

FILED FEB 28 2006

SENATE FILE 2295
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 3084)

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

A BILL FOR

1 An Act providing for various technical and substantive changes
2 relating to health licensing and related public health
3 matters.

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

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SF 2295

1 Section 1. Section 135.22A, subsection 3, Code Supplement
2 2005, is amended to read as follows:

3 3. The council shall be composed of a minimum of nine
4 members appointed by the governor in addition to the ex
5 officio members, and the governor may appoint additional
6 members. Insofar as practicable, the council shall include
7 persons with brain injuries, family members of persons with
8 brain injuries, representatives of industry, labor, business,
9 and agriculture, representatives of federal, state, and local
10 government, and representatives of religious, charitable,
11 fraternal, civic, educational, medical, legal, veteran,
12 welfare, and other professional groups and organizations.
13 Members shall be appointed representing every geographic and
14 employment area of the state and shall include members of both
15 sexes. A simple majority of the members appointed by the
16 governor shall constitute a quorum.

17 Sec. 2. Section 135.109, subsection 3, paragraph b, Code
18 2005, is amended to read as follows:

19 b. A licensed physician or nurse who is knowledgeable
20 concerning domestic abuse injuries and deaths, including
21 suicides.

22 Sec. 3. Section 135.109, subsection 4, Code 2005, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. j. The director of the state law
25 enforcement academy.

26 Sec. 4. Section 135.110, subsection 1, paragraph a,
27 unnumbered paragraph 1, Code 2005, is amended to read as
28 follows:

29 Prepare ~~an-annual~~ a biennial report for the governor,
30 supreme court, attorney general, and the general assembly
31 concerning the following subjects:

32 Sec. 5. Section 137.6, subsection 2, paragraph a, Code
33 2005, is amended to read as follows:

34 a. Rules of a county board shall become effective upon
35 approval by the county board of supervisors by a motion or

1 resolution as defined in section 331.101, subsection 13, and
2 publication in a newspaper having general circulation in the
3 county.

4 Sec. 6. Section 147.153, subsection 3, Code 2005, is
5 amended to read as follows:

6 3. Pass an examination administered as determined by the
7 ~~board to assure the applicant's professional competence in~~
8 ~~speech pathology or audiology~~ by rule.

9 Sec. 7. Section 147.155, Code 2005, is amended to read as
10 follows:

11 147.155 TEMPORARY CLINICAL LICENSE.

12 Any person who has fulfilled all of the requirements for
13 licensure under this division, except for having completed the
14 nine months clinical experience requirement as provided in
15 section 147.153, subsection 1 or 2, and the examination as
16 provided in section 147.153, subsection 3, may apply to the
17 board for a temporary clinical license. The license shall be
18 designated "temporary clinical license in speech pathology" or
19 "temporary clinical license in audiology" and shall authorize
20 the licensee to practice speech pathology or audiology under
21 the supervision of a licensed speech pathologist or licensed
22 audiologist, as appropriate. The license shall be valid for
23 one year and may be renewed once at the discretion of the
24 board. The fee for a temporary clinical license shall be set
25 by the board to cover the administrative costs of issuing the
26 license, and if renewed, a renewal fee as set by the board
27 shall be required. A temporary clinical license shall be
28 issued only upon evidence satisfactory to the board that the
29 applicant will be supervised by a person licensed as a speech
30 pathologist or audiologist, as appropriate. ~~The board shall~~
31 ~~revoke any temporary clinical license at any time it~~
32 ~~determines either that the work done by the temporary clinical~~
33 ~~licensee or the supervision being given the temporary clinical~~
34 ~~licensee does not conform to reasonable standards established~~
35 ~~by the board.~~

1 Sec. 8. Section 149.3, Code 2005, is amended to read as
2 follows:

3 149.3 LICENSE.

4 Every applicant for a license to practice podiatry shall:

5 1. Be a graduate of an accredited high school of podiatry.

6 2. Present ~~a diploma~~ an official transcript issued by a
7 school of podiatry approved by the board of podiatry
8 examiners.

9 3. Pass an examination ~~in the subjects of anatomy,~~
10 ~~chemistry, dermatology, diagnosis, pharmacy and materia~~
11 ~~medica, pathology, physiology, histology, bacteriology,~~
12 ~~neurology, practical and clinical podiatry, foot orthopedics,~~
13 ~~and others, as prescribed by the board of podiatry examiners~~
14 as determined by the board by rule.

15 4. Have successfully completed a one-year residency or
16 preceptorship approved by the board of podiatry examiners as
17 determined by the board by rule. This subsection applies to
18 all applicants who graduate from podiatric college on or after
19 January 1, 1995.

20 Sec. 9. Section 149.7, unnumbered paragraph 2, Code 2005,
21 is amended to read as follows:

22 The temporary certificate shall be issued for one year and
23 may be renewed, but a person shall not be entitled to practice
24 podiatry in excess of three years while holding a temporary
25 certificate. The fee for this certificate shall be set by the
26 podiatry examiners and if extended beyond one year a renewal
27 fee per year shall be set by the podiatry examiners. The fees
28 shall be based on the administrative costs of issuing and
29 renewing the certificates. ~~The podiatry examiners may cancel~~
30 ~~a temporary certificate at any time, without a hearing, for~~
31 ~~reasons deemed sufficient to the podiatry examiners.~~

32 Sec. 10. Section 149.7, unnumbered paragraphs 3 and 4,
33 Code 2005, are amended by striking the unnumbered paragraphs.

34 Sec. 11. Section 151.12, Code 2005, is amended to read as
35 follows:

1 151.12 TEMPORARY CERTIFICATE.

2 The chiropractic examiners may, in their discretion, issue
3 a temporary certificate authorizing the licensee to practice
4 chiropractic if, in the opinion of the chiropractic examiners,
5 a need exists and the person possesses the qualifications
6 prescribed by the chiropractic examiners for the license,
7 which shall be substantially equivalent to those required for
8 licensure under this chapter. The chiropractic examiners
9 shall determine in each instance those eligible for this
10 license, whether or not examinations shall be given, and the
11 type of examinations, and the duration of the license. No
12 requirements of the law pertaining to regular permanent
13 licensure are mandatory for this temporary license except as
14 specifically designated by the chiropractic examiners. The
15 granting of a temporary license does not in any way indicate
16 that the person so licensed is eligible for regular licensure,
17 nor are the chiropractic examiners in any way obligated to so
18 license the person.

19 The temporary certificate shall be issued for one year and
20 at the discretion of the chiropractic examiners may be
21 renewed, but a person shall not practice chiropractic in
22 excess of three years while holding a temporary certificate.
23 The fee for this license shall be set by the chiropractic
24 examiners and if extended beyond one year a renewal fee per
25 year shall be set by the chiropractic examiners. The fees fee
26 for the temporary license shall be based on the administrative
27 costs of issuing and-renewing the licenses. ~~The chiropractic~~
28 ~~examiners may cancel a temporary certificate at any time,~~
29 ~~without a hearing, for reasons deemed sufficient to the~~
30 ~~chiropractic examiners.~~

31 ~~When the chiropractic examiners cancel a temporary~~
32 ~~certificate they shall promptly notify the licensee by~~
33 ~~registered mail, at the licensee's last named address, as~~
34 ~~reflected by the files of the chiropractic examiners, and the~~
35 ~~temporary certificate is terminated and of no further force~~

1 ~~and effect three days after the mailing of the notice to the~~
2 ~~licensee.~~

3 Sec. 12. Section 154.3, subsection 1, Code 2005, is
4 amended to read as follows:

5 1. Every applicant for a license to practice optometry
6 shall:

7 a. ~~Present satisfactory evidence of a preliminary~~
8 ~~education equivalent to at least four years study in an~~
9 ~~accredited high school or other secondary school.~~ Be a
10 graduate of an accredited school of optometry.

11 b. Present a diploma from an official transcript issued by
12 an accredited school of optometry.

13 c. Pass an examination ~~prescribed by the optometry~~
14 ~~examiners in the subjects of physiology of the eye, optical~~
15 ~~physics, anatomy of the eye, ophthalmology, and practical~~
16 ~~optometry~~ as determined by the board by rule.

17 Sec. 13. Section 154B.6, subsection 3, Code 2005, is
18 amended to read as follows:

19 3. Have not failed the examination required in subsection
20 2 within ~~the six months next~~ sixty days preceding the date of
21 the subsequent examination.

22 The examinations required in this section may, at the
23 discretion of the board, be waived for holders by examination
24 of licenses or certificates from states whose requirements are
25 substantially equivalent to those of this chapter, and for
26 holders by examination of specialty diplomas from the American
27 board of professional psychology.

28 ~~Any person who within one year after July 1, 1975, meets~~
29 ~~the requirements specified in subsection 1 shall receive~~
30 ~~licensure without having passed the examination required in~~
31 ~~subsection 2 if application for licensure is filed with the~~
32 ~~board of psychology examiners before July 1, 1977.~~ ~~Any person~~
33 ~~holding a certificate as a psychologist from the board of~~
34 ~~examiners of the Iowa psychological association on July 1,~~
35 ~~1977, who applies for certification before July 1, 1975, shall~~

1 ~~receive-certification.~~

2 Sec. 14. Section 154D.2, subsection 2, paragraph b, Code
3 Supplement 2005, is amended to read as follows:

4 b. Has at least two years of supervised clinical
5 experience or its equivalent in assessing mental health needs
6 and problems and in providing appropriate mental health
7 services as approved by the board. Standards for supervision,
8 including the required qualifications for supervisors, shall
9 be determined by the board by rule.

10 Sec. 15. Section 157.2, subsection 1, paragraph e, Code
11 Supplement 2005, is amended to read as follows:

12 e. Employees ~~and-residents~~ of hospitals, health care
13 facilities, orphans' homes, juvenile homes, and other similar
14 facilities who ~~shampoo, arrange, dress, or curl the hair of~~
15 perform cosmetology services for any resident without
16 receiving direct compensation from the person receiving the
17 service.

18 Sec. 16. Section 157.2, subsection 1, Code Supplement
19 2005, is amended by adding the following new paragraph:

20 NEW PARAGRAPH. ee. Volunteers for and residents of health
21 care facilities, orphans' homes, juvenile homes, and other
22 similar facilities who shampoo, arrange, dress, or curl the
23 hair, apply makeup, or polish the nails of any resident
24 without receiving compensation from the person receiving the
25 service.

26 Sec. 17. Section 157.10, subsection 1, Code 2005, is
27 amended to read as follows:

28 1. The course of study required for licensure for the
29 practice of cosmetology shall be two thousand one hundred
30 clock hours, or seventy semester credit hours or the
31 equivalent thereof as determined pursuant to administrative
32 rule and regulations promulgated by the United States
33 department of education. The clock hours, and equivalent
34 number of semester credit hours or the equivalent thereof as
35 determined pursuant to administrative rule and regulations

1 promulgated by the United States department of education, of a
2 course of study required for licensure for the practices of
3 electrology, esthetics, and nail technology, manicuring, and
4 pedicuring shall be established by the board. The board shall
5 adopt rules to define the course and content of study for each
6 practice of cosmetology arts and sciences.

7 Sec. 18. Section 157.5A, Code 2005, is repealed.

8 EXPLANATION

9 This bill makes several changes and modifications to
10 provisions relating to various health licensing and public
11 health matters.

12 The bill specifies a quorum requirement of a simple
13 majority of the members appointed by the governor for the
14 brain injury advisory council. With regard to the domestic
15 abuse death review team, the bill adds to the team, as an
16 alternative to the current designation of a licensed physician
17 who is knowledgeable concerning domestic abuse injuries and
18 deaths, including suicides, the designation of a nurse. Also,
19 the bill adds the director of the state law enforcement
20 academy to the list of individuals who are responsible for
21 designating a liaison to assist the team in fulfilling its
22 duties.

23 Further, the domestic abuse death review team report shall
24 be required on a biennial basis, as opposed to the current
25 annual requirement.

26 The bill provides for a technical clarification regarding
27 the enactment of rules by motion or resolution by local boards
28 of health, provides for the determination of an examination
29 requirement by the speech pathology and audiology board by
30 rule, and deletes a provision permitting revocation of a
31 temporary clinical license for speech pathology and audiology
32 by the board when determined not to conform to reasonable
33 standards established by the board.

34 With regard to the board of podiatry examiners, the bill
35 makes changes relating to qualification for a license,

1 providing that an applicant be a graduate of an accredited
2 school of podiatry rather than an accredited high school,
3 providing that an official transcript be presented rather than
4 a diploma, providing the requirements of a licensing
5 examination be determined by the board by rule, and providing
6 that the board will determine residency requirements by rule.
7 Additionally, the bill deletes provisions regarding revocation
8 or expiration of a temporary certificate to practice podiatry
9 by the board under specified circumstances involving lack of a
10 hearing and decision making entirely in the board's
11 discretion.

12 Concerning actions of the board of chiropractic examiners,
13 the bill provides that the board shall determine the duration
14 of a temporary certificate regarding the practice of
15 chiropractic, makes technical changes such as changing the
16 word "fees" to "fee", and again deletes provisions similar to
17 earlier portions of the bill regarding revocation of a
18 temporary certificate by the board under specified
19 circumstances.

20 The bill provides that the permissible time interval
21 between examinations administered by the board of psychology
22 examiners shall be shortened from six months to 60 days, and
23 deletes outdated psychology license requirement language tied
24 to the 1970s. With regard to the board of behavioral science
25 examiners, the bill provides that a requirement for licensure
26 of at least two years of supervised clinical experience in
27 assessing mental health needs and problems and providing
28 appropriate mental health services shall be broadened to
29 include the equivalent of such experience. The bill specifies
30 that an applicant for license as an optometrist must be a
31 graduate of an accredited school of optometry, rather than
32 possessing an education equivalent of at least four years of
33 study in an accredited high school or other secondary school
34 as currently required. Also, an official transcript rather
35 than a diploma must be presented from an accredited school of

1 optometry, and the optometry examination shall be as
2 determined by the board by rule.

3 Relating to cosmetology, the bill expands basic cosmetology
4 services that can be provided by persons not licensed by the
5 cosmetology board and employed by hospitals, health care
6 facilities, juvenile homes, and similar facilities, and also
7 lists services that can be provided by volunteers for and
8 residents of such facilities. The bill additionally provides
9 that the number of hours of study required for licensure for
10 the practice of specified cosmetology services shall be
11 expanded to include manicuring and pedicuring, and deletes a
12 separate provision regarding license requirements for
13 manicurists.

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SENATE FILE 2295

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1 Amend Senate File 2295 as follows:

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

4 "Section 1. Section 135.2, Code 2005, is amended
5 to read as follows:

6 135.2 APPOINTMENT OF DIRECTOR AND ACTING DIRECTOR.

7 1. a. The governor shall appoint the director of
8 the department, subject to confirmation by the senate.

9 The director shall serve at the pleasure of the
10 governor. The director is exempt from the merit
11 system provisions of chapter 8A, subchapter IV. The
12 governor shall set the salary of the director within
13 the range established by the general assembly.

14 b. The director shall possess education and
15 experience in public health.

16 2. The director may appoint an employee of the
17 department to be acting director, who shall have all
18 the powers and duties possessed by the director. The
19 director may appoint more than one acting director but
20 only one acting director shall exercise the powers and
21 duties of the director at any time.

22 Sec. 2. NEW SECTION. 135.12 OFFICE OF
23 MULTICULTURAL HEALTH -- ESTABLISHED -- DUTIES.

24 The office of multicultural health is established
25 within the department. The office shall be
26 responsible for all of the following:

27 1. Providing comprehensive management strategies
28 to address culturally and linguistically appropriate
29 services, including strategic goals, plans, policies,
30 and procedures, and designating staff responsible for
31 implementation.

32 2. Requiring and arranging for ongoing education
33 and training for administrative, clinical, and other
34 appropriate staff in culturally and linguistically
35 competent health care and service delivery.

36 3. Utilizing formal mechanisms for community and
37 consumer involvement and coordinating with other state
38 agencies to identify resources and programs that
39 affect the health service delivery systems."

40 2. Page 1, by inserting after line 16 the
41 following:

42 "Sec. ____ . Section 135.63, subsection 2,
43 paragraphs l and o, Code 2005, are amended to read as
44 follows:

45 1. The replacement or modernization of any
46 institutional health facility if the replacement or
47 modernization does not add new health services or
48 additional bed capacity for existing health services,
49 notwithstanding any provision in this division to the
50 contrary. This exclusion is applicable only if the

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1 institutional health facility ceases offering the
2 health services simultaneously with the initiation of
3 the offering of the health services by the replacement
4 institutional health facility or the modernized
5 institutional health facility.

6 o. The change in ownership, licensure,
7 organizational structure, or designation of the type
8 of institutional health facility if the health
9 services offered by the successor institutional health
10 facility are unchanged. This exclusion is applicable
11 only if the institutional health facility consents to
12 the change in ownership, licensure, organizational
13 structure, or designation of the type of institutional
14 health facility and ceases offering the health
15 services simultaneously with the initiation of the
16 offering of health services by the successor
17 institutional health facility.

18 Sec. ____ . NEW SECTION. 135.105D BLOOD LEAD
19 TESTING -- PROVIDER EDUCATION -- PAYOR OF LAST RESORT.

20 1. For purposes of this section:

21 a. "Blood lead testing" means taking a capillary
22 or venous sample of blood and sending it to a
23 laboratory to determine the level of lead in the
24 blood.

25 b. "Capillary" means a blood sample taken from the
26 finger or heel for lead analysis.

27 c. "Health care provider" means a physician who is
28 licensed under chapter 148, 150, or 150A, or a person
29 who is licensed as a physician assistant under chapter
30 148C, or as an advanced registered nurse practitioner.

31 d. "Venous" means a blood sample taken from a vein
32 in the arm for lead analysis.

33 2. The department shall work with health care
34 provider associations to educate health care providers
35 regarding requirements for testing children who are
36 enrolled in certain federally funded programs and
37 regarding department recommendations for testing other
38 children for lead poisoning.

39 3. The department shall implement blood lead
40 testing for children under six years of age who are
41 not eligible for the testing services to be paid by a
42 third-party source. The department shall contract
43 with one or more public health laboratories to provide
44 blood lead analysis for such children. The department
45 shall establish by rule the procedures for health care
46 providers to submit samples to the contracted public
47 health laboratories for analysis. The department
48 shall also establish by rule a method to reimburse
49 health care providers for drawing blood samples from
50 such children and the dollar amount that the

1 department will reimburse health care providers for
2 the service. Payment for blood lead analysis and
3 drawing blood samples shall be limited to the amount
4 appropriated for the program in a fiscal year."

5 3. Page 1, by inserting after line 31 the
6 following:

7 "Sec. ____ . Section 135.140, subsection 6,
8 paragraph a, Code Supplement 2005, is amended by
9 adding the following new subparagraphs:

10 NEW SUBPARAGRAPH. (6) A natural occurrence or
11 incident, including but not limited to fire, flood,
12 storm, drought, earthquake, tornado, or windstorm.

13 NEW SUBPARAGRAPH. (7) A man-made occurrence or
14 incident, including but not limited to an attack,
15 spill, or explosion."

16 4. Page 2, by inserting after line 3 the
17 following:

18 "Sec. ____ . NEW SECTION. 139A.13A ISOLATION OR
19 QUARANTINE -- EMPLOYMENT PROTECTION.

20 1. An employer shall not discharge an employee, or
21 take or fail to take action regarding an employee's
22 promotion or proposed promotion, or take action to
23 reduce an employee's wages or benefits for actual time
24 worked, due to the compliance of an employee with a
25 quarantine or isolation order issued by the department
26 or a local board.

27 2. An employee whose employer violates this
28 section may petition the court for imposition of a
29 cease and desist order against the person's employer
30 and for reinstatement to the person's previous
31 position of employment. This section does not create
32 a private cause of action for relief of money damages.

33 Sec. ____ . Section 147.82, subsection 3, Code
34 Supplement 2005, is amended to read as follows:

35 3. The department may annually retain and expend
36 not more than one hundred thousand dollars for
37 reduction of the number of days necessary to process
38 medical license requests and for reduction of the
39 number of days needed for consideration of malpractice
40 cases from fees collected pursuant to section 147.80
41 by the board of medical examiners ~~in the fiscal year-~~
42 ~~beginning July 1, 2005, and ending June 30, 2006.~~
43 Fees retained by the department pursuant to this
44 subsection shall be considered repayment receipts as
45 defined in section 8.2 and shall be used for the
46 purposes described in this subsection.

47 Sec. ____ . Section 147.106, subsection 1, paragraph
48 e, Code Supplement 2005, is amended to read as
49 follows:

50 e. The referring clinical laboratory, other than

1 the laboratory of a physician's office or group
2 practice, that ordered the services. A laboratory of
3 a physician's office or group practice that ordered
4 the services may be presented a claim, bill, or demand
5 for payment if a physician in the physician's office
6 or group practice is performing the professional
7 component of the anatomic pathology services.

8 Sec. _____. Section 147.106, subsection 5, Code
9 Supplement 2005, is amended to read as follows:

10 5. This section does not prohibit claims or
11 charges presented ~~by~~ to a referring clinical
12 laboratory, other than a laboratory of a physician's
13 office or group practice, ~~to~~ unless in accordance with
14 subsection 1, paragraph "e", by another clinical
15 laboratory when samples are transferred between
16 laboratories for the provision of anatomic pathology
17 services."

18 5. Page 3, by inserting before line 1 the
19 following:

20 "Sec. _____. NEW SECTION. 147A.15 AUTOMATED
21 EXTERNAL DEFIBRILLATOR EQUIPMENT -- PENALTY.

22 Any person who damages, wrongfully takes or
23 withholds, or removes any component of automated
24 external defibrillator equipment located in a public
25 or privately owned location, including batteries
26 installed to operate the equipment, is guilty of a
27 serious misdemeanor.

28 Sec. _____. Section 148.2, subsection 5, Code 2005,
29 is amended to read as follows:

30 5. Physicians and surgeons of the United States
31 army, navy, ~~or~~ air force, marines, public health
32 service, or other uniformed service when acting in the
33 line of duty in this state, and holding a current,
34 active permanent license in good standing in another
35 state, district, or territory of the United States, or
36 physicians and surgeons licensed in another state,
37 when incidentally called into this state in
38 consultation with a physician and surgeon licensed in
39 this state."

40 6. Page 6, by inserting after line 9 the
41 following:

42 "Sec. _____. NEW SECTION. 154E.3A TEMPORARY
43 LICENSE.

44 Beginning July 1, 2007, an individual who does not
45 meet the requirements for licensure by examination
46 pursuant to section 154E.3 may apply for or renew a
47 temporary license. The temporary license shall
48 authorize the licensee to practice as a sign language
49 interpreter or transliterator under the direct
50 supervision of a sign language interpreter or

1 transliterator licensed pursuant to section 154E.3.
2 The temporary license shall be valid for two years and
3 may only be renewed one time in accordance with
4 standards established by rule. An individual shall
5 not practice for more than a total of four years under
6 a temporary license. The board may revoke a temporary
7 license if it determines that the temporary licensee
8 has violated standards established by rule. The board
9 may adopt requirements for temporary licensure to
10 implement this section.

11 Sec. _____. Section 154E.4, subsection 2, Code
12 Supplement 2005, is amended by adding the following
13 new paragraph:

14 NEW PARAGRAPH. e. Students enrolled in a school
15 of interpreting may interpret only under the direct
16 supervision of a permanently licensed interpreter as
17 part of the student's course of study."

18 .7. Page 7, by inserting after line 6 the
19 following:

20 "Sec. _____. Section 157.13, subsection 1, Code
21 Supplement 2005, is amended by striking the subsection
22 and inserting in lieu thereof the following:

23 1. It is unlawful for a person to employ an
24 individual to practice cosmetology arts and sciences
25 unless that individual is licensed or has obtained a
26 temporary permit under this chapter. It is unlawful
27 for a licensee to practice with or without
28 compensation in any place other than a licensed salon,
29 a licensed school of cosmetology arts and sciences, or
30 a licensed barbershop as defined in section 158.1.
31 The following exceptions to this subsection shall
32 apply:

33 a. A licensee may practice at a location which is
34 not a licensed salon, school of cosmetology arts and
35 sciences, or licensed barbershop under extenuating
36 circumstances arising from physical or mental
37 disability or death of a customer.

38 b. Notwithstanding section 157.12, when the
39 licensee is employed by a physician and provides
40 cosmetology services at the place of practice of a
41 physician and is under the supervision of a physician
42 licensed to practice pursuant to chapter 148, 150, or
43 150A.

44 c. When the practice occurs in a facility licensed
45 pursuant to chapter 135B or 135C.

46 Sec. _____. Section 157.13, Code Supplement 2005, is
47 amended by adding the following new subsection:

48 NEW SUBSECTION. 1A. It is unlawful for a licensee
49 to claim to be a licensed barber, however a licensed
50 cosmetologist may work in a licensed barbershop. It

1 is unlawful for a person to employ a licensed
2 cosmetologist, esthetician, or electrologist to
3 perform the services described in section 157.3A if
4 the licensee has not received the additional training
5 and met the other requirements specified in section
6 157.3A.

7 Sec. _____. Section 272C.1, subsection 6, Code
8 Supplement 2005, is amended by adding the following
9 new paragraph:

10 NEW PARAGRAPH. ad. The director of public health
11 in certifying emergency medical care providers and
12 emergency medical care services pursuant to chapter
13 147A.

14 Sec. _____. Section 691.6, Code Supplement 2005, is
15 amended by adding the following new subsection:

16 NEW SUBSECTION. 8. To retain tissues, organs, and
17 bodily fluids as necessary to determine the cause and
18 manner of death or as deemed advisable by the state
19 medical examiner for medical or public health
20 investigation, teaching, or research. Tissues,
21 organs, and bodily fluids shall be properly disposed
22 of by following procedures and precautions for
23 handling biologic material and blood-borne pathogens
24 as established by rule.

25 Sec. _____. Section 714.16, subsection 1, paragraph
26 o, Code 2005, is amended to read as follows:

27 o. "Water treatment system" means a device or
28 assembly for which a claim is made that it will
29 improve the quality of drinking water by reducing one
30 or more contaminants through mechanical, physical,
31 chemical, or biological processes or combinations of
32 the processes. As used in this paragraph and in
33 subsection 2, paragraph "h", each model of a water
34 treatment system shall be deemed a distinct water
35 treatment system. As used in this paragraph and in
36 subsection 2, paragraph "h", a water treatment system
37 does not include a portable filtration system
38 certified as a microbiological water purifier by the
39 United States environmental protection agency. The
40 Iowa department of public health shall establish rules
41 exempting portable filtration systems that meet these
42 standards.

43 Sec. _____. 2004 Iowa Acts, chapter 1175, section
44 432, subsection 3, is amended to read as follows:

45 3. Applicants issued a temporary license pursuant
46 to this section shall pass a licensure examination
47 approved by the board on or before July 1, 2007, in
48 order to ~~remain licensed as an interpreter~~ qualify to
49 be licensed by examination."

50 8. Title page, line 2, by striking the word

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Page 7

1 "related" and inserting the following: "other".

2 9. By renumbering as necessary.

By NANCY BOETTGER

S-5161 FILED APRIL 4, 2006

Boettger Co-chair
Wood Co-chair
Houser
Ragan

Succeeded By
SF/HF 2295

SSB# 3084
Human Resources

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 providing for various technical and substantive changes
2 relating to health licensing and related public health
3 matters.

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

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1 Section 1. Section 135.22A, subsection 3, Code Supplement
2 2005, is amended to read as follows:

3 3. The council shall be composed of a minimum of nine
4 members appointed by the governor in addition to the ex
5 officio members, and the governor may appoint additional
6 members. Insofar as practicable, the council shall include
7 persons with brain injuries, family members of persons with
8 brain injuries, representatives of industry, labor, business,
9 and agriculture, representatives of federal, state, and local
10 government, and representatives of religious, charitable,
11 fraternal, civic, educational, medical, legal, veteran,
12 welfare, and other professional groups and organizations.
13 Members shall be appointed representing every geographic and
14 employment area of the state and shall include members of both
15 sexes. A simple majority of the members appointed by the
16 governor shall constitute a quorum.

17 Sec. 2. Section 135.109, subsection 3, paragraph b, Code
18 2005, is amended to read as follows:

19 b. A licensed physician or nurse who is knowledgeable
20 concerning domestic abuse injuries and deaths, including
21 suicides.

22 Sec. 3. Section 135.109, subsection 4, Code 2005, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. j. The director of the state law
25 enforcement academy.

26 Sec. 4. Section 135.109, subsection 8, Code 2005, is
27 amended to read as follows:

28 8. Team members and their agents are immune from any
29 liability, civil or criminal, which might otherwise be
30 incurred or imposed as a result of any act, omission,
31 proceeding, decision, or determination undertaken or
32 performed, or recommendation made as a team member or agent
33 provided that the team members or agents acted reasonably and
34 in good faith and without malice in carrying out their
35 official duties in their official capacity. A complainant

1 bears the burden of proof by clear and convincing evidence in
2 establishing malice or unreasonableness or lack of good faith
3 in an action brought against team members involving the
4 performance of their duties and powers.

5 Sec. 5. Section 135.110, subsection 1, paragraph a,
6 unnumbered paragraph 1, Code 2005, is amended to read as
7 follows:

8 Prepare ~~an-annual~~ a biennial report for the governor,
9 supreme court, attorney general, and the general assembly
10 concerning the following subjects:

11 Sec. 6. Section 137.6, subsection 2, paragraph a, Code
12 2005, is amended to read as follows:

13 a. Rules of a county board shall become effective upon
14 approval by the county board of supervisors by a motion or
15 resolution as defined in section 331.101, subsection 13, and
16 publication in a newspaper having general circulation in the
17 county.

18 Sec. 7. Section 147.153, subsection 3, Code 2005, is
19 amended to read as follows:

20 3. Pass an examination administered as determined by the
21 board ~~to-assure-the-applicant's-professional-competence-in~~
22 ~~speech-pathology-or-audiology~~ by rule.

23 Sec. 8. Section 147.155, Code 2005, is amended to read as
24 follows:

25 147.155 TEMPORARY CLINICAL LICENSE.

26 Any person who has fulfilled all of the requirements for
27 licensure under this division, except for having completed the
28 nine months clinical experience requirement as provided in
29 section 147.153, subsection 1 or 2, and the examination as
30 provided in section 147.153, subsection 3, may apply to the
31 board for a temporary clinical license. The license shall be
32 designated "temporary clinical license in speech pathology" or
33 "temporary clinical license in audiology" and shall authorize
34 the licensee to practice speech pathology or audiology under
35 the supervision of a licensed speech pathologist or licensed

1 audiologist, as appropriate. The license shall be valid for
2 one year and may be renewed once at the discretion of the
3 board. The fee for a temporary clinical license shall be set
4 by the board to cover the administrative costs of issuing the
5 license, and if renewed, a renewal fee as set by the board
6 shall be required. A temporary clinical license shall be
7 issued only upon evidence satisfactory to the board that the
8 applicant will be supervised by a person licensed as a speech
9 pathologist or audiologist, as appropriate. ~~The board shall~~
10 ~~revoke any temporary clinical license at any time it~~
11 ~~determines either that the work done by the temporary clinical~~
12 ~~licensee or the supervision being given the temporary clinical~~
13 ~~licensee does not conform to reasonable standards established~~
14 ~~by the board.~~

15 Sec. 9. Section 149.3, Code 2005, is amended to read as
16 follows:

17 149.3 LICENSE.

18 Every applicant for a license to practice podiatry shall:

19 1. Be a graduate of an accredited high school of podiatry.

20 2. Present a diploma an official transcript issued by a
21 school of podiatry approved by the board of podiatry
22 examiners.

23 3. Pass an examination ~~in the subjects of anatomy,~~
24 ~~chemistry,~~ ~~dermatology,~~ ~~diagnosis,~~ ~~pharmacy and materia~~
25 ~~medica,~~ ~~pathology,~~ ~~physiology,~~ ~~histology,~~ ~~bacteriology,~~
26 ~~neurology,~~ ~~practical and clinical podiatry,~~ ~~foot orthopedics,~~
27 ~~and others,~~ ~~as prescribed by the board of podiatry examiners~~
28 as determined by the board by rule.

29 4. Have successfully completed a one-year residency or
30 ~~preceptorship approved by the board of podiatry examiners~~ as
31 determined by the board by rule. This subsection applies to
32 all applicants who graduate from podiatric college on or after
33 January 1, 1995.

34 Sec. 10. Section 149.7, unnumbered paragraph 2, Code 2005,
35 is amended to read as follows:

1 The temporary certificate shall be issued for one year and
2 may be renewed, but a person shall not be entitled to practice
3 podiatry in excess of three years while holding a temporary
4 certificate. The fee for this certificate shall be set by the
5 podiatry examiners and if extended beyond one year a renewal
6 fee per year shall be set by the podiatry examiners. The fees
7 shall be based on the administrative costs of issuing and
8 renewing the certificates. ~~The podiatry examiners may cancel~~
9 ~~a temporary certificate at any time, without a hearing, for~~
10 ~~reasons deemed sufficient to the podiatry examiners.~~

11 Sec. 11. Section 149.7, unnumbered paragraphs 3 and 4,
12 Code 2005, are amended by striking the unnumbered paragraphs.

13 Sec. 12. Section 151.12, Code 2005, is amended to read as
14 follows:

15 151.12 TEMPORARY CERTIFICATE.

16 The chiropractic examiners may, in their discretion, issue
17 a temporary certificate authorizing the licensee to practice
18 chiropractic if, in the opinion of the chiropractic examiners,
19 a need exists and the person possesses the qualifications
20 prescribed by the chiropractic examiners for the license,
21 which shall be substantially equivalent to those required for
22 licensure under this chapter. The chiropractic examiners
23 shall determine in each instance those eligible for this
24 license, whether or not examinations shall be given, and the
25 type of examinations, and the duration of the license. No
26 requirements of the law pertaining to regular permanent
27 licensure are mandatory for this temporary license except as
28 specifically designated by the chiropractic examiners. The
29 granting of a temporary license does not in any way indicate
30 that the person so licensed is eligible for regular licensure,
31 nor are the chiropractic examiners in any way obligated to so
32 license the person.

33 The temporary certificate shall be issued for one year and
34 at the discretion of the chiropractic examiners may be
35 renewed, but a person shall not practice chiropractic in

1 excess of three years while holding a temporary certificate.
2 The fee for this license shall be set by the chiropractic
3 examiners and if extended beyond one year a renewal fee per
4 year shall be set by the chiropractic examiners. The fees fee
5 for the temporary license shall be based on the administrative
6 costs of issuing and-renewing the licenses. ~~The-chiropractic~~
7 ~~examiners-may-cancel-a-temporary-certificate-at-any-time,~~
8 ~~without-a-hearing,-for-reasons-deemed-sufficient-to-the~~
9 ~~chiropractic-examiners.~~

10 ~~When-the-chiropractic-examiners-cancel-a-temporary~~
11 ~~certificate-they-shall-promptly-notify-the-licensee-by~~
12 ~~registered-mail,-at-the-licensee's-last-named-address,-as~~
13 ~~reflected-by-the-files-of-the-chiropractic-examiners,-and-the~~
14 ~~temporary-certificate-is-terminated-and-of-no-further-force~~
15 ~~and-effect-three-days-after-the-mailing-of-the-notice-to-the~~
16 ~~licensee.~~

17 Sec. 13. Section 154.3, subsection 1, Code 2005, is
18 amended to read as follows:

19 1. Every applicant for a license to practice optometry
20 shall:

21 a. ~~Present-satisfactory-evidence-of-a-preliminary~~
22 ~~education-equivalent-to-at-least-four-years-study-in-an~~
23 ~~accredited-high-school-or-other-secondary-school.~~ Be a
24 graduate of an accredited school of optometry.

25 b. Present a-diploma-from an official transcript issued by
26 an accredited school of optometry.

27 c. Pass an examination ~~prescribed-by-the-optometry~~
28 ~~examiners-in-the-subjects-of-physiology-of-the-eye,-optical~~
29 ~~physics,-anatomy-of-the-eye,-ophthalmology,-and-practical~~
30 ~~optometry~~ as determined by the board by rule.

31 Sec. 14. Section 154B.6, subsection 3, Code 2005, is
32 amended to read as follows:

33 3. Have not failed the examination required in subsection
34 2 within the-six-months-next sixty days preceding the date of
35 the subsequent examination.

1 The examinations required in this section may, at the
 2 discretion of the board, be waived for holders by examination
 3 of licenses or certificates from states whose requirements are
 4 substantially equivalent to those of this chapter, and for
 5 holders by examination of specialty diplomas from the American
 6 board of professional psychology.

7 ~~Any person who within one year after July 17, 1975 meets~~
 8 ~~the requirements specified in subsection 1 shall receive~~
 9 ~~licensure without having passed the examination required in~~
 10 ~~subsection 2 if application for licensure is filed with the~~
 11 ~~board of psychology examiners before July 17, 1977. Any person~~
 12 ~~holding a certificate as a psychologist from the board of~~
 13 ~~examiners of the Iowa psychological association on July 17~~
 14 ~~1977 who applies for certification before July 17, 1975 shall~~
 15 ~~receive certification.~~

16 Sec. 15. Section 154D.2, subsection 2, paragraph b, Code
 17 Supplement 2005, is amended to read as follows:

18 b. Has at least two years of supervised clinical
 19 experience or its equivalent in assessing mental health needs
 20 and problems and in providing appropriate mental health
 21 services as approved by the board. Standards for supervision,
 22 including the required qualifications for supervisors, shall
 23 be determined by the board by rule.

24 Sec. 16. Section 157.2, subsection 1, paragraph e, Code
 25 Supplement 2005, is amended to read as follows:

26 e. Employees ~~and residents~~ of hospitals, health care
 27 facilities, orphans' homes, juvenile homes, and other similar
 28 facilities who ~~shampoo, arrange, dress, or curl the hair of~~
 29 perform cosmetology services for any resident without
 30 receiving direct compensation from the person receiving the
 31 service.

32 Sec. 17. Section 157.2, subsection 1, Code Supplement
 33 2005, is amended by adding the following new paragraph:

34 NEW PARAGRAPH. ee. Volunteers for and residents of health
 35 care facilities, orphans' homes, juvenile homes, and other

1 similar facilities who shampoo, arrange, dress, or curl the
2 hair, apply makeup, or polish the nails of any resident
3 without receiving compensation from the person receiving the
4 service.

5 Sec. 18. Section 157.10, subsection 1, Code 2005, is
6 amended to read as follows:

7 1. The course of study required for licensure for the
8 practice of cosmetology shall be two thousand one hundred
9 clock hours, or seventy semester credit hours or the
10 equivalent thereof as determined pursuant to administrative
11 rule and regulations promulgated by the United States
12 department of education. The clock hours, and equivalent
13 number of semester credit hours or the equivalent thereof as
14 determined pursuant to administrative rule and regulations
15 promulgated by the United States department of education, of a
16 course of study required for licensure for the practices of
17 electrology, esthetics, and nail technology, manicuring, and
18 pedicuring shall be established by the board. The board shall
19 adopt rules to define the course and content of study for each
20 practice of cosmetology arts and sciences.

21 Sec. 19. Section 157.5A, Code 2005, is repealed.

22 EXPLANATION

23 This bill makes several changes and modifications to
24 provisions relating to various health licensing and public
25 health matters.

26 The bill specifies a quorum requirement of a simple
27 majority of the members appointed by the governor for the
28 brain injury advisory council. With regard to the domestic
29 abuse death review team, the bill adds to the team, as an
30 alternative to the current designation of a licensed physician
31 who is knowledgeable concerning domestic abuse injuries and
32 deaths, including suicides, the designation of a nurse. Also,
33 the bill adds the director of the state law enforcement
34 academy to the list of individuals who are responsible for
35 designating a liaison to assist the team in fulfilling its

1 duties, and adds that the level of proof required in a
2 complaint against a team member shall be proof by clear and
3 convincing evidence in establishing malice, unreasonableness,
4 or lack of good faith.

5 Further, the domestic abuse death review team report shall
6 be required on a biennial basis, as opposed to the current
7 annual requirement.

8 The bill provides for a technical clarification regarding
9 the enactment of rules by motion or resolution by local boards
10 of health, provides for the determination of an examination
11 requirement by the speech pathology and audiology board by
12 rule, and deletes a provision permitting revocation of a
13 temporary clinical license for speech pathology and audiology
14 by the board when determined not to conform to reasonable
15 standards established by the board.

16 With regard to the board of podiatry examiners, the bill
17 makes changes relating to qualification for a license,
18 providing that an applicant be a graduate of an accredited
19 school of podiatry rather than an accredited high school,
20 providing that an official transcript be presented rather than
21 a diploma, providing the requirements of a licensing
22 examination be determined by the board by rule, and providing
23 that the board will determine residency requirements by rule.
24 Additionally, the bill deletes provisions regarding revocation
25 or expiration of a temporary certificate to practice podiatry
26 by the board under specified circumstances involving lack of a
27 hearing and decision making entirely in the board's
28 discretion.

29 Concerning actions of the board of chiropractic examiners,
30 the bill provides that the board shall determine the duration
31 of a temporary certificate regarding the practice of
32 chiropractic, makes technical changes such as changing the
33 word "fees" to "fee", and again deletes provisions similar to
34 earlier portions of the bill regarding revocation of a
35 temporary certificate by the board under specified

1 circumstances.

2 The bill provides that the permissible time interval
3 between examinations administered by the board of psychology
4 examiners shall be shortened from six months to 60 days, and
5 deletes outdated psychology license requirement language tied
6 to the 1970s. With regard to the board of behavioral science
7 examiners, the bill provides that a requirement for licensure
8 of at least two years of supervised clinical experience in
9 assessing mental health needs and problems and providing
10 appropriate mental health services shall be broadened to
11 include the equivalent of such experience. The bill specifies
12 that an applicant for license as an optometrist must be a
13 graduate of an accredited school of optometry, rather than
14 possessing an education equivalent of at least four years of
15 study in an accredited high school or other secondary school
16 as currently required. Also, an official transcript rather
17 than a diploma must be presented from an accredited school of
18 optometry, and the optometry examination shall be as
19 determined by the board by rule.

20 Relating to cosmetology, the bill expands basic cosmetology
21 services that can be provided by persons not licensed by the
22 cosmetology board and employed by hospitals, health care
23 facilities, juvenile homes, and similar facilities, and also
24 lists services that can be provided by volunteers for and
25 residents of such facilities. The bill additionally provides
26 that the number of hours of study required for licensure for
27 the practice of specified cosmetology services shall be
28 expanded to include manicuring and pedicuring, and deletes a
29 separate provision regarding license requirements for
30 manicurists.

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