

Sec. 3. **NEW SECTION. 148A.6 PHYSICAL THERAPIST ASSISTANT.**

1. A person shall not use the title "physical therapist assistant" or the letters "PTA", or represent to the public that the person is a physical therapist assistant, unless the person has obtained from the department a license pursuant to this section.

2. A licensed physical therapist assistant is required to function under the direction and supervision of a licensed physical therapist to perform physical therapy procedures delegated and supervised by the licensed physical therapist in a manner consistent with the rules adopted by the board of physical and occupational therapy examiners. Selected and delegated tasks of physical therapist assistants may include, but are not limited to, therapeutic procedures and related tasks, routine operational functions, documentation of treatment progress, and the use of selected physical agents. The ability of the licensed physical therapist assistant to perform the selected and delegated tasks shall be assessed on an ongoing basis by the supervising physical therapist. The licensed physical therapist assistant shall not interpret referrals, perform initial evaluation or reevaluations, initiate physical therapy treatment programs, change specified treatment programs, or discharge a patient from physical therapy services.

3. Each applicant for a license to practice as a physical therapist assistant shall:

a. Successfully complete a course of study for the physical therapist assistant accredited by the commission on accreditation in education of the American physical therapy association, or another appropriate accrediting body, and meet other requirements established by the rules of the board of physical and occupational therapy examiners.

b. Have passed an examination administered by the board of physical and occupational therapy examiners.

c. Have the right to petition for waiver of education requirements under conditions defined by the board of physical and occupational therapy examiners.

4. This section does not prevent a person not licensed as a physical therapist assistant from performing services ordinarily performed by a physical therapy aide, assistant, or technician, provided that the person does not represent to the public that the person is a licensed physical therapist assistant, or use the title "physical therapist assistant" or the letters "PTA", and provided that the person performs services consistent with the supervision requirements of the board of physical and occupational therapy examiners for persons not licensed as physical therapist assistants.

Approved June 4, 1991

CHAPTER 229

MARITAL AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS

S.F. 193

AN ACT relating to the licensing of marital and family therapists and mental health counselors, by establishing the board of behavioral science examiners, prohibiting the use of the title marital and family therapist or mental health counselor without a license, providing exemptions, redefining "mental health professional" for purposes of confidential communications, making penalties applicable, and providing other properly related matters.

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

Section 1. Section 147.1, subsections 2 and 3, Code 1991, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist,

pharmacist, physical therapist, occupational therapist, practitioner of cosmetology, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, or social worker means a person licensed under this title.

3. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, mortuary science, marital and family therapy, mental health counseling, social work, or dietetics.

Sec. 2. Section 147.13, Code 1991, is amended by adding the following new subsection after subsection 15 and renumbering the subsequent subsection:

NEW SUBSECTION. 16. For marital and family therapists and mental health counselors, behavioral science examiners.

Sec. 3. Section 147.14, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 13. For behavioral science examiners, three members licensed to practice marital and family therapy, one of whom shall be employed in graduate teaching, training, or research in marital and family therapy and two of whom shall be practicing marital and family therapists; three members licensed to practice mental health counseling, one of whom shall be employed in graduate teaching, training, or research in mental health counseling and two of whom shall be practicing mental health counselors; and three members who are not licensed to practice marital and family therapy or mental health counseling and who shall represent the general public. A majority of the members of the board constitutes a quorum.

Sec. 4. Section 147.74, Code 1991, is amended by adding the following new unnumbered paragraphs after unnumbered paragraph 11:

NEW UNNUMBERED PARAGRAPH. A marital and family therapist licensed under chapter 154D and this chapter may use the words "licensed marital and family therapist" after the person's name or signify the same by the use of the letters "L.M.F.T." after the person's name. A marital and family therapist licensed under chapter 154D and this chapter who possesses a doctoral degree may use the prefix "Doctor" or "Dr." in conjunction with the person's name, but shall add after the person's name the words "Licensed Marital and Family Therapist".

NEW UNNUMBERED PARAGRAPH. A mental health counselor licensed under chapter 154D and this chapter may use the words "licensed mental health counselor" after the person's name. A mental health counselor licensed under chapter 154D and this chapter who possesses a doctoral degree may use the prefix "Doctor" or "Dr." in conjunction with the person's name, but shall add after the person's name the words "Licensed Mental Health Counselor".

Sec. 5. Section 147.80, Code 1991, is amended by adding the following new subsections after subsection 19 and renumbering the subsequent subsections:

NEW SUBSECTION. 20. License to practice marital and family therapy issued upon the basis of an examination given by the board of behavioral science examiners, license to practice marital and family therapy issued under a reciprocal agreement, or renewal of a license to practice marital and family therapy.

NEW SUBSECTION. 21. License to practice mental health counseling issued upon the basis of an examination given by the board of behavioral science examiners, license to practice mental health counseling issued under a reciprocal agreement, or renewal of a license to practice mental health counseling.

Sec. 6. NEW SECTION. 154D.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of behavioral science examiners, established in section 147.13.
2. "Licensed marital and family therapist" means a person licensed to practice marital and family therapy under chapter 147 and this chapter.
3. "Licensed mental health counselor" means a person licensed to practice mental health counseling under chapter 147 and this chapter.

4. "Licensee" includes a licensed marital and family therapist and a licensed mental health counselor.

5. "Marital and family therapy" means the application of counseling techniques in the assessment and resolution of emotional conditions. This includes the alteration and establishment of attitudes and patterns of interaction relative to marriage, family life, and interpersonal relationships.

6. "Mental health counseling" means the provision of counseling services involving assessment, referral, consultation, and the application of counseling, human development principles, learning theory, group dynamics, and the etiology of maladjustment and dysfunctional behavior to individuals, families, and groups.

Sec. 7. NEW SECTION. 154D.2 REQUIREMENTS TO OBTAIN LICENSE.

1. An applicant for a license to practice marital and family therapy shall be granted a license by the board when the applicant satisfies all of the following requirements:

a. Possesses a master's degree in marital and family therapy consisting of at least forty-five credit hours, or its equivalent, from a nationally accredited institution or from a program approved by the board.

b. Has at least two years of supervised clinical experience or its equivalent as approved by the board in consultation with the mental health and retardation commission.

c. Passes an examination administered by the board.

d. Has not failed the examination required in paragraph "c" within six months of the date of the current application.

2. An applicant for a license to practice mental health counseling shall be granted a license by the board when the applicant satisfies all of the following requirements:

a. Possesses a master's degree in counseling consisting of at least forty-five credit hours, or its equivalent, from a nationally accredited institution or from a program approved by the board.

b. Has at least two years of clinical experience, supervised by a licensee, in assessing mental health needs and problems and in providing appropriate mental health services as approved by the board of behavioral science examiners in consultation with the mental health and mental retardation commission.

c. Passes an examination administered by the board.

Sec. 8. NEW SECTION. 154D.3 BOARD ORGANIZATION AND AUTHORITY.

1. In addition to duties and responsibilities provided in chapters 147 and 258A, the board shall adopt rules relating to:

a. Standards required for licensees engaging in the professions covered by this chapter.

b. Standards for professional conduct of persons licensed under this chapter.

c. The administration of this chapter.

d. The status of active and inactive licensure, and guidelines for reentry of inactive licensees.

e. Educational activities which fulfill continuing education requirements for license renewals.

2. A separate subcommittee is established within the board for each of the professions under the board's jurisdiction. The chairperson of the board shall appoint to the subcommittee for each profession those members of the board who represent that profession. The chairperson shall appoint two of the public members of the board to serve on a subcommittee. Each subcommittee shall, by majority vote, rule on all license applications within the subcommittee's assigned profession, approve and administer the grading of the examination given to applicants for licenses to practice that profession, and otherwise coordinate the board's administration of all matters pertinent to regulation of the practice of the profession.

3. A decision or recommendation of a subcommittee shall not become effective without approval of the board. The board may initiate action relating to either of the professions within its jurisdiction.

4. Members attending meetings of the board's subcommittees shall be reimbursed on the same basis as members attending board meetings up to a maximum of six subcommittee meetings per calendar year.

5. The board shall hold at least two regular meetings each year, and no more than four additional meetings may be held upon the call of the chairperson of the board, or at the written request of at least four members of the board.

Sec. 9. NEW SECTION. 154D.4 EXEMPTIONS.

This chapter and chapter 147 do not prevent qualified members of other professions, including but not limited to nurses, psychologists, social workers, physicians, attorneys-at-law, or members of the clergy from providing or advertising that they provide services of a marital and family therapy or mental health counseling nature consistent with the accepted standards of their respective professions, but these persons shall not use a title or description denoting that they are licensed marital and family therapists or licensed mental health counselors.

Sec. 10. NEW SECTION. 154D.5 SEXUAL CONDUCT WITH CLIENT.

The license of a marriage and family therapist or a mental health counselor shall be revoked if the board finds that the licensee engaged in sexual activity or genital contact with a client while acting or purporting to act within the licensee's scope of practice, whether or not the client consented to the sexual activity or genital contact.

The revocation shall be in addition to any other penalties provided by law.

Sec. 11. Section 622.10, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A practicing attorney, counselor, physician, surgeon, physician's assistant, mental health professional, or the stenographer or confidential clerk of any such person, who obtains information by reason of the person's employment, ~~minister of the gospel or priest of any denomination or a member of the clergy~~ shall not be allowed, in giving testimony, to disclose any confidential communication properly entrusted to the person in the person's professional capacity, and necessary and proper to enable the person to discharge the functions of the person's office according to the usual course of practice or discipline. The prohibition does not apply to cases where the person in whose favor the prohibition is made waives the rights conferred; nor does the prohibition apply to physicians or surgeons, physician's assistants, mental health professionals, or to the stenographer or confidential clerk of any physicians or surgeons, physician's assistants, or mental health professionals, in a civil action in which the condition of the person in whose favor the prohibition is made is an element or factor of the claim or defense of the person or of any party claiming through or under the person. The evidence is admissible upon trial of the action only as it relates to the condition alleged.

PARAGRAPH DIVIDED. If an adverse party desires the oral deposition, either discovery or evidentiary, of a physician or surgeon, physician's assistant, or mental health professional to which the prohibition would otherwise apply or the stenographer or confidential clerk of a physician or surgeon, physician's assistant, or mental health professional or desires to call a physician or surgeon, physician's assistant, or mental health professional to which the prohibition would otherwise apply or the stenographer or confidential clerk of a physician or surgeon, physician's assistant, or mental health professional as a witness at the trial of the action, the adverse party shall file an application with the court for permission to do so. The court upon hearing, which shall not be ex parte, shall grant permission unless the court finds that the evidence sought does not relate to the condition alleged and shall fix a reasonable fee to be paid to the physician or surgeon, physician's assistant, or mental health professional by the party taking the deposition or calling the witness.

PARAGRAPH DIVIDED. For the purposes of this section, "mental health professional" means ~~psychologists certified a psychologist licensed~~ under chapter 154B, ~~a registered nurses nurse licensed~~ under chapter 152, ~~a social worker licensed~~ under chapter 154C, ~~a marital and family therapist licensed~~ under chapter 154D, ~~a mental health counselor licensed~~ under chapter 154D, or ~~individuals an individual holding at least a master's degree in social work or counseling and guidance a related field as deemed appropriate by the board of behavioral science examiners.~~

Sec. 12. **INITIAL APPOINTMENTS.** Notwithstanding section 147.19, of the initial appointees to the board of behavioral science examiners, one member of each professional subcommittee and one member appointed to represent the general public shall be appointed for one-year terms, one member of each subcommittee and one representative of the general public shall be appointed for two-year terms, and one member of each subcommittee and one representative of the general public shall be appointed for three-year terms. The initial appointees' successors shall be appointed for terms of three years each, except that a person chosen to fill a vacancy shall be appointed only for the unexpired term of the board member replaced.

Initial professional appointees to the board of behavioral science examiners shall meet the requirements of section 154D.2, subsection 1, paragraphs "a" and "b", or section 154D.2, subsection 2, paragraphs "a" and "b", and shall not be required to pass an examination in order to be appointed to the board.

Approved June 4, 1991

CHAPTER 230

COOPERATIVE ASSOCIATIONS — STATEMENTS — SECURITIES EXEMPTIONS *S.F. 276*

AN ACT relating to financial requirements of cooperative associations, by providing for the preparation and delivery of certain statements, exempting agricultural cooperative associations from certain requirements provided under the Iowa uniform securities Act, providing for the retroactive application of the Act, and providing an effective date.

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

Section 1. **NEW SECTION. 497.35 STATEMENT TO ESTATE OF STOCKHOLDER.**

The board of directors, upon receiving actual notice of a stockholder's death, shall provide a statement to the administrator or executor of the stockholder's estate, or to the attorney representing the stockholder's estate. The statement shall describe agricultural products owned by the stockholder which are in the possession of the association.

This section shall not require an association to conduct a search of the status of its stockholders. The association shall exercise reasonable diligence in determining to whom the statement must be delivered. The statement shall be delivered to the administrator, executor, or attorney, within thirty days following a determination as to whom the statement must be delivered. A statement is not required to be prepared or delivered, if the association is not notified of the stockholder's death within one year after the date of death, or by the date that the stockholder's estate is closed, whichever is later.

Sec. 2. **NEW SECTION. 498.37 STATEMENT TO ESTATE OF STOCKHOLDER.**

The board of directors, upon receiving actual notice of a member's death, shall provide a statement to the administrator or executor of the member's estate, or to the attorney representing the member's estate. The statement shall describe agricultural products owned by the member which are in the possession of the association.

This section shall not require an association to conduct a search of the status of its members. The association shall exercise reasonable diligence in determining to whom the statement must be delivered. The statement shall be delivered to the administrator, executor, or attorney, within thirty days following a determination as to whom the statement must be delivered. A statement is not required to be prepared or delivered, if the association is not notified of the member's death within one year after the date of death, or by the date that the member's estate is closed, whichever is later.