

CHAPTER 94

BARBERS' AND SHOP FEES

H. F. 60

AN ACT to amend section one hundred forty-seven point eighty, (147.80), Code 1954, relating to fees to be collected by the state department of health in relation to the practice of barbering.

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

1 SECTION 1. Section one hundred forty-seven point eighty (147.80),
2 Code 1954, is hereby amended as follows:

3 1. By striking from line five (5) of subsection seven (7) the word
4 "barbering".

5 2. By adding a new subsection as follows:

6 "For the renewal of a license to practice barbering an annual fee
7 of five dollars (\$5.00); for the renewal of a license to operate a barber
8 shop an annual fee of three dollars (\$3.00)."

Approved March 14, 1957.

CHAPTER 95

MEDICAL AND SURGERY LICENSES

H. F. 582

AN ACT relating to licenses to practice medicine and surgery.

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

1 SECTION 1. Subsection one (1) of section one hundred forty-eight
2 point three (148.3), Code 1954, is hereby amended by adding to said
3 subsection the following:

4 "The medical examiners may accept, in lieu of a diploma from a
5 medical college approved by them, all of the following:

6 a. A diploma issued by a medical college which has been neither
7 approved nor disapproved by the medical examiners; and

8 b. The completion of three years of training as a resident physician,
9 which training has been approved by or is acceptable to the medical
10 examiners; and

11 c. The recommendation of the educational council for foreign med-
12 ical graduates, incorporated or similar accrediting agency."

1 SEC. 2. Subsection five (5) of section one hundred forty-eight
2 point three (148.3), Code 1954, is hereby repealed.

1 SEC. 3. Section one hundred forty-eight point five (148.5), Code
2 1954, is amended by striking all of said section and inserting in lieu
3 thereof the following:

4 "Any physician, who is a graduate of a medical school and is serv-
5 ing only as a resident physician and who is not licensed to practice
6 medicine and surgery in this state, shall be required to obtain from
7 the medical examiners a temporary or special license to practice as a
8 resident physician. The license shall be designated 'Resident Physi-
9 cian License' and shall authorize the licensee to serve as a resident

10 only, under the supervision of a licensed practitioner of medicine and
11 surgery, in an institution approved for this purpose by the medical
12 examiners. Such license shall be valid for one year and may be an-
13 nually renewed at the discretion of the medical examiners for a period
14 not to exceed six additional years. The fee for this license shall be
15 fifteen dollars, and if extended beyond one year, an annual renewal
16 fee of three dollars per year shall be required. The medical examin-
17 ers shall determine in each instance those eligible for this license,
18 whether or not examinations shall be given, and the type of examina-
19 tions. No requirements of the law pertaining to regular permanent
20 licensure shall be mandatory for this resident licensure except as a
21 specifically designated by the medical examiners. The granting of a
22 resident physician's license does not in any way indicate that the per-
23 son so licensed is necessarily eligible for regular licensure, nor are
24 the medical examiners in any way obligated to so license such individ-
25 ual. The medical examiners shall revoke said license at any time they
26 shall determine either that the caliber of work done by a licensee or
27 the type of supervision being given such licensee does not conform to
28 reasonable standards established by the medical examiners."

1 SEC. 4. In lieu of and as an alternative to the provisions of sec-
2 tions one hundred forty-seven point fifty-eight (147.58) through one
3 hundred forty-seven point seventy-one (147.71), inclusive, of the
4 Code, the medical examiners after due notice and hearing may direct
5 the commissioner of public health to issue an order to revoke, sus-
6 pend or place on probation the license of any person licensed to prac-
7 tice medicine and surgery for any of the grounds set forth in sections
8 one hundred forty-seven point fifty-five (147.55) and one hundred
9 forty-seven point fifty-six (147.56) of the Code.

1 SEC. 5. Any proceeding for revocation, suspension or probation
2 of a license to practice medicine and surgery shall be substantially in
3 accord with the following procedure:

4 1. The medical examiners may, upon their own motion or upon veri-
5 fied complaint in writing, and shall, if such complaint is filed by the
6 commissioner of public health, issue an order fixing the time and place
7 for hearing thereon. A written notice of the time and place of the
8 hearing together with a statement of the charges shall be served upon
9 the licensee at least ten days before said hearing in the manner re-
10 quired for the service of notice of the commencement of an ordinary
11 action.

12 2. If the licensee has absented or removed himself from the state,
13 the notice and statement of the charges shall be so served at least
14 twenty days before the date of the hearing, wherever he may be found.
15 If the whereabouts of the licensee is unknown, service may be had by
16 publication as provided in the rules of civil procedure upon filing the
17 affidavit required by said rules. In case the licensee fails to appear,
18 either in person or by counsel at the time and place designated in said
19 notice, the medical examiners shall proceed with the hearing as here-
20 inafter provided.

21 3. The hearing shall be before a member or members designated by
22 the board. The board shall designate one member to serve as presid-
23 ing member. Such presiding member is hereby empowered to issue
24 subpoenas, administer oaths and take or cause depositions to be taken

25 in connection with the hearing. He shall issue subpoenas at the re-
26 quest and on behalf of the licensee.

27 4. A stenographic record of the proceedings shall be kept. The
28 licensee shall have the opportunity to appear personally and by his
29 attorney, with the right to produce evidence in his own behalf, to
30 examine and cross-examine witnesses and to examine documentary
31 evidence produced against him.

32 5. In case any person refuses to obey a subpoena issued by the
33 presiding member or to answer any proper question put to him during
34 the hearing, the presiding member may invoke the aid of any court of
35 competent jurisdiction or judge thereof in requiring the attendance
36 and testimony of such person and the production of papers. Any fail-
37 ure to obey such order of the court may be punished by the court as a
38 civil contempt may be punished.

39 6. Unless the hearing is before the entire board, a transcript of the
40 proceeding, together with exhibits presented, shall be considered by
41 the entire board at the earliest practicable time. The licensee and his
42 attorney shall have the opportunity to appear personally to present
43 the licensee's position and arguments to the board. The board shall
44 determine the charge or charges upon the merits on the basis of the
45 evidence in the record before it.

46 7. If a majority of the members of the board vote in favor of find-
47 ing the licensee guilty of any act or offense specified in sections one
48 hundred forty-seven point fifty-five (147.55) or one hundred forty-
49 seven point fifty-six (147.56) of the Code, the board shall prepare
50 written findings of fact and its decision based thereon. Such findings
51 of fact and decision shall be filed with the commissioner of public
52 health who shall within ten days from such filing enter an order re-
53 voking, suspending or placing on probation the license as directed by
54 the board in its decision. A copy of the commissioner's order shall
55 immediately be sent by registered mail to the licensee's last known
56 post office address accompanied by a copy of the board's findings of
57 fact and decision.

58 8. The licensee shall have the right to a judicial review of the
69 board's decision and the order of the commissioner. Such review shall
70 be initiated by application to the district court in and for Polk county,
71 or to the district court of the county in which the licensee resides, by
72 any method permissible under the laws of this state. Such application
73 must be made within thirty days after the date of the commissioner's
74 order. On any such review, the hearing shall be tried as a suit in
75 equity and shall be de novo.

1 SEC. 6. The commissioner of public health is hereby authorized to
2 accept the voluntary surrender of a license if accompanied by a writ-
3 ten statement of intention. Such voluntary surrender, when so ac-
4 cepted, shall have the same force and effect as an order of revocation.

1 SEC. 7. Any person whose license has been suspended, revoked or
2 placed on probation may apply to the board of medical examiners for
3 reinstatement at any time and the board may hold hearings on any
4 such petition and may order reinstatement and impose terms and con-
5 ditions thereof and issue a certificate of reinstatement to the commis-
6 sioner of public health who shall thereupon issue a license as directed
7 by the board."

Approved May 2, 1957.