician who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate

nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the prescription is determined by the pharmacist or practitioner in the pharmacist's or practitioner's physical presence. However, the physical presence requirement does not apply when a pharmacist or practitioner is utilizing an automated dispensing system. When using an automated dispensing system the pharmacist or practitioner shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. Verification of automated dispensing accuracy and completeness remains the responsibility of the pharmacist or practitioner and shall be determined in accordance with rules adopted by the boards of pharmacy, medicine, dentistry, and podiatry for their respective licensees.

A dentist, physician, or podiatric physician who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall annually register the fact that they dispense prescription drugs with the practitioner's respective examining board at least biennially. ~~A-physician-doing-so shall-register-biennially~~

Sec. 14. Section 148B.5, subsection 2, Code 2001, is amended by striking the subsection.

Sec. 15. NEW SECTION. 153.19 TEMPORARY PERMIT -- FEES.

1. The board may, in its discretion, issue a temporary permit authorizing the permit holder to practice dentistry or dental hygiene in a specific location or locations and for a specified period of time if, in the opinion of the board, a need exists and the person possesses the qualifications prescribed by the board for the permit, which shall be substantially equivalent to those required for licensure under this chapter. The board shall determine in each instance those eligible for this permit, whether or not examinations shall be given, and the type of examinations. None of the requirements for regular licensure under this chapter are mandatory for a temporary permit except as specifically

designated by the board. The issuance of a temporary permit shall not in any way indicate that the permit holder is necessarily eligible for regular licensure, nor is the board in any way obligated to so license the person.

2. A temporary permit shall be issued for a period determined by the board and may be renewed at the discretion of the board. The fee for a temporary permit and the fee for renewal shall be set by the board. The fees shall be based on the administrative costs of issuing and renewing the permits. The board may revoke a temporary permit at any time, without a hearing, for reasons deemed sufficient by the board.

3. If the board revokes a temporary permit, it shall promptly notify the permit holder by registered mail, at the last known address of the permit holder, and the temporary permit shall be revoked and of no further force and effect three days after the giving of the notice to the permit holder.

Sec. 16. Section 153.21, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

153.21 LICENSE BY CREDENTIALS.

The board may issue a license under this chapter without examination to an applicant who furnishes satisfactory proof that the applicant holds a license from a similar dental board under equal or substantially equal requirements to those of this state, and who for three consecutive years immediately prior to the filing of the application in this state has been in a legal practice of dentistry or dental hygiene in such other state, territory, or district of the United States, and who furnishes such other evidence as to the applicant's qualifications and lawful practice as the board may require.

Sec. 17. Section 153.22, Code 2001, is amended to read as follows:

153.22 RESIDENT DENTIST LICENSE.

Any A dentist or dental hygienist who ~~is a graduate of an accredited dental school~~ and is serving only as a resident,

intern, or graduate student dentist and who is not licensed to practice dentistry in this state, ~~shall be~~ is required to obtain from the board of dentistry a temporary or special license to practice as a resident, intern, or graduate dentist student. The license shall be designated "Resident Dentist License" and shall authorize the licensee to serve as a resident, intern, or graduate student only, under the supervision of a licensed practitioner of dentistry, in an institution approved for this purpose by the board. Such license shall be ~~valid for one year and may be~~ renewed at the discretion of the board. The fee for this a resident license and the ~~annual~~ renewal fee shall be set by the board based upon the cost of issuance of the license. The board shall determine in each instance those eligible for this a resident license, whether or not examinations shall be given, and the type of examination. ~~No None of the requirements of the law pertaining to~~ for regular permanent licensure ~~shall be~~ are mandatory for this resident licensure except as specifically designated by the board. The granting issuance of a resident dentist's license does shall not in any way indicate that the person so licensed is necessarily eligible for regular licensure, nor is the board in any way obligated to so license such individual. The board may revoke ~~said~~ a resident license at any time it shall determine either that the caliber of work done by a licensee or the type of supervision being given such licensee does not conform to reasonable standards established by the board.

Sec. 18. Section 153.31, Code 2001, is amended to read as follows:

153.31 FALSIFICATION IN APPLICATION FOR RENEWAL.

A license to practice either dentistry or dental hygiene, or registration as a dental assistant, shall be revoked or suspended in the manner and upon the grounds elsewhere provided in this chapter, and also when the certificate accompanying the application of such licensee or registrant

for renewal of license or registration filed with the board is not in all material respects true.

Sec. 19. Section 153.33, subsections 1 and 2, Code 2001, are amended to read as follows:

1. To initiate investigations of and conduct hearings on all matters or complaints relating to the practice of dentistry, or dental hygiene, or dental assisting or pertaining to the enforcement of any provision of this chapter, to provide for mediation of disputes between licensees or registrants and their patients when specifically recommended by the board, to revoke or suspend licenses or registrations, or the renewal thereof, issued under this or any prior chapter, to provide for restitution to patients, and to otherwise discipline licensees and registrants.

Subsequent to an investigation by the board, the board may appoint a disinterested third party to mediate disputes between licensees or registrants and patients. Referral of a matter to mediation shall not preclude the board from taking disciplinary action against the affected licensee or registrant.

2. To appoint investigators, who shall not be members of the examining board, to administer and aid in the enforcement of the provisions of law relating to those persons licensed to practice dentistry and dental hygiene, and persons registered as dental assistants. The amount of compensation for the investigators shall be determined pursuant to chapter 19A. Investigators authorized by the board of dental examiners have the powers and status of peace officers when enforcing this chapter and chapters 147 and 272C.

Sec. 20. Section 153.33, subsection 5, paragraph f, Code 2001, is amended to read as follows:

f. If the licensee or registrant pleads guilty, or after hearing shall be found guilty by the board of any of the charges made, it may suspend for a limited period or revoke the license or registration, and the last renewal thereof, and

shall enter the order on its records and notify the accused of the revocation or suspension of the person's license or registration, as the case may be, who shall thereupon forthwith surrender that license or registration to the board. Any such person whose license or registration has been so revoked or suspended shall not thereafter and while such revocation or suspension is in force and effect practice dentistry, or dental hygiene, or dental assisting within this state.

Sec. 21. Section 153.34, Code 2001, is amended to read as follows:

153.34 DISCIPLINE.

The board may issue an order to discipline a licensed dentist or dental hygienist, or registered dental assistant, for any of the grounds set forth in this chapter, chapter 272C, or Title IV. Notwithstanding section 272C.3, licensee or registrant discipline may include a civil penalty not to exceed ten thousand dollars. Pursuant to this section, the board may discipline a licensee or registrant for any of the following reasons:

1. For fraud or deceit in procuring the license or registration or the renewal thereof to practice dentistry, or dental hygiene, or dental assisting.
2. For being guilty of willful and gross malpractice or willful and gross neglect in the practice of dentistry, or dental hygiene, or dental assisting.
3. For fraud in representation as to skill or ability.
4. For willful or repeated violations of this chapter, this subtitle, or the rules of the state board of dentistry.
5. For obtaining any fee by fraud or misrepresentation.
6. For having failed to pay license or registration fees as provided herein.
7. For gross immorality or dishonorable or unprofessional conduct in the practice of dentistry, or dental hygiene, or dental assisting.

~~8. For the use of the name "clinic," "institute," or other title of similar import that may suggest a public or semipublic activity to designate what is in fact an individual or group private practice.~~

9. B. For failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, or dental hygiene, or dental assisting.

10. 9. For the conviction of a felony in the courts of this state or another state, territory, or country. Conviction as used in this subsection includes a conviction of an offense which if committed in this state would be a felony without regard to its designation elsewhere, and includes a finding or verdict of guilt made or returned in a criminal proceeding even if the adjudication of guilt is withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state constitutes conclusive evidence of the conviction.

11. 10. For a violation of a law of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, which law relates to the practice of dentistry, or dental hygiene, or dental assisting. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state constitutes conclusive evidence of the conviction.

12. 11. The revocation or suspension of a license or registration to practice dentistry, or dental hygiene, or dental assisting or other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

13. 12. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice dentistry, or dental hygiene, or dental assisting.

14. 13. For an adjudication of mental incompetence by a court of competent jurisdiction. Such adjudication shall automatically suspend a license or registration for the duration of the license or registration unless the board orders otherwise.

15. 14. Inability to practice dentistry, or dental hygiene, or dental assisting with reasonable skill and safety by reason of illness, drunkenness, or habitual or excessive use of drugs, intoxicants, narcotics, chemicals, or other types of materials or as a result of a mental or physical condition. At reasonable intervals following suspension or revocation under this subsection, a dentist, or a dental hygienist, or dental assistant shall be afforded an opportunity to demonstrate that the dentist, or the dental hygienist, or dental assistant can resume the competent practice of dentistry, or dental hygiene, or dental assisting with reasonable skill and safety to patients.

16. 15. For being a party to or assisting in any violation of any provision of this chapter.

Sec. 22. Section 153.37, Code 2001, is amended to read as follows:

153.37 DENTAL COLLEGE AND DENTAL HYGIENE PROGRAM FACULTY PERMITS.

The state board of dental examiners may issue to members of the faculty of the college of dentistry a faculty permit entitling the holder to practice dentistry or dental hygiene within the college of dentistry or a dental hygiene program and affiliated teaching facilities as an adjunct to the faculty members' member's teaching positions position, associated responsibilities, and functions. The dean of the college of dentistry or chairperson of a dental hygiene program shall certify to the state board of dental examiners those bona fide members of the college's or a dental hygiene program's faculty who are not licensed and registered to practice dentistry or dental hygiene in Iowa. Any faculty

member so certified shall, prior to commencing the member's duties in the college of dentistry or a dental hygiene program, make written application to the state board of dental examiners for a permit. The permit shall ~~expire on the first day of July next following the date of issuance~~ be for a period determined by the board and may be renewed at the discretion of the state board of dental examiners, ~~be renewed on a yearly basis~~. The fee for the faculty permit and the renewal shall be set by the state board of dental examiners based upon the administrative cost of issuance of the permit. The fee shall be deposited in the same manner as fees provided for in section 147.82. The faculty permit shall be valid during the time the holder remains a member of the faculty of ~~the college of dentistry~~ and shall subject the holder to all provisions of this chapter.

Sec. 23. Section 153.39, subsection 3, Code 2001, is amended to read as follows:

3. Individuals employed as a dental assistant as of July 1, 2001, shall be registered with the board and receive a certificate of registration, and individuals employed as a dental assistant after July 1, 2001, shall have a ~~sixty-day~~ six-month period following their first date of employment after July 1, 2001, to comply with the provisions of subsection 1.

Sec. 24. Section 155A.3, subsection 31, Code 2001, is amended to read as follows:

31. "Prescription drug order" means a written order from a practitioner or an oral order from a practitioner or the practitioner's authorized agent who communicates the practitioner's instructions, ~~to a pharmacist~~ for a prescription drug or device to be dispensed.

Sec. 25. Section 155A.33, Code Supplement 2001, is amended to read as follows:

155A.33 DELEGATION OF TECHNICAL FUNCTIONS.

A pharmacist may delegate technical dispensing functions to pharmacy technicians, but only if the pharmacist is physically present to verify the accuracy and completeness of the patient's prescription prior to the delivery of the prescription to the patient or the patient's representative. However, the physical presence requirement does not apply when a pharmacist is utilizing an automated dispensing system. When using an automated dispensing system, the pharmacist shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. Verification of automated dispensing accuracy and completeness remains the responsibility of the pharmacist and shall be determined in accordance with rules adopted by the board.

Sec. 26. Section 272C.3, subsection 1, paragraph d, Code Supplement 2001, is amended to read as follows:

d. Determine in any case whether an investigation, or further investigation, or a disciplinary proceeding is warranted. Notwithstanding the provisions of chapter 17A, a determination by a licensing board that an investigation is not warranted or that an investigation should be closed without initiating a disciplinary proceeding is not subject to judicial review pursuant to section 17A.19;

Sec. 27. Section 272C.5, subsection 2, paragraph c, Code Supplement 2001, is amended to read as follows:

c. Shall state whether the procedures are an alternative to or an addition to the procedures stated in sections 147.58 through 147.71, 148.6 through 148.9, 152.10 and 152.11, ~~153.23 through 153.30~~, 153.33, and 154A.23, 542B.22, 542C.23, 543B.35, 543B.36, and 544B.16.

Sec. 28. NEW SECTION. 633.518 PRESUMPTION OF DEATH -- PETITION AND INQUIRY.

If a petition is presented by an interested person to a district judge or magistrate alleging that a designated person has disappeared and after a diligent search cannot be found, and if it appears to the satisfaction of the judge or

magistrate that the circumstances surrounding the disappearance afford reasonable grounds for the belief that the person has suffered death from accidental or other violent means, the judge or magistrate shall summon and impanel a jury of six qualified persons to inquire into the facts surrounding and the presumption to be raised from the disappearance. If no one submits a petition within forty days of the reported disappearance, a judge or magistrate may submit the petition from personal knowledge of the case.

Sec. 29. NEW SECTION. 633.519 PRESUMPTION OF DEATH -- VERDICT AND ENTRY OF ORDER.

If a jury in an inquiry regarding the disappearance of an individual renders a unanimous verdict in writing that sufficient evidence has been presented to them from which it fairly may be presumed that the missing person has met death, and if the judge or magistrate concurs in the verdict, then, after a period of six months has elapsed, the person shall be presumed to be dead and the judge or magistrate shall enter an order to that effect. However, in cases where there is clear and convincing evidence of the presumed death, the judge or magistrate may enter the order prior to the elapsing of the six-month period.

Sec. 30. NEW SECTION. 633.520 PRESUMPTION OF DEATH -- NATURAL OR MAN-MADE DISASTER.

A written finding of presumed death of a person resulting from a natural or man-made disaster, made by a local, state, or federal officer or employee authorized to make such a finding, or a duly certified copy of such a finding, shall be received by a judge or magistrate as evidence of the death of the person therein found to be dead, and of the date, circumstances, and place of the disappearance. Upon receipt of such evidence the judge or magistrate may enter an order of presumption of death of the person. Upon presentation of a certified court order, a certificate of death shall be filed pursuant to section 144.26.

Sec. 31. Sections 153.23 through 153.30, Code 2001, are repealed.

BRENT SIEGRIST
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2547, Seventy-ninth General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/11, 2002

THOMAS J. VILSACK
Governor