

CHAPTER 240

PRACTICE PROFESSION AND COURSE OF INSTRUCTION REGULATION

S.F. 14

AN ACT relating to regulation, including the regulation of educational services and of practice professions, and making penalties applicable.

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

Section 1. Section 147.80, subsection 14, Code 1989, is amended to read as follows:

14. License to practice cosmetology issued upon the basis of an examination given by the board of cosmetology examiners, license to practice cosmetology under a reciprocal agreement, renewal of a license to practice cosmetology, temporary permit to practice as a cosmetology trainee, original license to conduct a school of cosmetology, renewal of license to conduct a school of cosmetology, original license to operate a beauty salon, renewal of a license to operate a beauty salon, original license and examination to practice electrolysis, renewal of a license to practice electrolysis, original license to practice manicuring, renewal of a license to practice manicuring, annual inspection of a school of cosmetology, annual inspection of a beauty salon, original cosmetology school instructor's license, renewal of cosmetology school instructor's license.

Sec. 2. Section 157.2, Code 1989, is amended by adding the following new subsections:

NEW SUBSECTION. 7. Persons licensed as manicurists pursuant to this chapter, when manicuring the nails of any person.

NEW SUBSECTION. 8. Employees of a licensed barbershop when manicuring fingernails, if permitted under section 158.14, subsection 2.

NEW SUBSECTION. 9. Persons licensed as electrologists pursuant to section 157.5, when practicing electrolysis as described in that section.

Sec. 3. Section 157.5, Code 1989, is amended to read as follows:

157.5 LICENSE TO PRACTICE ELECTROLYSIS.

An applicant for a license to practice cosmetology A person may obtain a license from the department for authority to remove superfluous hair by the use of the electric needle or electronic process by presenting to the board a diploma, or similar evidence, from a licensed school of cosmetology, or from any school in another state which is recognized by the board, which teaches a special course in the practice of the use of the electric needle or electronic process indicating that the applicant has successfully completed the special course, and by passing an examination prescribed by the board at least two hundred fifty hours of training relating to electrolysis. The board shall not require that a person be licensed as a cosmetologist in order to obtain a license to practice electrolysis. The applicant shall pay a license fee as determined by the board under section 147.80.

The rules of the board shall include a provision whereby a license to practice electrolysis may be granted by reciprocity or endorsement to a person who is licensed in another state to practice electrolysis.

Sec. 4. NEW SECTION. 157.16 MANICURISTS.

The department shall issue a license to practice manicuring to any person who submits proof of successful completion of a course of at least forty hours of training relating to manicuring in a licensed school of cosmetology or licensed barber school. The board shall adopt rules defining the course of study for a manicurist and the practices which a licensed manicurist may perform.

The applicant shall pay a license fee as determined by the board under section 147.80.

The rules of the board shall include a provision whereby a license to practice manicuring may be granted by reciprocity or endorsement to a person who is licensed in another state to practice manicuring.

Sec. 5. Section 158.14, Code 1989, is amended to read as follows:
158.14 MANICURISTS.

1. A licensed barbershop may employ a person who is not a licensed cosmetologist manicurist to manicure the fingernails of any person.

2. An unlicensed person who was employed by a licensed barbershop to manicure fingernails prior to the effective date of this Act may continue such employment without meeting licensing requirements under chapter 157.

Sec. 6. Section 714.18, subsection 1, Code 1989, is amended to read as follows:

1. A continuous corporate surety bond to the state of Iowa in the sum of fifty thousand dollars or ten percent of the total annual tuition collected, whichever is less, conditioned for the faithful performance of all contracts and agreements with students made by such person, firm, association, or corporation, or their salespersons; ~~provided, however, that the~~ A person, firm, association, or corporation desiring to file a surety bond based on a percentage of annual tuition shall provide to the director of the department of education, in the form prescribed by the director, a notarized statement attesting to the total amount of tuition collected in the preceding twelve-month period. The director shall determine the sufficiency of the statement and the amount of the bond. Tuition information submitted pursuant to this subsection shall be kept confidential.

If the person, firm, association, or corporation has filed a performance bond with an agency of the United States government pursuant to federal law, the director of the department of education shall reduce the bond required by this subsection by an amount equal to the amount of the federal bond.

~~PARAGRAPH DIVIDED.~~ The aggregate liability of the surety for all breaches of the conditions of the bond shall, ~~in no event, not~~ exceed the sum of said the bond. The surety on the bond ~~shall have the right to~~ may cancel said the bond upon giving thirty days' written notice to the director of the department of education and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of ~~said the~~ cancellation.

The director of the department of education may accept a letter of credit from a bank in lieu of the corporate surety bond required by this subsection.

Sec. 7. Section 714.19, subsection 9, Code 1989, is amended by striking the subsection.

Approved May 27, 1989

CHAPTER 241

HEALTH CARE FACILITIES

S.F. 31

AN ACT relating to the violation of a law or rule of a health care facility, providing a penalty, and providing for the repeal of a penalty.

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

Section 1. Section 135C.14, subsection 8, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Facility policies and procedures regarding the treatment, care, and rights of residents. The rules shall apply the federal resident's bill of rights contained in ~~42 C.F.R. 442.311, as amended to January 1, 1981~~ the federal Omnibus Budget Reconciliation Act of 1987, Pub. L. No. 100-203, and the regulations adopted pursuant to the Act and contained in ~~42 C.F.R. § 483.10, 483.12, 483.13, and 483.15, as amended to February 2, 1989,~~ to all health care facilities as defined in