

section. However, any commitment to a facility regulated and operated under chapter 135C, shall be in accordance with section 135C.23.

4. Any respondent with respect to whom the judicial hospitalization referee has found the contention that the respondent is seriously mentally impaired or a chronic substance abuser sustained by clear and convincing evidence presented at a hearing held under section 229.12 or section 125.82, may appeal from the referee's finding to a judge of the district court by giving the clerk notice in writing, within seven days after the referee's finding is made, that an appeal therefrom is taken. The appeal may be signed by the respondent or by the respondent's next friend, guardian or attorney. When so appealed, the matter shall stand for trial de novo. Upon appeal, the court shall schedule a hospitalization or commitment hearing before a district judge at the earliest practicable time.

Sec. 21. Section 230.15, unnumbered paragraph 2, Code 1989, is amended to read as follows:

A substance abuser or chronic substance abuser is legally liable for the total amount of the cost of providing care, maintenance, and treatment for the substance abuser or chronic substance abuser while a voluntary or committed patient. When a portion of the cost is paid by a county, the substance abuser or chronic substance abuser is legally liable to the county for the amount paid. The substance abuser or chronic substance abuser shall assign any claim for reimbursement under any contract of indemnity, by insurance or otherwise, providing for the abuser's care, maintenance, and treatment in a state hospital to the state. Any payments received by the state from or on behalf of a substance abuser or chronic substance abuser shall be in part credited to the county in proportion to the share of the costs paid by the county. Nothing in this section shall be construed to prevent a relative or other person from voluntarily paying the full actual cost or any portion of the care and treatment of any mentally ill person, ~~or~~ substance abuser, or chronic substance abuser as established by the department of human services.

Approved March 27, 1990

CHAPTER 1086

PROFESSIONAL LICENSURE

H.F. 2518

AN ACT relating to licensure and discipline of certain practice professionals and providing a penalty.

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

Section 1. Section 147.4, Code 1989, is amended to read as follows:

147.4 GROUNDS FOR REFUSING.

The department may refuse to grant a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked ~~by the district court~~ or suspended.

Sec. 2. Section 147.7, Code 1989, is amended to read as follows:

147.7 DISPLAY OF LICENSE.

Every person licensed under this title to practice a profession shall keep the license publicly displayed in the primary place in which the person practices.

Sec. 3. Section 147.9, Code 1989, is amended to read as follows:

147.9 CHANGE OF RESIDENCE.

When any person licensed to practice a profession under this title changes a residence or place of practice the person shall notify the department.

Sec. 4. Section 147.29, Code 1989, is amended to read as follows:
147.29 APPLICATIONS.

Any person desiring to take the examination for a license to practice a profession shall make application to the department at least fifteen days before the examination, on a form provided by the board. ~~Sueh~~ The application shall be accompanied by the examination fee and such documents and affidavits as are necessary to show the eligibility of the candidate to take ~~sueh~~ the examination. All applications shall be in accordance with the rules of the department and shall be signed by the applicant. The board ~~shall not~~ may require that a recent photograph of the applicant be attached to the application.

Sec. 5. Section 147.102, Code 1989, is amended to read as follows:

147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS, CHIROPRACTORS, DENTISTS, AND OSTEOPATHS.

Notwithstanding the provisions of this title, every application for a license to practice medicine and surgery, psychology, chiropractic, dentistry, osteopathy, or osteopathic medicine and surgery, shall be made directly to the chairperson, executive director, or secretary of the examining board of such profession, and every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated by the examining board for such profession; ~~and all.~~ All examination, license, and renewal fees received from ~~sueh~~ persons licensed to practice any of such professions shall be paid to and collected by the chairperson, executive director, or secretary of the examining board of such profession, who shall transmit the fees to the treasurer of state ~~who shall for~~ deposit the fees in into the general fund of the state. The salary of the secretary shall be established by the governor with the approval of the executive council pursuant to section 19A.9, subsection 2, under the pay plan for exempt positions in the executive branch of government.

Sec. 6. Section 147.104, Code 1989, is amended to read as follows:
147.104 RECORDS.

The chairperson, executive director, or secretary of each of ~~said~~ the boards shall keep a correct record of the proceedings of ~~said~~ the board, and upon the granting of any license to practice any of said professions the board shall, at the time of granting ~~said~~ a license, certify to the department the application upon which such name of the person to whom the license was issued, together with the questions submitted in the examination of such applicant and the answers thereto, and such the chairperson, executive director, or secretary shall deposit with the department all records not needed for the current use of the ~~secretary's~~ examining board.

Sec. 7. Section 147.135, subsection 3, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding subsection 2, if the board of medical examiners conducts an investigation based on a complaint received or upon its own motion, a hospital pursuant to subpoena shall make available information and documents requested by the board, specifically including reports or descriptions of any complaints or incidents concerning an individual who is the subject of the board's investigation, even though the information and documents are also kept for, are the subject of, or are being used in peer review by the hospital. However, the deliberations, testimony, decisions, conclusions, findings, recommendations, evaluations, work product, or opinions of a peer review committee or its members and those portions of any documents or records containing or revealing information relating thereto shall not be subject to the board's request for information, subpoena, or other legal compulsion. All information and documents received by the board from a hospital under this section shall be confidential pursuant to section 258A.6, subsection 4.

Sec. 8. Section 147.152, subsection 1, Code 1989, is amended to read as follows:

1. Licensed physicians and surgeons, licensed osteopathic physicians and surgeons, licensed osteopaths, approved physician's assistants and registered nurses acting under the supervision of a physician, persons conducting hearing tests under the direct supervision of a licensed

physician and surgeon, or licensed osteopathic physician and surgeon, or licensed osteopath, or students of medicine or surgery or osteopathic medicine and surgery pursuing a course of study in a medical school or college of osteopathic medicine and surgery approved by the medical examiners while performing functions incidental to their course of study.

Sec. 9. Section 148.3, subsection 1, paragraph b, Code 1989, is amended to read as follows:

b. The recommendation of the educational ~~council~~ commission for foreign medical graduates, incorporated or similar accrediting agency.

Sec. 10. Section 148.3, subsection 3, Code 1989, is amended to read as follows:

3. Present to the Iowa department of public health satisfactory evidence that the applicant has successfully completed one year of internship or resident training in a hospital approved for such training by the medical examiners.

Sec. 11. Section 148.5, Code 1989, is amended to read as follows:

148.5 RESIDENT PHYSICIAN'S LICENSE.

Any physician, who is a graduate of a medical school and is serving only as a resident physician and who is not otherwise licensed to practice medicine and surgery in this state, shall be required to obtain from the medical examiners a ~~temporary or special~~ license to practice as a resident physician. The license shall be designated "Resident Physician License" and shall authorize the licensee to serve as a resident physician only, under the supervision of a licensed practitioner of medicine and surgery, in an institution approved for this purpose by the medical examiners. Such license shall be valid for one year and may be renewed at the discretion of the medical examiners. The fee for this license shall be set by the board to cover the administrative costs of issuing the license, and if extended beyond one year, a renewal fee as set by the board shall be required. The medical examiners shall determine in each instance those eligible for this license, whether or not examinations shall be given, and the type of examinations. No requirements of the law pertaining to regular permanent licensure shall be mandatory for this resident licensure except as specifically designated by the medical examiners. The granting of a resident physician's license does not in any way indicate that the person so licensed is necessarily eligible for regular licensure, nor are the medical examiners in any way obligated to so license such individual. The medical examiners shall revoke the license at any time they shall determine either that the caliber of work done by a licensee or the type of supervision being given such licensee does not conform to reasonable standards established by the medical examiners.

Sec. 12. Section 148.6, subsection 1, unnumbered paragraph 1, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

The medical examiners, after due notice and hearing in accordance with chapter 17A, may issue an order to discipline a licensee for any of the grounds set forth in section 147.55, chapter 258A, or this subsection. Notwithstanding section 258A.3, licensee discipline may include a civil penalty not to exceed ten thousand dollars.

Pursuant to this section, the board of medical examiners may discipline a licensee who is guilty of any of the following acts or offenses:

Sec. 13. Section 148.6, subsection 1, paragraph h, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Inability to practice medicine and surgery, osteopathic medicine and surgery or osteopathy with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition. The medical examiners ~~shall~~ may, upon probable cause, ~~have authority to~~ compel a physician to submit to a mental or physical examination by designated physicians ~~or to submit to alcohol or drug screening within a time specified by the medical examiners.~~ Failure of a physician to submit to an examination or to submit to alcohol or drug screening shall constitute admission to the allegations made against the physician and the finding of fact and decision of the medical examiners may be entered without the taking of testimony or presentation of

evidence. At reasonable intervals, a physician shall be afforded an opportunity to demonstrate that the physician can resume the competent practice of medicine with reasonable skill and safety to patients.

Sec. 14. Section 148.6, subsection 1, paragraph i, Code 1989, is amended to read as follows:

i. Willful or repeated violation of lawful rule or regulation ~~promulgated~~ adopted by the board or violating a lawful order of the board, previously entered by the board in a disciplinary or licensure hearing, or violating the terms and provisions of a consent agreement or informal settlement between a licensee and the board.

Sec. 15. Section 148.7, subsection 1, Code 1989, is amended to read as follows:

1. The medical examiners may, upon their own motion or upon verified complaint in writing, and shall, if such complaint is filed by the director of public health, issue an order fixing the time and place for hearing ~~thereon~~. A written notice of the time and place of the hearing together with a statement of the charges shall be served upon the licensee at least ten days before ~~said~~ the hearing in the manner required for the service of notice of the commencement of an ordinary action or by restricted certified mail.

Sec. 16. Section 258A.3, subsection 2, paragraph a, Code 1989, is amended to read as follows:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in section 114.21, 116.21, 117.29, 118.13, 118A.15, 147.55, 148.6, 148B.7, 153.34, 154A.24, 169.13, or 602.3203 or chapter 135E, 151, 507B or 522, as applicable, or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

Sec. 17. Section 258A.4, subsection 1, paragraph f, Code 1989, is amended to read as follows:

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under section 114.21, 116.21, 117.29, 118.13, 118A.15, 147.55, 148.6, 148B.7, 153.34, 154A.24, 169.13, 455B.191 or 602.3203 or chapter 135E, 151, 507B or 522, as applicable, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2;

Approved March 27, 1990

CHAPTER 1087

HOMESTEAD CREDIT

H.F. 2549

AN ACT relating to the length of occupancy of the homestead for purposes of the homestead credit and providing a retroactive applicability date.

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

Section 1. Section 425.2, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

Upon the filing and allowance of the claim, the claim shall be allowed on that homestead for successive years without further filing as long as the property is legally or equitably owned and used as a homestead by that person or that person's spouse on July 1 of each of those successive years, and the owner of the property being claimed as a homestead declares residency in Iowa for purposes of income taxation, and the property is occupied by ~~the~~ that person or