

## CHAPTER 1088

### ADMINISTRATION AND REGULATION OF HEALTH-RELATED PROFESSIONS

S.F. 2338

**AN ACT** relating to the regulation of health-related professions.

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

#### DIVISION I

#### PROFESSIONAL LICENSURE — HEALTH-RELATED PROFESSIONS

Section 1. Section 147.1, Code Supplement 2007, is amended to read as follows:

147.1 DEFINITIONS.

~~1. As used in this chapter, unless the context otherwise requires, “book”, “list”, “record”, or “schedule” kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.~~

2. For the purpose of this and the following chapters of this subtitle:

a. ~~1.~~ “Board” shall mean means one of the boards enumerated in section 147.13 or any other board established in this subtitle ~~which is whose members are appointed by the governor to license applicants and impose licensee discipline as authorized by law.~~

b. ~~2.~~ “Department” shall mean means the Iowa department of public health.

c. ~~3.~~ “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, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, 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, nursing home administrator, hearing aid dispenser, or sign language interpreter or transliterator~~ means a person licensed under this subtitle.

d. ~~4.~~ “Peer review” means evaluation of professional services rendered by a person licensed to practice a profession.

e. ~~5.~~ “Peer review committee” means one or more persons acting in a peer review capacity who also serve as an officer, director, trustee, agent, or member of any of the following:

(1) ~~a.~~ A state or local professional society of a profession for which there is peer review.

(2) ~~b.~~ Any organization approved to conduct peer review by a society as designated in paragraph “a” of this subsection.

(3) ~~c.~~ The medical staff of any licensed hospital.

(4) ~~d.~~ 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.

(5) ~~e.~~ The board of trustees of a licensed hospital when performing a function relating to the reporting required by section 147.135, subsection 3.

(6) ~~f.~~ A health care entity, including but not limited to a group medical practice, that provides health care services and follows a formal peer review process for the purpose of furthering quality health care.

f. ~~6.~~ “Profession” means medicine and surgery, podiatry, ~~osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, social work, dietetics, massage therapy, athletic~~

training, acupuncture, nursing home administration, hearing aid dispensing, or sign language interpreting or transliterating.

Sec. 2. Section 147.2, Code Supplement 2007, is amended to read as follows:

147.2 LICENSE REQUIRED.

1. A person shall not engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, physical therapist assisting, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, occupational therapy, occupational therapy assisting, respiratory care, pharmacy, cosmetology arts and sciences, barbering, social work, dietetics, marital and family therapy or mental health counseling, massage therapy, mortuary science, athletic training, acupuncture, nursing home administration, hearing aid dispensing, or 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 from the board for the profession.

2. For purposes of this section, a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3 shall be considered to have obtained a license to practice nursing from the department.

Sec. 3. Section 147.3, Code 2007, is amended to read as follows:

147.3 QUALIFICATIONS.

An applicant for a license to practice a profession under this subtitle is not ineligible because of age, citizenship, sex, race, religion, marital status, or national origin, although the application form may require citizenship information. A board may consider the past felony criminal record of an applicant only if the felony conviction relates directly to the practice of the profession for which the applicant requests to be licensed. Character references may be required, but shall not be obtained from licensed members of the profession.

Sec. 4. Section 147.4, Code 2007, is amended to read as follows:

147.4 GROUNDS FOR REFUSING.

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

Sec. 5. Section 147.5, Code Supplement 2007, is amended to read as follows:

147.5 LICENSE REQUIRED — EXCEPTION.

1. 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 of the board. Such license shall be issued in the name of the licensing board which conducts examinations for that particular profession.

2. This section shall not apply to a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3.

Sec. 6. Section 147.7, Code 2007, is amended to read as follows:

147.7 DISPLAY OF LICENSE.

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

1. A board may require every person licensed by the board to display the license and evidence of current renewal publicly in a manner prescribed by the board.

2. This section shall not apply to a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3. A person licensed in another state and recognized for licensure in this state pursuant to either

compact shall, however, maintain a copy of a license issued by the person's home state available for inspection when engaged in the practice of nursing in this state.

Sec. 7. Section 147.8, Code 2007, is amended to read as follows:

147.8 RECORD OF LICENSES.

~~The A board shall keep the following information available for public inspection for each person licensed by the board: name, location, number of years of practice of the person to whom a license is issued to practice a profession address of record, the number of the certificate license, and the date of registration thereof shall be kept and made available in a manner which is open to public inspection issuance of the license.~~

Sec. 8. Section 147.9, Code 2007, is amended by striking the section and inserting in lieu thereof the following:

147.9 CHANGE OF ADDRESS.

Every person licensed pursuant to this chapter shall notify the board which issued the license of a change in the person's address of record within a time period established by board rule.

Sec. 9. Section 147.10, Code 2007, is amended to read as follows:

147.10 RENEWAL.

~~1. Every license to practice a profession shall expire in multiyear intervals and be renewed as determined by the board upon application by the licensee, without examination. Each board shall establish rules for license renewal and concomitant fees. Application for renewal shall be made in writing to the department to the board accompanied by the required fee at least thirty days prior to the expiration of such license. Every renewal shall be displayed in connection with the original license. The department shall notify each licensee prior to the expiration of a license. Failure to renew the license within a reasonable time after the expiration shall not invalidate the license, but a reasonable penalty may be assessed by the board.~~

~~2. Each board may by rule establish a grace period following expiration of a license in which the license is not invalidated. Each board may assess a reasonable penalty for renewal of a license during the grace period. Failure of a licensee to renew a license within the grace period shall cause the license to become inactive or lapsed. A licensee whose license is inactive or lapsed shall not engage in the practice of the profession until the license is reactivated or reinstated.~~

Sec. 10. Section 147.11, Code Supplement 2007, is amended by striking the section and inserting in lieu thereof the following:

147.11 REACTIVATION AND REINSTATEMENT.

1. A licensee who allows the license to become inactive or lapsed by failing to renew the license, as provided in section 147.10, may be reactivated upon payment of a reactivation fee and compliance with other terms established by board rule.

2. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with board rule and must apply for and be granted reactivation of the license in accordance with board rule prior to practicing the profession.

Sec. 11. Section 147.12, Code Supplement 2007, is amended to read as follows:

147.12 HEALTH PROFESSION BOARDS.

~~1. For the purpose of giving examinations to applicants for licenses to practice the professions for which licenses are required by this subtitle, the~~ The governor shall appoint, subject to confirmation by the senate, a board 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.

2. If a person who has been appointed by the governor to serve on 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. 12. Section 147.13, subsections 6, 15, 16, 18, 19, 20, 21, 22, and 23, Code Supplement 2007, are amended to read as follows:

6. For physical ~~therapists therapy~~ and occupational ~~therapists therapy~~, the board of physical and occupational therapy.
15. For social ~~workers work~~, the board of social work.
16. For marital and family ~~therapists therapy~~ and mental health ~~counselors counseling~~, the board of behavioral science.
18. For respiratory care ~~therapists therapy~~, the board of respiratory care.
19. For massage ~~therapists therapy~~, the board of massage therapy.
20. For athletic ~~trainers training~~, the board of athletic training.
21. For ~~interpreters interpreting~~, the board of sign language interpreters and transliterators.
22. For hearing ~~aids aid dispensing~~, the board of hearing aid dispensers.
23. For nursing home ~~administrators administration~~, the board of nursing home administrators.

Sec. 13. Section 147.14, Code Supplement 2007, is amended to read as follows:

147.14 ~~QUORUM — COMPOSITION OF BOARDS.~~

1. ~~The board members shall consist of the following:~~
  1. ~~a.~~ 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. ~~b.~~ For 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. ~~c.~~ For 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. ~~d.~~ For dentistry, five members licensed to practice dentistry, two members 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. 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. ~~e.~~ For pharmacy, 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. ~~f.~~ For optometry, 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. ~~g.~~ For psychology, 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 or primarily engaged in research psychology, ~~two~~ three members shall be persons who render services in psychology, and 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. ~~h.~~ For chiropractic, 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. ~~i.~~ For speech pathology and audiology, 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. ~~j.~~ 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. ~~k.~~ For 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. ~~l.~~ For the board of physician assistants, five 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. ~~m.~~ For behavioral science, 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; all 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. ~~n.~~ For cosmetology arts and sciences, 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. ~~o.~~ 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. p. For mortuary science, 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. q. 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. r. 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. s. For podiatry, 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. t. For social work, 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 one employed in the area of children's social work, and two who are not licensed social workers and who shall represent the general public.

21. u. For sign language interpreting and transliterating, four members licensed to practice interpreting and transliterating, three of whom shall be practicing 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. v. 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.~~ No more than two members of the board shall be employees of, or dispensers principally for, the same hearing aid manufacturer.

23. w. For nursing home administrators, a total of nine members: ~~Four, four who are~~ 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 this 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.~~

2. A majority of the members of a board constitutes a quorum.

Sec. 14. Section 147.19, Code Supplement 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 a board shall be filled by appointment of the governor subject to senate confirmation. A member shall serve no more than ~~three~~ three terms or nine years in total on the same board.

Sec. 15. Section 147.21, Code 2007, is amended to read as follows:

147.21 EXAMINATION INFORMATION.

1. The public members of ~~the a~~ board shall be allowed to participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

2. A member of the board shall not disclose information relating to any of the following:

1. ~~Criminal history or prior misconduct of the applicant.~~

2. a. ~~Information relating to the~~ The contents of the examination.

3. b. ~~Information relating to the~~ The examination results other than final score except for

information about the results of an examination which is given to the person who took the examination.

3. A member of the board who willfully communicates or seeks to communicate such information, and any person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

Sec. 16. Section 147.22, Code Supplement 2007, is amended to read as follows:  
147.22 OFFICERS.

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

Sec. 17. Section 147.24, Code Supplement 2007, is amended by striking the section and inserting in lieu thereof the following:

147.24 COMPENSATION.

Members of a board shall receive actual expenses for their duties as a member of the board. Each member of each board shall also be eligible to receive compensation as provided in section 7E.6, within the limits of funds available.

Sec. 18. Section 147.25, Code Supplement 2007, is amended by striking the section and inserting in lieu thereof the following:

147.25 SYSTEM OF HEALTH PERSONNEL STATISTICS — FEE.

1. A board may establish a system to collect, maintain, and disseminate health personnel statistical data regarding board licensees, including but not limited to number of licensees, employment status, location of practice or place of employment, areas of professional specialization and ages of licensees, and other pertinent information bearing on the availability of trained and licensed personnel to provide services in this state.

2. In addition to any other fee provided by law, a fee may be set by the respective 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 board in the administration of the system of health personnel statistics established by this section. The fee shall be retained by the respective board in the manner in which license and renewal fees are retained in section 147.82.

Sec. 19. Section 147.28, Code Supplement 2007, is amended to read as follows:  
147.28 NATIONAL ORGANIZATION.

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

Sec. 20. Section 147.33, Code Supplement 2007, is amended by striking the section and inserting in lieu thereof the following:

147.33 PROFESSIONAL SCHOOLS.

A dean of a college or university which provides instruction or training in a profession shall supply information or data related to the college or university upon request of a board.

Sec. 21. Section 147.34, Code Supplement 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 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 board shall be held annually at the seat of government and the locations of other sessions shall be determined by the board, unless otherwise ordered by the department.~~

1. Each board shall by rule prescribe the examination or examinations required for licensure for the profession and the manner in which an applicant shall complete the examination

process. A board may develop and administer the examination, may designate a national, uniform, or other examination as the prescribed examination, or may contract for such services. Dentists shall pass an examination approved by a majority of the dentist members of the dental board.

2. When a board administers an examination, the board shall provide adequate public notice of the time and place of the examination to allow candidates to comply with the provisions of this subtitle. Administration of examinations, including location, frequency, and reexamination, may be determined by the board.

3. Applicants who fail to pass the examination once shall be allowed to take the examination at the next scheduled authorized time. Thereafter, applicants shall be allowed to take the examination at the discretion of the board. Examinations may be given by a board which are prepared and scored by persons outside the state, and boards may contract for such services. A board may make an agreement with boards in other states for administering a uniform examination. An applicant who has failed an examination may request in writing information from the board concerning the examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the board administers prescribes a national or uniform, standardized examination, the 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 board.

Sec. 22. Section 147.36, Code Supplement 2007, is amended to read as follows:

147.36 RULES.

Each board shall may establish rules for any of the following:

1. The qualifications required for applicants seeking to take examinations.
2. The denial of applicants seeking to take examinations.
3. The conducting of examinations.
4. The grading of examinations and passing upon the technical qualifications of applicants, as shown by such examinations.
5. The minimum scores required for passing standardized examinations.

Sec. 23. Section 147.37, Code Supplement 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 shall not be disclosed upon the examination papers in such a way as to enable the members of the board to know by whom written until after the papers have been passed upon. In examinations The identity of the person taking an examination shall not be disclosed during the examination process and in practice the identity of the candidate shall also be concealed as far as to the extent possible.

Sec. 24. Section 147.44, Code Supplement 2007, is amended by striking the section and inserting in lieu thereof the following:

147.44 AGREEMENTS.

A board may enter into a reciprocal agreement with a licensing authority of another state for the purpose of recognizing licenses issued by the other state, provided that such licensing authority imposes licensure requirements substantially equivalent to those imposed in this state. The board may establish by rule the conditions for the recognition of such licenses and the process for licensing such individuals to practice in this state.

Sec. 25. Section 147.48, Code Supplement 2007, is amended to read as follows:

147.48 TERMINATION OF AGREEMENTS.

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 in that state so that such requirements are no longer substantially as high as equivalent to those existing in this state, the agreement shall be deemed terminated and licenses issued in 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 appropriate board and certified to the department for its guidance in enforcing the provisions of this section.~~

Sec. 26. Section 147.49, Code Supplement 2007, is amended to read as follows:

147.49 LICENSE OF ANOTHER STATE.

~~The department~~ A board 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 board for such profession, license the applicant to practice in this state, unless under the rules of the board a practical or jurisprudence examination is required. ~~The department may, upon the recommendation of the~~ The board of medicine, may 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. 27. Section 147.53, Code Supplement 2007, is amended to read as follows:

147.53 POWER TO ADOPT RULES.

~~The department and each~~ Each board entering into a reciprocal agreement shall adopt necessary rules, not inconsistent with law, for carrying out the reciprocal relations with other states which are authorized by this chapter.

Sec. 28. Section 147.55, Code 2007, is amended to read as follows:

147.55 GROUNDS.

A license to practice a profession shall be revoked, ~~or suspended, or otherwise disciplined~~ when the licensee is guilty of any of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional ~~incompetency~~ incompetence.
3. Knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a ~~felony~~ crime related to the profession or occupation of the licensee or the conviction of any ~~felony~~ crime that would affect the licensee's ability to practice within a profession. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act chapter, chapter 272C, or a board's enabling statute.
9. Other acts or offenses as specified by board rule.

Sec. 29. Section 147.57, Code 2007, is amended to read as follows:

147.57 DENTAL HYGIENIST AND DENTIST.

The practice of dentistry by a dental hygienist shall also be grounds for ~~the revocation~~ discipline of the dental hygienist's license hygienist, and the permitting of such practice by the dentist under whose supervision ~~said the~~ dental hygienist is operating shall be grounds for ~~revoking the license~~ disciplining of ~~the~~ dentist.

Sec. 30. Section 147.73, Code 2007, is amended to read as follows:

147.73 TITLES USED BY HOLDER OF DEGREE.

Nothing in section 147.72 shall be construed:

1. As authorizing any person licensed to practice a profession under this subtitle to use or

assume any degree or abbreviation of the same degree unless such degree has been conferred upon said the person by an institution of learning accredited by the appropriate board herein created, ~~together with the director of public health~~, or by some recognized state or national accredited agency.

2. As prohibiting any holder of a degree conferred by an institution of learning accredited by the appropriate board herein created in this chapter, ~~together with the director of public health~~, or by some recognized state or national accrediting agency, from using the title which such degree authorizes the holder to use, but the holder shall not use such degree or abbreviation in any manner which might mislead the public as to the holder's qualifications to treat human ailments.

Sec. 31. Section 147.74, Code Supplement 2007, is amended to read as follows:

147.74 PROFESSIONAL TITLES OR ABBREVIATIONS — FALSE USE PROHIBITED.

1. Any person who falsely claims by the use of any professional title or abbreviation, either in writing, cards, signs, circulars, ~~or advertisements~~, the internet, or other written or electronic means, to be a practitioner of a system of the healing arts profession other than the one under which the person holds a license or who fails to use the following designations provided in this section shall be guilty of a simple misdemeanor.

2. A physician or surgeon may use the prefix "Dr." or "Doctor", and shall add after the person's name the letters, "M. D."

3. An ~~osteopath or osteopathic~~ physician and surgeon may use the prefix "Dr." or "Doctor", and shall add after the person's name the letters, "D. O.", or the words ~~"osteopath" or "osteopathic physician and surgeon"~~.

4. A chiropractor may use the prefix "Dr." or "Doctor", but shall add after the person's name the letters, "D. C." or the word, "chiropractor".

5. A dentist may use the prefix "Dr." or "Doctor", but shall add after the person's name the letters "D. D. S.", or "D. M. D.", or the word "dentist" or "dental surgeon". A dental hygienist may use the words "registered dental hygienist" or the letters "R. D. H." after the person's name. A dental assistant may use the words "registered dental assistant" or the letters "R. D. A." after the person's name.

6. A podiatric physician may use the prefix "Dr." or "Doctor", but shall add after the person's name the letters "D. P. M." or the words "podiatric physician".

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

8. A physical therapist registered or licensed under chapter 148A may use the words "physical therapist" after the person's name or signify the same by the use of the letters "P. T." after the person's name. A physical therapist with an earned doctoral degree from an accredited school, college, or university may use the suffix designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the words "physical therapist". An occupational therapist registered or licensed under chapter 148B may use the words "occupational therapist" after the person's name or signify the same by the use of the letters "O. T." after the person's name. An occupational therapist with an earned doctoral degree from an accredited school, college, or university may use the suffix designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the words "occupational therapist".

9. A physical therapist assistant licensed under chapter 148A may use the words "physical therapist assistant" after the person's name or signify the same by use of the letters "P. T. A." after the person's name. An occupational therapy assistant licensed under chapter 148B may use the words "occupational therapy assistant" after the person's name or signify the same by use of the letters "O. T. A." after the person's name.

10. A psychologist who possesses a doctoral degree and ~~who claims to be a certified practicing~~ psychologist may use the prefix "Dr." or "Doctor" but shall add after the person's name the word "psychologist".

11. A speech pathologist with an earned doctoral degree in speech pathology obtained beyond a bachelor's degree from an accredited school, college, or university, may use the suffix

designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the words "speech pathologist". An audiologist with an earned doctoral degree in audiology obtained beyond a bachelor's degree from an accredited school, college, or university, may use the suffix designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the word "audiologist".

12. A bachelor social worker licensed under chapter 154C may use the words "licensed bachelor social worker" or the letters "L. B. S. W." after the person's name. A master social worker licensed under chapter 154C may use the words "licensed master social worker" or the letters "L. M. S. W." after the person's name. An independent social worker licensed under chapter 154C may use the words "licensed independent social worker", or the letters "L. I. S. W." after the person's name.

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

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

15. A pharmacist who possesses a doctoral degree recognized by the ~~American council of pharmaceutical education~~ accreditation council for pharmacy education from a college of pharmacy approved by the board of pharmacy 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."

16. A physician assistant licensed under chapter 148C may use the words "physician assistant" after the person's name or signify the same by the use of the letters "P. A." after the person's name.

17. A massage therapist licensed under chapter 152C may use the words "licensed massage therapist" or the initials "L. M. T." after the person's name.

18. An acupuncturist licensed under chapter 148E may use the words "licensed acupuncturist" or the abbreviation "L. Ac." after the person's name.

19. A respiratory care practitioner licensed under chapter 152B and this chapter may use the title "respiratory care practitioner" or the letters "R. C. P." after the person's name.

20. An athletic trainer licensed under chapter 152D and this chapter may use the words "licensed athletic trainer" or the letters "LAT" after the person's name.

21. A registered nurse licensed under chapter 152 may use the words "registered nurse" or the letters "R. N." after the person's name. A licensed practical nurse licensed under chapter 152 may use the words "licensed practical nurse" or the letters "L. P. N." after the person's name.

22. A sign language interpreter or transliterator 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.

23. No other practitioner licensed to practice a profession under any of the provisions of this subtitle shall be entitled to use the prefix "Dr." or "Doctor" unless the licensed practitioner possesses an earned doctoral degree. Such a practitioner shall reference the degree held after the person's name.

Sec. 32. Section 147.76, Code Supplement 2007, is amended to read as follows:

147.76 RULES.

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

Sec. 33. Section 147.80, Code Supplement 2007, is amended by striking the section and inserting in lieu thereof the following:

147.80 ESTABLISHMENT OF FEES — ADMINISTRATIVE COSTS.

1. Each board may by rule establish fees for the following based on the costs of sustaining the board and the actual costs of the service:

- a. Examinations.
- b. Licensure, certification, or registration.
- c. Renewal of licensure, certification, or registration.
- d. Renewal of licensure, certification, or registration during the grace period.
- e. Reinstatement or reactivation of licensure, certification, or registration.
- f. Issuance of a certified statement that a licensee is licensed in this state.
- g. Issuance of a duplicate license, which shall be so designated on its face. A board may require satisfactory proof the original license issued by the board has been lost or destroyed.
- h. Issuance of a renewal card.
- i. Verification of licensure.
- j. Returned checks.
- k. Inspections.

2. Each board shall annually prepare estimates of projected revenues to be generated by the fees received by the board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to the board. Each board shall annually review and adjust its schedule of fees to cover projected expenses.

3. The board of medicine, the board of pharmacy, the dental board, and the board of nursing shall retain individual executive officers, but shall make every effort to share administrative, clerical, and investigative staff to the greatest extent possible.

Sec. 34. Section 147.82, Code Supplement 2007, is amended to read as follows:

147.82 ~~FEES~~ FEE RETENTION.

All fees collected by a board listed in section ~~147.80~~ 147.13 or by the department for the bureau of professional licensure, and fees collected pursuant to sections 124.301 and 147.80 and chapter 155A by the board of pharmacy, shall be retained by each board or by the department for the bureau of professional licensure. The moneys retained by a board shall be used for any of the board's duties, including but not limited to the addition of full-time equivalent positions for program services and investigations. Revenues retained by a board pursuant to this section shall be considered repayment receipts as defined in section 8.2. Notwithstanding section 8.33, moneys retained by a board pursuant to this section are not subject to reversion to the general fund of the state.

Sec. 35. Section 147.84, Code 2007, is amended to read as follows:

147.84 FORGERIES.

Any person who shall file files or attempt attempts to file with ~~the department~~ a board any false or forged diploma, ~~or certificate or affidavit of identification or qualification, or other document~~ shall be guilty of a fraudulent practice.

Sec. 36. Section 147.85, Code 2007, is amended to read as follows:

147.85 FRAUD.

Any person who shall present presents to ~~the department~~ a board a diploma or certificate of which the person is not the rightful owner, for the purpose of procuring a license, or who shall falsely personate personates anyone to whom a license has been issued by ~~said department~~ the board shall be guilty of a serious misdemeanor.

Sec. 37. Section 147.87, Code Supplement 2007, is amended to read as follows:

147.87 ENFORCEMENT.

~~The department~~ A board shall enforce the provisions of this ~~and the following chapters of this subtitle~~ chapter and its enabling statute and for that purpose may request the department of inspections and appeals to make necessary investigations. Every licensee and member of

a board shall furnish the ~~department board~~ 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. 38. Section 147.88, Code Supplement 2007, is amended to read as follows:

147.88 INSPECTIONS AND INVESTIGATIONS.

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

Sec. 39. Section 147.89, Code Supplement 2007, is amended to read as follows:

147.89 REPORT OF VIOLATORS.

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

1. ~~Practicing any profession for which a license is required.~~
2. Operating as an itinerant practitioner of such profession if the licensee or member of the board has reason to believe the person is practicing the profession without a license.

Sec. 40. Section 147.91, Code Supplement 2007, is amended by striking the section and inserting in lieu thereof the following:

147.91 PUBLICATIONS.

Each board shall provide access to the laws and rules regulating the board to the public upon request and shall make this information available through the internet.

Sec. 41. Section 147.92, Code 2007, is amended to read as follows:

147.92 ATTORNEY GENERAL.

Upon request of ~~the department~~ a board the attorney general shall institute in the name of the state the proper proceedings against any person charged by the ~~department board~~ with violating any provision of this or the following chapters of this subtitle.

Sec. 42. Section 147.93, Code 2007, is amended to read as follows:

147.93 PRIMA FACIE EVIDENCE.

The opening of an office or place of business for the practice of any profession for which a license is required by this subtitle, the announcing to the public in any way the intention to practice any such profession, the use of any professional degree or designation, or of any sign, card, circular, device, internet web site, or advertisement, as a practitioner of any such profession, or as a person skilled in the same, shall be prima facie evidence of engaging in the practice of such profession.

Sec. 43. Section 147.107, subsections 2 and 3, Code Supplement 2007, are amended to read as follows:

2. a. 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 dispensing 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

board of pharmacy, the board of medicine, the dental board, and the board of podiatry for their respective licensees.

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

c. 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.

3. A ~~physician's physician~~ assistant or registered nurse may supply when pharmacist services are not reasonably available or when it is in the best interests of the patient, on the direct order of the supervising physician, a quantity of properly packaged and labeled prescription drugs, controlled substances, or contraceptive devices necessary to complete a course of therapy. However, a remote clinic, staffed by a physician's<sup>1</sup> assistant or registered nurse, 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.

Sec. 44. Section 148.1, Code 2007, is amended to read as follows:

148.1 PERSONS ENGAGED IN PRACTICE.

For the purpose of this subtitle the following classes of persons shall be deemed to be engaged in the practice of medicine and surgery or osteopathic medicine and surgery:

1. Persons who publicly profess to be physicians ~~or and~~ surgeons, osteopathic physicians and surgeons, or who publicly profess to assume the duties incident to the practice of medicine ~~or and~~ surgery or osteopathic medicine and surgery.

2. Persons who prescribe, or prescribe and furnish, medicine for human ailments or treat the same by surgery.

3. Persons who act as representatives of any person in doing any of the things mentioned in this section.

Sec. 45. Section 148.2, Code Supplement 2007, is amended to read as follows:

148.2 PERSONS NOT REQUIRED TO QUALIFY ENGAGED IN PRACTICE.

Section 148.1 shall not be construed to include the following classes of persons:

1. Persons who advertise or sell patent or proprietary medicines.

2. Persons who advertise, sell, or prescribe natural mineral waters flowing from wells or springs.

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

4. Licensed podiatric physicians, ~~osteopaths, osteopathic physicians and surgeons~~, chiropractors, physical therapists, nurses, dentists, optometrists, and pharmacists who are exclusively engaged in the practice of their respective professions.

5. Physicians and surgeons or osteopathic physicians and surgeons of the United States army, navy, air force, marines, public health service, or other uniformed service when acting in the line of duty in this state, and holding a current, active permanent license in good standing in another state, district, or territory of the United States, or physicians and surgeons or osteopathic physicians and surgeons licensed in another state, when incidentally called into this state in consultation with a physician and surgeon or osteopathic physician and surgeon licensed in this state.

6. ~~A graduate of a medical school who is continuing training and performing the duties of~~

<sup>1</sup> According to enrolled Act; the phrase "~~physician's physician~~" probably intended

an intern, or who is engaged in postgraduate training deemed the equivalent of an internship in a hospital approved for training by the board.

Sec. 46. Section 148.2A, Code Supplement 2007, is amended to read as follows:

148.2A BOARD OF MEDICINE.

1. As used in this chapter, "board" means the board of medicine established in chapter 147.

2. Notwithstanding sections 17A.11, 69.16, 69.16A, 147.12, 147.14, and 147.19, the board may have a pool of up to ten alternate members, including members licensed to practice under this chapter and members not licensed to practice under this chapter, to substitute for board members who are disqualified or become unavailable for any other reason for contested case hearings.

a. The board may recommend, subject to approval by the governor, up to ten people to serve in a pool of alternate members.

b. A person serves in the pool of alternate members at the discretion of the board; however, the length of time an alternate member may serve in the pool shall not exceed nine years. A person who serves as an alternate member may later be appointed to the board and may serve nine years, in accordance with sections 147.12 and 147.19. A former board member may serve in the pool of alternate members.

c. An alternate member licensed under this chapter shall hold an active license and shall have been actively engaged in the practice of medicine and surgery or osteopathic medicine and surgery in the preceding three years, with the two most recent years of practice being in Iowa.

d. When a sufficient number of board members are unavailable to hear a contested case, the board may request alternate members to serve.

e. Notwithstanding section 17A.11, section 147.14, subsection 2, and section 272C.6, subsection 5:

(1) An alternate member is deemed a member of the board only for the hearing panel for which the alternate member serves.

(2) A hearing panel containing alternate members must include at least six people.

(3) The majority of a hearing panel containing alternate members shall be members of the board.

(4) The majority of a hearing panel containing alternate members shall be members licensed to practice under this chapter.

(5) A decision of a hearing panel containing alternate members is considered a final decision of the board.

f. An alternate member shall not receive compensation in excess of that authorized by law for a board member.

Sec. 47. NEW SECTION. 148.2B EXECUTIVE DIRECTOR.

The salary of the executive director of the board shall be established by the governor with 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. 48. Section 148.3, Code Supplement 2007, is amended to read as follows:

148.3 REQUIREMENTS FOR LICENSE TO PRACTICE.

1. An applicant for a license to practice medicine and surgery or osteopathic medicine and surgery shall present to the board all of the following:

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

a. (1) A diploma issued by a medical college or college of osteopathic medicine and surgery which has been neither approved nor disapproved by the board.

b. (2) A valid standard certificate issued by the educational commission for foreign medical graduates or similar accrediting agency.

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

3. c. Present to the board satisfactory 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 board. ~~Beginning July 1, 2006, an~~ 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.

2. An application for a license shall be made to the board of medicine. All license and renewal fees shall be paid to and collected by the board and transmitted to the board.

3. The board shall give priority to the processing of applications for licensure submitted by physicians and surgeons and osteopathic physicians and surgeons whose practice will primarily involve provision of service to underserved populations, including but not limited to minorities or low-income persons, or who live in rural areas.

4. The issuance of reciprocal agreements pursuant to section 147.44 is not required and is subject to the discretion of the board.

Sec. 49. Section 148.5, Code Supplement 2007, is amended to read as follows:

148.5 RESIDENT PHYSICIAN LICENSE.

A physician, who is a graduate of a medical school or college of osteopathic medicine and surgery and is serving as a resident physician who is not otherwise licensed to practice medicine and surgery or osteopathic medicine and surgery in this state, shall be required to obtain from the 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 board. A license shall be valid for a duration as determined by the board. The fee for each license shall be set by the board to cover the administrative costs of issuing the license. The 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 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, or that the board in any way is obligated to license the individual.

Sec. 50. Section 148.6, Code Supplement 2007, is amended to read as follows:

148.6 REVOCATION LICENSEE DISCIPLINE — CRIMINAL PENALTY.

1. The 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 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, or 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, or 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, or 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, or 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 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 board.

A person licensed to practice medicine and surgery, or 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 lettered paragraph when directed in writing by the 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. ~~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 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.~~

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.

3. A person violating the provisions of section 147.2, 147.84, or 147.85, shall upon conviction be guilty of a class "D" felony.

Sec. 51. Section 148.7, Code Supplement 2007, is amended to read as follows:

148.7 PROCEDURE FOR SUSPENSION OR REVOCATION LICENSEE DISCIPLINE.

A proceeding for the revocation or suspension of a license to practice medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~ or to discipline a person licensed to practice medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~ shall be substantially in accord with the following procedure:

1. The board may, upon its own motion or upon ~~verified~~ receipt of a 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 ~~order an investigation. The board may, upon its own motion, order a 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 the rules. In case the licensee fails to appear, either in person or by counsel at the time and place designated in the notice, the board shall proceed with the hearing as hereinafter provided in this section.~~

3. a. 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.~~

b. 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 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.

4. Disciplinary hearings held pursuant to section 272C.6, subsection 1, shall be heard by the board, or by a panel of not less than six members, at least three of whom are board members, and the remaining appointed pursuant to section 148.2A, with no more than three of the six being public members. Notwithstanding chapters 17A and 21, a disciplinary hearing shall be open to the public at the discretion of the licensee.

4. 5. A stenographic record of the proceedings shall be kept. The licensee shall have the opportunity to appear personally and by an attorney, with the right to produce evidence ~~in on~~ the licensee's own behalf, to examine and cross-examine witnesses, and to examine documentary evidence produced against the licensee.

5. 6. If a person refuses to obey a subpoena issued by the presiding member or administrative law judge or to answer a proper question during the hearing, the presiding member or administrative law judge may invoke the aid of a court of competent jurisdiction or judge of this court in requiring the attendance and testimony of the person and the production of papers. A failure to obey the order of the court may be punished by the court as a civil contempt may be punished.

6. 7. Unless the hearing is before the entire board, a transcript of the proceeding, together with exhibits presented, shall be considered by the entire board at the earliest practicable time. The licensee and the licensee's attorney shall have the opportunity to appear personally to present the licensee's position and arguments to the board. The board shall determine the charge or charges upon the merits on the basis of the evidence in the record before it.

7. 8. 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 board may restore and reissue a license to practice medicine and surgery, ~~or 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

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.

8. 9. Judicial review of the board's action may be sought in accordance with the terms of the Iowa administrative procedure Act, chapter 17A.

9. 10. The board's order revoking or suspending a license to practice medicine and surgery, or 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. 52. Section 148.9, Code Supplement 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 for reinstatement at any time and the board may hold ~~hearings~~ a hearing 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. 53. Section 148.10, Code Supplement 2007, is amended to read as follows:  
148.10 TEMPORARY CERTIFICATE LICENSE.

1. The board may, in its discretion, issue a temporary ~~certificate~~ license 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 board, a need exists and the person possesses the qualifications prescribed by the 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 board shall determine in each instance those eligible for ~~this the~~ 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 the~~ temporary license except as specifically designated by the board. The granting of a temporary license does not in any way indicate that the person so licensed is necessarily eligible for regular licensure or that the board in any way is obligated to so license the person.

2. The temporary ~~certificate~~ license 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~~ license. The fee for ~~this the~~ license and the fee for renewal of ~~this the~~ license shall be set by the board. The fees shall be based on the administrative costs of issuing and renewing the licenses.

Sec. 54. Section 148.11, Code Supplement 2007, is amended to read as follows:

148.11 SPECIAL LICENSE TO PRACTICE MEDICINE AND SURGERY OR OSTEOPATHIC MEDICINE AND SURGERY.

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

2. A person applying for a special license shall:

a. Be a physician in a professional specialty.

b. Present a diploma issued by a medical or osteopathic medical college.

c. Present evidence of an unrestricted license to practice medicine and surgery or osteopathic medicine and surgery which has been issued by a foreign state or territory or an alien country.

d. Present a letter of recommendation from the dean of a medical or osteopathic medical school in this state indicating that the applicant has been invited to serve on the academic staff of the medical or osteopathic medical school.

e. Present letters of recommendation from universities, other educational institutions, or research facilities that indicate the noteworthy professional attainment by the applicant.

f. Present biographical background information concerning the applicant's education and qualifications.

3. ~~The board shall establish a fee for initial issuance and renewal of a special license shall be established in an amount sufficient to cover the costs of issuing the special license. If the special license is extended beyond one year, an annual renewal fee shall be established in an amount sufficient to cover the costs of renewing the special license. The board shall establish rules for granting and renewing a special license consistent with those for permanent licenses.~~

4. ~~Notwithstanding the provisions of chapter 17A, the board may cancel a special license at any time without hearing. However, when such license is proposed to be canceled, the board shall promptly notify the licensee by certified mail sent to the last known address of the licensee. Thirty days after the service of such notice, the special license shall be canceled.~~

5. ~~4.~~ A special license issued under this section shall automatically expire upon the special licensee discontinuing service on the academic staff of a medical or osteopathic medical school in this state. An expired special license shall not be renewed. However, a former special licensee may reapply for a special license.

Sec. 55. Section 148.12, Code Supplement 2007, is amended to read as follows:

148.12 VOLUNTARY AGREEMENTS.

The board, after due notice and hearing, may issue an order to revoke, suspend, or restrict a license to practice medicine and surgery, ~~or osteopathic medicine and surgery, or osteopathy,~~ or to issue a restricted license on application if the board determines that a physician licensed to practice medicine and surgery, ~~or 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, ~~or 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. 56. NEW SECTION. 148.14 BOARD OF MEDICINE INVESTIGATORS.

The board of medicine may appoint investigators, who shall not be members of the 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 chapter 272C.

Sec. 57. NEW SECTION. 148C.13 INVESTIGATORS FOR PHYSICIAN ASSISTANTS.

1. The board may appoint investigators, who shall not be members of the 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.

2. Investigators authorized by the board have the powers and status of peace officers when enforcing this chapter and chapters 147 and 272C.

Sec. 58. Section 151.2, subsection 1, Code Supplement 2007, is amended to read as follows:

1. Licensed physicians and surgeons, ~~licensed osteopaths, and licensed osteopaths and surgeons, osteopathic physicians and surgeons,~~ and physical therapists who are exclusively engaged in the practice of their respective professions.

Sec. 59. Section 151.3, Code Supplement 2007, is amended to read as follows:

151.3 LICENSE.

Every applicant for a license to practice chiropractic shall do all of the following:

1. Present satisfactory evidence that the applicant possesses a preliminary education equal to the requirements for graduation from an accredited high school or other secondary school.

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

3. Pass an examination prescribed by the 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. 60. Section 151.4, Code Supplement 2007, is amended to read as follows:

151.4 APPROVED COLLEGE.

1. A college of chiropractic shall not be approved by the board as a college of recognized standing unless the college:

a. ~~Requires~~ requires for graduation or for the receipt of any chiropractic degree the completion of a course of study covering a period of four academic years ~~totaling not less than four thousand sixty-minute hours in actual resident attendance.~~

b. ~~Gives an adequate course of study in the subjects enumerated in subsection 3 of section 151.3 and including practical clinical instruction.~~

c. ~~Publishes in a regularly issued catalogue the requirements for graduation and degrees as herein specified.~~

2. An approved college of chiropractic may include but is not limited to offerings of courses of study in procedures for withdrawing a patient's blood, performing or utilizing laboratory tests, and performing physical examinations for diagnostic purposes. A chiropractor, employed by an approved college of chiropractic and who has been trained to withdraw blood may withdraw blood and instruct, and supervise a student in the withdrawing of blood.

Sec. 61. Section 151.5, Code 2007, is amended to read as follows:

151.5 OPERATIVE SURGERY — DRUGS.

A license to practice chiropractic shall not authorize the licensee to practice operative surgery, osteopathy, ~~nor or~~ administer or prescribe ~~any drug or medicine included in materia medica~~ prescription drugs or controlled substances which can only be prescribed by persons authorized by law.

Sec. 62. Section 151.8, subsection 1, Code Supplement 2007, is amended to read as follows:

1. 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 or by curriculum taught on a postgraduate level approved by the board.

Sec. 63. Section 151.9, subsection 8, Code 2007, is amended to read as follows:

8. Willful or repeated violations of the provisions of this Act chapter or chapter 272C.

Sec. 64. Section 151.12, Code Supplement 2007, is amended to read as follows:

151.12 TEMPORARY CERTIFICATE.

1. The board may, in its discretion, issue a temporary certificate for one year authorizing the certificate holder to practice chiropractic if, in the opinion of the board, a need exists and the person possesses the qualifications prescribed by the board for the certificate, which shall be substantially equivalent to those required for licensure under this chapter. ~~The board shall determine in each instance those eligible for this certificate, whether or not examinations shall be given, the type of examinations, and the duration of the certificate.~~ No requirements of the law pertaining to regular permanent licensure are mandatory for this the temporary certificate except as specifically designated by the board. The granting of a temporary certificate does not in any way indicate that the person is eligible for regular licensure or that the board is obligated to issue the person a regular license.

2. ~~The temporary certificate shall be issued for one year and at the discretion of the 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 certificate shall be set by the board, and if extended beyond one year, a renewal fee per year shall be set by the board.~~ The fee for the temporary certificate shall be based on the administrative costs of issuing the certificates.

Sec. 65. Section 154D.1, Code Supplement 2007, is amended by adding the following subsections:

NEWSUBSECTION. 7. "Temporary license" means a license to practice marital and family therapy or mental health counseling under direct supervision of a qualified supervisor as de-

terminated by the board by rule to fulfill the postgraduate supervised clinical experience requirement in accordance with this chapter.

NEW SUBSECTION. 8. "Temporary licensed marital and family therapist" means a person licensed to practice marital and family therapy under supervision in accordance with section 154D.7.

NEW SUBSECTION. 9. "Temporary licensed mental health counselor" means a person licensed to practice mental health counseling under supervision in accordance with section 154D.7.

Sec. 66. Section 154D.2, Code 2007, is amended to read as follows:

154D.2 LICENSURE — MARITAL AND FAMILY THERAPY — MENTAL HEALTH COUNSELING.

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

a. 1. Possesses a master's degree in marital and family therapy or mental health counseling, as applicable, consisting of at least ~~forty-five credit~~ sixty semester hours, or its equivalent, from a nationally accredited institution or from a program approved by the board.

b. 2. Has at least two years of supervised clinical experience or its equivalent as approved by the board. Standards for supervision, including the required qualifications for supervisors, shall be determined by the board by rule.

c. 3. Passes an examination administered approved by the board.

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

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

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

~~b. Has at least two years of supervised clinical experience or its equivalent in assessing mental health needs and problems and in providing appropriate mental health services as approved by the board. Standards for supervision, including the required qualifications for supervisors, shall be determined by the board by rule.~~

~~c. Passes an examination administered by the board.~~

Sec. 67. Section 154D.3, Code 2007, is amended to read as follows:

154D.3 BOARD ORGANIZATION AND AUTHORITY.

1. In addition to duties and responsibilities provided in chapters 147 and 272C, the board shall adopt rules relating to:

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

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

c. The administration of this chapter.

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

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

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

~~3.~~ 2. The board may establish subcommittees. A decision or recommendation of a subcommittee shall not become effective without approval of the board. The board may initiate action relating to either of the professions within its jurisdiction.

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

Sec. 68. Section 154D.4, subsection 2, paragraph b, Code 2007, is amended to read as follows:

b. A person who practices marital and family therapy or mental health counseling under the supervision of a person licensed under this chapter as part of a clinical experience as described in section 154D.2, subsection 1, paragraph "b", or section 154D.2, subsection 2, paragraph "b" 2.

Sec. 69. Section 154D.5, Code 2007, is amended to read as follows:

154D.5 SEXUAL CONDUCT WITH CLIENT.

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

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

Sec. 70. NEW SECTION. 154D.7 TEMPORARY LICENSE — MARITAL AND FAMILY THERAPY — MENTAL HEALTH COUNSELING — FEES.

Any person who has fulfilled all of the requirements for licensure under this chapter, except for having completed the postgraduate supervised clinical experience requirement as determined by the board by rule, may apply to the board for a temporary license. The license shall be designated "temporary license in marital and family therapy" or "temporary license in mental health counseling" and shall authorize the licensee to practice marital and family therapy or mental health counseling under the supervision of a qualified supervisor as determined by the board by rule. The license shall be valid for three years and may be renewed at the discretion of the board. The fee for a temporary license shall be set by the board to cover the administrative costs of issuing the license, and if renewed, a renewal fee as set by the board shall be required.

Sec. 71. NEW SECTION. 154F.1 DEFINITIONS.

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

1. "Audiologist" means a person who engages in the practice of audiology.

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

3. The "practice of audiology" means the application of principles, methods, and procedures for measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, rehabilitation, or remediation related to hearing and disorders of hearing and associated communication disorders for the purpose of nonmedically evaluating, identifying, preventing, ameliorating, modifying, or remediating such disorders and conditions in individuals or groups of individuals, including the determination and use of appropriate amplification.

4. The "practice of speech pathology" means the application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, rehabilitation, or remediation related to the development and disorders of speech, fluency, voice, or language for the purposes of nonmedically evaluating, preventing, ameliorating, modifying, or remediating such disorders and conditions in individuals or groups of individuals.

5. "Speech pathologist" means a person who engages in the practice of speech pathology.

Sec. 72. NEW SECTION. 154F.2 APPLICABILITY.

1. Nothing contained in this chapter shall be construed to apply to:

a. Licensed physicians and surgeons, licensed osteopathic physicians and surgeons, licensed 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 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 board of medicine while performing functions incidental to their course of study.

b. Hearing aid fitting, the dispensing or sale of hearing aids, and the providing of hearing aid service and maintenance by a hearing aid dispenser or holder of a temporary permit as defined and licensed under chapter 154A.

c. Students enrolled in an accredited college or university pursuing a course of study leading to a degree in speech pathology or audiology while receiving clinical training as a part of the course of study and acting under the supervision of a licensed speech pathologist or audiologist provided they use the title "trainee" or similar title clearly indicating training status.

d. Nonprofessional aides who perform their services under the supervision of a speech pathologist or audiologist as appropriate and who meet such qualifications as may be established by the board for aides if they use the title "aide", "assistant", "technician", or other similar title clearly indicating their status.

e. Audiometric tests administered pursuant to the United States Occupational Safety and Health Act of 1970 or chapter 88, and in accordance with regulations issued thereunder, by employees of a person engaged in business, including the state of Iowa, its various departments, agencies, and political subdivisions, solely to employees of such employer, while acting within the scope of their employment.

f. Persons certified by the department of education as speech clinicians or hearing clinicians and employed by a school district or area education agency while acting within the scope of their employment.

2. A person exempted from the provisions of this chapter by this section shall not use the title "speech pathologist" or "audiologist" or any title or device indicating or representing in any manner that the person is a speech pathologist or is an audiologist; provided, a hearing aid dispenser licensed under chapter 154A may use the title "certified hearing aid audiologist" when granted by the national hearing aid society; and provided, persons who meet the requirements of section 154F.3, subsection 1, who are certified by the department of education as speech clinicians may use the title "speech pathologist" and persons who meet the requirements of section 154F.3, subsection 2, who are certified by the department of education as hearing clinicians may use the title "audiologist", while acting within the scope of their employment.

Sec. 73. NEW SECTION. 154F.3 REQUIREMENTS FOR LICENSE.

Each applicant for a license as a speech pathologist or audiologist shall meet all of the following requirements:

1. For a license as a speech pathologist:

a. Possess a master's degree from an accredited school, college, or university with a major in speech pathology.

b. Show evidence of completion of not less than four hundred hours of supervised clinical training in speech pathology as a student in an accredited school, college, or university.

c. Show evidence of completion of not less than nine months clinical experience under the supervision of a licensed speech pathologist following the receipt of the master's degree.

2. For a license as an audiologist:

a. Possess a master's degree from an accredited school, college, or university with a major in audiology.

b. Show evidence of completion of not less than four hundred hours of supervised clinical training in audiology as a student in an accredited school, college, or university.

c. Show evidence of completion of not less than nine months clinical experience under the supervision of a licensed audiologist following the receipt of the master's degree.



d. In lieu of paragraphs “a” through “c”, hold a doctoral degree in audiology from an accredited school, college, or university which incorporates the academic coursework and the minimum hours of supervised training required by rules adopted by the board.

3. Pass an examination as determined by the board in rule.

Sec. 74. NEW SECTION. 154F.4 WAIVER OF EXAMINATION REQUIREMENT.

The examinations required in section 154F.3, subsection 3, may be waived by the board for holders by examination of licenses or certificates from states whose requirements are substantially equivalent to those of this chapter.

Sec. 75. NEW SECTION. 154F.5 TEMPORARY CLINICAL LICENSE — FEE.

Any person who has fulfilled all of the requirements for licensure under this chapter, except for having completed the nine months clinical experience requirement as provided in section 154F.3, subsection 1 or 2, may apply to the board for a temporary clinical license. The license shall be designated “temporary clinical license in speech pathology” or “temporary clinical license in audiology” and shall authorize the licensee to practice speech pathology or audiology under the supervision of a licensed speech pathologist or licensed audiologist, as appropriate. The license shall be valid for one year and may be renewed at the discretion of the board. The fee for a temporary clinical license shall be set by the board to cover the administrative costs of issuing the license, and if renewed, a renewal fee as set by the board shall be required. A temporary clinical license shall be issued only upon evidence satisfactory to the board that the applicant will be supervised by a person licensed as a speech pathologist or audiologist, as appropriate.

Sec. 76. NEW SECTION. 154F.6 TEMPORARY PERMIT.

The board may, at its discretion, issue a temporary permit to a nonresident authorizing the permittee to practice speech pathology or audiology in this state for a period not to exceed three months whenever, in the opinion of the board, a need exists and the permittee, in the opinion of the board, possesses the necessary qualifications which shall be substantially equivalent to those required for licensure by this chapter.

Sec. 77. Section 155A.26, Code Supplement 2007, is amended to read as follows:

155A.26 ENFORCEMENT — AGENTS AS PEACE OFFICERS.

The board, 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 shall have the powers and status of peace officers when enforcing the provisions of this chapter and chapters 124, 126, and 205. Officers, agents, inspectors, and representatives of the board of pharmacy may:

1. Administer oaths, acknowledge signatures, and take testimony.
2. Make audits of the supply and inventory of controlled substances and prescription drugs in the possession of any and all individuals or institutions authorized to have possession of any controlled substances or prescription drugs.
3. Conduct routine and unannounced inspections of pharmacies, drug wholesalers, and the offices or business locations of all individuals and institutions authorized to have possession of prescription drugs including controlled substances or prescription devices.
4. Conduct inspections and investigations related to the practice of pharmacy and the distribution of prescription drugs and devices in this state.
5. Seize controlled or counterfeit substances or articles used in the manufacture or sale of controlled or counterfeit substances which they have reasonable grounds to believe are held in violation of law.
6. Seize prescription medications which they believe are held in violation of law.
7. Perform other duties as specifically authorized or mandated by law or rule.

Sec. 78. Sections 147.29, 147.30, 147.43, 147.51, 147.52, 147.54, 147.58 through 147.71, 147.75, 147.90, 147.104, and 147.153 through 147.156, Code 2007, are repealed.

Sec. 79. Sections 147.18, 147.26, 147.35, 147.39, 147.40 through 147.42, 147.45 through 147.47, 147.50, 147.94 through 147.96, 147.98 through 147.100, 147.102, 147.103, 147.103A, 147.151, 147.152, 148.4, 152C.8, and 154D.6, Code Supplement 2007, are repealed.

Sec. 80. Chapters 150 and 150A, Code and Code Supplement 2007, are repealed.

#### DIVISION II COORDINATING AMENDMENTS

Sec. 81. Section 85B.9, subsection 2, Code 2007, is amended to read as follows:

2. Audiometric examinations shall be administered by persons who are certified by the council for accreditation in occupational hearing conservation or by persons licensed as audiologists under chapter 147 ~~154E~~, or as physicians or osteopathic physicians and surgeons under chapter 148, ~~as osteopathic physicians under chapter 150, or as osteopathic physicians and surgeons under chapter 150A~~, provided the licensed persons are trained in audiometry.

Sec. 82. Section 124.555, subsection 1, Code Supplement 2007, is amended to read as follows:

1. The council shall consist of eight members appointed by the governor. The members shall include three licensed pharmacists, four physicians licensed under chapter 148, ~~150, or 150A~~, and one licensed prescribing practitioner who is not a physician. The governor shall solicit recommendations for council members from Iowa health professional licensing boards, associations, and societies. The license of each member appointed to and serving on the advisory council shall be current and in good standing with the professional's licensing board.

Sec. 83. Section 135.11, subsection 15, Code Supplement 2007, is amended to read as follows:

15. Establish standards for, issue permits for, and exercise control over the distribution of venereal disease prophylactics distributed by methods not under the direct supervision of a physician licensed under chapter 148, ~~150, or 150A~~, or a pharmacist licensed under chapter 147. Any person selling, offering for sale, or giving away any venereal disease prophylactics in violation of the standards established by the department shall be fined not exceeding five hundred dollars, and the department shall revoke their permit.

Sec. 84. Section 135.24, subsection 2, paragraph d, Code Supplement 2007, is amended to read as follows:

d. Identification of the services to be provided under the program. The services provided may include, but shall not be limited to, obstetrical and gynecological medical services, psychiatric services provided by a physician licensed under chapter 148, ~~150, or 150A~~, dental services provided under chapter 153, or other services provided under chapter 147A, 148A, 148B, 148C, 149, 151, 152, 152B, 152E, 154, 154B, 154C, 154D, ~~154E~~, or 155A.

Sec. 85. Section 135.24, subsection 6, paragraph d, Code Supplement 2007, is amended to read as follows:

d. "Health care provider" means a physician licensed under chapter 148, ~~150, or 150A~~, a chiropractor licensed under chapter 151, a physical therapist licensed pursuant to chapter 148A, an occupational therapist licensed pursuant to chapter 148B, a podiatrist licensed pursuant to chapter 149, a physician assistant licensed and practicing under a supervising physician pursuant to chapter 148C, a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E, a respiratory therapist licensed pursuant to chapter 152B, a dentist, dental hygienist, or dental assistant registered or licensed

to practice under chapter 153, an optometrist licensed pursuant to chapter 154, a psychologist licensed pursuant to chapter 154B, a social worker licensed pursuant to chapter 154C, a mental health counselor or a marital and family therapist licensed pursuant to chapter 154D, a pharmacist licensed pursuant to chapter 155A, or an emergency medical care provider certified pursuant to chapter 147A.

Sec. 86. Section 135.61, subsection 10, Code 2007, is amended to read as follows:

10. "Health care provider" means a person licensed or certified under chapter 147, 148, 148A, 148C, 149, ~~150, 150A~~, 151, 152, 153, 154, 154B, ~~154E~~, or 155A to provide in this state professional health care service to an individual during that individual's medical care, treatment or confinement.

Sec. 87. Section 135.105D, subsection 1, paragraph c, Code Supplement 2007, is amended to read as follows:

c. "Health care provider" means a physician who is licensed under chapter 148, ~~150, or 150A~~, or a person who is licensed as a physician assistant under chapter 148C or as an advanced registered nurse practitioner.

Sec. 88. Section 135B.7, unnumbered paragraph 2, Code 2007, is amended to read as follows:

The rules shall state that a hospital shall not deny clinical privileges to physicians and surgeons, podiatric physicians, ~~osteopaths~~, osteopathic physicians and surgeons, dentists, certified health service providers in psychology, physician assistants, or advanced registered nurse practitioners licensed under chapter 148, 148C, 149, ~~150, 150A~~, 152, or 153, or section 154B.7, solely by reason of the license held by the practitioner or solely by reason of the school or institution in which the practitioner received medical schooling or postgraduate training if the medical schooling or postgraduate training was accredited by an organization recognized by the council on postsecondary accreditation or an accrediting group recognized by the United States department of education. A hospital may establish procedures for interaction between a patient and a practitioner. The rules shall not prohibit a hospital from limiting, restricting, or revoking clinical privileges of a practitioner for violation of hospital rules, regulations, or procedures established under this paragraph, when applied in good faith and in a nondiscriminatory manner. This paragraph shall not require a hospital to expand the hospital's current scope of service delivery solely to offer the services of a class of providers not currently providing services at the hospital. This section shall not be construed to require a hospital to establish rules which are inconsistent with the scope of practice established for licensure of practitioners to whom this paragraph applies. This section shall not be construed to authorize the denial of clinical privileges to a practitioner or class of practitioners solely because a hospital has as employees of the hospital identically licensed practitioners providing the same or similar services.

Sec. 89. Section 135C.40, subsection 3, Code 2007, is amended to read as follows:

3. No health care facility shall be cited for any violation caused by any practitioner licensed pursuant to chapter 148, ~~150 or 150A~~ if that practitioner is not the licensee of and is not otherwise financially interested in the facility, and the licensee or the facility presents evidence that reasonable care and diligence have been exercised in notifying the practitioner of the practitioner's duty to the patients in the facility.

Sec. 90. Section 135H.1, subsection 7, Code 2007, is amended to read as follows:

7. "Physician" means a person licensed under chapter 148 ~~or 150A~~.

Sec. 91. Section 135J.1, subsection 6, paragraph a, Code 2007, is amended to read as follows:

a. A licensed physician pursuant to chapter 148, ~~150, or 150A~~.

Sec. 92. Section 141A.1, subsection 8, Code Supplement 2007, is amended to read as follows:

8. "Health care provider" means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, osteopathy, chiropractic, podiatry, nursing, dentistry, or optometry, or as a physician assistant, dental hygienist, or acupuncturist.

Sec. 93. Section 142C.7, Code Supplement 2007, is amended to read as follows:  
142C.7 CONFIDENTIAL INFORMATION.

A hospital, licensed or certified health care professional pursuant to chapter 148, 148C, 150A, or 152, or medical examiner may release patient information to a procurement organization as part of a referral or retrospective review of the patient as a potential donor. Any information regarding a patient, including the patient's identity, however, constitutes confidential medical information and under any other circumstances is prohibited from disclosure without the written consent of the patient or the patient's legal representative.

Sec. 94. Section 144.29A, subsection 7, Code 2007, is amended to read as follows:

7. For the purposes of this section, "health care provider" means an individual licensed under chapter 148, 148C, 148D, ~~150, 150A,~~ or 152, or any individual who provides medical services under the authorization of the licensee.

Sec. 95. Section 147.106, subsection 8, paragraph b, Code 2007, is amended to read as follows:

b. "Physician" means any person licensed to practice medicine and surgery, or osteopathic medicine and surgery, ~~or osteopathy~~ in this state or in another state.

Sec. 96. Section 147.108, subsections 1 and 2, Code Supplement 2007, are 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 shall adopt rules relating to electronic or facsimile transmission of a prescription under this section.

2. After contact lenses have been adequately adapted and the patient released from initial follow-up care by a person licensed under chapter 148, ~~150, 150A,~~ or 154, the patient may request a copy, at no cost, of the contact lens prescription from that licensed person. A person licensed under chapter 148, ~~150, 150A,~~ or 154 shall not withhold a contact lens prescription after the requirements of this section have been met. The prescription, at the option of the prescriber, may be given orally only to a person who is actively practicing and licensed under chapter 148, ~~150, 150A,~~ 154, or 155A. The contact lens prescription shall contain an expiration date, at the discretion of the prescriber, but not to exceed eighteen months. The contact lens prescription shall contain the necessary requirements of the ophthalmic lens, and the prescription validation requirements as defined by rules adopted pursuant to this section. The prescription may contain adapting and material guidelines and may also contain specific instructions for use by the patient. For the purpose of this section, "ophthalmic lens" means one which has been fabricated to fill the requirements of a particular contact lens prescription.

Sec. 97. Section 147.109, subsections 1, 2, and 3, Code Supplement 2007, are 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 shall adopt rules relating to electronic or facsimile transmission of a prescription under this section.

2. Upon completion of an eye examination, a person licensed under chapter 148, ~~150, 150A,~~ or 154 shall furnish the patient a copy of their ophthalmic spectacle lens prescription at no cost. The ophthalmic spectacle lens prescription shall contain an expiration date. The ophthalmic spectacle lens prescription shall contain the requirements of the ophthalmic spectacle lens and the prescription validation requirements as defined by rules adopted pursuant to this section. The prescription, at the option of the prescriber, may contain adapting and material guidelines and may also contain specific instructions for use by the patient.

3. Upon request of a patient, a person licensed under chapter 148, ~~150, 150A,~~ or 154 shall provide the prescription of the patient, if the prescription has not expired, at no cost to another person licensed under chapter 148, ~~150, 150A,~~ or 154. The person licensed under chapter 148, ~~150, 150A,~~ or 154 shall accept the prescription and shall not require the patient to undergo an eye examination unless, due to observation or patient history, the licensee has reason to require an examination.

Sec. 98. Section 147.139, Code 2007, is amended to read as follows:

147.139 EXPERT WITNESS STANDARDS.

If the standard of care given by a physician and surgeon ~~or an osteopathic physician and surgeon~~ licensed pursuant to chapter 148, ~~or osteopathic physician and surgeon licensed pursuant to chapter 150A,~~ or a dentist licensed pursuant to chapter 153, is at issue, the court shall only allow a person to qualify as an expert witness and to testify on the issue of the appropriate standard of care if the person's medical or dental qualifications relate directly to the medical problem or problems at issue and the type of treatment administered in the case.

Sec. 99. Section 147A.1, subsection 9, Code 2007, is amended to read as follows:

9. "Physician" means an individual licensed under chapter 148, ~~150, or 150A.~~

Sec. 100. Section 148A.3, subsections 1 and 4, Code 2007, are amended to read as follows:

1. Licensed physicians and surgeons, ~~osteopaths,~~ osteopathic physicians and surgeons, podiatric physicians, chiropractors, nurses, dentists, cosmetologists, and barbers, who are engaged in the practice of their respective professions.

4. Nonprofessional workers not held out as physical therapists who are employed in hospitals, clinics, offices or health care facilities as defined in section 135C.1 working under the supervision and direction of a physical therapist or physician licensed pursuant to chapter 148, ~~150 or 150A.~~

Sec. 101. Section 152.1, subsection 3, Code Supplement 2007, is amended to read as follows:

3. "Physician" means a person licensed in this state to practice medicine and surgery, ~~osteopathy~~ osteopathic medicine 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, ~~or 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 board of medicine.

Sec. 102. Section 152.1, subsection 5, paragraph a, Code Supplement 2007, is amended to read as follows:

a. The practice of medicine and surgery and the practice of osteopathic medicine and surgery, as defined in chapter 148, ~~the osteopathic practice, as defined in chapter 150, the practice of osteopathic medicine and surgery, as defined in chapter 150A,~~ or the practice of pharmacy as defined in chapter 155A, except practices which are recognized by the medical and nursing professions and approved by the board as proper to be performed by a registered nurse.

Sec. 103. Section 152.8, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Notwithstanding the provisions of sections 147.44 through ~~147.54~~ 147.50, and 147.53, the

following shall apply regarding applicants for nurse licensure possessing a license from another state:

Sec. 104. Section 152.10, subsection 1, Code 2007, is amended to read as follows:

1. Notwithstanding sections 147.87 to 147.89 and in addition to the provisions of sections 147.58 to 147.71, the board may restrict, suspend, or revoke a license to practice nursing or place the licensee on probation. The board may also prescribe by rule conditions of license reinstatement. The board shall prescribe rules of procedure by which to restrict, suspend, or revoke a license. These procedures shall conform to the provisions of chapter 17A.

Sec. 105. Section 152.12, Code 2007, is amended to read as follows:

152.12 EXAMINATION INFORMATION.

Notwithstanding section 147.21, ~~subsection 3~~, individual pass or fail examination results made available from the authorized national testing agency may be disclosed to the appropriate licensing authority in another state, the District of Columbia, or a territory or county, and the board-approved education program, for purposes of verifying accuracy of national data and determining program approval.

Sec. 106. Section 154.1, subsections 3 and 4, Code Supplement 2007, are amended to read as follows:

3. Diagnostically 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, 150, or 150A. A diagnostically certified licensed optometrist is an optometrist who is licensed to practice optometry in this state and who is certified by the board to use diagnostic agents.

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 subsection, 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 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. 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, 150, 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 to use the agents and procedures authorized pursuant to this subsection.

Sec. 107. Section 154.10, Code Supplement 2007, is amended to read as follows:

154.10 STANDARD OF CARE.

1. A diagnostically certified licensed optometrist employing diagnostic pharmaceutical agents as authorized by section 154.1 shall be held to the same standard of care in the use of such agents and in diagnosis as is common to persons licensed under chapter 148, 150, or 150A in this state.

2. A therapeutically certified optometrist employing pharmaceutical agents as authorized

by section 154.1 shall be held to the same standard of care in the use of such agents and in diagnosis and treatment as is common to persons licensed under chapter 148, ~~150, or 150A~~ in this state.

Sec. 108. Section 154B.2, Code 2007, is amended to read as follows:

154B.2 PRACTICE NOT AUTHORIZED.

This chapter shall not authorize the practice of medicine and surgery or the practice of osteopathic medicine and surgery by any person not licensed pursuant to chapter 148, ~~the practice of osteopathy by any person not licensed pursuant to chapter 150, or the practice of osteopathic medicine and surgery by any person not licensed pursuant to chapter 150A.~~

Sec. 109. Section 155.11, Code 2007, is amended to read as follows:

155.11 RECIPROCITY WITH OTHER STATES.

The board may issue a nursing home administrator's license, without examination, to any person who holds a current license as a nursing home administrator from another jurisdiction if reciprocal agreements are entered into with another jurisdiction under sections ~~147.45 through 147.54~~ 147.44, 147.48, 147.49, and 147.53.

Sec. 110. Section 156.9, subsection 1, Code Supplement 2007, is amended to read as follows:

1. Notwithstanding section 147.87 ~~and in addition to the provisions of sections 147.58 through 147.71~~, the board may restrict, suspend, or revoke a license to practice mortuary science or place a licensee on probation. The board shall adopt rules of procedure pursuant to chapter 17A by which to restrict, suspend, or revoke a license. The board may also adopt rules pursuant to chapter 17A relating to conditions of license reinstatement.

Sec. 111. Section 157.13, subsection 1, paragraph b, Code 2007, is amended to read as follows:

b. Notwithstanding section 157.12, when the licensee is employed by a physician and provides cosmetology services at the place of practice of a physician and is under the supervision of a physician licensed to practice pursuant to chapter 148, ~~150, or 150A.~~

Sec. 112. Section 229.1, subsection 8, Code 2007, is amended to read as follows:

8. "Licensed physician" means an individual licensed under the provisions of chapter 148, ~~150, or 150A~~ to practice medicine and surgery, ~~osteopathy~~, or osteopathic medicine and surgery.

Sec. 113. Section 232.68, subsection 3, paragraph c, Code 2007, is amended to read as follows:

c. "Physical examination" means direct physical viewing, touching, and medically necessary manipulation of any area of the child's body by a physician licensed under chapter 148 ~~or 150A.~~

Sec. 114. Section 232.68, subsection 5, Code 2007, is amended to read as follows:

5. "Health practitioner" includes a licensed physician and surgeon, ~~osteopath~~, osteopathic physician and surgeon, dentist, optometrist, podiatric physician, or chiropractor; a resident or intern in any of such professions; a licensed dental hygienist, a registered nurse or licensed practical nurse; a physician assistant; and an emergency medical care provider certified under section 147A.6.

Sec. 115. Section 232.68, subsection 6, paragraph a, Code 2007, is amended to read as follows:

a. Holds at least a master's degree in a mental health field, including, but not limited to, psychology, counseling, nursing, or social work; or is licensed to practice medicine pursuant to chapter 148, ~~150, or 150A.~~

Sec. 116. Section 272C.5, subsection 2, paragraph c, Code Supplement 2007, is amended to read as follows:

c. Shall state whether the procedures are an alternative to or an addition to the procedures stated in sections ~~147.58 through 147.71~~, 148.6 through 148.9, 152.10, 152.11, 153.33, 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and 544B.16.

Sec. 117. Section 280.16, subsection 1, paragraph b, Code 2007, is amended to read as follows:

b. "Physician" means a person licensed under chapter 148, ~~150, or 150A~~, or a physician's assistant, advanced registered nurse practitioner, or other person licensed or registered to distribute or dispense a prescription drug or device in the course of professional practice in this state in accordance with section 147.107, or a person licensed by another state in a health field in which, under Iowa law, licensees in this state may legally prescribe drugs.

Sec. 118. Section 321.34, subsection 14, Code Supplement 2007, is amended to read as follows:

14. PERSONS WITH DISABILITIES SPECIAL PLATES. An owner referred to in subsection 12 or an owner of a trailer used to transport a wheelchair who is a person with a disability, or who is the parent or guardian of a child who resides with the parent or guardian owner and who is a person with a disability, as defined in section 321L.1, may, upon written application to the department, order special registration plates with a persons with disabilities processed emblem designed by the department bearing the international symbol of accessibility. The special registration plates with a persons with disabilities processed emblem shall only be issued if the application is accompanied with a statement from a physician licensed under chapter 148, ~~or 149, 150, or 150A~~, a physician assistant licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, or a chiropractor licensed under chapter 151, written on the physician's, physician assistant's, nurse practitioner's, or chiropractor's stationery, stating the nature of the applicant's or the applicant's child's disability and such additional information as required by rules adopted by the department, including proof of residency of a child who is a person with a disability. If the application is approved by the department, the special registration plates with a persons with disabilities processed emblem shall be issued to the applicant. There shall be no fee in addition to the regular annual registration fee for the special registration plates with a persons with disabilities processed emblem. The authorization for special registration plates with a persons with disabilities processed emblem shall not be renewed without the applicant furnishing evidence to the department that the owner of the vehicle or the owner's child is still a person with a disability as defined in section 321L.1. An owner who has a child who is a person with a disability shall provide satisfactory evidence to the department that the child with a disability continues to reside with the owner. The registration plates with a persons with disabilities processed emblem shall be surrendered in exchange for regular registration plates as provided in subsection 12 when the owner of the vehicle or the owner's child no longer qualifies as a person with a disability as defined in section 321L.1 or when the owner's child who is a person with a disability no longer resides with the owner.

Sec. 119. Section 321.186, Code 2007, is amended to read as follows:

321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS.

1. The department may examine every new applicant for a driver's license or any person holding a valid driver's license when the department has reason to believe that the person may be physically or mentally incompetent to operate a motor vehicle, or whose driving record appears to the department to justify the examination. The department shall make every effort to accommodate a functionally illiterate applicant when the applicant is taking a knowledge test. The department shall make every effort to have an examiner conduct the commercial driver's license driving skills tests at other locations in this state where skills may be adequately tested when requested by a person representing ten or more drivers requiring driving skills testing.



2. The department shall make every effort to accommodate a commercial driver's license applicant's need to arrange an appointment for a driving skills test at an established test site other than where the applicant passed the required knowledge test. The department shall report to the governor and the general assembly on any problems, extraordinary costs and recommendations regarding the appointment scheduling process.

3. The examination shall include a screening of the applicant's eyesight, a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic, a test of the applicant's knowledge of the traffic laws of this state, an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle and other physical and mental examinations as the department finds necessary to determine the applicant's fitness to operate a motor vehicle safely upon the highways. However, an applicant for a new driver's license other than a commercial driver's license need not pass a vision test administered by the department if the applicant files with the department a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

4. A physician licensed under chapter 148, 150, or 150A, or an optometrist licensed under chapter 154, may report to the department the identity of a person who has been diagnosed as having a physical or mental condition which would render the person physically or mentally incompetent to operate a motor vehicle in a safe manner. The physician or optometrist shall make reasonable efforts to notify the person who is the subject of the report, in writing. The written notification shall state the nature of the disclosure and the reason for the disclosure. A physician or optometrist making a report under this section shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of the report. A physician or optometrist has no duty to make a report or to warn third parties with regard to any knowledge concerning a person's mental or physical competency to operate a motor vehicle in a safe manner. Any report received by the department from a physician or optometrist under this section shall be kept confidential. Information regulated by chapter 141A shall be subject to the confidentiality provisions and remedies of that chapter.

Sec. 120. Section 321.186A, subsection 4, Code 2007, is amended to read as follows:

4. As used in this section, a "licensed vision specialist" means a physician licensed under chapter 148, 150, or 150A, or an optometrist licensed under chapter 154.

Sec. 121. Section 321.375, subsection 1, paragraph d, Code 2007, is amended to read as follows:

d. Possess a current certificate of qualification for operation of a commercial motor vehicle issued by a physician licensed pursuant to chapter 148 or 150A, physician's assistant, advanced registered nurse practitioner, or chiropractor or any other person identified by federal and state law as authorized to perform physical examinations.

Sec. 122. Section 321.445, subsection 2, paragraph e, Code 2007, is amended to read as follows:

e. A person possessing a written certification from a health care provider licensed under chapter 148, 150, 150A, or 151 on a form provided by the department that the person is unable to wear a safety belt or safety harness due to physical or medical reasons. The certification shall specify the time period for which the exemption applies. The time period shall not exceed twelve months, at which time a new certification may be issued unless the certifying health care provider is from a United States military facility, in which case the certificate may specify a longer period of time or a permanent exemption.

Sec. 123. Section 321.446, subsection 3, Code 2007, is amended to read as follows:

3. This section does not apply to peace officers acting on official duty. This section also does not apply to the transportation of children in 1965 model year or older vehicles, authorized emergency vehicles, buses, or motor homes, except when a child is transported in a motor

home's passenger seat situated directly to the driver's right. This section does not apply to the transportation of a child who has been certified by a physician licensed under chapter 148, ~~150, or 150A~~ as having a medical, physical, or mental condition that prevents or makes inadvisable securing the child in a child restraint system, safety belt, or safety harness.

Sec. 124. Section 321L.2, subsection 1, paragraph a, unnumbered paragraph 1, Code 2007, is amended to read as follows:

A resident of the state with a disability desiring a persons with disabilities parking permit shall apply to the department upon an application form furnished by the department providing the applicant's full legal name, address, date of birth, and social security number or Iowa driver's license number or Iowa nonoperator's identification card number, and shall also provide a statement from a physician licensed under chapter 148, ~~or 149, 150, or 150A~~, a physician assistant licensed under chapter 148C, an advanced registered nurse practitioner licensed under chapter 152, or a chiropractor licensed under chapter 151, or a physician, physician assistant, nurse practitioner, or chiropractor licensed to practice in a contiguous state, written on the physician's, physician assistant's, nurse practitioner's, or chiropractor's stationery, stating the nature of the applicant's disability and such additional information as required by rules adopted by the department under section 321L.8. If the person is applying for a temporary persons with disabilities parking permit, the physician's, physician assistant's, nurse practitioner's, or chiropractor's statement shall state the period of time during which the person is expected to be disabled and the period of time for which the permit should be issued, not to exceed six months.

Sec. 125. Section 509.3, subsections 5 and 6, Code 2007, are amended to read as follows:

5. A provision shall be made available to policyholders, under group policies covering vision care services or procedures, for payment of necessary medical or surgical care and treatment provided by an optometrist licensed under chapter 154 if the care and treatment are provided within the scope of the optometrist's license and if the policy would pay for the care and treatment if the care and treatment were provided by a person engaged in the practice of medicine or surgery or osteopathic medicine and surgery as licensed under chapter 148 ~~or 150A~~. The policy shall provide that the policyholder may reject the coverage or provision if the coverage or provision for services which may be provided by an optometrist is rejected for all providers of similar vision care services as licensed under chapter 148, ~~150A~~, or 154. This subsection applies to group policies delivered or issued for delivery after July 1, 1983, and to existing group policies on their next anniversary or renewal date, or upon expiration of the applicable collective bargaining contract, if any, whichever is later. This subsection does not apply to blanket, short-term travel, accident-only, limited or specified disease, or individual or group conversion policies, or policies designed only for issuance to persons for coverage under Title XVIII of the Social Security Act, or any other similar coverage under a state or federal government plan.

6. A provision shall be made available to policyholders under group policies covering diagnosis and treatment of human ailments for payment or reimbursement for necessary diagnosis or treatment provided by a chiropractor licensed under chapter 151, if the diagnosis or treatment is provided within the scope of the chiropractor's license and if the policy would pay or reimburse for the diagnosis or treatment by a person licensed under chapter 148, ~~150, or 150A~~ of the human ailment, irrespective of and disregarding variances in terminology employed by the various licensed professions in describing the human ailment or its diagnosis or its treatment. The policy shall provide that the policyholder may reject the coverage or provision if the coverage or provision for diagnosis or treatment of a human ailment by a chiropractor is rejected for all providers of diagnosis or treatment for similar human ailments licensed under chapter 148, ~~150, 150A~~, or 151. A policy of group health insurance may limit or make optional the payment or reimbursement for lawful diagnostic or treatment service by all licensees under chapters 148, ~~150, 150A~~, and 151 on any rational basis which is not solely related to the license under or the practices authorized by chapter 151 or is not dependent upon a method

of classification, categorization, or description based directly or indirectly upon differences in terminology used by different licensees in describing human ailments or their diagnosis or treatment. This subsection applies to group policies delivered or issued for delivery after July 1, 1986, and to existing group policies on their next anniversary or renewal date, or upon expiration of the applicable collective bargaining contract, if any, whichever is later. This subsection does not apply to blanket, short-term travel, accident-only, limited or specified disease, or individual or group conversion policies, or policies under Title XVIII of the Social Security Act, or any other similar coverage under a state or federal government plan.

Sec. 126. Section 514.7, unnumbered paragraphs 2 and 3, Code 2007, are amended to read as follows:

A provision shall be available in approved contracts with hospital and medical service corporate subscribers under group subscriber contracts or plans covering vision care services or procedures, for payment of necessary medical or surgical care and treatment provided by an optometrist licensed under chapter 154, if the care and treatment are provided within the scope of the optometrist's license and if the subscriber contract would pay for the care and treatment if it were provided by a person engaged in the practice of medicine or surgery as licensed under chapter 148 ~~or 150A~~. The subscriber contract shall also provide that the subscriber may reject the coverage or provision if the coverage or provision for services which may be provided by an optometrist is rejected for all providers of similar vision care services as licensed under chapter 148, ~~150A~~, or 154. This paragraph applies to group subscriber contracts delivered after July 1, 1983, and to group subscriber contracts on their anniversary or renewal date, or upon the expiration of the applicable collective bargaining contract, if any, whichever is the later. This paragraph does not apply to contracts designed only for issuance to subscribers eligible for coverage under Title XVIII of the Social Security Act, or any other similar coverage under a state or federal government plan.

A provision shall be made available in approved contracts with hospital and medical subscribers under group subscriber contracts or plans covering diagnosis and treatment of human ailments, for payment or reimbursement for necessary diagnosis or treatment provided by a chiropractor licensed under chapter 151 if the diagnosis or treatment is provided within the scope of the chiropractor's license and if the subscriber contract would pay or reimburse for the diagnosis or treatment of the human ailments, irrespective of and disregarding variances in terminology employed by the various licensed professions in describing the human ailments or their diagnosis or treatment, if it were provided by a person licensed under chapter 148, ~~150~~, ~~or 150A~~. The subscriber contract shall also provide that the subscriber may reject the coverage or provision if the coverage or provision for diagnosis or treatment of a human ailment by a chiropractor is rejected for all providers of diagnosis or treatment for similar human ailments licensed under chapter 148, ~~150~~, ~~150A~~, or 151. A group subscriber contract may limit or make optional the payment or reimbursement for lawful diagnostic or treatment service by all licensees under chapters 148, ~~150~~, ~~150A~~, and 151 on any rational basis which is not solely related to the license under or the practices authorized by chapter 151 or is not dependent upon a method of classification, categorization, or description based upon differences in terminology used by different licensees in describing human ailments or their diagnosis or treatment. This paragraph applies to group subscriber contracts delivered after July 1, 1986, and to group subscriber contracts on their anniversary or renewal date, or upon the expiration of the applicable collective bargaining contract, if any, whichever is the later. This paragraph does not apply to contracts designed only for issuance to subscribers eligible for coverage under Title XVIII of the Social Security Act, or any other similar coverage under a state or federal government plan.

Sec. 127. Section 514.17, Code 2007, is amended to read as follows:

514.17 PHYSICIANS AND SURGEONS, PODIATRIC PHYSICIANS, OR DENTISTS — NUMBER REQUIRED.

No nonprofit medical service corporation shall be permitted to operate until it shall have en-

tered into contracts with at least one hundred fifty physicians and surgeons licensed to practice medicine and surgery pursuant to chapter 148, or one hundred fifty dentists licensed to practice dentistry pursuant to chapter 153, or at least one hundred fifty osteopathic physicians and surgeons licensed to practice osteopathy or osteopathy osteopathic medicine and surgery pursuant to chapter ~~150~~ 148, or at least twenty-five podiatric physicians licensed to practice podiatry pursuant to chapter 149, who agree to furnish medical and surgical, podiatric, or dental service and be governed by the bylaws of the corporation.

Sec. 128. Section 514B.1, subsection 5, paragraphs b and c, Code 2007, are amended to read as follows:

b. The health care services available to enrollees under prepaid group plans covering vision care services or procedures, shall include a provision for payment of necessary medical or surgical care and treatment provided by an optometrist licensed under chapter 154, if performed within the scope of the optometrist's license, and the plan would pay for the care and treatment when the care and treatment were provided by a person engaged in the practice of medicine or surgery as licensed under chapter 148 ~~or 150A~~. The plan shall provide that the plan enrollees may reject the coverage for services which may be provided by an optometrist if the coverage is rejected for all providers of similar vision care services as licensed under chapter 148, ~~150A~~, or 154. This paragraph applies to services provided under plans made after July 1, 1983, and to existing group plans on their next anniversary or renewal date, or upon the expiration of the applicable collective bargaining contract, if any, whichever is the later. This paragraph does not apply to enrollees eligible for coverage under Title XVIII of the Social Security Act or any other similar coverage under a state or federal government plan.

c. The health care services available to enrollees under prepaid group plans covering diagnosis and treatment of human ailments, shall include a provision for payment of necessary diagnosis or treatment provided by a chiropractor licensed under chapter 151 if the diagnosis or treatment is provided within the scope of the chiropractor's license and if the plan would pay or reimburse for the diagnosis or treatment of human ailment, irrespective of and disregarding variances in terminology employed by the various licensed professions in describing the human ailment or its diagnosis or its treatment, if it were provided by a person licensed under chapter 148, ~~150, or 150A~~. The plan shall also provide that the plan enrollees may reject the coverage for diagnosis or treatment of a human ailment by a chiropractor if the coverage is rejected for all providers of diagnosis or treatment for similar human ailments licensed under chapter 148, ~~150, 150A~~, or 151. A prepaid group plan of health care services may limit or make optional the payment or reimbursement for lawful diagnostic or treatment service by all licensees under chapters 148, ~~150, 150A~~, and 151 on any rational basis which is not solely related to the license under or the practices authorized by chapter 151 or is not dependent upon a method of classification, categorization, or description based upon differences in terminology used by different licensees in describing human ailments or their diagnosis or treatment. This paragraph applies to services provided under plans made after July 1, 1986, and to existing group plans on their next anniversary or renewal date, or upon the expiration of the applicable collective bargaining contract, if any, whichever is the later. This paragraph does not apply to enrollees eligible for coverage under Title XVIII of the Social Security Act, or any other similar coverage under a state or federal government plan.

Sec. 129. Section 514C.3, Code 2007, is amended to read as follows:

514C.3 DENTIST'S SERVICES UNDER ACCIDENT AND SICKNESS INSURANCE POLICIES.

A policy of accident and sickness insurance issued in this state which provides payment or reimbursement for any service which is within the lawful scope of practice of a licensed dentist shall provide benefits for the service whether the service is performed by a licensed physician or a licensed dentist. As used in this section, "licensed physician" includes persons licensed under chapter 148, ~~150, or 150A~~ and "policy of accident and sickness insurance" includes indi-

vidual policies or contracts issued pursuant to chapter 514, 514A, or 514B, and group policies as defined in section 509B.1, subsection 3.

Sec. 130. Section 514C.11, Code 2007, is amended to read as follows:

514C.11 SERVICES PROVIDED BY LICENSED PHYSICIAN ASSISTANTS AND LICENSED ADVANCED REGISTERED NURSE PRACTITIONERS.

Notwithstanding section 514C.6, a policy or contract providing for third-party payment or prepayment of health or medical expenses shall include a provision for the payment of necessary medical or surgical care and treatment provided by a physician assistant licensed pursuant to chapter 148C, or provided by an advanced registered nurse practitioner licensed pursuant to chapter 152 and performed within the scope of the license of the licensed physician assistant or the licensed advanced registered nurse practitioner if the policy or contract would pay for the care and treatment if the care and treatment were provided by a person engaged in the practice of medicine and surgery or osteopathic medicine and surgery under chapter 148 or 150A. The policy or contract shall provide that policyholders and subscribers under the policy or contract may reject the coverage for services which may be provided by a licensed physician assistant or licensed advanced registered nurse practitioner if the coverage is rejected for all providers of similar services. A policy or contract subject to this section shall not impose a practice or supervision restriction which is inconsistent with or more restrictive than the restriction already imposed by law. This section applies to services provided under a policy or contract delivered, issued for delivery, continued, or renewed in this state on or after July 1, 1996, and to an existing policy or contract, on the policy's or contract's anniversary or renewal date, or upon the expiration of the applicable collective bargaining contract, if any, whichever is later. This section does not apply to policyholders or subscribers eligible for coverage under Title XVIII of the federal Social Security Act or any similar coverage under a state or federal government plan. For the purposes of this section, third-party payment or prepayment includes an individual or group policy of accident or health insurance or individual or group hospital or health care service contract issued pursuant to chapter 509, 514, or 514A, an individual or group health maintenance organization contract issued and regulated under chapter 514B, an organized delivery system contract regulated under rules adopted by the director of public health, or a preferred provider organization contract regulated pursuant to chapter 514F. Nothing in this section shall be interpreted to require an individual or group health maintenance organization, an organized delivery system, or a preferred provider organization or arrangement to provide payment or prepayment for services provided by a licensed physician assistant or licensed advanced registered nurse practitioner unless the physician assistant's supervising physician, the physician-physician assistant team, the advanced registered nurse practitioner, or the advanced registered nurse practitioner's collaborating physician has entered into a contract or other agreement to provide services with the individual or group health maintenance organization, the organized delivery system, or the preferred provider organization or arrangement.

Sec. 131. Section 514C.13, subsection 1, paragraph c, Code 2007, is amended to read as follows:

c. "Health care provider" means a hospital licensed pursuant to chapter 135B, a person licensed under chapter 148, 148C, 149, 150, 150A, 151, or 154, or a person licensed as an advanced registered nurse practitioner under chapter 152.

Sec. 132. Section 514C.17, subsections 1 and 2, Code 2007, are amended to read as follows:

1. Except as provided under subsection 2 or 3, if a carrier, as defined in section 513B.2, an organized delivery system authorized under 1993 Iowa Acts, ch. 158, or a plan established pursuant to chapter 509A for public employees, terminates its contract with a participating health care provider, a covered individual who is undergoing a specified course of treatment for a terminal illness or a related condition, with the recommendation of the covered individual's treating physician licensed under chapter 148, 150, or 150A, may continue to receive coverage

for treatment received from the covered individual's physician for the terminal illness or a related condition, for a period of up to ninety days. Payment for covered benefits and benefit levels shall be according to the terms and conditions of the contract.

2. A covered person who makes a change in health plans involuntarily may request that the new health plan cover services of the covered person's treating physician licensed under chapter 148, 150, or 150A, who is not a participating health care provider under the new health plan, if the covered person is undergoing a specified course of treatment for a terminal illness or a related condition. Continuation of such coverage shall continue for up to ninety days. Payment for covered benefits and benefit levels shall be according to the terms and conditions of the contract.

Sec. 133. Section 514C.18, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

Notwithstanding the uniformity of treatment requirements of section 514C.6, a policy or contract providing for third-party payment or prepayment of health or medical expenses shall provide coverage benefits for the cost associated with equipment, supplies, and self-management training and education for the treatment of all types of diabetes mellitus when prescribed by a physician licensed under chapter 148, 150, or 150A. Coverage benefits shall include coverage for the cost associated with all of the following:

Sec. 134. Section 514C.20, subsection 1, paragraphs a and b, Code 2007, are amended to read as follows:

a. A child under five years of age upon a determination by a licensed dentist and the child's treating physician licensed pursuant to chapter 148, 150, or 150A, that such child requires necessary dental treatment in a hospital or ambulatory surgical center due to a dental condition or a developmental disability for which patient management in the dental office has proved to be ineffective.

b. Any individual upon a determination by a licensed dentist and the individual's treating physician licensed pursuant to chapter 148, 150, or 150A, that such individual has one or more medical conditions that would create significant or undue medical risk for the individual in the course of delivery of any necessary dental treatment or surgery if not rendered in a hospital or ambulatory surgical center.

Sec. 135. Section 514F.1, Code Supplement 2007, is amended to read as follows:

514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.

The licensing boards 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. The respective boards under chapters 148, 149, 150, 150A, 151, and 152 shall adopt rules necessary and proper for the 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. 136. Section 602.8102, subsection 33, Code Supplement 2007, is amended to read as follows:

33. Furnish to the Iowa department of public health a certified copy of a judgment suspend-

~~ing or revoking relating to the suspension or revocation of a professional license as provided in section 147.66.~~

Sec. 137. Section 702.8, Code 2007, is amended to read as follows:

702.8 DEATH.

“Death” means the condition determined by the following standard: A person will be considered dead if in the announced opinion of a physician licensed pursuant to chapter 148, ~~150, or 150A~~, a physician assistant licensed pursuant to chapter 148C, or a registered nurse or a licensed practical nurse licensed pursuant to chapter 152, based on ordinary standards of medical practice, that person has experienced an irreversible cessation of spontaneous respiratory and circulatory functions. In the event that artificial means of support preclude a determination that these functions have ceased, a person will be considered dead if in the announced opinion of two physicians, based on ordinary standards of medical practice, that person has experienced an irreversible cessation of spontaneous brain functions. Death will have occurred at the time when the relevant functions ceased.

Sec. 138. Section 702.17, Code 2007, is amended to read as follows:

702.17 SEX ACT.

The term “sex act” or “sexual activity” means any sexual contact between two or more persons by: penetration of the penis into the vagina or anus; contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person; contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, ~~150, 150A~~, 151, or 152; or by use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus.

Sec. 139. Section 707C.4, subsection 4, Code Supplement 2007, is amended to read as follows:

4. A person who violates this section and who is licensed pursuant to chapter 148, ~~150, or 150A~~ is subject to revocation of the person’s license.

Sec. 140. Section 708.3A, subsection 5, paragraph d, Code 2007, is amended to read as follows:

d. “Health care provider” means an emergency medical care provider as defined in chapter 147A or a person licensed or registered under chapter 148, 148C, 148D, ~~150, 150A~~, or 152 who is providing or who is attempting to provide emergency medical services, as defined in section 147A.1, or who is providing or who is attempting to provide health services as defined in section 135.61 in a hospital. A person who commits an assault under this section against a health care provider in a hospital, or at the scene or during out-of-hospital patient transportation in an ambulance, is presumed to know that the person against whom the assault is committed is a health care provider.

Sec. 141. DIRECTIVE TO CODE EDITOR. The Code editor is directed to delete any other references to “osteopathy” or “osteopath” in the Code.

Approved April 16, 2008