

12 assembly when their appointments shall terminate unless sooner approved by the
13 senate.

1 SEC. 14. Section eight (8) of this Act shall become effective January 1, 1977.

Approved February 17, 1976

CHAPTER 1115

NURSES

H. F. 1503

AN ACT relating to the practice of nursing and providing for disciplinary procedures.

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

1 SECTION 1. NEW SECTION. **Definitions.** As used in this Act:
2 1. The "practice of nursing" means the practice of a registered nurse or a
3 licensed practical nurse. It does not mean any of the following:
4 a. The practice of medicine and surgery, as defined in section one hundred
5 forty-eight (148) of the Code, the osteopathic practice, as defined in chapter one
6 hundred fifty (150) of the Code, the practice of osteopathic medicine and surgery,
7 as defined in chapter one hundred fifty A (150A) of the Code, or the practice of
8 pharmacy as defined in chapter one hundred fifty-five (155) of the Code, except
9 practices which are recognized by the medical and nursing professions and
10 approved by the board as proper to be performed by a registered nurse.
11 b. The performance of nursing services by a student enrolled in an approved
12 program of nursing if the performance is incidental to a course of study under
13 this program.
14 c. The performance of services by employed workers in offices, hospitals, or
15 health care facilities, as defined in section one hundred thirty-five C point one
16 (135C.1) of the Code, under the supervision of a physician or a nurse licensed
17 under this Act, or employed in the office of a psychologist, podiatrist,
18 optometrist, chiropractor, speech pathologist, audiologist, or physical therapist
19 licensed to practice in this state, and when acting while within the scope of the
20 employer's license.
21 d. The practice of a nurse licensed in another state and employed in this state
22 by the federal government if the practice is in discharge of official employment
23 duties.
24 e. The care of the sick rendered in connection with the practice of the religious
25 tenets of any church or order by the adherents thereof which is not performed for
26 hire, or if performed for hire by those who depend upon prayer or spiritual means
27 for healing in the practice of the religion of their church or denomination, so long
28 as they do not otherwise engage in the practice of nursing as practical nurses.
29 2. The "practice of the profession of a registered nurse" means the practice of a
30 natural person who is licensed by the board to do all of the following:
31 a. Formulate nursing diagnosis and conduct nursing treatment of human
32 responses to actual or potential health problems through services, such as case
33 finding, referral, health teaching, health counseling, and care provision which is
34 supportive to or restorative of life and well-being.
35 b. Execute regimen prescribed by a physician.
36 c. Supervise and teach other personnel in the performance of activities relating
37 to nursing care.
38 d. Perform additional acts or nursing specialties which require education and
39 training under emergency or other conditions which are recognized by the

40 medical and nursing professions and are approved by the board as being proper
41 to be performed by a registered nurse.

42 e. Apply to the abilities enumerated in paragraphs a through d of this
43 subsection scientific principles, including the principles of nursing skills and of
44 biological, physical, and psychosocial sciences.

45 3. The "practice of a licensed practical nurse" means the practice of a natural
46 person who is licensed by the board to do all of the following:

47 a. Perform services in the provision of supportive or restorative care under the
48 supervision of a registered nurse or a physician.

49 b. Perform additional acts under emergency or other conditions which require
50 education and training and which are recognized by the medical and nursing
51 professions and are approved by the board, as being proper to be performed by a
52 licensed practical nurse.

53 4. As used in this section, "nursing diagnosis" means to identify and use
54 discriminatory judgment concerning physical and psychosocial signs and
55 symptoms essential to determining effective nursing intervention.

56 5. "Board" means the board of nursing, created under chapter one hundred
57 forty-seven (147) of the Code.

58 6. "Physician" means a person licensed in this state to practice medicine and
59 surgery, osteopathy and surgery, or osteopathy, or a person licensed in this state
60 to practice dentistry or podiatry when acting within the scope of the license.

1 SEC. 2. NEW SECTION. **Executive director—assistants.** The board shall
2 appoint a full-time executive director. The executive director shall be a registered
3 nurse and shall not be a member of the board. The governor, with the approval of
4 the executive council pursuant to subsection two (2) of section nineteen A point
5 nine (19A.9) of the Code under the pay plan for exempt positions in the executive
6 branch of government, shall set the salary of the executive director.

1 SEC. 3. NEW SECTION. **Director's duties.** The duties of the executive
2 director shall be as follows:

3 1. To receive all applications to be licensed for the practice of nursing.

4 2. Notwithstanding section one hundred forty-seven point eighty-two (147.82)
5 of the Code, to collect and receive all fees.

6 3. To deposit all fees collected in the general fund of the state and, at the same
7 time, to render to the state comptroller an itemized and verified report which
8 indicates the source of the collected fees.

9 4. To keep all records pertaining to the licensing of nurses, including a record
10 of all board proceedings.

11 5. To perform such other duties as may be prescribed by the board.

12 6. To appoint such assistants to the director and persons as may be necessary
13 to administer the provisions of this Act. Any appointments shall be merit
14 appointments made pursuant to chapter nineteen (19) of the Code.

1 SEC. 4. NEW SECTION. **Appropriations.** The board may apply appropriated
2 funds to:

3 1. The administration and enforcement of the provisions of this Act and of
4 chapter one hundred forty-seven (147) of the Code.

5 2. The elevation of the standards of the schools of nursing.

6 3. The promotion of educational and professional standards of nurses in this
7 state.

1 SEC. 5. NEW SECTION. **Education programs.**

2 1. All programs preparing a person to be a registered nurse or a licensed
3 practical nurse shall be approved by the board. The board shall not recognize a
4 program unless it:

5 a. Is of recognized standing.

6 b. Has provisions for adequate physical and clinical facilities and other
7 resources with which to conduct a sound education program.

8 c. Requires, for graduation of a registered nurse applicant, the completion of at
9 least a two academic year course of study or its equivalent which is integrated in
10 theory and practice as prescribed by the board.

11 d. Requires, for graduation of a licensed practical nurse applicant, the
12 completion of at least an academic year course of study or its equivalent in theory
13 and practice as prescribed by the board.

14 2. All advanced formal academic nursing education programs shall also be
15 approved by the board.

1 **SEC. 6. NEW SECTION. Licenses—professional abbreviations.** The board
2 may license a natural person to practice as a registered nurse or as a licensed
3 practical nurse. However, only a person currently licensed as a registered nurse in
4 this state may use that title and the abbreviation “RN” after the person’s name
5 and only a person currently licensed as a licensed practical nurse in this state may
6 use that title and the abbreviation “LPN” after the person’s name.

1 **SEC. 7. NEW SECTION. Applicant qualifications.** In addition to the
2 provisions of section one hundred forty-seven point three (147.3) of the Code, an
3 applicant to be licensed for the practice of nursing shall have the following
4 qualifications:

5 1. Be a graduate of an accredited high school or the equivalent.

6 2. Pass an examination as prescribed by the board.

7 3. If to practice as a registered nurse, holds a diploma or degree resulting from
8 the completion of a course of study in a program approved pursuant to
9 paragraph c of subsection one (1) of section five (5) of this Act.

10 4. If to practice as a licensed practical nurse, holds a diploma resulting from
11 the completion of a course of study in a program approved pursuant to
12 paragraph d of subsection one (1) of section five (5) of this Act or has successfully
13 completed at least one academic year of a course of study in a program approved
14 pursuant to paragraph c of subsection one (1) of section five (5) of this Act and
15 has successfully completed all theoretical and clinical training as is required for a
16 licensed practical nurse.

1 **SEC. 8. NEW SECTION. License endorsement.** Notwithstanding the
2 provisions of sections one hundred forty-seven point forty-four (147.44) through
3 one hundred forty-seven point fifty-four (147.54) of the Code, the board shall
4 decide whether to recognize a foreign license to practice nursing under conditions
5 specified which indicate that the licensee meets all the qualifications required
6 under section seven (7) of this Act. If a foreign license is recognized the board
7 may issue a license by endorsement without an examination being required.
8 Recognition shall be based on whether the foreign licensee is qualified to practice
9 nursing.

1 **SEC. 9. NEW SECTION. Temporary license.** The board may issue a
2 temporary license to a natural person who has completed the requirements of and
3 applied for licensure, either by examination or endorsement. A temporary license
4 shall not remain effective longer than the time between application and the next
5 issuance of licenses. A temporary license issued to a person not holding a foreign
6 license to practice nursing shall be valid only when the temporary licensee is
7 under the supervision of a registered nurse.

1 **SEC. 10. NEW SECTION. License revocation or suspension.**

2 1. Notwithstanding sections one hundred forty-seven point eighty-seven
3 (147.87) through one hundred forty-seven point eighty-nine (147.89) of the Code
4 and in addition to the provisions of sections one hundred forty-seven point fifty-
5 eight (147.58) through one hundred forty-seven point seventy-one (147.71) of the
6 Code, the board may restrict, suspend, or revoke a license to practice nursing or

7 place the licensee on probation. The board may also prescribe by rule conditions
8 of license reinstatement. The board shall prescribe rules of procedure by which to
9 restrict, suspend, or revoke a license. These procedures shall conform to the
10 provisions of chapter seventeen A (17A) of the Code.

11 2. In addition to the grounds stated in section one hundred forty-seven point
12 fifty-five (147.55) of the Code, the following are grounds for suspension or
13 revocation under subsection one (1) of this section:

14 a. Willful violation of the rules of the board.

15 b. Continued practice while knowingly having an infectious or contagious
16 disease which could be harmful to a patient's welfare.

17 c. Conviction for a felony in the courts of this state or another state, territory,
18 or country if the felony relates to the practice of nursing. Conviction shall include
19 only a conviction for an offense which if committed in this state would be
20 deemed a felony without regard to its designation elsewhere. A certified copy of
21 the final order or judgment of conviction or plea of guilty in this state or in
22 another jurisdiction shall be conclusive evidence of conviction.

23 d. Having a license to practice nursing as a registered nurse or licensed
24 practical nurse revoked or suspended, or having other disciplinary action taken by
25 a licensing authority of another state, territory, or country. A certified copy of the
26 record or order of suspension, revocation, or disciplinary action is prima facie
27 evidence of such fact.

28 e. Knowingly aiding, assisting, procuring, advising, or allowing a person to
29 unlawfully practice nursing.

30 f. Being adjudicated mentally incompetent by a court of competent jurisdiction.
31 Such adjudication shall automatically suspend a license for the duration of the
32 license, unless the board orders otherwise.

33 g. Being guilty of willful or repeated departure from or the failure to conform
34 to the minimum standard of acceptable and prevailing practice of nursing;
35 however, actual injury to a patient need not be established.

36 h. (1) Inability to practice nursing with reasonable skill and safety by reason of
37 illness, excessive use of alcohol, drugs, narcotics, chemicals, or other type of
38 material or as a result of a mental or physical condition.

39 (2) The board may, upon probable cause, request a licensee to submit to an
40 appropriate medical examination by a designated physician. If requested by the
41 licensee, the licensee may also designate a physician for an independent medical
42 examination. The reasonable costs of such examinations and medical reports to
43 the board shall be paid by the board. Refusal or failure of a licensee to complete
44 such examinations shall constitute an admission of any allegations relating to
45 such condition. All objections shall be waived as to the admissibility of the
46 examining physicians' testimony or examination reports on the grounds that they
47 constitute privileged communication. The medical testimony or examination
48 reports shall not be used against a registered nurse or licensed practical nurse in
49 another proceeding and shall be confidential. At reasonable intervals, a registered
50 nurse or licensed practical nurse shall be afforded an opportunity to demonstrate
51 that the registered nurse or licensed practical nurse can resume the competent
52 practice of nursing with reasonable skill and safety to patients.

1 SEC. 11. Sections one hundred forty-seven point one hundred five (147.105)
2 through one hundred forty-seven point one hundred ten (147.110) and chapter
3 one hundred fifty-two (152), Code 1975, are repealed.

Approved June 23, 1976