

by job title of the school official responsible for ensuring that the policy is implemented, and the identification of the person or persons responsible for receiving reports of harassment or bullying.

f. A procedure for the prompt investigation of complaints, either identifying the school superintendent or the superintendent's designee as the individual responsible for conducting the investigation, including a statement that investigators will consider the totality of circumstances presented in determining whether conduct objectively constitutes harassment or bullying under this section.

g. A statement of the manner in which the policy will be publicized.

4. PROGRAMS ENCOURAGED. The board of directors of a school district and the authorities in charge of each accredited nonpublic school are encouraged to establish programs designed to eliminate harassment and bullying in schools. To the extent that funds are available for these purposes, school districts and accredited nonpublic schools shall do the following:

a. Provide training on antiharassment and antibullying policies to school employees and volunteers who have significant contact with students.

b. Develop a process to provide school employees, volunteers, and students with the skills and knowledge to help reduce incidents of harassment and bullying.

5. IMMUNITY. A school employee, volunteer, or student, or a student's parent or guardian who promptly, reasonably, and in good faith reports an incident of harassment or bullying, in compliance with the procedures in the policy adopted pursuant to this section, to the appropriate school official designated by the school district or accredited nonpublic school, shall be immune from civil or criminal liability relating to such report and to participation in any administrative or judicial proceeding resulting from or relating to the report.

6. COLLECTION REQUIREMENT. The board of directors of a school district and the authorities in charge of each nonpublic school shall develop and maintain a system to collect harassment and bullying incidence data.

7. INTEGRATION OF POLICY AND REPORTING. The board of directors of a school district and the authorities in charge of each nonpublic school shall integrate its antiharassment and antibullying policy into the comprehensive school improvement plan required under section 256.7, subsection 21, and shall report data collected under subsection 6, as specified by the department, to the local community.

8. EXISTING REMEDIES NOT AFFECTED. This section shall not be construed to preclude a victim from seeking administrative or legal remedies under any applicable provision of law.

Approved March 5, 2007

CHAPTER 10

OCCUPATIONAL LICENSING AND REGULATION — HEALTH CARE PROFESSIONS

S.F. 74

AN ACT renaming health-related examining boards as licensing boards.

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

Section 1. Section 3.20, subsection 2, Code 2007, is amended to read as follows:

2. The examining licensing board shall pursue a meaningful examination and enforcement procedure which upholds the level of competency of the licensee to insure that the public interest is protected.

Sec. 2. Section 7E.4, subsection 2, Code 2007, is amended to read as follows:

2. a. “Board” means a policymaking or rulemaking body that has the power to hear contested cases.

b. A policymaking body that has powers for both rulemaking and hearing contested cases shall be termed a “board”. “Board” includes a professional licensing board which sets standards of professional competence and conduct for the profession or occupation under its supervision, which may prepare and grade the examinations of prospective new practitioners when authorized by law, which may issue licenses when authorized by law, which investigates complaints of alleged unprofessional conduct, and which performs other functions assigned to it by law.

Sec. 3. Section 7E.4, subsection 8, Code 2007, is amended by striking the subsection.

Sec. 4. Section 8A.101, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

“Agency” or “state agency” means a unit of state government, which is an authority, board, commission, committee, council, department, examining or licensing board, or independent agency as defined in section 7E.4, including but not limited to each principal central department enumerated in section 7E.5. However, “agency” or “state agency” does not mean any of the following:

Sec. 5. Section 8F.2, subsection 1, Code 2007, is amended to read as follows:

1. “Agency” means a unit of state government, which is an authority, board, commission, committee, council, department, examining or licensing board, or independent agency as defined in section 7E.4, including but not limited to each principal central department enumerated in section 7E.5. However, “agency” does not mean the Iowa public employees’ retirement system created under chapter 97B, the public broadcasting division of the department of education created under section 256.81, the statewide fire and police retirement system created under chapter 411, or an agricultural commodity promotion board subject to a producer referendum.

Sec. 6. Section 10A.402, subsection 1, Code 2007, is amended to read as follows:

1. Investigations relative to the practice of regulated professions and occupations, except those within the jurisdiction of the board of ~~medical examiners~~ medicine, the board of pharmacy ~~examiners~~, the board of ~~dental examiners~~ dentistry,¹ and the board of nursing.

Sec. 7. Section 80.33, Code 2007, is amended to read as follows:

80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

A person required by law to keep records, and a carrier maintaining records with respect to any shipment containing any controlled or counterfeit substances shall, upon request of an authorized peace officer of the department, designated by the commissioner, permit such peace officer at reasonable times to have access to and copy such records. For the purpose of examining and verifying such records, an authorized peace officer of the department, designated by the commissioner, may enter at reasonable times any place or vehicle in which any controlled or counterfeit substance is held, manufactured, dispensed, compounded, processed, sold, delivered, or otherwise disposed of and inspect such place or vehicle and the contents of such place or vehicle. For the purpose of enforcing laws relating to controlled or counterfeit substances, and upon good cause shown, a peace officer of the department shall be allowed to inspect audits and records in the possession of the ~~state~~ board of pharmacy ~~examiners~~.

Sec. 8. Section 124.101, subsection 3, Code 2007, is amended to read as follows:

3. “Board” means the state board of pharmacy ~~examiners~~.

¹ See chapter 218, §191 herein

Sec. 9. Section 124.204, subsection 4, paragraph m, Code 2007, is amended to read as follows:

m. Marijuana, except as otherwise provided by rules of the board of ~~pharmacy examiners~~ for medicinal purposes.

Sec. 10. Section 124.204, subsection 4, paragraph u, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Tetrahydrocannabinols, except as otherwise provided by rules of the board of ~~pharmacy examiners~~ for medicinal purposes. Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis sp., and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

Sec. 11. Section 124.204, subsection 7, Code 2007, is amended to read as follows:

7. EXCLUSIONS. This section does not apply to marijuana, tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinol when utilized for medicinal purposes pursuant to rules of the ~~state board of pharmacy examiners~~.

Sec. 12. Section 124.206, subsection 7, paragraph a, Code 2007, is amended to read as follows:

a. Marijuana when used for medicinal purposes pursuant to rules of the board of ~~pharmacy examiners~~.

Sec. 13. Section 124.206, subsection 8, Code 2007, is amended to read as follows:

8. The board of ~~pharmacy examiners~~, by rule, may except any compound, mixture, or preparation containing any stimulant listed in subsection 4 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant effect on the central nervous system, and if the admixtures are included in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

Sec. 14. Section 124A.2, subsection 4, Code 2007, is amended to read as follows:

4. "Imitation controlled substance" means a substance which is not a controlled substance but which by color, shape, size, markings, and other aspects of dosage unit appearance, and packaging or other factors, appears to be or resembles a controlled substance.

The ~~state board of pharmacy examiners~~ may designate a substance as an imitation controlled substance pursuant to the board's rulemaking authority and in accordance with chapter 17A.

Sec. 15. Section 124A.3, unnumbered paragraph 1, Code 2007, is amended to read as follows:

When a substance has not been designated as an imitation controlled substance by the ~~state board of pharmacy examiners~~ and when dosage unit appearance alone does not establish that a substance is an imitation controlled substance the following factors may be considered in determining whether the substance is an imitation controlled substance:

Sec. 16. Section 124B.1, Code 2007, subsection 1, is amended to read as follows:

1. "Board" means the board of ~~pharmacy examiners~~.

Sec. 17. Section 126.2, subsection 3, Code 2007, is amended to read as follows:

3. "Board" means the board of ~~pharmacy examiners~~.

Sec. 18. Section 135.11, subsection 9, Code 2007, is amended to read as follows:

9. Exercise sole jurisdiction over the disposal and transportation of the dead bodies of hu-

man beings and prescribe the methods to be used in preparing such bodies for disposal and transportation. However, the department may approve a request for an exception to the application of specific embalming and disposition rules adopted pursuant to this subsection if such rules would otherwise conflict with tenets and practices of a recognized religious denomination to which the deceased individual adhered or of which denomination the deceased individual was a member. The department shall inform the board of mortuary science examiners of any such approved exception which may affect services provided by a funeral director licensed pursuant to chapter 156.

Sec. 19. Section 135.11A, Code 2007, is amended to read as follows:

135.11A PROFESSIONAL LICENSURE DIVISION — OTHER LICENSING BOARDS — EXPENSES — FEES.

There shall be a professional licensure division within the department of public health. Each board of examiners specified under chapter 147 or under the administrative authority of the department, except the state board of nursing, state board of ~~medical examiners~~ medicine, state board of ~~dental examiners~~ dentistry,² and state board of pharmacy examiners, shall receive administrative and clerical support from the division and may not employ its own support staff for administrative and clerical duties.

The professional licensure division and the licensing boards may expend funds in addition to amounts budgeted, if those additional expenditures are directly the result of actual examination and exceed funds budgeted for examinations. Before the division or a licensing board expends or encumbers an amount in excess of the funds budgeted for examinations, the director of the department of management shall approve the expenditure or encumbrance. Before approval is given, the department of management shall determine that the examination expenses exceed the funds budgeted by the general assembly to the division or board and the division or board does not have other funds from which examination expenses can be paid. Upon approval of the department of management, the division or licensing board may expend and encumber funds for excess examination expenses. The amounts necessary to fund the excess examination expenses shall be collected as fees from additional examination applicants and shall be treated as repayment receipts as defined in section 8.2.

Sec. 20. Section 135.24, subsection 2, paragraph a, Code 2007, is amended to read as follows:

a. Procedures for registration of health care providers deemed qualified by the board of ~~medical examiners~~ medicine, the board of physician ~~assistant examiners~~ assistants, the board of ~~dental examiners~~ dentistry,³ the board of nursing, the board of chiropractic examiners, the board of psychology examiners, the board of social work examiners, the board of behavioral science examiners, the board of pharmacy examiners, the board of optometry examiners, the board of podiatry examiners, the board of physical and occupational therapy examiners, the state board for respiratory care, and the Iowa department of public health, as applicable.

Sec. 21. Section 135.31, Code 2007, is amended to read as follows:

135.31 LOCATION OF BOARDS — RULEMAKING.

The offices for the state board of ~~medical examiners~~ medicine, the state board of pharmacy examiners, the state board of nursing, and the state board of ~~dental examiners~~ dentistry⁴ shall be located within the department of public health. The individual boards shall have policy-making and rulemaking authority.

Sec. 22. Section 135M.3, subsection 1, Code 2007, is amended to read as follows:

1. The department, in cooperation with the board of pharmacy examiners, may establish and maintain a prescription drug donation repository program under which any person may donate prescription drugs and supplies for use by an individual who meets eligibility criteria specified by the department by rule. The department may contract with a third party to implement and administer the program.

² See chapter 218, §192 herein

³ See chapter 218, §193 herein

⁴ See chapter 218, §194 herein

Sec. 23. Section 136C.3, subsection 2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Establish minimum training standards including continuing education requirements, and administer examinations and disciplinary procedures for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, osteopathy, chiropractic, podiatry, dentistry, dental hygiene, or veterinary medicine, or licensure as a physician assistant pursuant to chapter 148C, or certification by the board of ~~dental examiners~~ dentistry⁵ in dental radiography, or by the board of podiatry ~~examiners~~ in podiatric radiography, or enrollment in a program or course of study approved by the Iowa department of public health which includes the application of radiation to humans satisfies the minimum training standards for operation of radiation machines only.

Sec. 24. Section 139A.8, subsection 4, paragraph a, Code 2007, is amended to read as follows:

a. The applicant, or if the applicant is a minor, the applicant's parent or legal guardian, submits to the admitting official a statement signed by a physician, advanced registered nurse practitioner, or physician assistant who is licensed by the board of ~~medical examiners~~ medicine, board of nursing, or board of physician assistant ~~examiners~~ assistants that the immunizations required would be injurious to the health and well-being of the applicant or any member of the applicant's family.

Sec. 25. Section 139A.22, subsections 1, 3, 6, and 7, Code 2007, are amended to read as follows:

1. A hospital shall adopt procedures requiring the establishment of protocols applicable on a case-by-case basis to a health care provider determined to be infected with HIV or HBV who ordinarily performs exposure-prone procedures as determined by an expert review panel, within the hospital setting. The protocols established shall be in accordance with the recommendations issued by the centers for disease control and prevention of the United States department of health and human services. The expert review panel may be an established committee of the hospital. The procedures may provide for referral of the health care provider to the expert review panel established by the department pursuant to subsection 3 for establishment of the protocols. The procedures shall require reporting noncompliance with the protocols by a health care provider to the ~~examining licensing~~ board with jurisdiction over the relevant health care providers.

3. The department shall establish an expert review panel to determine on a case-by-case basis under what circumstances, if any, a health care provider determined to be infected with HIV or HBV practicing outside the hospital setting or referred to the panel by a hospital or health care facility may perform exposure-prone procedures. If a health care provider determined to be infected with HIV or HBV does not comply with the determination of the expert review panel, the panel shall report the noncompliance to the ~~examining licensing~~ board with jurisdiction over the health care provider. A determination of an expert review panel pursuant to this section is a final agency action appealable pursuant to section 17A.19.

6. The board of ~~medical examiners~~ medicine, the board of physician ~~assistant examiners~~ assistants, the board of podiatry ~~examiners~~, the board of nursing, the board of ~~dental examiners~~ dentistry,⁶ and the board of optometry ~~examiners~~ shall require that licensees comply with the recommendations issued by the centers for disease control and prevention of the United States department of health and human services for preventing transmission of human immunodeficiency virus and hepatitis B virus to patients during exposure-prone invasive procedures, with the recommendations of the expert review panel established pursuant to subsection 3, with hospital protocols established pursuant to subsection 1, and with health care facility procedures established pursuant to subsection 2, as applicable.

7. Information relating to the HIV status of a health care provider is confidential and subject to the provisions of section 141A.9. A person who intentionally or recklessly makes an unauthorized disclosure of such information is subject to a civil penalty of one thousand dollars.

⁵ See chapter 218, §195 herein

⁶ See chapter 218, §196 herein

The attorney general or the attorney general's designee may maintain a civil action to enforce this section. Proceedings maintained under this section shall provide for the anonymity of the health care provider and all documentation shall be maintained in a confidential manner. Information relating to the HBV status of a health care provider is confidential and shall not be accessible to the public. Information regulated by this section, however, may be disclosed to members of the expert review panel established by the department or a panel established by hospital protocol under this section. The information may also be disclosed to the appropriate examining licensing board by filing a report as required by this section. The examining licensing board shall consider the report a complaint subject to the confidentiality provisions of section 272C.6. A licensee, upon the filing of a formal charge or notice of hearing by the examining licensing board based on such a complaint, may seek a protective order from the board.

Sec. 26. Section 147.1, subsection 2, paragraphs b, c, and f, Code 2007, are amended to read as follows:

b. ~~“Examining board”~~ “Board” shall mean one of the boards enumerated in section 147.13 or any other board established in this subtitle which is appointed by the governor to give examinations to license applicants for licenses and impose licensee discipline as authorized by law.

c. “Licensed” or “certified” when applied to a physician and surgeon, podiatric physician, 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, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, social worker, massage therapist, athletic trainer, acupuncturist, or ~~interpreter for the hearing impaired~~ sign language interpreter or transliterator means a person licensed under this subtitle.

f. “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, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, social work, dietetics, massage therapy, athletic training, acupuncture, or ~~interpreting for the hearing impaired~~ sign language interpreting or transliterating.

Sec. 27. Section 147.1, subsection 2, paragraph e, subparagraph (4), Code 2007, is amended to read as follows:

(4) ~~An examining A board~~ enumerated in section 147.13 or any other board established in this subtitle which is appointed by the governor to license applicants and impose licensee discipline as authorized by law.

Sec. 28. Section 147.2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A person shall not engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, occupational therapy, respiratory care, pharmacy, cosmetology, barbering, social work, dietetics, marital and family therapy or mental health counseling, massage therapy, mortuary science, athletic training, acupuncture, or ~~interpreting for the hearing impaired~~ sign language interpreting or transliterating, or shall not practice as a physician assistant as defined in the following chapters of this subtitle, unless the person has obtained from the department a license for that purpose.

Sec. 29. Section 147.5, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Every license to practice a profession shall be in the form of a certificate under the seal of the department, signed by the director of public health. Such license shall be issued in the

name of the ~~examining licensing~~ board which conducts examinations for that particular profession.

Sec. 30. Section 147.11, Code 2007, is amended to read as follows:

147.11 REINSTATEMENT.

Any licensee who allows the license to lapse by failing to renew the same, as provided in section 147.10, may be reinstated without examination upon recommendation of the ~~examining licensing~~ board for the licensee's profession and upon payment of the renewal fees then due.

Sec. 31. Section 147.12, Code 2007, is amended to read as follows:

147.12 EXAMINING HEALTH PROFESSION BOARDS.

For the purpose of giving examinations to applicants for licenses to practice the professions for which licenses are required by this subtitle, the governor shall appoint, subject to confirmation by the senate, a board of ~~examiners~~ for each of the professions. The board members shall not be required to be members of professional societies or associations composed of members of their professions.

If a person who has been appointed by the governor to serve on an ~~examining a~~ board has ever been disciplined in a contested case by the board to which the person has been appointed, all board complaints and statements of charges, settlement agreements, findings of fact, and orders pertaining to the disciplinary action shall be made available to the senate committee to which the appointment is referred at the committee's request before the full senate votes on the person's appointment.

Sec. 32. Section 147.13, Code 2007, is amended to read as follows:

147.13 DESIGNATION OF BOARDS.

The ~~examining~~ boards provided in section 147.12 shall be designated as follows:

1. For medicine and surgery, osteopathy, osteopathic medicine and surgery, and acupuncture, ~~medical examiners the board of medicine.~~
2. For physician assistants, ~~the board of physician assistant examiners assistants.~~
3. For psychology, ~~the board of psychology examiners.~~
4. For podiatry, ~~the board of podiatry examiners.~~
5. For chiropractic, ~~the board of chiropractic examiners.~~
6. For physical therapists and occupational therapists, ~~the board of physical and occupational therapy examiners.~~
7. For nursing, ~~the board of nursing.~~
8. For dentistry, dental hygiene, and dental assisting, ~~dental examiners the board of dentistry.~~⁷
9. For optometry, ~~the board of optometry examiners.~~
10. For speech pathology and audiology, ~~the board of speech pathology and audiology examiners.~~
11. For cosmetology arts and sciences, ~~the board of cosmetology arts and sciences examiners.~~
12. For barbering, ~~barber examiners the board of barbering.~~
13. For pharmacy, ~~the board of pharmacy examiners.~~
14. For mortuary science, ~~the board of mortuary science examiners.~~
15. For social workers, ~~the board of social work examiners.~~
16. For marital and family therapists and mental health counselors, ~~the board of behavioral science examiners.~~
17. For dietetics, ~~dietetic examiners the board of dietetics.~~
18. For respiratory care therapists, ~~the board of respiratory care examiners.~~
19. For massage therapists, ~~the board of massage therapy examiners.~~
20. For athletic trainers, ~~the board of athletic training examiners.~~
21. For interpreters, ~~interpreter for the hearing impaired examiners the board of sign language interpreters and transliterators.~~

⁷ See chapter 218, §197 herein

22. For hearing aids, ~~the board of hearing aid dispenser examiners~~ dispensers.
23. For nursing home administrators, ~~the board of nursing home administrators~~ examiners.

Sec. 33. Section 147.14, Code 2007, is amended to read as follows:

147.14 COMPOSITION OF BOARDS.

The ~~boards of examiners~~ board members shall consist of the following:

1. For barbering, three members licensed to practice barbering, and two members who are not licensed to practice barbering and who shall represent the general public. A quorum shall consist of a majority of the members of the board.
2. For ~~medical examiners~~ medicine, five members licensed to practice medicine and surgery, two members licensed to practice osteopathic medicine and surgery, and three members not licensed to practice either medicine and surgery or osteopathic medicine and surgery, and who shall represent the general public. A majority of members of the board constitutes a quorum.
3. For ~~the board of~~ nursing, four registered nurses, two of whom shall be actively engaged in practice, two of whom shall be nurse educators from nursing education programs; of these, one in higher education and one in area community and vocational-technical registered nurse education; one licensed practical nurse actively engaged in practice; and two members not registered nurses or licensed practical nurses and who shall represent the general public. The representatives of the general public shall not be members of health care delivery systems. A majority of the members of the board constitutes a quorum.
4. For ~~dental examiners~~ dentistry, five members ~~shall be licensed to practice dentistry, two members shall be licensed to practice dental hygiene, and two members not licensed to practice dentistry or dental hygiene and who shall represent the general public. A majority of the members of the board shall constitute a quorum. No member of the dental faculty of the school of dentistry at the state university of Iowa shall be eligible to be appointed. Beginning January 1, 2000, persons~~ Persons appointed to the board as dental hygienist members shall not be employed by or receive any form of remuneration from a dental or dental hygiene educational institution. The two dental hygienist board members and one dentist board member shall constitute a dental hygiene committee of the board as provided in section 153.33A.
5. For pharmacy ~~examiners~~, five members licensed to practice pharmacy and two members who are not licensed to practice pharmacy and who shall represent the general public. A majority of the members of the board shall constitute a quorum.
6. For optometry ~~examiners~~, five members licensed to practice optometry and two members who are not licensed to practice optometry and who shall represent the general public. A majority of the members of the board shall constitute a quorum.
7. For psychology ~~examiners~~, five members who are licensed to practice psychology and two members not licensed to practice psychology and who shall represent the general public. Of the five members who are licensed to practice psychology, one member shall be primarily engaged in graduate teaching in psychology, two members shall be persons who render services in psychology, one member shall represent areas of applied psychology and may be affiliated with training institutions and shall devote a major part of the member's time to rendering service in psychology, and one member shall be primarily engaged in research psychology. A majority of the members of the board constitutes a quorum.
8. For chiropractic ~~examiners~~, five members licensed to practice chiropractic and two members who are not licensed to practice chiropractic and who shall represent the general public. A majority of the members of the board shall constitute a quorum.
9. For speech pathology and audiology ~~examiners~~, five members licensed to practice speech pathology or audiology at least two of which shall be licensed to practice speech pathology and at least two of which shall be licensed to practice audiology, and two members who are not licensed to practice speech pathology or audiology and who shall represent the general public. A majority of the members of the board shall constitute a quorum.
10. For physical therapy and occupational therapy, three members licensed to practice physical therapy, two members licensed to practice occupational therapy, and two members

who are not licensed to practice physical therapy or occupational therapy and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

11. For ~~dietetic examiners~~ dietetics, one licensed dietitian representing the approved or accredited dietetic education programs, one licensed dietitian representing clinical dietetics in hospitals, one licensed dietitian representing community nutrition services and two members who are not licensed dietitians and who shall represent the general public. A majority of the members of the board constitutes a quorum.

12. For the board of ~~physician assistant examiners~~ assistants, three members licensed to practice as physician assistants, at least two of whom practice in counties with a population of less than fifty thousand, one member licensed to practice medicine and surgery who supervises a physician assistant, one member licensed to practice osteopathic medicine and surgery who supervises a physician assistant, and two members who are not licensed to practice either medicine and surgery or osteopathic medicine and surgery or licensed as a physician assistant and who shall represent the general public. At least one of the physician members shall be in practice in a county with a population of less than fifty thousand. A majority of members of the board constitutes a quorum.

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.

14. For cosmetology arts and sciences ~~examiners~~, a total of seven members, three who are licensed cosmetologists, one who is a licensed electrologist, esthetician, or nail technologist, one who is a licensed instructor of cosmetology arts and sciences at a public or private school and who does not own a school of cosmetology arts and sciences, and two who are not licensed in a practice of cosmetology arts and sciences and who shall represent the general public.

15. For respiratory care, one licensed physician with training in respiratory care, three respiratory care practitioners who have practiced respiratory care for a minimum of six years immediately preceding their appointment to the board and who are recommended by the society for respiratory care, and one member not licensed to practice medicine or respiratory care who shall represent the general public. A majority of members of the board constitutes a quorum.

16. For mortuary science ~~examiners~~, four members licensed to practice mortuary science, one member owning, operating, or employed by a crematory, and two members not licensed to practice mortuary science and not a crematory owner, operator, or employee who shall represent the general public. A majority of the members of the board constitutes a quorum.

17. For massage therapists, four members licensed to practice massage therapy and three members who are not licensed to practice massage therapy and who shall represent the general public. A majority of the members of the board constitutes a quorum.

18. For athletic trainers, three members licensed to practice athletic training, three members licensed to practice medicine and surgery, and one member not licensed to practice athletic training or medicine and surgery and who shall represent the general public. A majority of the members of the board constitutes a quorum.

19. For podiatry ~~examiners~~, five members licensed to practice podiatry and two members who are not licensed to practice podiatry and who shall represent the general public. A majority of the members of the board shall constitute a quorum.

20. For social work ~~examiners~~, a total of seven members, five who are licensed to practice social work, with at least one from each of three levels of licensure described in section 154C.3, subsection 1, two employed by a licensee under chapter 237, and two who are not licensed social workers and who shall represent the general public.

21. For sign language interpreting for the hearing impaired and transliterating, four members licensed to practice interpreting and transliterating, three of whom shall be practicing in-

interpreters and transliterators at the time of appointment to the board and at least one of whom is employed in an educational setting; and three members who are consumers of interpreting or transliterating services as defined in section 154E.1, each of whom shall be deaf. A majority of members of the board constitutes a quorum.

22. For hearing aid dispensers, three licensed hearing aid dispensers and two members who are not licensed hearing aid dispensers who shall represent the general public. A majority of the members of the board constitutes a quorum.

23. For nursing home administrators, a total of nine members: Four licensed nursing home administrators, one of whom is the administrator of a nonproprietary nursing home; three licensed members of any profession concerned with the care and treatment of chronically ill or elderly patients who are not nursing home administrators or nursing home owners; and two members of the general public who are not licensed under chapter 147, have no financial interest in any nursing home, and who shall represent the general public. A majority of the members of the board constitutes a quorum.

Sec. 34. Section 147.16, Code 2007, is amended to read as follows:

147.16 **EXAMINERS BOARD MEMBERS.**

Each licensed ~~examiner~~ board member shall be actively engaged in the practice or the instruction of the ~~examiner's~~ board member's profession and shall have been so engaged for a period of five years just preceding the ~~examiner's~~ board member's appointment, the last two of which shall be in this state.

However, each licensed physician assistant member of the board of ~~physician assistant examiners~~ assistants shall be actively engaged in practice as a physician assistant and shall have been so engaged for a period of three years just preceding the member's appointment, the last year of which shall be in this state.

Sec. 35. Section 147.18, Code 2007, is amended to read as follows:

147.18 **DISQUALIFICATIONS.**

~~No examiner~~ A board member shall not be connected in any manner with any wholesale or jobbing house dealing in supplies or have a financial interest in or be an instructor at a proprietary school.

Sec. 36. Section 147.19, Code 2007, is amended to read as follows:

147.19 **TERMS OF OFFICE.**

The board members shall serve three-year terms, which shall commence and end as provided by section 69.19. Any vacancy in the membership of ~~an examining~~ a board shall be filled by appointment of the governor subject to senate confirmation. A member shall serve no more than three terms or nine years.

Sec. 37. Section 147.20, Code 2007, is amended to read as follows:

147.20 **NOMINATION OF EXAMINERS BOARD MEMBERS.**

The regular state association or society for each profession may recommend the names of potential board members to the governor, but the governor shall not be bound by the recommendations.

Sec. 38. Section 147.22, Code 2007, is amended to read as follows:

147.22 **OFFICERS.**

Each ~~examining~~ board shall organize annually and shall select a chairperson and a secretary from its own membership.

Sec. 39. Section 147.24, Code 2007, is amended to read as follows:

147.24 **COMPENSATION.**

Members of ~~an examining~~ a board shall receive actual expenses for their duties as a member of the ~~examining~~ board. Each member of each board may also be eligible to receive compensa-

tion as provided in section 7E.6. The funds shall be appropriated to the department and allocated to each ~~examining~~ board within the limits of funds.

Sec. 40. Section 147.25, unnumbered paragraphs 3 and 4, Code 2007, are amended to read as follows:

~~Examining boards~~ Boards collecting information necessary for the division for records and statistics to carry out the provisions of this section shall provide the department with the information which may be gathered by means including, but not limited to, questionnaires forwarded to applicants for a license or renewal of a license.

In addition to any other fee provided by law, a fee may be set by the respective ~~examining~~ boards for each license and renewal of a license to practice a profession, which fee shall be based on the annual cost of collecting information for use by the department in the administration of the system of health personnel statistics established by this section. The fee shall be collected, transmitted to the treasurer of state, and deposited in the general fund of the state in the manner in which license and renewal fees of the respective professions are collected, transmitted, and deposited in the general fund.

Sec. 41. Section 147.26, Code 2007, is amended to read as follows:

147.26 SUPPLIES AND EXAMINATION QUARTERS.

The department shall furnish each ~~examining~~ board with all articles and supplies required for the public use and necessary to enable ~~said the~~ board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained and the cost shall be assessed to the ~~examining~~ board. The director of the department of administrative services shall furnish each ~~examining~~ board with suitable quarters in which to conduct the examination and the cost of the quarters shall be assessed to the ~~examining~~ board.

Sec. 42. Section 147.28, Code 2007, is amended to read as follows:

147.28 NATIONAL ORGANIZATION.

Each ~~examining~~ board may maintain a membership in the national organization of the state ~~examining regulatory~~ boards of its profession to be paid from funds appropriated to the board.

Sec. 43. Section 147.28A, Code 2007, is amended to read as follows:

147.28A SCOPE OF PRACTICE REVIEW COMMITTEES — FUTURE REPEAL.

1. The department shall utilize scope of practice review committees to evaluate and make recommendations to the general assembly and to the appropriate ~~examining~~ boards regarding all of the following issues:

a. Requests from practitioners seeking to become newly licensed health professionals or to establish their own ~~examining~~ boards.

b. Requests from health professionals seeking to expand or narrow the scope of practice of a health profession.

c. Unresolved administrative rulemaking disputes between ~~examining~~ boards.

2. A scope of practice review committee established under this section shall evaluate the issues specified in subsection 1 and make recommendations regarding proposed changes to the general assembly based on the following standards and guidelines:

a. The proposed change does not pose a significant new danger to the public.

b. Enacting the proposed change will benefit the health, safety, or welfare of the public.

c. The public cannot be effectively protected by other more cost-effective means.

3. A scope of practice review committee shall be limited to five members as follows:

a. One member representing the profession seeking licensure, a new ~~examining~~ board, or a change in scope of practice.

b. One member of the health profession directly impacted by, or opposed to, the proposed change.

- c. One impartial health professional who is not directly or indirectly affected by the proposed change.
- d. Two impartial members of the general public.
4. The department may contract with a school or college of public health to assist in ~~implementing~~ administering this section.
5. The department shall submit an annual progress report to the governor and the general assembly by January 15 and shall include any recommendations for legislative action as a result of review committee activities.
6. The department shall adopt rules in accordance with chapter 17A to ~~implement~~ administer this section.
7. This section is repealed July 1, 2007.⁸

Sec. 44. Section 147.33, Code 2007, is amended to read as follows:

147.33 PROFESSIONAL SCHOOLS.

As a basis for such action on the part of the ~~examining~~ board, the registrar of the state university of Iowa and the dean of the professional school of ~~said institution~~ which teaches the profession for which ~~said the~~ board gives license examinations, shall supply such data relative to any such professional school as ~~said the~~ board may request.

Sec. 45. Section 147.34, Code 2007, is amended to read as follows:

147.34 EXAMINATIONS.

Examinations for each profession licensed under this subtitle shall be conducted at least one time per year at such time as the department may fix in cooperation with each ~~examining~~ board. Examinations may be given at the state university of Iowa at the close of each school year for professions regulated by this subtitle and examinations may be given at other schools located in the state at which any of the professions regulated by this subtitle are taught. At least one session of each ~~examining~~ board shall be held annually at the seat of government and the locations of other sessions shall be determined by the ~~examining~~ board, unless otherwise ordered by the department. Applicants who fail to pass the examination once shall be allowed to take the examination at the next scheduled time. Thereafter, applicants shall be allowed to take the examination at the discretion of the board. Examinations may be given by ~~an examining~~ a board which are prepared and scored by persons outside the state, and ~~examining~~ boards may contract for such services. ~~An examining~~ A board may make an agreement with ~~examining~~ boards in other states for administering a uniform examination. An applicant who has failed an examination may request in writing information from the ~~examining~~ board concerning the examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the ~~examining~~ board administers a uniform, standardized examination, the ~~examining~~ board shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the ~~examining~~ board.

Sec. 46. Section 147.35, Code 2007, is amended to read as follows:

147.35 NAMES OF ELIGIBLE CANDIDATES.

Prior to each examination the department shall transmit to each ~~examining~~ board the list of candidates who are eligible to take the examination given by such board. In making up such list the department may call upon any ~~examining~~ board, or any member thereof, for information relative to the eligibility of any applicant.

Sec. 47. Section 147.36, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Each ~~examining~~ board shall establish rules for:

Sec. 48. Section 147.37, Code 2007, is amended to read as follows:

147.37 IDENTITY OF CANDIDATE CONCEALED.

All examinations in theory shall be in writing, and the identity of the person taking the same

⁸ See chapter 215, §260 herein

shall not be disclosed upon the examination papers in such a way as to enable the members of the ~~examining~~ board to know by whom written until after the papers have been passed upon. In examinations in practice the identity of the candidate shall also be concealed as far as possible.

Sec. 49. Section 147.39, Code 2007, is amended to read as follows:
147.39 CLERK.

Upon the request of any ~~examining~~ board, the department shall detail some employee to act as clerk of any examination given by ~~said examining the~~ board. Such clerk shall have charge of the candidates during the examination and perform such other duties as the ~~examining~~ board may direct. If the duties of such clerk are performed away from the seat of government, the clerk shall receive necessary travel and expenses, which shall be paid from the appropriations to the ~~examining~~ board in the same manner in which other similar expenses are paid. The department shall be reimbursed by the ~~examining~~ board for costs incurred.

Sec. 50. Section 147.40, Code 2007, is amended to read as follows:
147.40 CERTIFICATION OF APPLICANTS.

Every examination shall be passed upon in accordance with the established rules of the ~~examining~~ board and shall be satisfactory to at least a majority of the professional members of the board. In the case of the board of ~~dental examiners dentistry~~,⁹ only licensed dentist members of the board shall determine whether an applicant has passed the examination to practice as a licensed dentist. After each examination, the ~~examining~~ board shall certify the names of the successful applicants to the department in the manner prescribed by it. The department shall then issue the proper license.

Sec. 51. Section 147.41, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Any ~~examining~~ board may provide for a partial examination for a license to practice a profession to any applicant who has completed a portion of the professional course. For such purpose ~~said the~~ board shall establish by rule:

Sec. 52. Section 147.42, Code 2007, is amended to read as follows:
147.42 RULES RELATIVE TO PARTIAL EXAMINATIONS.

~~In case any examining~~ If a board shall provide provides for partial examinations under section 147.41, the department shall adopt rules establishing:

1. The portion of the license fee fixed in this chapter which shall be paid for a partial examination.
2. The credentials which shall be presented to the department by an applicant showing the applicant's qualifications to take such examination.
3. The method of certifying the list of the eligible applicants for such examination to the ~~proper examining appropriate~~ board.
4. The method of certifying back to the department the list of applicants who successfully pass such examination.
5. The method of keeping the records of such applicants for use at the time of completing the examination for a license.
6. The credentials which shall be presented to the department by such an applicant upon the completion of the professional course.
7. The method of certifying such applicant to the proper ~~examining~~ board for the remainder of the examination.
8. Such other matters of procedure as are necessary to carry into effect section 147.41.

Sec. 53. Section 147.44, Code 2007, is amended to read as follows:
147.44 AGREEMENTS.

For the purpose of recognizing licenses which have been issued in other states to practice

⁹ See chapter 218, §198 herein

any profession for which a license is required by this subtitle, the department shall enter into a reciprocal agreement with every state which is certified to ~~it~~ the department by the ~~proper examining appropriate~~ board under the provisions of section 147.45 and with which this state does not have an existing agreement at the time of such certification.

Sec. 54. Section 147.45, Code 2007, is amended to read as follows:

147.45 STATES ENTITLED TO RECIPROCAL RELATIONS.

The department shall at least once each year lay before the ~~proper examining appropriate~~ board the requirements of the several states for a license to practice the profession for which ~~such examining the~~ board conducts examinations for licenses in this state. ~~Said examining~~ The board shall immediately examine such requirements and after making such other inquiries as it deems necessary, shall certify to the department the states having substantially equivalent requirements to those existing in this state for that particular profession and with which ~~said examining the~~ board desires this state to enter into reciprocal relations.

Sec. 55. Section 147.46, subsection 2, Code 2007, is amended to read as follows:

2. SPECIAL CONDITIONS. When any ~~examining~~ board has established by rule any special condition upon which reciprocal agreements shall be entered into, as provided in section 147.47, such condition shall be incorporated into the reciprocal agreements negotiated with reference to licenses to practice the professions for which ~~such examining the~~ board conducts examinations.

Sec. 56. Section 147.47, Code 2007, is amended to read as follows:

147.47 SPECIAL CONDITIONS.

~~An examining~~ A board shall have power to provide by rule that no reciprocal relation shall be entered into by the department with any state with reference to licenses to practice the profession for which ~~such examining the~~ board conducts examinations, unless every person licensed in another state when applying for a license to practice in this state shall comply with one or both of the following conditions:

1. Furnish satisfactory proof to the department that the person has been actively engaged in the practice of the profession for a certain period of years to be fixed by ~~such examining the~~ board.
2. Pass a practical examination in the practice of the person's particular profession as prescribed by ~~such examining the~~ board.

Sec. 57. Section 147.48, Code 2007, is amended to read as follows:

147.48 TERMINATION OF AGREEMENTS.

~~When~~ If the requirements for a license in any state with which this state has a reciprocal agreement are changed by any law or rule of the authorities ~~therein in that state~~ so that such requirements are no longer substantially as high as those existing in this state, ~~then such the~~ agreement shall be deemed terminated and licenses issued in ~~such that~~ state shall not be recognized as a basis of granting a license in this state until a new agreement has been negotiated. The fact of such change shall be determined by the ~~proper examining appropriate~~ board and certified to the department for its guidance in enforcing the provisions of this section.

Sec. 58. Section 147.49, Code 2007, is amended to read as follows:

147.49 LICENSE OF ANOTHER STATE.

The department shall, upon presentation of a license to practice a profession issued by the duly constituted authority of another state, with which this state has established reciprocal relations, and subject to the rules of the ~~examining~~ board for such profession, license ~~said the~~ applicant to practice in this state, unless under the rules of ~~said examining the~~ board a practical examination is required ~~in such cases~~. The department may, upon the recommendation of the ~~medical examiners board of medicine~~, accept in lieu of the examination prescribed in section 148.3 or section 150A.3 a license to practice medicine and surgery or osteopathic medicine and

surgery, issued by the duly constituted authority of another state, territory, or foreign country. Endorsement may be accepted by the department in lieu of further written examination without regard to the existence or nonexistence of a reciprocal agreement, but shall not be in lieu of the standards and qualifications prescribed by section 148.3 or section 150A.3.

Sec. 59. Section 147.50, Code 2007, is amended to read as follows:

147.50 PRACTICAL EXAMINATIONS.

If the rules of any ~~examining~~ board require an applicant for a license under a reciprocal agreement to pass a practical examination in the practice of the applicant's profession, ~~then such the~~ applicant shall make application ~~therefore~~ for the license to the department upon a form provided by it ~~the department~~.

Sec. 60. Section 147.53, Code 2007, is amended to read as follows:

147.53 POWER TO ADOPT RULES.

The department and each ~~examining~~ board shall ~~have power to establish the adopt~~ necessary rules, not inconsistent with law, for carrying out the reciprocal relations with other states which are authorized by this chapter.

Sec. 61. Section 147.74, subsections 7, 15, and 22, Code 2007, are amended to read as follows:

7. A graduate of a school accredited ~~on by~~ the board of ~~optometric examiners~~ optometry may use the prefix "Doctor", but shall add after the person's name the letters "O. D."

15. A pharmacist who possesses a doctoral degree recognized by the American council of pharmaceutical education from a college of pharmacy approved by the board of pharmacy ~~examiners~~ or a doctor of philosophy degree in an area related to pharmacy may use the prefix "Doctor" or "Dr." but shall add after the person's name the word "pharmacist" or "Pharm. D."

22. ~~An A sign language~~ interpreter¹⁰ licensed under chapter 154E and this chapter may use the title "licensed sign language interpreter" or the letters "L. I." after the person's name.

Sec. 62. Section 147.76, Code 2007, is amended to read as follows:

147.76 RULES.

The ~~examining~~ boards for the various professions shall adopt all necessary and proper rules to ~~implement~~ administer and interpret this chapter and chapters 147A through 158, except chapter 148D.

Sec. 63. Section 147.80, Code 2007, is amended to read as follows:

147.80 LICENSE — EXAMINATION — FEES.

~~An examining~~ Each board shall set the fees for the examination of applicants, which fees shall be based upon the cost of administering the examinations. ~~An examining~~ A board shall set the license fees and renewal fees required for any of the following based upon the cost of sustaining the board and the actual costs of licensing:

1. License to practice dentistry issued upon the basis of an examination given by the board of ~~dental examiners~~ dentistry,¹¹ license to practice dentistry issued under a reciprocal agreement, resident dentist's license, renewal of a license to practice dentistry.

2. License to practice pharmacy issued upon the basis of an examination given by the board of pharmacy ~~examiners~~, license to practice pharmacy issued under a reciprocal agreement, renewal of a license to practice pharmacy.

3. License to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy and renewal of a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy.

4. Certificate to practice psychology or associate psychology issued on the basis of an examination given by the board of psychology ~~examiners~~, or certificate to practice psychology or associate psychology issued under a reciprocity agreement or by endorsement, renewal of a certificate to practice psychology or associate psychology.

¹⁰ See chapter 215, §246 herein

¹¹ See chapter 218, §199 herein

5. Application for a license to practice as a physician assistant, issuance of a license to practice as a physician assistant issued upon the basis of an examination given or approved by the board of physician assistant ~~examiners~~ assistants, issuance of a license to practice as a physician assistant issued under a reciprocal agreement, renewal of a license to practice as a physician assistant, temporary license to practice as a physician assistant.

6. License to practice chiropractic issued on the basis of an examination given by the board of chiropractic ~~examiners~~. License to practice chiropractic issued by endorsement or under a reciprocal agreement, renewal of a license to practice chiropractic.

7. License to practice podiatry issued upon the basis of an examination given by the board of podiatry ~~examiners~~, license to practice podiatry issued under a reciprocal agreement, renewal of a license to practice podiatry.

8. License to practice physical therapy issued upon the basis of an examination given by the board of physical and occupational therapy ~~examiners~~, license to practice physical therapy issued under a reciprocal agreement, renewal of a license to practice physical therapy.

9. License to practice as a physical therapist assistant issued on the basis of an examination given by the board of physical and occupational therapy ~~examiners~~, license to practice as a physical therapist assistant issued under a reciprocal agreement, renewal of a license to practice as a physical therapist assistant.

10. For a license to practice optometry issued upon the basis of an examination given by the board of optometry ~~examiners~~, license to practice optometry issued under a reciprocal agreement, renewal of a license to practice optometry.

11. License to practice dental hygiene issued upon the basis of an examination given by the board of ~~dental examiners~~ dentistry,¹² license to practice dental hygiene issued under a reciprocal agreement, renewal of a license to practice dental hygiene.

12. License to practice mortuary science issued upon the basis of an examination given by the board of mortuary science ~~examiners~~, license to practice mortuary science issued under a reciprocal agreement, renewal of a license to practice mortuary science.

13. License to practice nursing issued upon the basis of an examination given by the board of nursing; license to practice nursing based on an endorsement from another state, territory, or foreign country; renewal of a license to practice nursing.

14. A nurse who does not engage in nursing during the year succeeding the expiration of the license shall notify the board to place the nurse upon the inactive list and the nurse shall not be required to pay the renewal fee so long as the nurse remains inactive and so notifies the board. To resume nursing, the nurse shall notify the board and remit the renewal fee for the current period.

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

16. License to practice barbering on the basis of an examination given by the board of ~~barber examiners~~ barbering, license to practice barbering under a reciprocal agreement, renewal of a license to practice barbering, annual inspection by the department of inspections and appeals of barber school and annual inspection of barber shop, an original barber school license, renewal of a barber school license, transfer of license upon change of ownership of a barber shop or barber school, inspection by the department of inspections and appeals and an original barber shop license, renewal of a barber shop license, original barber school instructor's license, renewal of a barber school instructor's license.

¹² See chapter 218, §199 herein

17. License to practice speech pathology or audiology issued on the basis of an examination given by the board of speech pathology and audiology, or license to practice speech pathology or audiology issued under a reciprocity agreement, renewal of a license to practice speech pathology or audiology.

18. License to practice occupational therapy issued upon the basis of an examination given by the board of physical and occupational therapy ~~examiners~~, license to practice occupational therapy issued under a reciprocal agreement, renewal of a license to practice occupational therapy.

19. License to assist in the practice of occupational therapy issued upon the basis of an examination given by the board of physical and occupational therapy ~~examiners~~, license to assist in the practice of occupational therapy issued under a reciprocal agreement, renewal of a license to assist in the practice of occupational therapy.

20. License to practice social work issued on the basis of an examination by the board of social work ~~examiners~~, or license to practice social work issued under a reciprocity agreement, or renewal of a license to practice social work.

21. 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.

22. 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.

23. License to practice dietetics issued upon the basis of an examination given by the board of ~~dietetic examiners~~ dietetics, license to practice dietetics issued under a reciprocal agreement, or renewal of a license to practice dietetics.

24. License to practice acupuncture, license to practice acupuncture under a reciprocal agreement, or renewal of a license to practice acupuncture.

25. License to practice respiratory care, license to practice respiratory care under a reciprocal license, or renewal of a license to practice respiratory care.

26. License to practice massage therapy, license to practice massage therapy under a reciprocal license, or renewal of a license to practice massage therapy.

27. License to practice athletic training, license to practice athletic training under a reciprocal license, or renewal of a license to practice athletic training.

28. Registration to practice as a dental assistant, registration to practice as a dental assistant under a reciprocal agreement, or renewal of registration to practice as a dental assistant.

29. License to practice sign language interpreting and transliterating, license to practice sign language interpreting and transliterating under a reciprocal license, or renewal of a license to practice sign language interpreting and transliterating.

30. License to practice hearing aid dispensing, license to practice hearing aid dispensing under a reciprocal license, or renewal of a license to practice hearing aid dispensing.

31. License to practice nursing home administration, license to practice nursing home administration under a reciprocal license, or renewal of a license to practice nursing home administration.

32. For a certified statement that a licensee is licensed in this state.

33. Duplicate license, which shall be so designated on its face, upon satisfactory proof the original license issued by the department has been destroyed or lost.

The licensing and certification division shall prepare estimates of projected revenues to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected revenues equal projected costs and any imbalance in revenues and costs in a fiscal year is offset in a subsequent fiscal year.

The board of ~~medical examiners~~ medicine, the board of pharmacy ~~examiners~~, the board of

~~dental examiners dentistry~~,¹³ and the board of nursing shall retain individual executive officers, but shall make every effort to share administrative, clerical, and investigative staffs to the greatest extent possible. The department shall annually submit a status report to the general assembly in December regarding the sharing of staff during the previous fiscal year.

Sec. 64. Section 147.87, Code 2007, is amended to read as follows:
147.87 ENFORCEMENT.

The department shall enforce the provisions of this and the following chapters of this subtitle and for that purpose may request the department of inspections and appeals to make necessary investigations. Every licensee and member of ~~an examining~~ a board shall furnish the department or the department of inspections and appeals such evidence as the member or licensee may have relative to any alleged violation which is being investigated.

Sec. 65. Section 147.88, Code 2007, is amended to read as follows:
147.88 INSPECTIONS.

The department of inspections and appeals may perform inspections as required by this subtitle, except for the board of ~~medical examiners medicine~~, board of pharmacy ~~examiners~~, board of nursing, and the board of ~~dental examiners dentistry~~.¹⁴ The department of inspections and appeals shall employ personnel related to the inspection functions.

Sec. 66. Section 147.89, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Every licensee and member of ~~an examining~~ a board shall report, also, to the department the name of every person, without a license, that the member or licensee has reason to believe is engaged in:

Sec. 67. Section 147.91, subsection 3, Code 2007, is amended to read as follows:
3. The rules of the ~~examining~~ board relative to examinations.

Sec. 68. Section 147.94, subsections 1, 2, 3, and 4, Code 2007, are amended to read as follows:

1. Every application for a license to practice pharmacy shall be made to the ~~secretary executive director~~ of the board of pharmacy ~~examiners~~.
2. A license and all renewals of a license shall be issued by the board of pharmacy ~~examiners~~.
3. Every reciprocal agreement for the recognition of any license issued in another state shall be negotiated by the board of pharmacy ~~examiners~~.
4. All records in connection with the licensing of pharmacists shall be kept by the ~~secretary executive director~~ of the board of pharmacy ~~examiners~~.

Sec. 69. Section 147.95, Code 2007, is amended to read as follows:
147.95 ENFORCEMENT — AGENTS AS PEACE OFFICERS.

The provisions of this subtitle insofar as they affect the practice of pharmacy shall be enforced by the ~~board of pharmacy examiners~~ and the provisions of sections 147.87, 147.88, and 147.89 shall not apply to said profession. Officers, agents, inspectors, and representatives of the board of pharmacy ~~examiners~~ shall have the powers and status of peace officers when enforcing the provisions of this subtitle.

Sec. 70. Section 147.96, Code 2007, is amended to read as follows:
147.96 ~~BOARD OF PHARMACY EXAMINERS~~.

In discharging the duties and exercising the powers provided for in sections 147.94 and 147.95, the ~~board of pharmacy examiners~~ and their ~~secretary~~ the executive director of the board shall be governed by all the provisions of this chapter which govern the department when discharging a similar duty or exercising a similar power with reference to any of the professions regulated by this subtitle.

¹³ See chapter 218, §200 herein

¹⁴ See chapter 218, §201 herein

Sec. 71. Section 147.98, Code 2007, is amended to read as follows:

147.98 SECRETARY OF PHARMACY EXAMINERS EXECUTIVE DIRECTOR OF THE BOARD OF PHARMACY.

The board of pharmacy examiners shall have the right to may employ a full-time secretary executive director, who shall not be a member of the examining board, at such compensation as may be fixed pursuant to chapter 8A, subchapter IV, but the provisions of section 147.22 providing for a secretary for each examining¹⁵ board shall not apply to the board of pharmacy examiners.

Sec. 72. Section 147.99, Code 2007, is amended to read as follows:

147.99 DUTIES OF SECRETARY EXECUTIVE DIRECTOR.

The secretary executive director of the board of pharmacy examiners shall, upon the direction of the board, make inspections of alleged violations of the provisions of this subtitle relative to the practice of pharmacy and of chapters 124, 126, and 205. The secretary executive director shall be allowed necessary traveling and hotel expenses in making such inspections.

Sec. 73. Section 147.100, Code 2007, is amended to read as follows:

147.100 EXPIRATIONS AND RENEWALS.

Licenses shall expire in multiyear intervals as determined by the examining each board. A person who fails to renew a license by the expiration date shall be allowed to do so within thirty days following its expiration, but the examining board may assess a reasonable penalty.

Sec. 74. Section 147.102, Code 2007, is amended to read as follows:

147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

Notwithstanding the provisions of this subtitle, every application for a license to practice psychology, chiropractic, or dentistry 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. All examination, license, and renewal fees received from 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. The salary of the secretary shall be established by the governor with the approval of the executive council pursuant to section 8A.413, subsection 2, under the pay plan for exempt positions in the executive branch of government.

Sec. 75. Section 147.103, Code 2007, is amended to read as follows:

147.103 INVESTIGATORS FOR PHYSICIAN ASSISTANTS.

The board of physician assistant examiners assistants may appoint investigators, who shall not be members of the examining board, to administer and aid in the enforcement of the provisions of law relating to physician assistants. The amount of compensation for the investigators shall be determined pursuant to chapter 8A, subchapter IV.

Investigators authorized by the board of physician assistant examiners assistants have the powers and status of peace officers when enforcing this chapter and chapters 148C and 272C.

Sec. 76. Section 147.103A, unnumbered paragraph 1, Code 2007, is amended to read as follows:

This chapter shall apply to the licensing of persons to practice as physicians and surgeons, osteopaths, and osteopathic physicians and surgeons by the board of medical examiners medicine subject to the following provisions:

Sec. 77. Section 147.103A, subsection 3, Code 2007, is amended to read as follows:

3. The board may appoint investigators, who shall not be members of the examining board, and whose compensation shall be determined pursuant to chapter 8A, subchapter IV. Investigators appointed by the board have the powers and status of peace officers when enforcing this chapter and chapters 148, 150, 150A, and 272C.

¹⁵ See chapter 215, §247 herein

Sec. 78. Section 147.107, subsections 2, 4, 5, and 8, Code 2007, are amended to read as follows:

2. A pharmacist, physician, dentist, or podiatric physician who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate non-judgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the prescription is determined by the pharmacist or practitioner in the pharmacist's or practitioner's physical presence. However, the physical presence requirement does not apply when a pharmacist or practitioner is utilizing an automated dispensing system. When using an automated dispensing system the pharmacist or practitioner shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. Verification of automated dispensing accuracy and completeness remains the responsibility of the pharmacist or practitioner and shall be determined in accordance with rules adopted by the state board of pharmacy ~~examiners~~, the state board of ~~medical examiners~~ medicine, the state board of ~~dental examiners~~ dentistry,¹⁶ and the state board of podiatry ~~examiners~~ for their respective licensees.

A dentist, physician, or podiatric physician who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall register the fact that they dispense prescription drugs with the practitioner's respective ~~examining~~ board at least biennially.

A physician, dentist, or podiatric physician who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall offer to provide the patient with a written prescription that may be dispensed from a pharmacy of the patient's choice or offer to transmit the prescription orally, electronically, or by facsimile in accordance with section 155A.27 to a pharmacy of the patient's choice.

4. Notwithstanding subsection 3, a physician assistant shall not dispense prescription drugs as an incident to the practice of the supervising physician or the physician assistant, but may supply, when pharmacist services are not reasonably available, or when it is in the best interests of the patient, a quantity of properly packaged and labeled prescription drugs, controlled substances, or medical devices necessary to complete a course of therapy. However, a remote clinic, staffed by a physician assistant, where pharmacy services are not reasonably available, shall secure the regular advice and consultation of a pharmacist regarding the distribution, storage, and appropriate use of such drugs, substances, and devices. Prescription drugs supplied under the provisions of this subsection shall be supplied for the purpose of accommodating the patient and shall not be sold for more than the cost of the drug and reasonable overhead costs, as they relate to supplying prescription drugs to the patient, and not at a profit to the physician or the physician assistant. If prescription drug supplying authority is delegated by a supervising physician to a physician assistant, a nurse or staff assistant may assist the physician assistant in providing that service. Rules shall be adopted by the board of ~~physician assistant examiners~~ assistants, after consultation with the board of pharmacy ~~examiners~~, to implement this subsection.

5. Notwithstanding subsection 1 and any other provision of this section to the contrary, a physician may delegate the function of prescribing drugs, controlled substances, and medical devices to a physician assistant licensed pursuant to chapter 148C. When delegated prescribing occurs, the supervising physician's name shall be used, recorded, or otherwise indicated in connection with each individual prescription so that the individual who dispenses or administers the prescription knows under whose delegated authority the physician assistant is prescribing. Rules relating to the authority of physician assistants to prescribe drugs, controlled substances, and medical devices pursuant to this subsection shall be adopted by the board of ~~physician assistant examiners~~ assistants, after consultation with the board of ~~medical examiners~~ medicine and the board of pharmacy ~~examiners~~. However, the rules shall prohibit the prescribing of schedule II controlled substances which are listed as depressants pursuant to chapter 124.

8. Notwithstanding subsection 1, but subject to the limitations contained in subsections 2 and 3, a registered nurse who is licensed and registered as an advanced registered nurse practitioner and who qualifies for and is registered in a recognized nursing specialty may prescribe

¹⁶ See chapter 218, §202 herein

substances or devices, including controlled substances or devices, if the nurse is engaged in the practice of a nursing specialty regulated under rules adopted by the board of nursing in consultation with the board of ~~medical examiners~~ medicine and the board of pharmacy ~~examiners~~.

Sec. 79. Section 147.108, subsection 1, Code 2007, is amended to read as follows:

1. A person shall not dispense or adapt contact lenses without first receiving authorization to do so by a written, electronic, or facsimile prescription, except when authorized orally under subsection 2, from a person licensed under chapter 148, 150, 150A, or 154. The board of optometry ~~examiners~~ shall adopt rules relating to electronic or facsimile transmission of a prescription under this section.

Sec. 80. Section 147.109, subsection 1, Code 2007, is amended to read as follows:

1. A person shall not dispense or adapt an ophthalmic spectacle lens or lenses without first receiving authorization to do so by a written, electronic, or facsimile prescription from a person licensed under chapter 148, 150, 150A, or 154. For the purpose of this section, "ophthalmic spectacle lens" means one which has been fabricated to fill the requirements of a particular spectacle lens prescription. The board of optometry ~~examiners~~ shall adopt rules relating to electronic or facsimile transmission of a prescription under this section.

Sec. 81. Section 147.114, Code 2007, is amended to read as follows:

147.114 INSPECTOR.

An inspector may be appointed by the board of ~~dental examiners~~ dentistry¹⁷ pursuant to the provisions of chapter 8A, subchapter IV.

Sec. 82. Section 147.135, subsections 2 and 3, Code 2007, are amended to read as follows:

2. As used in this subsection, "peer review records" means all complaint files, investigation files, reports, and other investigative information relating to licensee discipline or professional competence in the possession of a peer review committee or an employee of a peer review committee. As used in this subsection, "peer review committee" does not include ~~examining licensing~~ boards. Peer review records are privileged and confidential, are not subject to discovery, subpoena, or other means of legal compulsion for release to a person other than an affected licensee or a peer review committee and are not admissible in evidence in a judicial or administrative proceeding other than a proceeding involving licensee discipline or a proceeding brought by a licensee who is the subject of a peer review record and whose competence is at issue. A person shall not be liable as a result of filing a report or complaint with a peer review committee or providing information to such a committee, or for disclosure of privileged matter to a peer review committee. A person present at a meeting of a peer review committee shall not be permitted to testify as to the findings, recommendations, evaluations, or opinions of the peer review committee in any judicial or administrative proceeding other than a proceeding involving licensee discipline or a proceeding brought by a licensee who is the subject of a peer review committee meeting and whose competence is at issue. Information or documents discoverable from sources other than the peer review committee do not become nondiscoverable from the other sources merely because they are made available to or are in the possession of a peer review committee. However, such information relating to licensee discipline may be disclosed to an appropriate licensing authority in any jurisdiction in which the licensee is licensed or has applied for a license. If such information indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. This subsection shall not preclude the discovery of the identification of witnesses or documents known to a peer review committee. Any final written decision and finding of fact by a licensing board in a disciplinary proceeding is a public record. Upon appeal by a licensee of a decision of a ~~licensing~~ board, the entire case record shall be submitted to the reviewing court. In all cases where privileged and confidential information under this subsection becomes discoverable, admissible, or part of a court record the identity of an individual whose privilege has been involuntarily waived shall be withheld.

¹⁷ See chapter 218, §203 herein

3. A full and confidential report concerning any final hospital disciplinary action approved by a hospital board of trustees that results in a limitation, suspension, or revocation of a physician's privilege to practice for reasons relating to the physician's professional competence or concerning any voluntary surrender or limitation of privileges for reasons relating to professional competence shall be made to the board of ~~medical examiners~~ medicine by the hospital administrator or chief of medical staff within ten days of such action. The board of ~~medical examiners~~ medicine shall investigate the report and take appropriate action. These reports shall be privileged and confidential as though included in and subject to the requirements for peer review committee information in subsection 2. Persons making these reports and persons participating in resulting proceedings related to these reports shall be immune from civil liability with respect to the making of the report or participation in resulting proceedings. As used in this subsection, "physician" means a person licensed pursuant to chapter 148, chapter 150, or chapter 150A.

Notwithstanding subsection 2, if the board of ~~medical examiners~~ medicine 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 272C.6, subsection 4.

Sec. 83. Section 147.151, subsection 2, Code 2007, is amended to read as follows:

2. "Board" means the Iowa board of speech pathology and audiology ~~examiners~~ established pursuant to section 147.14, subsection 9.

Sec. 84. Section 147.152, subsection 1, Code 2007, is amended to read as follows:

1. Licensed physicians and surgeons, licensed osteopathic physicians and surgeons, licensed osteopaths, approved physician 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, 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~~ board of medicine while performing functions incidental to their course of study.

Sec. 85. Section 147A.13, subsection 1, Code 2007, is amended to read as follows:

1. Documentation has been reviewed and approved at the local level by the medical director of the ambulance, rescue, or first response service in accordance with the rules of the board of ~~physician assistant examiners~~ assistants developed after consultation with the department.

Sec. 86. Section 148.2, subsections 3 and 6, Code 2007, are amended to read as follows:

3. Students of medicine or surgery who have completed at least two years' study in a medical school, approved by the ~~medical examiners~~ board, and who prescribe medicine under the supervision of a licensed physician and surgeon, or who render gratuitous service to persons in case of emergency.

6. A graduate of a medical school who is continuing training and performing the duties of an intern, or who is engaged in postgraduate training deemed the equivalent of an internship in a hospital approved for training by the ~~medical examiners~~ board.

Sec. 87. Section 148.2A, Code 2007, is amended to read as follows:

148.2A BOARD OF ~~MEDICAL EXAMINERS~~ MEDICINE.

As used in this chapter, "board" and "~~medical examiners~~" mean means the board of ~~medical examiners~~ medicine established in chapter 147.

Sec. 88. Section 148.3, Code 2007, is amended to read as follows:

148.3 REQUIREMENTS FOR LICENSE.

An applicant for a license to practice medicine and surgery shall:

1. Present a diploma issued by a medical college approved by the ~~medical examiners board~~, or present other evidence of equivalent medical education approved by the ~~medical examiners board~~. The ~~medical examiners board~~ may accept, in lieu of a diploma from a medical college approved by them, all of the following:

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

b. A valid standard certificate issued by the educational commission for foreign medical graduates or similar accrediting agency.

2. Pass an examination prescribed by the ~~medical examiners board~~ which shall include subjects which determine the applicant's qualifications to practice medicine and surgery and which shall be given according to the methods deemed by the ~~medical examiners board~~ to be the most appropriate and practicable. However, the federation licensing examination (FLEX) or any other national standardized examination which the ~~medical examiners~~ shall ~~approve~~ board approves may be administered to any or all applicants in lieu of or in conjunction with other examinations which the ~~medical examiners~~ shall ~~prescribe~~ board prescribes. The ~~medical examiners board~~ may establish necessary achievement levels on all examinations for a passing grade and adopt rules relating to examinations.

3. Present to the ~~medical examiners board~~ satisfactory evidence that the applicant has successfully completed one year of postgraduate internship or resident training in a hospital approved for such training by the ~~medical examiners board~~. Beginning July 1, 2006, an applicant who holds a valid certificate issued by the educational commission for foreign medical graduates shall submit satisfactory evidence of successful completion of two years of such training.

Sec. 89. Section 148.4, Code 2007, is amended to read as follows:

148.4 CERTIFICATES OF NATIONAL BOARD.

The ~~medical examiners board of medicine~~ may accept in lieu of the examination prescribed in section 148.3 a certificate of examination issued by the national board of medical examiners of the United States of America, but every applicant for a license upon the basis of such certificate shall be required to pay the fee prescribed by the ~~medical examiners board of medicine~~ for licenses.

Sec. 90. Section 148.5, Code 2007, is amended to read as follows:

148.5 RESIDENT PHYSICIAN LICENSE.

A physician, who is a graduate of a medical school and is serving as a resident physician who is not otherwise licensed to practice medicine and surgery in this state, shall be required to obtain from the ~~medical examiners board~~ a 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 or osteopathic medicine and surgery, in an institution approved for such training by the ~~medical examiners board~~. A license shall be valid for a duration as determined by the board. The fee for each license shall be set by the ~~medical examiners board~~ to cover the administrative costs of issuing the license. The ~~medical examiners board~~ shall determine in each instance those eligible for a license, whether or not examinations shall be given, and the type of examinations. Requirements of the law pertaining to regular permanent licensure shall not be mandatory for a resident physician license except as specifically designated by the ~~medical~~

~~examiners board~~. The granting of a resident physician license does not in any way indicate that the person licensed is necessarily eligible for regular permanent licensure, ~~nor are the medical examiners or that the board~~ in any way is obligated to license the individual.

Sec. 91. Section 148.6, Code 2007, is amended to read as follows:

148.6 REVOCATION.

1. The ~~medical examiners board~~, 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 272C, or this subsection. Notwithstanding section 272C.3, licensee discipline may include a civil penalty not to exceed ten thousand dollars.

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

a. Knowingly making misleading, deceptive, untrue or fraudulent representation in the practice of the physician's profession.

b. Being convicted of a felony in the courts of this state or another state, territory, or country. Conviction as used in this paragraph shall include a conviction of an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere, or a criminal proceeding in which a finding or verdict of guilt is made or returned, but the adjudication of guilt is either withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state shall be conclusive evidence.

c. Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of medicine.

d. Having the license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is prima facie evidence.

e. Knowingly aiding, assisting, procuring, or advising a person to unlawfully practice medicine and surgery, osteopathic medicine and surgery, or osteopathy.

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

g. Being guilty of a willful or repeated departure from, or the failure to conform to, the minimal standard of acceptable and prevailing practice of medicine and surgery, osteopathic medicine and surgery, or osteopathy in which proceeding actual injury to a patient need not be established; or the committing by a physician of an act contrary to honesty, justice, or good morals, whether the same is committed in the course of the physician's practice or otherwise, and whether committed within or without this state.

h. 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 board~~ may, upon probable cause, 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 board~~. 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 board~~ 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.

A person licensed to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy who makes application for the renewal of a license, as required by section 147.10, gives consent to submit to a mental or physical examination as provided by this paragraph when directed in writing by the ~~medical examiners board~~. All objections shall be waived as

to the admissibility of the examining physicians' testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a physician in another proceeding and shall be confidential, except for other actions filed against a physician to revoke or suspend a license.

i. Willful or repeated violation of lawful rule or regulation 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. 92. Section 148.7, subsections 1, 2, 3, 7, and 9, Code 2007, are amended to read as follows:

1. The ~~medical examiners board~~ may, upon ~~their~~ its 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. 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 the hearing in the manner required for the service of notice of the commencement of an ordinary action or by restricted certified mail.

2. If the licensee has left the state, the notice and statement of the charges shall be so served at least twenty days before the date of the hearing, wherever the licensee may be found. If the whereabouts of the licensee is unknown, service may be had by publication as provided in the rules of civil procedure upon filing the affidavit required by ~~said the~~ rules. In case the licensee fails to appear, either in person or by counsel at the time and place designated in ~~said the~~ notice, the ~~medical examiners board~~ shall proceed with the hearing as hereinafter provided.

3. The hearing shall be before a member or members designated by the board or before an administrative law judge appointed by the board according to the requirements of section 17A.11, subsection 1. The presiding board member or administrative law judge may issue subpoenas, administer oaths, and take or cause depositions to be taken in connection with the hearing. The presiding board member or administrative law judge shall issue subpoenas at the request and on behalf of the licensee. The hearing shall be open to the public.

The administrative law judge shall be an attorney vested with full authority of the board to schedule and conduct hearings. The administrative law judge shall prepare and file with the ~~medical examiners board~~ the administrative law judge's findings of fact and conclusions of law, together with a complete written transcript of all testimony and evidence introduced at the hearing and all exhibits, pleas, motions, objections, and rulings of the administrative law judge.

7. If a majority of the members of the board vote in favor of finding the licensee guilty of an act or offense specified in section 147.55 or 148.6, the board shall prepare written findings of fact and its decision imposing one or more of the following disciplinary measures:

a. Suspend the licensee's license to practice the profession for a period to be determined by the board.

b. Revoke the licensee's license to practice the profession.

c. Suspend imposition of judgment and penalty or impose the judgment and penalty, but suspend enforcement and place the physician on probation. The probation ordered may be vacated upon noncompliance. The ~~medical examiners board~~ may restore and reissue a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy, but may impose a disciplinary or corrective measure which ~~# the board~~ might originally have imposed. A copy of the ~~medical examiners' board's~~ order, findings of fact, and decision, shall be served on the licensee in the manner of service of an original notice or by certified mail return receipt requested.

9. The ~~medical examiners' board's~~ order revoking or suspending a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy or to discipline a licensee shall remain in force and effect until the appeal is finally determined and disposed of upon its merit.

Sec. 93. Section 148.8, Code 2007, is amended to read as follows:

148.8 VOLUNTARY SURRENDER OF LICENSE.

The ~~medical examiners board~~ may accept the voluntary surrender of a license if accompanied by a written statement of intention. A voluntary surrender, when accepted, has the same force and effect as an order of revocation.

Sec. 94. Section 148.9, Code 2007, is amended to read as follows:

148.9 REINSTATEMENT.

Any person whose license has been suspended, revoked, or placed on probation may apply to the board of ~~medical examiners~~ for reinstatement at any time and the board may hold hearings on any such petition and may order reinstatement and impose terms and conditions thereof and issue a certificate of reinstatement to the director of public health who shall thereupon issue a license as directed by the board.

Sec. 95. Section 148.10, Code 2007, is amended to read as follows:

148.10 TEMPORARY CERTIFICATE.

The ~~medical examiners board~~ may, in their¹⁸ discretion, issue a temporary certificate authorizing the licensee to practice medicine and surgery or osteopathic medicine and surgery in a specific location or locations and for a specified period of time if, in the opinion of the ~~medical examiners board~~, a need exists and the person possesses the qualifications prescribed by the ~~medical examiners board~~ for the license, which shall be substantially equivalent to those required for licensure under this chapter or chapter 150A, as the case may be. The ~~medical examiners board~~ 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 are mandatory for this temporary license except as specifically designated by the ~~medical examiners board~~. The granting of a temporary license does not in any way indicate that the person so licensed is necessarily eligible for regular licensure, ~~nor are the medical examiners or that the board~~ in any way is obligated to so license the person.

The temporary certificate shall be issued for a period not to exceed one year and may be renewed, but a person shall not practice medicine and surgery or osteopathic medicine and surgery in excess of three years while holding a temporary certificate. The fee for this license and the fee for renewal of this license shall be set by the ~~medical examiners board~~. The fees shall be based on the administrative costs of issuing and renewing the licenses.

Sec. 96. Section 148.11, subsection 1, Code 2007, is amended to read as follows:

1. Whenever the need exists, the board of ~~medical examiners~~ may issue a special license. The special license shall authorize the licensee to practice medicine and surgery under the policies and standards applicable to the health care services of a medical school academic staff member or as otherwise specified in the special license.

Sec. 97. Section 148.12, Code 2007, is amended to read as follows:

148.12 VOLUNTARY AGREEMENTS.

The ~~medical examiners board~~, after due notice and hearing, may issue an order to revoke, suspend, or restrict a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy, or to issue a restricted license on application if the ~~medical examiners determine board determines~~ that a physician licensed to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy, or an applicant for licensure has entered into a voluntary agreement to restrict the practice of medicine and surgery, osteopathic medicine and surgery, or osteopathy in another state, district, territory, country, or an agency of the federal government. A certified copy of the voluntary agreement shall be considered prima facie evidence.

Sec. 98. Section 148.13, Code 2007, is amended to read as follows:

148.13 AUTHORITY OF BOARD AS TO SUPERVISING PHYSICIANS AND REVIEW OF CONTESTED CASES UNDER CHAPTER 148C — RULES.

¹⁸ See chapter 215, §248 herein

1. The board of ~~medical examiners~~ medicine shall adopt rules setting forth in detail its criteria and procedures for determining the ineligibility of a physician to serve as a supervising physician under chapter 148C. The rules shall provide that a physician may serve as a supervising physician under chapter 148C until such time as the board of medicine determines, following normal disciplinary procedures, that the physician is ineligible to serve in that capacity.

2. The board of ~~medical examiners~~ medicine shall establish by rule specific procedures for consulting with and considering the advice of the board of ~~physician assistant examiners~~ assistants in determining whether to initiate a disciplinary proceeding under chapter 17A against a licensed physician in a matter involving the supervision of a physician assistant.

3. In exercising their respective authorities, the board of ~~medical examiners~~ medicine and the board of ~~physician assistant examiners~~ assistants shall cooperate with the goal of encouraging the utilization of physician assistants in a manner that is consistent with the provision of quality health care and medical services for the citizens of Iowa.

4. The board of ~~medical examiners~~ medicine shall adopt rules requiring a physician serving as a supervising physician to notify the board of medicine of the identity of a physician assistant the physician is supervising, and of any change in the status of the supervisory relationship.

Sec. 99. Section 148A.1, Code 2007, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. As used in this chapter, "board" means the board of physical and occupational therapy, created under chapter 147.

Sec. 100. Section 148A.4, Code 2007, is amended to read as follows:

148A.4 REQUIREMENTS TO PRACTICE.

Each applicant for a license to practice physical therapy shall:

1. Complete a course of study in, and hold a diploma or certificate issued by, a school of physical therapy accredited by the American physical therapy association or another appropriate accrediting body, and meet requirements as established by rules of the board of ~~physical and occupational therapy examiners~~.

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

Sec. 101. Section 148A.6, Code 2007, is amended to read as follows:

148A.6 PHYSICAL THERAPIST ASSISTANT.

1. 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.

2. 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~~.

3. 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 "P.T.A.", 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.

Sec. 102. Section 148B.2, subsection 1, Code 2007, is amended to read as follows:

1. "Board" means the board of physical and occupational therapy ~~examiners, created under chapter 147.~~

Sec. 103. Section 148B.7, Code 2007, is amended to read as follows:

148B.7 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY ~~EXAMINERS~~ — POWERS AND DUTIES.

The board shall adopt rules relating to professional conduct to carry out the policy of this chapter, including but not limited to rules relating to professional licensing and to the establishment of ethical standards of practice for persons holding a license to practice occupational therapy in this state.

Sec. 104. Section 148B.8, Code 2007, is amended to read as follows:

148B.8 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY ~~EXAMINERS~~ — ADMINISTRATIVE PROVISIONS.

The board may employ an executive secretary and officers and employees as necessary, and shall determine their duties and fix their compensation.

Sec. 105. Section 148C.1, subsection 2, Code 2007, is amended to read as follows:

2. "Board" means the board of physician ~~assistant examiners~~ assistants, created under chapter 147.

Sec. 106. Section 148C.3, subsection 6, Code 2007, is amended to read as follows:

6. The board shall adopt rules pursuant to this section after consultation with the board of ~~medical examiners~~ medicine.

Sec. 107. Section 148E.1, subsection 3, Code 2007, is amended to read as follows:

3. "Board" means the board of ~~medical examiners~~ medicine, established in chapter 147.

Sec. 108. Section 149.1, Code 2007, is amended by adding the following new subsection:

NEWSUBSECTION. 1A. As used in this chapter, "board" means the board of podiatry, created under chapter 147.

Sec. 109. Section 149.3, subsection 2, Code 2007, is amended to read as follows:

2. Present an official transcript issued by a school of podiatry approved by the board of ~~podiatry examiners.~~

Sec. 110. Section 149.4, Code 2007, is amended to read as follows:

149.4 APPROVED SCHOOL.

A school of podiatry shall not be approved by the board of ~~podiatry examiners~~ as a school of recognized standing unless the school:

1. Requires for graduation or the receipt of any podiatric degree the completion of a course of study covering a period of at least eight months in each of four calendar years.

2. ~~After January 1, 1962, a~~ A school of podiatry shall not be approved by the board of ~~podiatry examiners~~ which does not have as an additional entrance requirement two years study in a recognized college, university, or academy.

Sec. 111. Section 149.7, Code 2007, is amended to read as follows:

149.7 TEMPORARY CERTIFICATE.

The ~~podiatry examiners~~ board may issue a temporary certificate authorizing the licensee

named in the certificate to practice podiatry if, in the opinion of the ~~podiatry examiners board~~, a need exists and the person possesses the qualifications prescribed by the ~~podiatry examiners board~~ for the certificate, which shall be substantially equivalent to those required for regular licensure under this chapter. The ~~podiatry examiners board~~ shall determine in each instance the applicant's eligibility for the certificate, whether or not an examination shall be given, and the type of examination. The requirements of the law pertaining to regular permanent licensure shall not be mandatory for this temporary certificate except as specifically designated by the ~~podiatry examiners board~~. The granting of a temporary certificate does not in any way indicate that the person licensed is necessarily eligible for regular licensure, and the ~~podiatry examiners board~~ is not obligated to license the person.

The temporary certificate shall be issued for one year and may be renewed, but a person shall not be entitled to practice podiatry in excess of three years while holding a temporary certificate. The fee for this certificate shall be set by the ~~podiatry examiners board~~, and if extended beyond one year, a renewal fee per year shall be set by the ~~podiatry examiners board~~. The fees shall be based on the administrative costs of issuing and renewing the certificates.

Sec. 112. Section 150.11, Code 2007, is amended to read as follows:

150.11 OSTEOPATHY DISCONTINUED.

After May 10, 1963, no license to practice osteopathy shall be issued, provided that the Iowa department of public health shall issue renewal licenses to practice osteopathy as provided in chapter 147 and the department, upon recommendation of the ~~medical examiners board of medicine~~, may grant a license to practice osteopathy by reciprocity or endorsement if the applicant holds a valid license to practice osteopathy or osteopathic medicine and surgery issued by another state prior to May 10, 1963.

Sec. 113. NEW SECTION. 150A.1A DEFINITION.

As used in this chapter, "board" means the board of medicine, created under chapter 147.

Sec. 114. Section 150A.2, subsection 3, Code 2007, is amended to read as follows:

3. Students of medicine or surgery or osteopathic medicine and surgery, who have completed at least two years study in a medical school or college of osteopathic medicine and surgery approved by the ~~medical examiners board~~, and who prescribe medicine under the supervision of a licensed physician and surgeon or osteopathic physician and surgeon, or who render gratuitous service to persons in case of emergency.

Sec. 115. Section 150A.3, Code 2007, is amended to read as follows:

150A.3 REQUIREMENTS TO PRACTICE.

Each applicant for a license to practice osteopathic medicine and surgery shall:

1. Either comply with all of the following:
 - a. Present a diploma issued, after May 10, 1963, by a college of osteopathic medicine and surgery approved by the ~~medical examiners board~~ or present other evidence of equivalent medical education approved by the ~~medical examiners board~~.
 - b. Pass an examination prescribed by the ~~medical examiners board~~ in subjects including anatomy, chemistry, physiology, materia medica and therapeutics, obstetrics, pathology, medicine, public health and hygiene, and surgery. The board of ~~medical examiners~~ may require written, oral, and practical examinations of the applicant.
 - c. Present to the Iowa department of public health satisfactory evidence that the applicant has completed one year of internship or resident training in a hospital approved for such training by the medical examiners.¹⁹
2. Or comply with the following:
 - a. Present a valid license to practice osteopathy in this state together with satisfactory evidence that the applicant has completed either: (1) a two-year postgraduate course, of nine months each, in an accredited college of osteopathy, osteopathic medicine and surgery or medicine approved by the board of ~~medical examiners of Iowa~~, involving a thorough and inten-

¹⁹ See chapter 215, §249 herein

sive study of the subject of surgery as prescribed by ~~such medical examiners~~ the board, or (2) a one-year postgraduate course of nine months in such accredited college, and in addition thereto, has completed a one-year course of training as a surgical assistant in a hospital having at least twenty-five beds for patients and equipped for doing surgical work.

b. Pass an examination as prescribed by the ~~medical examiners~~ board in the subject of surgery, which shall be of such character as to thoroughly test the qualifications of the applicant as a practitioner of major surgery.

Sec. 116. Section 150A.4, Code 2007, is amended to read as follows:
150A.4 APPROVED COLLEGES.

Any college of osteopathic medicine and surgery which does not permit the ~~medical examiners~~ board to make such reasonable annual inspection as ~~they desire~~ the board desires shall not be approved by the ~~medical examiners~~ board. Until July 1, 1968, any college of osteopathic medicine and surgery which is accredited by the American Osteopathic Association ~~osteopathic association~~ shall, by virtue thereof, stand as provisionally approved by the ~~medical examiners~~ board unless the ~~medical examiners~~ board, by majority action including the osteopathic physician and surgeon member, shall disapprove.

Sec. 117. Section 150A.7, Code 2007, is amended to read as follows:
150A.7 NATIONAL BOARD CERTIFICATE.

The Iowa department of public health may, with the approval of the ~~medical examiners~~ board, accept in lieu of the examination prescribed in section 150A.3 a certificate of examination issued by the ~~National Board~~ national board of Osteopathic Examiners ~~osteopathic examiners~~ of the United States of America, but every applicant for a license upon the basis of such certificate shall be required to pay the fee prescribed for license issued under reciprocal agreements.

Sec. 118. Section 150A.9, Code 2007, is amended to read as follows:
150A.9 RESIDENT LICENSE.

An osteopathic physician and surgeon, who is a graduate of a college of osteopathic medicine and surgery and is serving as a resident physician and who is not licensed to practice osteopathic medicine and surgery in this state, shall be required to obtain from the ~~medical examiners~~ board a license to practice as a resident osteopathic physician and surgeon. The license shall be designated "Resident Osteopathic Physician and Surgeon License", and shall authorize the licensee to serve as a resident physician only, under the supervision of a licensed practitioner of osteopathic medicine and surgery or licensed practitioner of medicine and surgery, in an institution approved for such training by the ~~medical examiners~~ board. A license shall be valid for a duration as determined by the board. The fee for each license shall be set by the ~~medical examiners~~ board and based on the administrative cost of issuing the license. The ~~medical examiners~~ board shall determine in each instance those eligible for a license, whether or not examinations shall be given, and the type of examinations. Requirements of the law pertaining to regular permanent licensure shall not be mandatory for a resident osteopathic physician and surgeon's license except as specifically designated by the ~~medical examiners~~ board. The granting of a resident osteopathic physician and surgeon's license does not in any way indicate that the person licensed is necessarily eligible for regular permanent licensure, ~~nor are or that the medical examiners in any way~~ board is obligated to license the individual person.

Sec. 119. NEW SECTION. 151.1A BOARD DEFINED.

As used in this chapter, "board" means the board of chiropractic, created under chapter 147.

Sec. 120. Section 151.2, subsection 3, Code 2007, is amended to read as follows:

3. Students of chiropractic who have entered upon a regular course of study in a chiropractic college approved by the ~~chiropractic examiners~~ board, who practice chiropractic under the

direction of a licensed chiropractor and in accordance with the rules of ~~said examiners the~~ board.

Sec. 121. Section 151.3, subsections 2 and 3, Code 2007, are amended to read as follows:

2. Present a diploma issued by a college of chiropractic approved by the ~~chiropractic examiners~~ board.

3. Pass an examination prescribed by the ~~chiropractic examiners~~ board in the subjects of anatomy, physiology, nutrition and dietetics, symptomatology and diagnosis, hygiene and sanitation, chemistry, histology, pathology, and principles and practice of chiropractic, including a clinical demonstration of vertebral palpation, nerve tracing, and adjusting.

Sec. 122. Section 151.4, unnumbered paragraph 1, Code 2007, is amended to read as follows:

~~No~~ A college of chiropractic shall not be approved by the ~~chiropractic examiners~~ board as a college of recognized standing unless ~~said the~~ the college:

Sec. 123. Section 151.8, Code 2007, is amended to read as follows:

151.8 TRAINING IN PROCEDURES USED IN PRACTICE.

A chiropractor shall not use in the chiropractor's practice the procedures otherwise authorized by law unless the chiropractor has received training in their use by a college of chiropractic offering courses of instructions approved by the ~~board of chiropractic examiners~~.

Any chiropractor licensed as of July 1, 1974, may use the procedures authorized by law if the chiropractor files with the ~~board of chiropractic examiners~~ an affidavit that the chiropractor has completed the necessary training and is fully qualified in these procedures and possesses that degree of proficiency and will exercise that care which is common to physicians in this state.

A chiropractor using the additional procedures and practices authorized by this ~~Act~~ chapter shall be held to the standard of care applicable to any other health care practitioner in this state.

Sec. 124. Section 151.11, Code 2007, is amended to read as follows:

151.11 RULES.

The ~~board of chiropractic examiners~~ shall adopt rules necessary to administer section 151.1, to protect the health, safety, and welfare of the public, including rules governing the practice of chiropractic and defining any terms, whether or not specified in section 151.1, subsection 3. Such rules shall not be inconsistent with the practice of chiropractic and shall not expand the scope of practice of chiropractic or authorize the use of procedures not authorized by this chapter. These rules shall conform with chapter 17A.

Sec. 125. Section 151.12, Code 2007, is amended to read as follows:

151.12 TEMPORARY CERTIFICATE.

The ~~chiropractic examiners~~ board may, in ~~their~~ its discretion, issue a temporary certificate authorizing the licensee to practice chiropractic if, in the opinion of the chiropractic examiners,²⁰ a need exists and the person possesses the qualifications prescribed by the ~~chiropractic examiners~~ board for the license, which shall be substantially equivalent to those required for licensure under this chapter. The ~~chiropractic examiners~~ board shall determine in each instance those eligible for this license, whether or not examinations shall be given, the type of examinations, and the duration of the license. No requirements of the law pertaining to regular permanent licensure are mandatory for this temporary license except as specifically designated by the ~~chiropractic examiners~~ board. The granting of a temporary license does not in any way indicate that the person so licensed is eligible for regular licensure, ~~nor are or that the~~ chiropractic examiners in any way board is obligated to so license the person.

The temporary certificate shall be issued for one year and at the discretion of the ~~chiropractic examiners~~ board may be renewed, but a person shall not practice chiropractic in excess of three years while holding a temporary certificate. The fee for this license shall be set by the

²⁰ See chapter 215, §250 herein

~~chiropractic examiners board~~, and if extended beyond one year, a renewal fee per year shall be set by the ~~chiropractic examiners board~~. The fee for the temporary license shall be based on the administrative costs of issuing the licenses.

Sec. 126. Section 152.1, subsection 3, Code 2007, is amended to read as follows:

3. "Physician" means a person licensed in this state to practice medicine and surgery, osteopathy and surgery, or osteopathy, or a person licensed in this state to practice dentistry or podiatry when acting within the scope of the license. A physician licensed to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy in a state bordering this state shall be considered a physician for purposes of this chapter unless previously determined to be ineligible for such consideration by the Iowa board of ~~medical examiners~~ medicine.

Sec. 127. Section 152A.1, subsection 1, Code 2007, is amended to read as follows:

1. "Board" means the board of ~~dietetic examiners~~ dietetics, created under chapter 147.

Sec. 128. Section 152B.1, subsection 1, Code 2007, is amended to read as follows:

1. "Board" means the ~~state board for~~²¹ respiratory care, created under chapter 147.

Sec. 129. Section 152B.13, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

~~A state~~ The board for²² respiratory care is established to administer this chapter. Membership of the board shall be established pursuant to section 147.14, subsection 15.

Sec. 130. Section 152C.1, subsection 1, Code 2007, is amended to read as follows:

1. "Board" means the board of ~~examiners for~~ massage therapy, created under chapter 147.

Sec. 131. Section 152D.1, subsection 5, Code 2007, is amended to read as follows:

5. "Board" means the board of ~~examiners for~~ athletic training, created under chapter 147.

Sec. 132. NEW SECTION. 153.12 BOARD DEFINED.

As used in this chapter, "board" means the board of dentistry,²³ created under chapter 147.

Sec. 133. Section 153.14, subsection 1, Code 2007, is amended to read as follows:

1. Students of dentistry who practice dentistry upon patients at clinics in connection with their regular course of instruction at the state dental college, students of dental hygiene who practice upon patients at clinics in connection with their regular course of instruction at state-approved schools, and students of dental assisting who practice upon patients at clinics in connection with a regular course of instruction determined by the board of ~~dentistry~~ pursuant to section 153.39.

Sec. 134. Section 153.15, Code 2007, is amended to read as follows:

153.15 DENTAL HYGIENISTS — SCOPE OF TERM.

A licensed dental hygienist may perform those services which are educational, therapeutic, and preventive in nature which attain or maintain optimal oral health as determined by the board of ~~dentistry~~ and may include but are not necessarily limited to complete oral prophylaxis, application of preventive agents to oral structures, exposure and processing of radiographs, administration of medicaments prescribed by a licensed dentist, obtaining and preparing non-surgical, clinical and oral diagnostic tests for interpretation by the dentist, and preparation of preliminary written records of oral conditions for interpretation by the dentist. Such services shall be performed under supervision of a licensed dentist and in a dental office, a public or private school, public health agencies, hospitals, and the armed forces, but nothing herein shall be construed to authorize a dental hygienist to practice dentistry.

²¹ The word "of" probably intended

²² The word "of" probably intended

²³ See chapter 218, §204 herein

Sec. 135. Section 153.22, Code 2007, is amended to read as follows:

153.22 RESIDENT LICENSE.

A dentist or dental hygienist who is serving only as a resident, intern, or graduate student and who is not licensed to practice in this state is required to obtain from the board of dentistry a temporary or special license to practice as a resident, intern, or graduate student. The license shall be designated "Resident License" and shall authorize the licensee to serve as a resident, intern, or graduate student only, under the supervision of a licensed practitioner, in an institution approved for this purpose by the board. Such license shall be renewed at the discretion of the board. The fee for a resident license and the renewal fee shall be set by the board based upon the cost of issuance of the license. The board shall determine in each instance those eligible for a resident license, whether or not examinations shall be given, and the type of examination. None of the requirements for regular permanent licensure are mandatory for resident licensure except as specifically designated by the board. The issuance of a resident license shall not in any way indicate that the person so licensed is necessarily eligible for regular licensure, nor is or that the board in any way is obligated to so license such individual the person. The board may revoke a resident license at any time it 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 board.

Sec. 136. Section 153.33, subsection 2, Code 2007, is amended to read as follows:

2. To appoint investigators, who shall not be members of the examining board, to administer and aid in the enforcement of the provisions of law relating to those persons licensed to practice dentistry and dental hygiene, and persons registered as dental assistants. The amount of compensation for the investigators shall be determined pursuant to chapter 8A, subchapter IV. Investigators authorized by the board of dental examiners have the powers and status of peace officers when enforcing this chapter and chapters 147 and 272C.

Sec. 137. Section 153.33A, subsection 1, Code 2007, is amended to read as follows:

1. A three-member dental hygiene committee of the board of dental examiners is created, consisting of the two dental hygienist members of the board and one dentist member of the board. The dentist member of the committee must have supervised and worked in collaboration with a dental hygienist for a period of at least three years immediately preceding election to the committee. The dentist member shall be elected to the committee annually by a majority vote of board members.

Sec. 138. Section 153.34, subsection 4, Code 2007, is amended to read as follows:

4. For willful or repeated violations of this chapter, this subtitle, or the rules of the state board of dentistry.

Sec. 139. Section 153.36, subsections 2 and 3, Code 2007, are amended to read as follows:

2. In addition to the provisions of section 272C.2, subsection 4, a person licensed by the board of dental examiners shall also be deemed to have complied with continuing education requirements of this state if, during periods that the person practiced the profession in another state or district, the person met all of the continuing education and other requirements of that state or district for the practice of the occupation or profession.

3. Notwithstanding the panel composition provisions in section 272C.6, subsection 1, the board of dental examiners' board's disciplinary hearing panels shall be comprised of three board members, at least two of which are licensed in the profession.

Sec. 140. Section 153.37, Code 2007, is amended to read as follows:

153.37 DENTAL COLLEGE AND DENTAL HYGIENE PROGRAM FACULTY PERMITS.

The state board of dental examiners may issue a faculty permit entitling the holder to practice dentistry or dental hygiene within a college of dentistry or a dental hygiene program and affiliated teaching facilities as an adjunct to the faculty member's teaching position, associated responsibilities, and functions. The dean of the college of dentistry or chairperson of a dental hygiene program shall certify to the state board of dental examiners those bona fide members

of the college's or a dental hygiene program's faculty who are not licensed and registered to practice dentistry or dental hygiene in Iowa. Any faculty member so certified shall, prior to commencing the member's duties in the college of dentistry or a dental hygiene program, make written application to the state board of dental examiners for a permit. The permit shall be for a period determined by the board and may be renewed at the discretion of the state board of dental examiners. The fee for the faculty permit and the renewal shall be set by the state board of dental examiners based upon the administrative cost of issuance of the permit. The fee shall be deposited in the same manner as fees provided for in section 147.82. The faculty permit shall be valid during the time the holder remains a member of the faculty and shall subject the holder to all provisions of this chapter.

Sec. 141. Section 153.38, Code 2007, is amended to read as follows:

153.38 DENTAL ASSISTANTS — SCOPE OF PRACTICE.

A registered dental assistant may perform those services of assistance to a licensed dentist as determined by the board of dentistry by rule. Such services shall be performed under supervision of a licensed dentist in a dental office, a public or private school, public health agencies, hospitals, and the armed forces, but shall not be construed to authorize a dental assistant to practice dentistry or dental hygiene. Every licensed dentist who utilizes the services of a registered dental assistant for the purpose of assistance in the practice of dentistry shall be responsible for acts delegated to the registered dental assistant. A dentist shall delegate to a registered dental assistant only those acts which are authorized to be delegated to registered dental assistants by the board of dentistry.

Sec. 142. Section 154.1, Code 2007, is amended to read as follows:

154.1 ~~BOARD DEFINED —~~ OPTOMETRY — CERTIFIED LICENSED OPTOMETRISTS — THERAPEUTICALLY CERTIFIED OPTOMETRISTS.

1. As used in this chapter, "board" means the board of optometry, created under chapter 147.

2. For the purpose of this subtitle, the following classes of persons shall be deemed to be engaged in the practice of optometry:

1. a. Persons employing any means other than the use of drugs, medicine, or surgery for the measurement of the visual power and visual efficiency of the human eye; the prescribing and adapting of lenses, prisms and contact lenses, and the using or employing of visual training or ocular exercise, for the aid, relief, or correction of vision.

2. b. Persons who allow the public to use any mechanical device for such purpose.

3. c. Persons who publicly profess to be optometrists and to assume the duties incident to said profession.

3. Certified licensed optometrists may employ cycloplegics, mydriatics, and topical anesthetics as diagnostic agents topically applied to determine the condition of the human eye for proper optometric practice or referral for treatment to a person licensed under chapter 148 or 150A. A certified licensed optometrist is an optometrist who is licensed to practice optometry in this state and who is certified by the board of optometry examiners to use diagnostic agents. A certified licensed optometrist shall be provided with a distinctive certificate by the board which shall be displayed for viewing by the patients of the optometrist.

4. Therapeutically certified optometrists may employ all diagnostic and therapeutic pharmaceutical agents for the purpose of diagnosis and treatment of conditions of the human eye and adnexa pursuant to this paragraph,²⁴ excluding the use of injections other than to counteract an anaphylactic reaction, and notwithstanding section 147.107, may without charge supply any of the above pharmaceuticals to commence a course of therapy. Therapeutically certified optometrists may prescribe oral steroids for a period not to exceed fourteen days without consultation with a primary care physician. Therapeutically certified optometrists shall not prescribe oral Imuran or oral Methotrexate. Therapeutically certified optometrists may be authorized, where reasonable and appropriate, by rule of the board, to employ new diagnostic and therapeutic pharmaceutical agents approved by the United States food and drug administration on or after July 1, 2002, for the diagnosis and treatment of the human eye and adnexa.

²⁴ See chapter 215, §251 herein

The board shall not be required to adopt rules relating to topical pharmaceutical agents, oral antimicrobial agents, oral antihistamines, oral antiglaucoma agents, and oral analgesic agents. Superficial foreign bodies may be removed from the human eye and adnexa. The therapeutic efforts of a therapeutically certified optometrist are intended for the purpose of examination, diagnosis, and treatment of visual defects, abnormal conditions, and diseases of the human eye and adnexa, for proper optometric practice or referral for consultation or treatment to persons licensed under chapter 148 or 150A. A therapeutically certified optometrist is an optometrist who is licensed to practice optometry in this state and who is certified by the board of optometry examiners to use the agents and procedures authorized pursuant to this paragraph.²⁵ A therapeutically certified optometrist shall be provided with a distinctive certificate by the board which shall be displayed for viewing by the patients of the optometrist.

Sec. 143. Section 154.3, subsections 3, 4, 5, 6, and 8, Code 2007, are amended to read as follows:

3. A person licensed as an optometrist prior to January 1, 1980, who applies to be a certified licensed optometrist shall first satisfactorily complete a course consisting of at least one hundred contact hours in pharmacology as it applies to optometry including clinical training as it applies to optometry with particular emphasis on the topical application of diagnostic agents to the human eye and possible adverse reactions thereto, for the purpose of examination of the human eye and the diagnosis of conditions of the human eye, provided by an institution accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation or the United States office of education, and approved by the board of optometry examiners.

4. In addition to the examination required by subsection 1, paragraph "c", a person applying to be a certified licensed optometrist shall also pass an examination prescribed by the optometry examiners board in the subjects of physiology and pathology appropriate to the use of diagnostic pharmaceutical agents and diagnosis of conditions of the human eye, and pharmacology including systemic effects of ophthalmic diagnostic pharmaceutical agents and the possible adverse reactions thereto, authorized for use by optometrists by section 154.1.

5. A person applying to be licensed as an optometrist after January 1, 1986, shall also apply to be a therapeutically certified optometrist and shall, in addition to satisfactorily completing all requirements for a license to practice optometry, satisfactorily complete a course as defined by rule of the state board of optometry examiners with particular emphasis on the examination, diagnosis²⁶ and treatment of conditions of the human eye and adnexa provided by an institution accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation of the United States office of education, and approved by the board of optometry examiners. The rule rules of the board shall require a course including a minimum of forty hours of didactic education and sixty hours of approved supervised clinical training in the examination, diagnosis, and treatment of conditions of the human eye and adnexa. The board may also, by rule, provide a procedure by which an applicant who has received didactic education meeting the requirements of rules adopted pursuant to this subsection at an approved school of optometry may apply to the board for a waiver of the didactic education requirements of this subsection.

6. A person licensed in any state as an optometrist prior to January 1, 1986, who applies to be a therapeutically certified optometrist shall first satisfactorily complete a course as defined by rule of the board of optometry examiners with particular emphasis on the examination, diagnosis, and treatment of conditions of the human eye and adnexa provided by an institution accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation of the United States office of education, and approved by the board of optometry examiners. The rule of the board shall require a course including a minimum of forty hours of didactic education and sixty hours of approved supervised clinical training in the examination, diagnosis, and treatment of conditions of the human eye and adnexa. Effective July 1, 1987, the board shall require that therapeutically cer-

²⁵ See chapter 215, §251 herein

²⁶ See chapter 215, §252 herein

tified optometrists prior to the utilization of topical and oral antiglaucoma agents, oral antimicrobial agents, and oral analgesic agents shall complete an additional forty-four hours of education with emphasis on treatment and management of glaucoma and use of oral pharmaceutical agents for treatment and management of ocular diseases, provided by an institution accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation of the United States office of education, and approved by the board of optometry examiners. Upon completion of the additional forty-four hours of education, a therapeutically certified optometrist shall also pass an oral or written examination prescribed by the board. The board shall suspend the optometrist's therapeutic certificate for failure to comply with this subsection by July 1, 1988.

The board shall adopt rules requiring an additional twenty hours per biennium of continuing education in the treatment and management of ocular disease for all therapeutically certified optometrists. The department of ophthalmology of the school of medicine of the state university of Iowa shall be one of the providers of this continuing education.

8. In addition to the examination required by subsection 1, paragraph "c", a person applying to be a therapeutically certified optometrist shall also pass an examination prescribed by the board of optometry examiners in the examination, diagnosis, and treatment of diseases of the human eye and adnexa.

Sec. 144. Section 154.5, unnumbered paragraph 1, Code 2007, is amended to read as follows:

No A school of optometry shall not be approved by the ~~optometry examiners board~~ as a school of recognized standing unless said the school:

Sec. 145. Section 154A.1, subsection 1, Code 2007, is amended to read as follows:

1. "Board" means the board of ~~examiners for the licensing and regulation of hearing aid dispensers~~.

Sec. 146. Section 154A.24, subsection 3, paragraph e, Code 2007, is amended to read as follows:

e. Representing that the service or advice of a person licensed to practice medicine, or one who is certificated as a clinical audiologist by the board of ~~examiners~~ of speech pathology and audiology or its equivalent, will be used or made available in the fitting or selection, adjustment, maintenance, or repair of hearing aids when that is not true, or using the words "doctor", "clinic", "clinical audiologist", "state approved", or similar words, abbreviations, or symbols which tend to connote the medical or other professions, except where the title "certified hearing aid audiologist" has been granted by the national hearing aid society, or that the hearing aid dispenser has been recommended by this state or the board when such is not accurate.

Sec. 147. Section 154C.1, subsection 1, Code 2007, is amended to read as follows:

1. "Board" means the board of social work, ~~examiners~~ established in chapter 147.

Sec. 148. Section 154C.3, subsection 1, paragraph c, subparagraph (5), Code 2007, is amended to read as follows:

(5) Supervision shall be provided in any of the following manners:

(a) By a social worker licensed at least at the level of the social worker being supervised and qualified under this section to practice without supervision.

(b) By another qualified professional, if the board of ~~social work examiners~~ determines that supervision by a social worker as defined in subparagraph subdivision (a) is unobtainable or in other situations considered appropriate by the board.

Additional standards for supervision shall be determined by the board of ~~social work examiners~~.

Sec. 149. Section 154D.1, subsection 1, Code 2007, is amended to read as follows:

1. "Board" means the board of behavioral science ~~examiners~~, established in ~~section 147.13~~ chapter 147.

Sec. 150. Section 154E.1, subsection 1, Code 2007, is amended to read as follows:

1. "Board" means the board of ~~interpreter for the hearing impaired examiners~~ sign language interpreters and transliterators, established in chapter 147.

Sec. 151. Section 155.1, subsection 1, Code 2007, is amended to read as follows:

1. "Board" means the ~~Iowa state~~ board of ~~examiners for nursing home administrators~~ hereinafter created, established in chapter 147.

Sec. 152. Section 155.2, unnumbered paragraph 1, Code 2007, is amended to read as follows:

There is established a ~~state~~ board of ~~examiners for nursing home administrators~~ which shall consist of nine members appointed by the governor subject to confirmation by the senate as follows:

Sec. 153. Section 155A.3, subsection 3, Code 2007, is amended to read as follows:

3. "Board" means the board of pharmacy ~~examiners~~.

Sec. 154. Section 155A.21, subsection 2, Code 2007, is amended to read as follows:

2. Subsection 1 does not apply to a licensed pharmacy, licensed wholesaler, physician, veterinarian, dentist, podiatric physician, therapeutically certified optometrist, advanced registered nurse practitioner, physician assistant, a nurse acting under the direction of a physician, or the board of pharmacy ~~examiners~~, its officers, agents, inspectors, and representatives, ~~nor or~~ to a common carrier, manufacturer's representative, or messenger when transporting the drug or device in the same unbroken package in which the drug or device was delivered to that person for transportation.

Sec. 155. Section 155A.26, Code 2007, is amended to read as follows:

155A.26 ENFORCEMENT — AGENTS AS PEACE OFFICERS.

The board of ~~pharmacy examiners~~, its officers, agents, inspectors, and representatives, and all peace officers within the state, and all county attorneys shall enforce all provisions of this chapter, except those specifically delegated, and shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to prescription drugs. Officers, agents, inspectors, and representatives of the board of ~~pharmacy examiners~~ shall have the powers and status of peace officers when enforcing the provisions of this chapter.

Sec. 156. Section 156.1, subsection 1, Code 2007, is amended to read as follows:

1. "Board" means the board of mortuary science ~~examiners~~.

Sec. 157. Section 157.1, subsection 1, Code 2007, is amended to read as follows:

1. "Board" means the board of cosmetology arts and sciences ~~examiners~~.

Sec. 158. Section 157.1, subsection 6, paragraph e, Code 2007, is amended to read as follows:

e. Manicuring and pedicuring.

Sec. 159. Section 158.1, subsection 5, Code 2007, is amended to read as follows:

5. "Board" means the board of ~~barber examiners~~ barbering.

Sec. 160. Section 205.6, Code 2007, is amended to read as follows:

205.6 POISON REGISTER.

It shall be unlawful for any pharmacist to sell at retail any of the poisons enumerated in section 205.5 unless the pharmacist ascertains that the purchaser is aware of the character of the drug and the purchaser represents that it is to be used for a proper purpose and every sale of any poison enumerated in section 205.5 shall be entered in a book kept for that purpose, to be

known as a "Poison Register" and the same shall show the date of the sale, the name and address of the purchaser, the name of the poison, the purpose for which it was represented to be purchased, and the name of the natural person making the sale, which book or books shall be open for inspection by the board of pharmacy examiners, or any magistrate or peace officer of this state, and preserved for at least five years after the date of the last sale therein recorded.

Sec. 161. Section 205.11, Code 2007, is amended to read as follows:
205.11 ENFORCEMENT.

The provisions of this chapter and chapters 124 and 126 shall be administered and enforced by the board of pharmacy examiners. In discharging any duty or exercising any power under those chapters, the board of pharmacy examiners shall be governed by all the provisions of chapter 189, which govern the department of agriculture and land stewardship when discharging a similar duty or exercising a similar power with reference to any of the articles dealt with in this subtitle, to the extent that chapter 189 is not inconsistent with this chapter and chapters 124 and 126.

Sec. 162. Section 205.12, Code 2007, is amended to read as follows:
205.12 CHEMICAL ANALYSIS OF DRUGS.

Any chemical analysis deemed necessary by the board of pharmacy examiners in the enforcement of this chapter and chapters 124 and 126 shall be made by the department of agriculture and land stewardship when requested by the board of pharmacy examiners.

Sec. 163. Section 205.13, Code 2007, is amended to read as follows:
205.13 APPLICABILITY OF OTHER STATUTES.

Insofar as applicable the provisions of chapter 189 shall apply to the articles dealt with in this chapter and chapters 124 and 126. The powers vested in the department of agriculture and land stewardship by chapter 189 shall be deemed for the purpose of this chapter and chapters 124 and 126 to be vested in the board of pharmacy examiners.

Sec. 164. Section 232.69, subsection 3, paragraph a, Code 2007, is amended to read as follows:

a. For the purposes of this subsection, "licensing board" means ~~an examining~~ a board designated in section 147.13, the board of educational examiners created in section 272.2, or a licensing board as defined in section 272C.1.

Sec. 165. Section 232.69, subsection 3, paragraph d, subparagraph (1), Code 2007, is amended to read as follows:

(1) A continuing education program required under chapter 272C and approved by the appropriate licensing ~~or examining~~ board.

Sec. 166. Section 235A.15, subsection 2, paragraph d, subparagraph (7), Code 2007, is amended to read as follows:

(7) Each licensing board ~~of examiners~~ specified under chapter 147 and the Iowa department of public health for the purpose of licensure, certification or registration, disciplinary investigation, or the renewal of licensure, certification or registration, or disciplinary proceedings of health care professionals.

Sec. 167. Section 235B.6, subsection 2, paragraph b, subparagraph (7), Code 2007, is amended to read as follows:

(7) Each board ~~of examiners~~ specified under chapter 147 and the Iowa department of public health for the purpose of licensure, certification or registration, disciplinary investigation, or the renewal of licensure, certification or registration, or disciplinary proceedings of health care professionals.

Sec. 168. Section 235B.16, subsection 5, paragraph a, Code 2007, is amended to read as follows:

a. For the purposes of this subsection, "licensing board" means ~~an examining~~ a board desig-

nated in section 147.13, the board of educational examiners created in section 272.2, or a licensing board as defined in section 272C.1.

Sec. 169. Section 235B.16, subsection 5, paragraph d, subparagraph (1), Code 2007, is amended to read as follows:

(1) A continuing education program required under chapter 272C and approved by the appropriate licensing ~~or examining~~ board.

Sec. 170. Section 235B.16, subsection 5, paragraph e, Code 2007, is amended to read as follows:

e. A person required to complete both child abuse and dependent adult abuse mandatory reporter training may complete the training through a program which combines child abuse and dependent adult abuse curricula and thereby meet the training requirements of both this subsection and section 232.69 simultaneously. A person who is a mandatory reporter for both child abuse and dependent adult abuse may satisfy the combined training requirements of this subsection and section 232.69 through completion of a two-hour training program, if the training program curriculum is approved by the appropriate licensing ~~or examining~~ board or the abuse education review panel established by the director of public health pursuant to section 135.11.

Sec. 171. Section 272C.1, subsection 6, Code 2007, is amended to read as follows:

6. "Licensing board" or "board" includes the following boards:

- a. The state board of engineering and land surveying examiners, created pursuant to chapter 542B.
- b. The board of examiners of shorthand reporters created pursuant to article 3 of chapter 602.
- c. The Iowa accountancy examining board, created pursuant to chapter 542.
- d. The Iowa real estate commission, created pursuant to chapter 543B.
- e. The board of architectural examiners, created pursuant to chapter 544A.
- f. The Iowa board of landscape architectural examiners, created pursuant to chapter 544B.
- g. The board of ~~barber examiners~~ barbering, created pursuant to chapter 147.
- h. The board of chiropractic ~~examiners~~, created pursuant to chapter 147.
- i. The board of cosmetology arts and sciences ~~examiners~~, created pursuant to chapter 147.
- j. The board of ~~dental examiners~~ dentistry,²⁷ created pursuant to chapter 147.
- k. The board of mortuary science ~~examiners~~, created pursuant to chapter 147.
- l. The board of ~~medical examiners~~ medicine, created pursuant to chapter 147.
- m. The board of physician ~~assistant examiners~~ assistants, created pursuant to chapter 148C.
- n. The board of nursing, created pursuant to chapter 147.
- o. The board of ~~examiners for~~ nursing home administrators, created pursuant to chapter 155.
- p. The board of optometry ~~examiners~~, created pursuant to chapter 147.
- q. The board of pharmacy ~~examiners~~, created pursuant to chapter 147.
- r. The board of physical and occupational therapy ~~examiners~~, created pursuant to chapter 147.
- s. The board of podiatry ~~examiners~~, created pursuant to chapter 147.
- t. The board of psychology ~~examiners~~, created pursuant to chapter 147.
- u. The board of speech pathology and audiology ~~examiners~~, created pursuant to chapter 147.
- v. The board for the ~~licensing and regulation~~ of hearing aid dispensers, created pursuant to chapter 154A.
- w. The board of veterinary medicine, created pursuant to chapter 169.
- x. The director of the department of natural resources in certifying water treatment operators as provided in sections 455B.211 through 455B.224.

²⁷ See chapter 218, §205 herein

- y. Any professional or occupational licensing board created after January 1, 1978.
- z. The ~~state~~ board of respiratory care in licensing respiratory care practitioners pursuant to chapter 152B.
 - aa. The board of ~~examiners~~ for athletic training in licensing athletic trainers pursuant to chapter 152D.
 - ab. The board of ~~examiners~~ for massage therapy in licensing massage therapists pursuant to chapter 152C.
 - ac. The board of ~~interpreter for the hearing impaired~~ examiners sign language interpreters and transliterators, created pursuant to chapter 154E.
 - ad. The director of public health in certifying emergency medical care providers and emergency medical care services pursuant to chapter 147A.

Sec. 172. Section 272C.2, subsections 4 and 5, Code 2007, are amended to read as follows:

4. A person licensed to practice an occupation or profession in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a resident of another state or district having a continuing education requirement for the occupation or profession and meets all requirements of that state or district for practice therein, or for periods that the person is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the appropriate licensing board of examiners.

5. A person licensed to sell real estate in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a resident of another state or district having a continuing education requirement for the occupation or profession and meets all requirements of that state or district for practice therein, if the state or district accords the same privilege to Iowa residents, or for periods that the person is a government employee working in the person's licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the appropriate licensing board of examiners.

Sec. 173. Section 272C.2A, Code 2007, is amended to read as follows:

272C.2A CONTINUING EDUCATION MINIMUM REQUIREMENTS — BARBERING AND COSMETOLOGY ARTS AND SCIENCES.

The board of ~~barber examiners~~ barbering and the board of cosmetology arts and sciences ~~examiners~~, created pursuant to chapter 147, shall each require, as a condition of license renewal, a minimum of six hours of continuing education in the two years immediately prior to a licensee's license renewal. The board of cosmetology arts and sciences ~~examiners~~ may notify cosmetology arts and sciences licensees on a quarterly basis regarding continuing education opportunities.

Sec. 174. Section 321J.2, subsection 7, paragraph a, Code 2007, is amended to read as follows:

a. This section does not apply to a person operating a motor vehicle while under the influence of a drug if the substance was prescribed for the person and was taken under the prescription and in accordance with the directions of a medical practitioner as defined in chapter 155A or if the substance was dispensed by a pharmacist without a prescription pursuant to the rules of the board of pharmacy ~~examiners~~, if there is no evidence of the consumption of alcohol and the medical practitioner or pharmacist had not directed the person to refrain from operating a motor vehicle.

Sec. 175. Section 331.756, subsection 40, Code 2007, is amended to read as follows:

40. Prosecute violations of the Iowa drug, device, and cosmetic Act as requested by the board of pharmacy ~~examiners~~ as provided in section 126.7.

Sec. 176. Section 462A.14, subsection 7, paragraph a, Code 2007, is amended to read as follows:

a. This section does not apply to a person operating a motorboat or sailboat while under the influence of a drug if the substance was prescribed for the person and was taken under the prescription and in accordance with the directions of a medical practitioner as defined in chapter 155A or if the substance was dispensed by a pharmacist without a prescription pursuant to the rules of the board of pharmacy ~~examiners~~, if there is no evidence of the consumption of alcohol and the medical practitioner or pharmacist had not directed the person to refrain from operating a motor vehicle, or motorboat or sailboat.

Sec. 177. Section 514F.1, Code 2007, is amended to read as follows:

514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.

The licensing boards of ~~examiners~~ under chapters 148, 149, 150, 150A, 151, and 152 shall establish utilization and cost control review committees of licensees under the respective chapters, selected from licensees who have practiced in Iowa for at least the previous five years, or shall accredit and designate other utilization and cost control organizations as utilization and cost control committees under this section, for the purposes of utilization review of the appropriateness of levels of treatment and of giving opinions as to the reasonableness of charges for diagnostic or treatment services of licensees. Persons governed by the various chapters of Title XIII, subtitle 1, of the Code and self-insurers for health care benefits to employees may utilize the services of the utilization and cost control review committees upon the payment of a reasonable fee for the services, to be determined by the respective boards of ~~examiners~~. The respective boards of ~~examiners~~ under chapters 148, 149, 150, 150A, 151, and 152 shall adopt rules necessary and proper for the ~~implementation~~ administration of this section pursuant to chapter 17A. It is the intent of this general assembly that conduct of the utilization and cost control review committees authorized under this section shall be exempt from challenge under federal or state antitrust laws or other similar laws in regulation of trade or commerce.

Sec. 178. Section 523A.813, Code 2007, is amended to read as follows:

523A.813 LICENSE REVOCATION — RECOMMENDATION BY COMMISSIONER TO BOARD OF MORTUARY SCIENCE ~~EXAMINERS~~.

Upon a determination by the commissioner that grounds exist for an administrative license revocation or suspension action by the board of mortuary science ~~examiners~~ under chapter 156, the commissioner may forward to the board the grounds for the determination, including all evidence in the possession of the commissioner, so that the board may proceed with the matter as deemed appropriate.

Sec. 179. Section 622.10, subsection 5, Code 2007, is amended to read as follows:

5. For the purposes of this section, “mental health professional” means a psychologist licensed under chapter 154B, a registered 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 an individual holding at least a master’s degree in a related field as deemed appropriate by the board of behavioral science ~~examiners~~.

Sec. 180. Section 622.31, Code 2007, is amended to read as follows:

622.31 EVIDENCE OF REGRET OR SORROW.

In any civil action for professional negligence, personal injury, or wrongful death or in any arbitration proceeding for professional negligence, personal injury, or wrongful death against a person in a profession represented by the ~~examining~~ boards listed in section 272C.1 and any other licensed profession recognized in this state, a hospital licensed pursuant to chapter 135B, or a health care facility licensed pursuant to chapter 135C, based upon the alleged negligence in the practice of that profession or occupation, that portion of a statement, affirmation,

gesture, or conduct expressing sorrow, sympathy, commiseration, condolence, compassion, or a general sense of benevolence that was made by the person to the plaintiff, relative of the plaintiff, or decision maker for the plaintiff that relates to the discomfort, pain, suffering, injury, or death of the plaintiff as a result of an alleged breach of the applicable standard of care is inadmissible as evidence. Any response by the plaintiff, relative of the plaintiff, or decision maker for the plaintiff to such statement, affirmation, gesture, or conduct is similarly inadmissible as evidence.

Sec. 181. Section 707.8A, subsection 7, Code 2007, is amended to read as follows:

7. a. A licensed physician subject to the authority of the state board of ~~medical examiners~~ medicine who is accused of a violation of subsection 2 may seek a hearing before the board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury.

b. The board's findings concerning the physician's conduct are admissible at the criminal trial of the physician. Upon a motion of the physician, the court shall delay the beginning of the trial for not more than thirty days to permit the hearing before the board of ~~medical examiners~~ medicine to take place.

Sec. 182. Section 714.25, unnumbered paragraph 2, Code 2007, is amended to read as follows:

A proprietary school shall, prior to the time a student is obligated for payment of any moneys, inform the student, the college student aid commission, and in the case of a school licensed under section 157.8, the board of cosmetology ~~examiners~~ arts and sciences or in the case of a school licensed under section 158.7, the board of ~~barber examiners~~ barbering, of all of the following:

Sec. 183. Section 729.6, subsection 1, paragraph e, Code 2007, is amended to read as follows:

e. "Licensing agency" means a board, commission, committee, council, department, ~~examining board~~, or officer, except a judicial officer, in the state, or in a city, county, township, or local government, authorized to grant, deny, renew, revoke, suspend, annul, withdraw, or amend a license or certificate of registration.

Sec. 184. CODE EDITOR DIRECTIVE. Wherever the term "examiners" or "examining board" appears in the Code or in the Acts pending codification, in reference to one of the boards enumerated in section 147.13, the Code editor is directed to change the term to the appropriate board designation as enumerated in section 147.13.

Approved March 9, 2007