

Tinsman  
Redwine  
Hammond

SSB-1214  
Human Resources

Succeeded By  
SENATE/HOUSE FILE SE/HF 433  
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 124.204, subsection 5, Code 2001, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. c. Gamma-hydroxybutyric acid. Some trade  
4 or other names: GHB; gamma-hydroxybutyrate; 4-  
5 hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate;  
6 sodium oxybutyrate.

7 Sec. 2. Section 124.208, subsection 3, Code 2001, is  
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. m. Any drug product containing gamma-  
10 hydroxybutyric acid, including its salts, isomers, and salts  
11 of isomers, for which an application is approved under section  
12 505 of the federal Food, Drug, and Cosmetic Act.

13 Sec. 3. Section 135.11, subsection 25, Code 2001, is  
14 amended to read as follows:

15 25. Establish ad hoc and advisory committees to the  
16 director in areas where technical expertise is not otherwise  
17 readily available. Members may be compensated for their  
18 actual and necessary expenses incurred in the performance of  
19 their duties. To encourage health consumer participation,  
20 public members may also receive a per diem as specified in  
21 section 7E.6 if funds are available and the per diem is  
22 determined to be appropriate by the director. Expense moneys  
23 paid to the members shall be paid from funds appropriated to  
24 the department. A majority of the members of such a committee  
25 constitutes a quorum.

26 Sec. 4. Section 135.105C, Code 2001, is amended by adding  
27 the following new subsection:

28 NEW SUBSECTION. 3. A person who violates this section is  
29 subject to a civil penalty not to exceed five thousand dollars  
30 for each offense.

31 Sec. 5. Section 135I.1, subsection 3, Code 2001, is  
32 amended to read as follows:

33 3. "Spa" means a bathing facility such as a hot tub or  
34 whirlpool designed for recreational or therapeutic use.

35 However, "spa" does not include a facility used under direct

1 ~~supervision-of-qualified-medical-personnel-~~

2 Sec. 6. Section 135I.2, Code 2001, is amended to read as  
3 follows:

4 135I.2 APPLICABILITY.

5 This chapter applies to all swimming pools and spas owned  
6 or operated by local or state government, or commercial  
7 interests or private entities including, but not limited to,  
8 facilities operated by cities, counties, public or private  
9 school corporations, hotels, motels, camps, apartments,  
10 condominiums, and health or country clubs. This chapter does  
11 not apply to facilities intended for single family use or to a  
12 swimming pool or spa operated by a homeowners' association  
13 representing seventy-two or fewer dwelling units if the  
14 association's bylaws, which also apply to a rental agreement  
15 relative to any of the dwelling units, include an exemption  
16 from the requirements of this chapter, provide for inspection  
17 of the swimming pool or spa by an entity other than the  
18 department or local board of health, and assume any liability  
19 associated with operation of the swimming pool or spa. This  
20 chapter does not apply to a swimming pool or spa used  
21 exclusively for therapy under the direct supervision of  
22 qualified medical personnel. To avoid duplication and promote  
23 coordination of inspection activities, the department may  
24 enter into agreements pursuant to chapter 28E with a local  
25 board of health to provide for inspection and enforcement in  
26 accordance with this chapter.

27 Sec. 7. Section 135I.4, subsection 4, Code 2001, is  
28 amended to read as follows:

29 4. Establish and collect fees to defray the cost of  
30 administering this chapter. It is the intent of the general  
31 assembly that fees collected under this chapter be retained by  
32 the department and used to defray the cost of administering  
33 this chapter. However, the portion of fees needed to defray  
34 the costs of a local board of health in implementing this  
35 chapter shall be established by the local board of health. A

1 fee imposed for the inspection of a swimming pool or spa shall  
2 not be collected until the inspection has actually been  
3 performed.

4 Sec. 8. Section 147.74, Code 2001, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 20A. A registered nurse licensed under  
7 chapter 152 may use the words "registered nurse" or the  
8 letters "R.N." after the person's name. A licensed practical  
9 nurse licensed under chapter 152 may use the words "licensed  
10 practical nurse" or the letters "L.P.N." after the person's  
11 name.

12 Sec. 9. Section 147.80, subsection 16, Code 2001, is  
13 amended to read as follows:

14 16. License to practice barbering on the basis of an  
15 examination given by the board of barber examiners, license to  
16 practice barbering under a reciprocal agreement, renewal of a  
17 license to practice barbering, annual inspection by the  
18 department of inspections and appeals of barber school and  
19 annual inspection of barber shop, an original barber school  
20 license, renewal of a barber school license, transfer of  
21 license upon change of ownership of a barber shop or barber  
22 school, inspection by the department of inspections and  
23 appeals and an original barber shop license, renewal of a  
24 barber shop license, original barber school instructor's  
25 license, renewal of a barber school instructor's license,  
26 ~~original-barber-assistant's-license, renewal-of-a-barber~~  
27 ~~assistant's-license.~~

28 Sec. 10. Section 147.91, Code 2001, is amended to read as  
29 follows:

30 147.91 PUBLICATIONS.

31 The department shall have ~~printed-in-pamphlet-form~~  
32 available for each profession the following ~~matter-which-is~~  
33 ~~pertinent-to-the-particular-profession-for-which-such-pamphlet~~  
34 ~~is-published~~ information:

35 1. The law regulating the practice of the profession.

1 2. The rules of the Iowa department of public health and  
2 the department of inspections and appeals relative to  
3 licenses.

4 3. The rules of the examining board relative to  
5 examinations.

6 Such pamphlet information shall be supplied to any person  
7 applying for the same. The department may, to the extent  
8 feasible, make the information described in this section  
9 available by electronic means, including, but not limited to,  
10 access to the documents through the internet.

11 Sec. 11. Section 148.6, subsection 2, paragraph g, Code  
12 2001, is amended to read as follows:

13 g. Being guilty of a willful or repeated departure from,  
14 or the failure to conform to, the minimal standard of  
15 acceptable and prevailing practice of medicine and surgery,  
16 osteopathic medicine and surgery or osteopathy in which  
17 proceeding actual injury to a patient need not be established;  
18 or the committing by a physician of an act contrary to  
19 honesty, justice, or good morals, whether the same is  
20 committed in the course of the physician's practice or  
21 otherwise, and whether committed within or without this state.  
22 The medical examiners may, in the course of a disciplinary  
23 investigation and upon a showing of probable cause, compel a  
24 physician to submit to a competency evaluation at a physician  
25 competency assessment program designated by the board within a  
26 specified time. All objections shall be waived as to the  
27 admissibility of any physician's communications, testimony, or  
28 reports on the grounds of privileged communication. The  
29 medical testimony or evaluation report shall not be used  
30 against a physician in any proceeding other than one relating  
31 to licensee discipline by the board. Failure of a physician  
32 to submit to a board-ordered evaluation is grounds for  
33 disciplinary action for failure to comply with an order of the  
34 board.

35 Sec. 12. Section 148.6, subsection 2, paragraph h,

1 unnumbered paragraph 1, Code 2001, is amended to read as  
2 follows:

3 Inability to practice medicine and surgery, osteopathic  
4 medicine and surgery or osteopathy with reasonable skill and  
5 safety by reason of illness, drunkenness, excessive use of  
6 drugs, narcotics, chemicals, or other type of material or as a  
7 result of a mental or physical condition. The medical  
8 examiners may, upon probable cause, compel a physician to  
9 submit to a mental or physical examination by designated  
10 physicians or to submit to alcohol or drug screening within a  
11 time specified by the medical examiners. ~~Failure of a~~  
12 ~~physician to submit to an examination or to submit to alcohol~~  
13 ~~or drug screening shall constitute admission to the~~  
14 ~~allegations made against the physician and the finding of fact~~  
15 ~~and decision of the medical examiners may be entered without~~  
16 ~~the taking of testimony or presentation of evidence.--At~~  
17 ~~reasonable intervals, a physician shall be afforded an~~  
18 ~~opportunity to demonstrate that the physician can resume the~~  
19 ~~competent practice of medicine with reasonable skill and~~  
20 ~~safety to patients.~~ Failure of a physician to submit to a  
21 board-ordered examination or screening is grounds for  
22 disciplinary action for failure to comply with an order of the  
23 board.

24 Sec. 13. Section 154.6, Code 2001, is amended to read as  
25 follows:

26 154.6 EXPIRATION AND RENEWAL OF LICENSES.

27 Every license to practice optometry shall expire in  
28 multiyear intervals as determined by the board. Application  
29 for renewal of such license shall be made in writing to the  
30 Iowa department of public health at least thirty days prior to  
31 the expiration date, accompanied by the required renewal fee  
32 and ~~the affidavit of the licensee or other proof satisfactory~~  
33 ~~to the department and to the Iowa state board of optometry~~  
34 ~~examiners, that the applicant has annually attended, since the~~  
35 ~~issuance of the last license to the applicant, an educational~~

1 program or clinic as conducted by the Iowa Optometric  
 2 Association, or its equivalent, for a period of at least two  
 3 days. The attendance requirement at the educational program  
 4 or clinic shall not be conditioned upon membership in the Iowa  
 5 Optometric Association. Nonmembers shall be admitted to the  
 6 annual educational program or clinic upon payment of their pro  
 7 rata share of the cost. In lieu of attendance at the annual  
 8 educational program or clinic, it shall be the duty of the  
 9 board of optometry examiners to recognize and approve  
 10 attendance at local optometric study group meetings as shall  
 11 in the judgment of the board constitute an equivalent to  
 12 attendance at the annual educational program of the  
 13 association the licensee shall submit evidence of attendance  
 14 of continuing education in this field.

15 Sec. 14. Section 154.7, Code 2001, is amended to read as  
 16 follows:

17 154.7 NOTICE OF EXPIRATION.

18 Notice of expiration of the license to practice optometry  
 19 shall be given by the Iowa department of public health to all  
 20 certificate holders by mailing the notice to the last known  
 21 address of such licensee at least ~~seventy-five~~ sixty days  
 22 prior to the expiration date, and the notice shall contain a  
 23 statement of the educational program attendance requirement  
 24 and the amount of legal fee required as a condition to the  
 25 renewal of the license. Subject to the provisions of this  
 26 chapter, the license shall be renewed without examination.

27 Sec. 15. Section 154A.14, Code 2001, is amended to read as  
 28 follows:

29 154A.14 RECIPROCITY.

30 If the board determines that another state or jurisdiction  
 31 has requirements equivalent to or higher than those provided  
 32 in this chapter, the department may issue a license by  
 33 reciprocity to applicants who hold valid certificates or  
 34 licenses to ~~deal in~~ dispense and fit hearing aids in the other  
 35 state or jurisdiction. An applicant for a license by

1 reciprocity is not required to take a qualifying examination,  
2 but is required to pay the license fee as provided in section  
3 154A.17. The holder of a license of reciprocity is registered  
4 in the same manner as the holder of a regular license. Fees,  
5 grounds for renewal, and procedures for the suspension and  
6 revocation of license by reciprocity are the same as for a  
7 regular license.

8 Sec. 16. Section 158.9, unnumbered paragraph 3, Code 2001,  
9 is amended by striking the unnumbered paragraph.

10 Sec. 17. Section 714.16, subsection 1, paragraph e, Code  
11 2001, is amended to read as follows:

12 e. "Contaminant" means any particulate, chemical,  
13 microbiological, or radiological substance in water which has  
14 a potentially adverse health effect and for which a maximum  
15 contaminant level (MCL) or treatment technique requirement or  
16 an action level established in lieu of a maximum contaminant  
17 level (MCL), has been specified in the national primary  
18 drinking water regulations.

19 Sec. 18. Section 714.16, subsection 2, paragraph h,  
20 subparagraph (3), subparagraph subdivision (c), Code 2001, is  
21 amended to read as follows:

22 (c) Performance and test data including, but not limited  
23 to, the list of contaminants certified to be reduced by the  
24 water treatment system; the test influent concentration level  
25 of each contaminant or surrogate for that contaminant; the  
26 percentage reduction or effluent concentration of each  
27 contaminant or surrogate; where applicable, the maximum  
28 contaminant level (MCL) or a treatment technique requirement  
29 or an action level established in lieu of a maximum  
30 contaminant level (MCL) specified in the national primary  
31 drinking water regulations; where applicable, the approximate  
32 capacity in gallons; where applicable, the period of time  
33 during which the unit is effective in reducing contaminants  
34 based upon the contaminant or surrogate influent  
35 concentrations used for the performance tests; where

1 applicable, the flow rate, pressure, and operational  
2 temperature of the water during the performance tests.

3 Sec. 19. Section 158.11, Code 2001, is repealed.

4 Sec. 20. Sections 154A.1, 154A.2, 154A.4, 154A.9, 154A.13,  
5 154A.18, 154A.19, 154A.20, 154A.21, 154A.23, 154A.24, and  
6 154A.25, Code 2001, are amended by striking the word "dealer"  
7 or "dealers" and inserting the word "dispenser" or  
8 "dispensers".

9 EXPLANATION

10 This bill makes several technical and corrective changes  
11 relating to the administration of programs under the purview  
12 of the Iowa department of public health and related health  
13 professional licensing and regulatory boards.

14 The bill provides for the designation of gamma-  
15 hydroxybutyric acid (GHB) as a controlled substance. The bill  
16 provides that the director of the Iowa department of public  
17 health may provide a per diem to public members serving on ad  
18 hoc advisory boards. The bill provides for the addition of a  
19 penalty provision for a person regulated pursuant to the lead  
20 hazard notification process under Code section 135.105C. The  
21 bill provides that the regulation of spas does not apply to  
22 facilities utilized exclusively for supervised medical  
23 purposes. The bill provides that the Iowa department of  
24 public health may retain fees established and collected by the  
25 department relating to administering Code chapter 135I  
26 governing swimming pools and spas.

27 The bill provides for the addition of registered nurse and  
28 licensed practical nurse profession titles to the list of  
29 titles protected pursuant to Code section 147.74. The bill  
30 provides for the ability of the Iowa department of public  
31 health to provide certain health professional licensure  
32 information electronically. The bill provides for the  
33 establishment of a competency evaluation process for the Iowa  
34 board of medical examiners.

35 The bill eliminates specific provisions regarding the

1 continuing education requirements for optometry, and provides  
2 that the preexpiration notice deadline shall be changed from  
3 75 days to 60 days for individuals licensed to practice  
4 optometry. The bill provides for the substitution of the term  
5 hearing aid "dispenser" for the term "dealer" throughout Code  
6 chapter 154A.

7 The bill provides for changes to the regulation of potable  
8 water purification systems. The bill provides for the  
9 elimination of outdated provisions regarding the licensure of  
10 barber assistants.

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Substitutes for HF 649  
4-10-01  
(P. 1142)

FILED MAR 13 2001

SENATE FILE 433  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SSB 1214)

(P. 838)  
Passed Senate, Date 3-27-01 Passed House, (P. 1141) Date 4-10-01  
Vote: Ayes 48 Nays 0 Vote: Ayes 97 Nays 0  
Approved April 23, 2001  
(P. 1128) Passed 4-16-01  
vote 49-0

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

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SF 433

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4 or other names: GHB; gamma-hydroxybutyrate; 4-  
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6 sodium oxybutyrate.

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24 the department. A majority of the members of such a committee  
25 constitutes a quorum.

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29 subject to a civil penalty not to exceed five thousand dollars  
30 for each offense.

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1 ~~supervision-of-qualified-medical-personnel-~~

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4 135I.2 APPLICABILITY.

5 This chapter applies to all swimming pools and spas owned  
6 or operated by local or state government, or commercial  
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9 school corporations, hotels, motels, camps, apartments,  
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11 not apply to facilities intended for single family use or to a  
12 swimming pool or spa operated by a homeowners' association  
13 representing seventy-two or fewer dwelling units if the  
14 association's bylaws, which also apply to a rental agreement  
15 relative to any of the dwelling units, include an exemption  
16 from the requirements of this chapter, provide for inspection  
17 of the swimming pool or spa by an entity other than the  
18 department or local board of health, and assume any liability  
19 associated with operation of the swimming pool or spa. This  
20 chapter does not apply to a swimming pool or spa used  
21 exclusively for therapy under the direct supervision of  
22 qualified medical personnel. To avoid duplication and promote  
23 coordination of inspection activities, the department may  
24 enter into agreements pursuant to chapter 28E with a local  
25 board of health to provide for inspection and enforcement in  
26 accordance with this chapter.

27 Sec. 7. Section 135I.4, subsection 4, Code 2001, is  
28 amended to read as follows:

29 4. Establish and collect fees to defray the cost of  
30 administering this chapter. It is the intent of the general  
31 assembly that fees collected under this chapter be retained by  
32 the department and used to defray the cost of administering  
33 this chapter. However, the portion of fees needed to defray  
34 the costs of a local board of health in implementing this  
35 chapter shall be established by the local board of health. A

1 fee imposed for the inspection of a swimming pool or spa shall  
2 not be collected until the inspection has actually been  
3 performed.

4 Sec. 8. Section 147.74, Code 2001, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 20A. A registered nurse licensed under  
7 chapter 152 may use the words "registered nurse" or the  
8 letters "R.N." after the person's name. A licensed practical  
9 nurse licensed under chapter 152 may use the words "licensed  
10 practical nurse" or the letters "L.P.N." after the person's  
11 name.

12 Sec. 9. Section 147.80, subsection 16, Code 2001, is  
13 amended to read as follows:

14 16. License to practice barbering on the basis of an  
15 examination given by the board of barber examiners, license to  
16 practice barbering under a reciprocal agreement, renewal of a  
17 license to practice barbering, annual inspection by the  
18 department of inspections and appeals of barber school and  
19 annual inspection of barber shop, an original barber school  
20 license, renewal of a barber school license, transfer of  
21 license upon change of ownership of a barber shop or barber  
22 school, inspection by the department of inspections and  
23 appeals and an original barber shop license, renewal of a  
24 barber shop license, original barber school instructor's  
25 license, renewal of a barber school instructor's license,  
26 ~~original-barber-assistant's-license, renewal-of-a-barber~~  
27 ~~assistant's-license.~~

28 Sec. 10. Section 147.91, Code 2001, is amended to read as  
29 follows:

30 147.91 PUBLICATIONS.

31 The department shall have ~~printed-in-pamphlet-form~~  
32 available for each profession the following ~~matter-which-is~~  
33 ~~pertinent-to-the-particular-profession-for-which-such-pamphlet~~  
34 is-published information:

35 1. The law regulating the practice of the profession.

1 2. The rules of the Iowa department of public health and  
2 the department of inspections and appeals relative to  
3 licenses.

4 3. The rules of the examining board relative to  
5 examinations.

6 Such pamphlet information shall be supplied to any person  
7 applying for the same. The department may, to the extent  
8 feasible, make the information described in this section  
9 available by electronic means, including, but not limited to,  
10 access to the documents through the internet.

11 Sec. 11. Section 147A.8, subsection 2, paragraph d, Code  
12 2001, is amended to read as follows:

13 d. Employed by or assigned to a hospital or other entity  
14 in which health care is ordinarily provided only when under  
15 the direct supervision of a physician, as a member of an  
16 authorized ambulance, rescue, or first response service, or in  
17 an individual capacity, to perform nonlifesaving procedures  
18 for which those individuals have been trained certified and  
19 are designated in a written job description. Such procedures  
20 may be performed after the patient is observed by and when the  
21 emergency medical care provider is under the supervision of  
22 the physician, physician assistant, or registered nurse,  
23 including when the registered nurse is not acting in the  
24 capacity of a physician designee, and where the procedure may  
25 be immediately abandoned without risk to the patient.

26 Sec. 12. Section 154.6, Code 2001, is amended to read as  
27 follows:

28 154.6 EXPIRATION AND RENEWAL OF LICENSES.

29 Every license to practice optometry shall expire in  
30 multiyear intervals as determined by the board. Application  
31 for renewal of such license shall be made in writing to the  
32 Iowa department of public health at least thirty days prior to  
33 the expiration date, accompanied by the required renewal fee  
34 and ~~the affidavit of the licensee or other proof satisfactory~~  
35 ~~to the department and to the Iowa state board of optometry~~

1 examiners, that the applicant has annually attended, since the  
2 issuance of the last license to the applicant, an educational  
3 program or clinic as conducted by the Iowa Optometric  
4 Association, or its equivalent, for a period of at least two  
5 days. The attendance requirement at the educational program  
6 or clinic shall not be conditioned upon membership in the Iowa  
7 Optometric Association. Nonmembers shall be admitted to the  
8 annual educational program or clinic upon payment of their pro  
9 rata share of the cost. In lieu of attendance at the annual  
10 educational program or clinic, it shall be the duty of the  
11 board of optometry examiners to recognize and approve  
12 attendance at local optometric study group meetings as shall,  
13 in the judgment of the board, constitute an equivalent to  
14 attendance at the annual educational program of the  
15 association the licensee shall submit evidence of attendance  
16 of continuing education in this field.

17 Sec. 13. Section 154.7, Code 2001, is amended to read as  
18 follows:

19 154.7 NOTICE OF EXPIRATION.

20 Notice of expiration of the license to practice optometry  
21 shall be given by the Iowa department of public health to all  
22 certificate holders by mailing the notice to the last known  
23 address of such licensee at least ~~seventy-five~~ sixty days  
24 prior to the expiration date, and the notice shall contain a  
25 statement of the educational program attendance requirement  
26 and the amount of legal fee required as a condition to the  
27 renewal of the license. Subject to the provisions of this  
28 chapter, the license shall be renewed without examination.

29 Sec. 14. Section 154A.14, Code 2001, is amended to read as  
30 follows:

31 154A.14 RECIPROCITY.

32 If the board determines that another state or jurisdiction  
33 has requirements equivalent to or higher than those provided  
34 in this chapter, the department may issue a license by  
35 reciprocity to applicants who hold valid certificates or

1 licenses to ~~deal-in~~ dispense and fit hearing aids in the other  
2 state or jurisdiction. An applicant for a license by  
3 reciprocity is not required to take a qualifying examination,  
4 but is required to pay the license fee as provided in section  
5 154A.17. The holder of a license of reciprocity is registered  
6 in the same manner as the holder of a regular license. Fees,  
7 grounds for renewal, and procedures for the suspension and  
8 revocation of license by reciprocity are the same as for a  
9 regular license.

10 Sec. 15. Section 158.9, unnumbered paragraph 3, Code 2001,  
11 is amended by striking the unnumbered paragraph.

12 Sec. 16. Section 714.16, subsection 1, paragraph e, Code  
13 2001, is amended to read as follows:

14 e. "Contaminant" means any particulate, chemical,  
15 microbiological, or radiological substance in water which has  
16 a potentially adverse health effect and for which a maximum  
17 contaminant level (MCL) or treatment technique requirement or  
18 an action level established in lieu of a maximum contaminant  
19 level (MCL), has been specified in the national primary  
20 drinking water regulations.

21 Sec. 17. Section 714.16, subsection 2, paragraph h,  
22 subparagraph (3), subparagraph subdivision (c), Code 2001, is  
23 amended to read as follows:

24 (c) Performance and test data including, but not limited  
25 to, the list of contaminants certified to be reduced by the  
26 water treatment system; the test influent concentration level  
27 of each contaminant or surrogate for that contaminant; the  
28 percentage reduction or effluent concentration of each  
29 contaminant or surrogate; where applicable, the maximum  
30 contaminant level (MCL) or a treatment technique requirement  
31 or an action level established in lieu of a maximum  
32 contaminant level (MCL) specified in the national primary  
33 drinking water regulations; where applicable, the approximate  
34 capacity in gallons; where applicable, the period of time  
35 during which the unit is effective in reducing contaminants

1 based upon the contaminant or surrogate influent  
2 concentrations used for the performance tests; where  
3 applicable, the flow rate, pressure, and operational  
4 temperature of the water during the performance tests.

5 Sec. 18. Section 158.11, Code 2001, is repealed.

6 Sec. 19. Sections 154A.1, 154A.2, 154A.4, 154A.9, 154A.13,  
7 154A.18, 154A.19, 154A.20, 154A.21, 154A.23, 154A.24, and  
8 154A.25, Code 2001, are amended by striking the word "dealer"  
9 or "dealers" and inserting the word "dispenser" or  
10 "dispensers".

11

#### EXPLANATION

12 This bill makes several technical and corrective changes  
13 relating to the administration of programs under the purview  
14 of the Iowa department of public health and related health  
15 professional licensing and regulatory boards.

16 The bill provides for the designation of gamma-  
17 hydroxybutyric acid (GHB) as a controlled substance. The bill  
18 provides that the director of the Iowa department of public  
19 health may provide a per diem to public members serving on ad  
20 hoc advisory boards. The bill provides for the addition of a  
21 penalty provision for a person regulated pursuant to the lead  
22 hazard notification process under Code section 135.105C. The  
23 bill provides that the regulation of spas does not apply to  
24 facilities utilized exclusively for supervised medical  
25 purposes. The bill provides that the Iowa department of  
26 public health may retain fees established and collected by the  
27 department relating to administering Code chapter 135I  
28 governing swimming pools and spas.

29 The bill provides for the addition of registered nurse and  
30 licensed practical nurse professional titles to the list of  
31 titles protected pursuant to Code section 147.74. The bill  
32 provides for the ability of the Iowa department of public  
33 health to provide certain health professional licensure  
34 information electronically.

35 The bill eliminates specific provisions regarding the

1 continuing education requirements for optometry, and provides  
2 that the preexpiration notice deadline shall be changed from  
3 75 days to 60 days for individuals licensed to practice  
4 optometry. The bill provides for the substitution of the term  
5 hearing aid "dispenser" for the term "dealer" throughout Code  
6 chapter 154A.

7 The bill provides for changes to the regulation of potable  
8 water purification systems. The bill provides for the  
9 elimination of outdated provisions regarding the licensure of  
10 barber assistants.

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SENATE FILE 433

H-1364

- 1 Amend Senate File 433, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 2, line 27, through page 3,
- 4 line 3.
- 5 2. By renumbering as necessary.

By BRUNKHORST of Bremer

H-1364 FILED MARCH 28, 2001

*Adopted*  
4-10-01 (p. 1140)

HOUSE AMENDMENT TO  
SENATE FILE 433

S-3336

- 1 Amend Senate File 433, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 2, line 27, through page 3,
- 4 line 3.
- 5 2. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3336 FILED APRIL 10, 2001

*Senate Concurred*  
4-16-01 (p. 1128)

**SENATE FILE 433  
FISCAL NOTE**

A fiscal note for **Senate File 433** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 433 provides for the designation of gamma hydroxybutyric acid (GHB) as a controlled substance, allows the Director of the Iowa Department of Public Health to provide a per diem to public members serving on ad hoc advisory boards, and for the addition of a penalty provision relating to the lead hazard notification process under Section 135.105C, Code of Iowa. Senate File 433 also makes technical and corrective changes to the administration of programs under the purview of the Department of Public Health and related professional health licensing and regulatory boards.

**ASSUMPTIONS**

1. Currently the Department of Public Health collects fees for registration of pools and spas, review of plans of new or remodeled pools and spas, and for training provided to operators of pools and spas. Fees collected by the Department vary from year to year. Based on an average of fees collected over the last three fiscal years, the Department may expect to collect approximately \$99,000 annually.
2. Currently fees collected are deposited into the General Fund. The purposed legislation would allow the Department to retain the fees collected rather than depositing them into the General Fund.

**FISCAL IMPACT**

Senate File 433 is expected to reduce revenues to the General Fund by approximately \$99,000 annually.

**SOURCE**

Iowa Department of Public Health

(LSB 1231SV, RIT)

FILED MARCH 20, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 433

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 124.204, subsection 5, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Gamma-hydroxybutyric acid. Some trade or other names: GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate.

Sec. 2. Section 124.208, subsection 3, Code 2001, is amended by adding the following new paragraph:

NEW PARAGRAPH. m. Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under section 505 of the federal Food, Drug, and Cosmetic Act.

Sec. 3. Section 135.11, subsection 25, Code 2001, is amended to read as follows:

25. Establish ad hoc and advisory committees to the director in areas where technical expertise is not otherwise readily available. Members may be compensated for their actual and necessary expenses incurred in the performance of their duties. To encourage health consumer participation, public members may also receive a per diem as specified in section 7E.6 if funds are available and the per diem is determined to be appropriate by the director. Expense moneys paid to the members shall be paid from funds appropriated to the department. A majority of the members of such a committee constitutes a quorum.

Sec. 4. Section 135.105C, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person who violates this section is subject to a civil penalty not to exceed five thousand dollars for each offense.

Sec. 5. Section 135I.1, subsection 3, Code 2001, is amended to read as follows:

3. "Spa" means a bathing facility such as a hot tub or whirlpool designed for recreational or therapeutic use. ~~However, "spa" does not include a facility used under direct supervision of qualified medical personnel.~~

Sec. 6. Section 135I.2, Code 2001, is amended to read as follows:

135I.2 APPLICABILITY.

This chapter applies to all swimming pools and spas owned or operated by local or state government, or commercial interests or private entities including, but not limited to, facilities operated by cities, counties, public or private school corporations, hotels, motels, camps, apartments, condominiums, and health or country clubs. This chapter does not apply to facilities intended for single family use or to a swimming pool or spa operated by a homeowners' association representing seventy-two or fewer dwelling units if the association's bylaws, which also apply to a rental agreement relative to any of the dwelling units, include an exemption from the requirements of this chapter, provide for inspection of the swimming pool or spa by an entity other than the department or local board of health, and assume any liability associated with operation of the swimming pool or spa. This chapter does not apply to a swimming pool or spa used exclusively for therapy under the direct supervision of qualified medical personnel. To avoid duplication and promote coordination of inspection activities, the department may enter into agreements pursuant to chapter 28E with a local board of health to provide for inspection and enforcement in accordance with this chapter.

Sec. 7. Section 147.74, Code 2001, is amended by adding the following new subsection:

NEW SUBSECTION. 20A. A registered nurse licensed under chapter 152 may use the words "registered nurse" or the letters "R.N." after the person's name. A licensed practical nurse licensed under chapter 152 may use the words "licensed practical nurse" or the letters "L.P.N." after the person's name.

Sec. 8. Section 147.80, subsection 16, Code 2001, is amended to read as follows:

16. License to practice barbering on the basis of an examination given by the board of barber examiners, license to practice barbering under a reciprocal agreement, renewal of a license to practice barbering, annual inspection by the department of inspections and appeals of barber school and annual inspection of barber shop, an original barber school license, renewal of a barber school license, transfer of license upon change of ownership of a barber shop or barber school, inspection by the department of inspections and appeals and an original barber shop license, renewal of a barber shop license, original barber school instructor's license, renewal of a barber school instructor's license, ~~original-barber-assistant's-license-renewal-of-a-barber-assistant's-license.~~

Sec. 9. Section 147.91, Code 2001, is amended to read as follows:

147.91 PUBLICATIONS.

The department shall have ~~printed-in-pamphlet-form~~ available for each profession the following ~~matter-which-is-pertinent-to-the-particular-profession-for-which-such-pamphlet-is-published~~ information:

1. The law regulating the practice of the profession.
2. The rules of the Iowa department of public health and the department of inspections and appeals relative to licenses.

3. The rules of the examining board relative to examinations.

Such pamphlet information shall be supplied to any person applying for the same. The department may, to the extent feasible, make the information described in this section available by electronic means, including, but not limited to, access to the documents through the internet.

Sec. 10. Section 147A.8, subsection 2, paragraph d, Code 2001, is amended to read as follows:

d. Employed by or assigned to a hospital or other entity in which health care is ordinarily provided only when under the direct supervision of a physician, as a member of an authorized ambulance, rescue, or first response service, or in an individual capacity, to perform nonlifesaving procedures for which those individuals have been trained certified and are designated in a written job description. Such procedures may be performed after the patient is observed by and when the emergency medical care provider is under the supervision of the physician, physician assistant, or registered nurse, including when the registered nurse is not acting in the capacity of a physician designee, and where the procedure may be immediately abandoned without risk to the patient.

Sec. 11. Section 154.6, Code 2001, is amended to read as follows:

154.6 EXPIRATION AND RENEWAL OF LICENSES.

Every license to practice optometry shall expire in multiyear intervals as determined by the board. Application for renewal of such license shall be made in writing to the Iowa department of public health at least thirty days prior to the expiration date, accompanied by the required renewal fee and the ~~affidavit-of-the-licensee-or-other-proof-satisfactory-to-the-department-and-to-the-iowa-state-board-of-optometry-examiners,-that-the-applicant-has-annually-attended,-since-the-issuance-of-the-last-license-to-the-applicant,-an-educational-program-or-clinic-as-conducted-by-the-iowa-Optometric~~

~~Association or its equivalent for a period of at least two days. The attendance requirement at the educational program or clinic shall not be conditioned upon membership in the Iowa Optometric Association. Nonmembers shall be admitted to the annual educational program or clinic upon payment of their pro rata share of the cost. In lieu of attendance at the annual educational program or clinic, it shall be the duty of the board of optometry examiners to recognize and approve attendance at local optometric study group meetings as shall, in the judgment of the board, constitute an equivalent to attendance at the annual educational program of the association. The licensee shall submit evidence of attendance of continuing education in this field.~~

Sec. 12. Section 154.7, Code 2001, is amended to read as follows:

154.7 NOTICE OF EXPIRATION.

Notice of expiration of the license to practice optometry shall be given by the Iowa department of public health to all certificate holders by mailing the notice to the last known address of such licensee at least ~~seventy-five~~ sixty days prior to the expiration date, and the notice shall contain a statement of the educational program attendance requirement and the amount of legal fee required as a condition to the renewal of the license. Subject to the provisions of this chapter, the license shall be renewed without examination.

Sec. 13. Section 154A.14, Code 2001, is amended to read as follows:

154A.14 RECIPROCITY.

If the board determines that another state or jurisdiction has requirements equivalent to or higher than those provided in this chapter, the department may issue a license by reciprocity to applicants who hold valid certificates or licenses to ~~deaf-in~~ dispense and fit hearing aids in the other state or jurisdiction. An applicant for a license by reciprocity is not required to take a qualifying examination,

but is required to pay the license fee as provided in section 154A.17. The holder of a license of reciprocity is registered in the same manner as the holder of a regular license. Fees, grounds for renewal, and procedures for the suspension and revocation of license by reciprocity are the same as for a regular license.

Sec. 14. Section 158.9, unnumbered paragraph 3, Code 2001, is amended by striking the unnumbered paragraph.

Sec. 15. Section 714.16, subsection 1, paragraph e, Code 2001, is amended to read as follows:

e. "Contaminant" means any particulate, chemical, microbiological, or radiological substance in water which has a potentially adverse health effect and for which a maximum contaminant level (MCL) or treatment technique requirement or an action level established in lieu of a maximum contaminant level (MCL), has been specified in the national primary drinking water regulations.

Sec. 16. Section 714.16, subsection 2, paragraph h, subparagraph (3), subparagraph subdivision (c), Code 2001, is amended to read as follows:

(c) Performance and test data including, but not limited to, the list of contaminants certified to be reduced by the water treatment system; the test influent concentration level of each contaminant or surrogate for that contaminant; the percentage reduction or effluent concentration of each contaminant or surrogate; where applicable, the maximum contaminant level (MCL) or a treatment technique requirement or an action level established in lieu of a maximum contaminant level (MCL) specified in the national primary drinking water regulations; where applicable, the approximate capacity in gallons; where applicable, the period of time during which the unit is effective in reducing contaminants based upon the contaminant or surrogate influent concentrations used for the performance tests; where applicable, the flow rate, pressure, and operational temperature of the water during the performance tests.

Sec. 17. Section 158.11, Code 2001, is repealed.

Sec. 18. Sections 154A.1, 154A.2, 154A.4, 154A.9, 154A.13, 154A.18, 154A.19, 154A.20, 154A.21, 154A.23, 154A.24, and 154A.25, Code 2001, are amended by striking the word "dealer" or "dealers" and inserting the word "dispenser" or "dispensers".

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 433, Seventy-ninth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved April 23, 2001

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THOMAS J. VILSACK  
Governor