

# House Study Bill 517 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC HEALTH BILL)

## A BILL FOR

1 An Act relating to health-related activities and regulation  
2 by the department of public health, and making penalties  
3 applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 DIVISION I

2 PUBLIC HEALTH DISASTER SCHOOL CLOSINGS

3 Section 1. Section 135.144, Code Supplement 2009, is  
4 amended by adding the following new subsection:

5 NEW SUBSECTION. 13. Order, in conjunction with the  
6 department of education, temporary closure of any public school  
7 or nonpublic school, as defined in section 280.2, to prevent or  
8 control the transmission of a communicable disease as defined  
9 in section 139A.2.

10 DIVISION II

11 SCHOOL DENTAL SCREENINGS

12 Sec. 2. Section 135.17, subsection 1, paragraphs a and b,  
13 Code Supplement 2009, are amended to read as follows:

14 a. Except as provided in paragraphs "c" and "d", the  
15 parent or guardian of a child enrolled in elementary school  
16 shall provide evidence to the school district or accredited  
17 nonpublic elementary school in which the child is enrolled of  
18 the child having, no earlier than three years of age but ~~prior~~  
19 ~~to reaching six years of age~~ no later than four months after  
20 enrollment, at a minimum, a dental screening performed by a  
21 ~~licensed physician as defined in chapter 148,~~ a licensed nurse  
22 ~~licensed under chapter 152,~~ a licensed physician assistant  
23 ~~as defined in section 148C.1,~~ or a licensed dental hygienist  
24 or dentist ~~as defined in chapter 153.~~ Except as provided  
25 in paragraphs "c" and "d", the parent or guardian of a child  
26 enrolled in high school shall provide evidence to the school  
27 district or accredited nonpublic high school in which the  
28 child is enrolled of the child having, at a minimum, a dental  
29 screening performed ~~within the prior year~~ no earlier than  
30 one year prior to enrollment and not later than four months  
31 after enrollment by a licensed dental hygienist or dentist  
32 ~~as defined in chapter 153.~~ A school district or accredited  
33 nonpublic school shall provide access to a process to complete  
34 the screenings described in this paragraph as appropriate.  
35 b. A person ~~performing~~ authorized to perform a dental

1 screening required by this section shall record ~~the fact of~~  
2 ~~having conducted~~ that the screening was completed, and such  
3 additional information required by the department, on uniform  
4 forms developed by the department in cooperation with the  
5 department of education. The form shall include a space for  
6 the person ~~performing the screening~~ to summarize any condition  
7 that may indicate a need for special services.

8 Sec. 3. Section 135.17, subsection 3, Code Supplement 2009,  
9 is amended to read as follows:

10 3. By ~~June 30~~ May 31 annually, each local board shall  
11 furnish the department with evidence that each student enrolled  
12 in any public or nonpublic school within the local board's  
13 jurisdiction has met the dental screening requirement in this  
14 section.

15 DIVISION III

16 MISCELLANEOUS PROVISIONS

17 Sec. 4. Section 135.11, subsection 13, Code Supplement  
18 2009, is amended by striking the subsection.

19 Sec. 5. Section 135.11, subsection 29, Code Supplement  
20 2009, is amended to read as follows:

21 29. In consultation with the advisory committee for  
22 perinatal guidelines, develop and maintain the statewide  
23 perinatal program based on the recommendations of the American  
24 academy of pediatrics and the American college of obstetricians  
25 and gynecologists contained in the most recent edition of  
26 the guidelines for perinatal care, and shall adopt rules in  
27 accordance with chapter 17A to implement those recommendations.  
28 Hospitals within the state shall determine whether to  
29 participate in the statewide perinatal program, and select the  
30 hospital's level of participation in the program. A hospital  
31 having determined to participate in the program shall comply  
32 with the guidelines appropriate to the level of participation  
33 selected by the hospital. Perinatal program surveys and  
34 reports are privileged and confidential and are not subject to  
35 discovery, subpoena, or other means of legal compulsion for

1 their release to a person other than the affected hospital, and  
2 are not admissible in evidence in a judicial or administrative  
3 proceeding other than a proceeding involving verification of  
4 the participating hospital under this subsection.

5 Sec. 6. Section 135.11, Code Supplement 2009, is amended by  
6 adding the following new subsection:

7 NEW SUBSECTION. 31. Administer the Iowa youth survey,  
8 in collaboration with other state agencies, as appropriate,  
9 every two years to students in grades six, eight, and eleven  
10 in Iowa's public and nonpublic schools. Survey data shall be  
11 evaluated and reported, with aggregate data available online at  
12 the Iowa youth survey internet site.

13 EXPLANATION

14 This bill pertains to activities under the purview of the  
15 department of public health (DPH) relating to public health  
16 disaster authority, school dental screenings, the statewide  
17 perinatal program, the Iowa youth survey, and regulation of the  
18 distribution of venereal disease prophylactics. The bill is  
19 comprised of divisions.

20 Division I amends Code section 135.144 relating to the  
21 additional duties of DPH related to a public health disaster,  
22 to provide that if a public health disaster exists, DPH, in  
23 conjunction with the department of education, may order,  
24 temporary closure of any public school or nonpublic school, to  
25 prevent or control the transmission of a communicable disease.

26 Division II amends Code section 135.17 relating to school  
27 dental screenings. The bill amends the timeframes for an  
28 elementary school child to have a required dental screening  
29 from no earlier than three years of age but prior to reaching  
30 six years of age, to no earlier than three years of age but not  
31 later than four months after enrollment in elementary school.  
32 The timeframe for students enrolled in high school to have a  
33 required dental screening is also amended from having a dental  
34 screening performed within the year prior to enrollment to no  
35 earlier than one year prior to enrollment and no later than

1 four months after enrollment. The bill allows that the dental  
2 screenings may be provided by any provider who is a licensed  
3 specified provider, which may include providers licensed  
4 outside of the state, and that any person authorized to perform  
5 a dental screening may record that the screening was completed.  
6 Finally, the bill amends the annual date, from June 30 to May  
7 31, by which each school board shall furnish DPH with evidence  
8 that each student enrolled in the local board's jurisdiction  
9 has met the dental screening requirements.

10 Division III, miscellaneous provisions, amends Code section  
11 135.11, duties of the department, to provide that program  
12 surveys and reports of the statewide perinatal program are  
13 privileged and confidential; to codify the Iowa youth survey  
14 as a duty of DPH; and to provide for the repeal of provisions  
15 relating to regulation of the distribution of venereal disease  
16 prophylactics.

17 An existing provision applies to any violation of a  
18 provision of the bill. Code section 135.38 provides that any  
19 person who knowingly violates any provision of Code chapter  
20 135, or of the rules of the department, or any lawful order,  
21 written or oral, of the department or of its officers, or  
22 authorized agents, is guilty of a simple misdemeanor.