

CHAPTER 240
BOARD OF PSYCHOLOGY EXAMINERS

[Prior to 8/24/88, Health Department[470], Ch 140]

645—240.1(154B) General definitions.

“*Board*” means the board of psychology examiners.

“*Law*” means chapters 147 and 154B of the Code of Iowa.

“*Original license*” means, when used relative to renewal of lapsed license, the license which has lapsed.

“*Waiver*” means, the granting of a license without examination, conditions for which are defined in the law.

“*Year*” means, when used in connection with fees for a license, the fiscal year commencing on July 1 and ending on the following June 30.

645—240.2(154B) Availability of information.

240.2(1) All information regarding rules, forms, time and place of meetings, minutes of meetings, record of hearings, and examination results are available to the public between the hours of 8 a.m. and 4:30 p.m., Monday to Friday, except holidays.

240.2(2) Information may be obtained by writing to the Board of Psychology Examiners, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075. All official correspondence shall be in writing and directed to the board at this address.

645—240.3(154B) Organization and proceedings.

240.3(1) A chairperson, vice-chairperson, and secretary shall be elected at the first meeting of each fiscal year.

240.3(2) Four board members actually present constitute a quorum.

240.3(3) The board shall hold an annual meeting and at least three interim meetings and may hold additional meetings called by the chairperson or by a majority of its members. Meetings shall be scheduled so as to enable applicants to meet the requirements of subrule 240.4(4). The chairperson shall designate the date, place, and time prior to each meeting of the board. Notice of time and place of all meetings shall be given to board members by the secretary at least 14 days before the meeting is to be held. However, in case of emergency requiring the board to meet before such notice can be given, verbal or telephone notification may be given no later than three days before the meeting. The board shall follow the latest edition of Robert’s Revised Rules of Order at its meeting whenever any objection is made as to the manner in which it proceeds at a meeting.

240.3(4) All issues, requests, or submissions to the board will be considered. However, official action will be taken only in response to written requests.

240.3(5) The board shall have both formal and informal procedures for use where appropriate in conducting the business of the board. Procedures may involve, but are not limited to, hearings for individuals, questions of legal policy, inquiries concerning board policies or decisions, or other board business. Informal procedures shall be preferred unless either the board or requesting party requests a formal procedure. When a formal procedure is elected, a full transcript or audio tape recording of the procedure shall be made.

240.3(6) Any interested person may petition the board requesting the promulgation, amendment, or repeal of a rule.

240.3(7) Upon petition filed by any individual, partnership, corporation, association, governmental subdivision, private or public organization, or state agency, the board may issue a declaratory ruling as to the applicability of statutes and rules, policy statements, decisions, and orders under its jurisdiction.

a. A petition for a declaratory ruling shall be typewritten or printed and at the top of the first page shall appear in capitals the words: PETITION FOR DECLARATORY RULING BEFORE THE IOWA BOARD OF PSYCHOLOGY EXAMINERS.

b. The petition shall include the name and official title, if any, address and telephone number of each petitioner. If the request is at the behest of any entity mentioned in subrule 240.3(7), it shall name the entity.

c. The body of the petition shall contain:

(1) A detailed statement of facts upon which petitioner requests the board to issue its declaratory ruling.

(2) The statute, rule, policy statement, decisions, or order for which a ruling is sought.

(3) The exact words, passages, sentences, or paragraphs which are the subject of inquiry.

(4) The specific questions presented for declaratory ruling.

(5) A consecutive numbering of each multiple issue presented for declaratory ruling.

(6) A brief may be attached thereto.

d. The petition shall be filed either by serving it personally to the Director, Professional Licensure, or by mailing it to the Director, Professional Licensure, Iowa Department of Public Health, Lucas State Office Building, Des Moines, Iowa 50319-0075.

e. The director shall acknowledge receipt of petitions or return petitions not in substantial conformity with the above rules.

f. The board may decline to issue a declaratory ruling for the following reasons:

(1) A lack of jurisdiction.

(2) A lack of clarity of the issue and facts presented.

(3) The issue or issues presented are pending resolution by a court of Iowa or by the attorney general.

(4) The issue or issues presented have been resolved by a change in circumstances or by other means.

(5) The issue or issues are under investigation for purposes of formal adjudication.

(6) The petition does not comply with the requirements imposed by this subrule.

(7) Where a ruling would necessarily determine the legal rights of other parties not represented in the proceeding.

g. In the event the board declines to make a ruling, the director shall notify the petitioners of this fact and the reasons for the refusal.

h. When the petition is in proper form and has not been declined, the board shall issue a ruling disposing of the petition within a reasonable time after its filing.

i. Rulings shall be mailed to petitioners and to other parties at the discretion of the director. Rulings shall be indexed and available for public inspection.

j. A declaratory ruling by the board shall have a binding effect upon subsequent board decisions and orders which pertain to the party requesting the ruling and in which the factual situation and applicable law are indistinguishable from that presented in the petition for declaratory ruling. To all other parties and in factual situations which are distinguishable from that presented in the petition, a declaratory ruling shall serve merely as precedent.

This rule is intended to implement Iowa Code section 17A.9.

645—240.4(154B) Application.

240.4(1) Any person seeking a license must complete and submit to the board the approved application form not later than 60 days prior to the date of the written examination.

240.4(2) The application form must be completed in accordance with instructions contained in the application.

240.4(3) Each application must be accompanied by a check or money order in the amount provided in rule 645—240.10(154B), payable to the Iowa state board of psychology examiners.

240.4(4) Applicants shall be notified in writing of deficiencies. If the requested information to remedy such deficiencies is not received 30 days before the date of the scheduled written examination and found acceptable by the board, the application may be held until the next examination.

240.4(5) No application will be considered by the board until certified copies of academic transcripts have been received by the board, and satisfactory evidence of the candidate's qualifications has been supplied in writing on the prescribed forms by the candidate's supervisors.

240.4(6) An applicant whose licensing application has been denied may reapply for licensing when the applicant believes the conditions stated by the board as requirements have been met.

240.4(7) The board will review each application for licensing to determine that the candidate meets all requirements as provided in the law and these rules.

240.4(8) Since a license to practice a profession may be refused on any of the grounds for which a license may be revoked by the district court in Iowa Code section 147.4, the board will make special inquiries whenever a question arises concerning Iowa Code section 147.55. In considering unethical practices, the board will be guided by the code of ethics.

240.4(9) Psychologists residing outside the state of Iowa and intending to practice in Iowa under the provisions of Iowa Code section 154B.3(5) shall file an application for a limited permit to practice at least 60 days in advance of such practice on a form provided by the board. The limited permit expires one year after issuance and may be renewed only once for an additional 12-month period.

The following fees, which are nonrefundable, shall be submitted payable to the Iowa State Board of Psychology Examiners:

a. The application for a limited permit to practice shall be accompanied by a check or money order as provided in rule 645—240.10(154B).

b. The renewal fee as provided in rule 645—240.10(154B) by check or money order shall be submitted at least 30 days prior to the expiration of the initial limited permit if the person intends to continue to practice in Iowa under the provisions of Iowa Code section 154B.3(5).

This rule is intended to implement Iowa Code section 147.80.

645—240.5(154B) Educational qualifications for licensing.

240.5(1) The doctorate degree in psychology shall mean a doctorate degree granted by a department of psychology in an institution accredited by the North Central Association of Colleges and Secondary Schools or an equivalent accrediting association in other regions of the United States.

240.5(2) The board shall consider a doctorate degree offered by an academic unit other than a department of psychology provided:

a. The aforementioned academic unit is in, or formally connected with, an institution accredited as specified in this rule to offer the doctorate degree, and

b. The dissertation for the degree is psychological in method and content, and

c. At least 50 semester hours (or 75 quarter hours) of the course credits required for the degree, have successfully been earned in graduate courses which are predominantly psychological in content and cover such areas as: developmental psychology, social psychology, psychology of personality, abnormal psychology, psychological diagnosis and assessment, psychological research methodology, and psychological statistics. Such credits may, in part, be earned in postdoctoral course work from an institution meeting the requirements of subrule 240.5(1) or 240.5(2)“a.”

240.5(3) Equivalence of course work taken outside departments of psychology to course work in departments of psychology shall be determined, in part, by the psychological content of the courses taken irrespective of title and the professional qualifications of the instructor. The burden of proof for equivalency is upon the applicant.

240.5(4) The master's degree in psychology is defined as the master of arts or science offered by a department of psychology in an institution accredited as in subrule 240.5(1) to offer the master's degree.

240.5(5) The board shall consider a master's degree offered by an academic unit other than a department of psychology provided:

a. The degree is from an academic unit in an institution as specified in subrule 240.5(1) and is from an academic unit that is similar to a department of psychology with respect to its faculty, degree programs, and curriculum. In either case, it shall be further required that:

b. At least 30 semester hours (45 quarter hours) of the credits required for the degree shall have been successfully earned in graduate courses which are predominantly psychological in content and include the areas of psychology and equivalence guidelines mentioned in subrule 240.5(2)“*c.*” Such credits may, in part, be earned in post-master’s degree coursework from an institution meeting the requirements of subrule 240.5(1).

240.5(6) The accreditation of the degree-granting institution(s) shall be evaluated by the board with respect to the time of the applicant’s affiliation with such institution(s). The same shall apply to other institutional aspects stipulated in this rule.

240.5(7) A degree from a foreign university will be accepted provided that the institution meets standards equivalent to those held by approved domestic institutions.

240.5(8) An applicant who has received a doctorate meeting the requirements of subrule 240.5(1) or 240.5(2) in a doctoral program that does not offer the master’s degree shall be considered to have received a master’s degree at the time the applicant has met the requirements of subrule 240.5(5).

240.5(9) An applicant who has received a specialist degree in psychology shall be considered to have met the requirements for a master’s degree in psychology provided the specialist degree program has met the requirements of subrule 240.5(5).

Educational Qualifications From and After July 1, 1985

240.5(10) From and after July 1, 1985, a new applicant for licensure to practice as a psychologist shall possess a doctoral degree in psychology. The doctoral degree in psychology shall mean a doctoral degree granted by an institution accredited by the North Central Association of Colleges and Secondary Schools or an equivalent accrediting association or entity in other regions of the United States. The doctoral degree shall also be granted through a professional psychology program. A “professional psychology program” means a program identified in paragraph “*a.*” or in the alternative, a program which the applicant can establish satisfies all of the criteria of paragraphs “*b.*” through “*i.*”

a. Programs that are accredited by the American Psychological Association are recognized as meeting the requirement of a professional psychology program.

b. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. A program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

c. The psychology program must stand as a recognizable, coherent organizational entity within the institution.

d. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

e. The program must be an integrated, organized sequence of study.

f. There must be an identifiable psychology faculty on-site sufficient in size to ensure that the ratio of faculty to students is adequate for instruction. The faculty must also have sufficient breadth in order to ensure that the scope of knowledge in psychology provides for adequate instruction. There must be a psychologist responsible for the program.

g. The program must have an identifiable body of students who are matriculated in that program for a degree.

h. The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.

i. The curriculum shall encompass a minimum of three academic years of graduate study. Because a significant residency experience is necessary to ensure adequate socialization experiences and acquisition of professional-technical skills, at least a minimum of one year’s residency at the educational institution granting the doctoral degree is required. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the

core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of three or more graduate semester hours (five or more graduate quarter hours) in each of these four substantive content areas:

- (1) Biological bases of behavior: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.
- (2) Cognitive-affective bases of behavior: learning, thinking, motivation, emotion.
- (3) Social bases of behavior: social psychology, group processes, organizational and systems theory.
- (4) Individual differences: personality theory, human development, abnormal psychology.

In addition, all professional education programs in psychology will include course requirements in specialty areas.

240.5(11) The accreditation of the degree-granting institution(s) shall be evaluated by the board with respect to the time of the applicant's affiliation with such institution(s). The same shall apply to other institutional aspects stipulated in this rule.

240.5(12) A degree from a foreign university will be accepted provided that the institution meets standards equivalent to those held by approved domestic institutions.

This rule is intended to implement Iowa Code section 154B.6(1).

645—240.6(154B) Professional employment experience.

240.6(1) To meet the requirements for "professional employment experience," an applicant's employment experience must:

- a. Have involved the application of psychological principles such as defined in the "Practice of Psychology," (chapter 154B), and
- b. Have been performed competently at a professional level, and
- c. Have been appropriately supervised as is specified in subrule 240.6(9).

240.6(2) As a general criterion, such employment experience will include tasks and judgments which depend upon the application of skill or knowledge made available to the applicant during formal education in psychology.

240.6(3) Employment experience which is offered to satisfy one provision of the law may not be simultaneously offered to satisfy the educational provisions of the law. For example, employment experiences which are part of the required preparation for the doctor of philosophy degree will be applicable only to the "doctorate degree requirements" and may not be simultaneously offered to satisfy the "employment experience" requirement.

240.6(4) Professional employment experience acquired by the applicant between the time all requirements were fulfilled for the graduate degree and the time of the actual conferral of the degree may be credited toward the employment experience requirements for licensing, provided that the date of completion of all degree requirements is verified in writing by an appropriate academic official. Verification must come directly to the board from the academic official.

240.6(5) Employment experience of any kind gained prior to meeting the educational qualifications for licensing found in rule 645—240.5(154B) will not apply to the provisions of the law concerning professional employment experience.

240.6(6) Predoctoral employment experience that meets the requirements of subrules 240.6(5) and 240.6(7) will be considered "professional employment experience" unless the employment experience was part of a doctoral training program such as an internship, assistantship, practicum, or personal therapy.

240.6(7) In the event that the employment experience being offered can be considered the performance of some other profession or discipline as well as psychology, the board will consider such employment experience acceptable if it meets such criteria as listed in subrule 240.6(1).

240.6(8) "A year of professional employment experience" shall mean 12 months, including regularly scheduled vacation periods, during which the applicant was employed on a full-time basis.

a. In the case of academic employment, “year” shall mean the period normally associated with the full-time employment at the employing institution.

b. Full-time employment for self-employed applicants shall mean at least 1800 hours during a 12-month period.

c. Part-time employment experience credit shall be determined by the board on a prorated basis.

240.6(9) Supervisors must be licensed psychologists in the state of Iowa or licensed in another state having comparable licensing requirements at the time of supervision. The supervision must meet the following criteria:

a. The supervisor regularly reviewed the psychological practice of the supervisee.

b. The supervisor and the supervisee met on a face-to-face basis and discussed matters pertinent to the psychological practice for a minimum of one hour on at least a biweekly basis. From and after January 1, 1980, the supervisor and the applicant shall meet for a minimum of one hour at each meeting and averaging at least one meeting per week. Group supervision is not acceptable to fulfill this requirement for supervised professional experience.

c. Documentation acceptable to the board indicating that the applicant has met the requirements of this rule and has performed in a professional, competent, and ethical manner must be submitted.

240.6(10) All applicants for a license to practice psychology who make application for a license from and after July 1, 1985, and all other persons providing psychological services who are not licensed by the board of psychology examiners shall comply with the following conditions relating to supervision:

a. Supervising psychologists shall be licensed or certified for the practice of psychology and have adequate training, knowledge, and skill to render competently any psychological service which their supervisee undertakes. They shall not supervise nor permit their supervisee to engage in any psychological practice which they cannot perform competently themselves.

b. The supervisee shall have the background, training, and experience that is appropriate to the functions performed. The supervising psychologist is responsible for determining the adequacy of preparation of the supervisee and the designation of the title of the supervisee.

c. The supervising psychologist shall register the following information in writing with the board of psychology examiners:

(1) The name of the person being supervised.

(2) The nature of the services rendered by the person being supervised.

(3) The qualifying academic training and experience of the person being supervised.

(4) The nature of the continuing supervision provided by the psychologist.

d. Persons providing psychological services who are not licensed by the board of psychology examiners, shall be under the direct and continuing administrative and professional direction of a psychologist licensed by the board.

e. The supervising psychologist shall be vested with administrative control over the functioning of assistants in order to maintain ultimate responsibility for the welfare of every client. When the employer is other than the supervising psychologist, the supervising psychologist must have direct input into administrative matters.

f. The supervising psychologist shall have sufficient knowledge of all clients, including face-to-face contact when necessary, in order to plan effective service delivery procedures. The progress of the work shall be monitored through such means as will ensure that full legal and professional responsibility can be accepted by the supervisor for all services rendered. Supervisors shall also be available for emergency consultation and intervention.

g. Work assignments shall be commensurate with the skills of the supervisee. All procedures shall be planned in consultation with the supervisor.

h. A supervised employee of the supervising psychologist shall work in the same physical setting as the supervisor, unless other individual arrangements are approved by the board of psychology examiners.

i. Public announcement of services and fees, and contact with the lay or professional community shall be offered only by or in the name of the supervising psychologist. Titles of supervisees must clearly indicate their supervised status.

j. Users of the supervisee's services shall be informed as to the person's status, and shall be given specific information as to the supervisee's qualifications and functions.

k. Clients shall be informed of the possibility of periodic meetings with the supervising psychologist at their, the service provider's, or the supervisor's request.

l. Setting and receipt of payment shall remain the sole domain of the employing agency or supervising psychologist.

m. The supervisor shall establish and maintain a level of supervisory contact consistent with established professional standards, and be fully accountable in the event that professional, ethical or legal issues are raised.

n. No more than the equivalent of three full-time persons may be registered for any one supervisor.

o. It is recognized that the variability in the preparation for practice of all personnel, will require individually tailored supervision. The range and content of supervision will have to be worked out between the individual supervisor and the supervisee. A detailed job description in which functions are designated at varying levels of difficulty, requiring increasing levels of training, skill and experience shall be available. This job description shall be made available to representatives of the board and service recipients upon request.

p. Employment of persons who provide psychological services and who are not licensed or certified by the board of psychology examiners requires the supervision of a licensed psychologist.

q. Other than for purposes of providing supervision, the psychologist may not be in the employ of a supervisee.

r. The supervisor is responsible for the planning, course, and outcome of the work. The conduct of supervision shall ensure the professional, ethical, and legal protection of the client and of the supervisee.

s. An ongoing record of supervision shall be maintained which details the types of activities in which the supervisee is engaged, the level of competence in each, and the type and outcome of all procedures.

t. All written reports and communications shall be countersigned as "Reviewed and Approved" by the supervising psychologist.

240.6(11) Designation of uncredentialed persons prior to licensure.

a. Applicants for licensure who have met educational requirements, but have not yet passed the written examination for the practice of psychology, may be designated "psychology associate" or "associate in psychology." The title "psychology associate" or "associate in psychology" shall not be used except as the person's employment and supervision meet the requirements of subrules 240.6(9) and 240.6(10).

b. Applicants for licensure who have passed the written examination for the practice of psychology, and who are fulfilling the experience requirements specified herein for licensure, may be designated "psychology resident" or "resident in psychology." The designation of "resident" shall not be used except as the employment and supervised experience meet the requirements of subrules 240.6(9) and 240.6(10).

c. Notwithstanding other provisions of these rules, applicants for licensure who are engaged in organized health service training programs as specified in subrule 240.11(3) and subrule 240.11(4) may be designated "psychology intern" or "intern in psychology" during their time in such training status.

d. Persons licensed in another state who are in the process of seeking licensure in Iowa and who are being supervised until obtaining an Iowa license may use the designation "License Transfer in Process, Licensed Psychologist (name of state)", for a period up to one year from the date of application.

240.6(12) All applicants for licensure shall, on July 1, 1985, or at the time of first application and on July 1 of each year subsequent to application and prior to full licensure or withdrawal of candidacy, register with the board on a form provided, attesting to employment and supervision status. Registration shall expire on the thirtieth day of June following the date of registration and may be renewed at the discretion of the board of psychology examiners at a fee of \$20. Failure to renew registration shall constitute automatic withdrawal of candidacy for licensure.

This rule is intended to implement Iowa Code sections 154B.3 and 154B.6.

645—240.7(154B) Waiver of examinations.

240.7(1) Persons applying for licensing under the waiver provisions of the law must so specify in their application and need not meet the application deadlines specified in rule 240.4(154B).

240.7(2) Determination of psychological practice will be based on the professional experience requirements aforementioned in rule 240.6(154B).

645—240.8(154B) Examinations.

240.8(1) The examination may be composed of three sections:

- a. A written, objective section.
- b. A written, essay examination.
- c. An oral examination conducted by the board or its duly constituted representative(s).

240.8(2) In order to qualify for licensing, the applicant will be required to perform satisfactorily on all required sections of the examination.

240.8(3) Examination dates will be announced by the board. The schedule for the written examination will establish the time, place, the final date by which the board must receive the applicant's written intention to be examined, and other pertinent information or instructions. The examination fee as provided in rule 645—240.10(154B) shall be paid by check or money order to the Iowa state board of psychology examiners.

240.8(4) An applicant who fails to appear for the scheduled examination will forfeit the examination fee unless an explanation acceptable to the board is provided in writing not later than 15 days after the examination. From and after July 1, 1989, an applicant approved by the board to sit for the written examination must take one of the next three written examinations administered by the board from the date of the board's initial approval. If the applicant has not taken the written examination, the initial board review to sit for the examination shall then become invalid. In order to be considered for examination later, the applicant shall file with the board a complete, new application including the nonrefundable application fee and must meet the requirements for licensure at the time such application is filed. Upon approval to sit for the written examination, the examination fee will be required.

240.8(5) Application for any required examination will be denied or deferred if the applicant lacks the required education or supervised experience.

240.8(6) An oral examination, if required, will be scheduled only for those applicants who pass the written examination(s).

240.8(7) The board will notify the applicant in writing of examination results. An applicant will be deemed to have passed the written examination if the score obtained on the examination is equal to or greater than 70 percent of the total items.

240.8(8) Beginning January 1, 1984, persons determined by the board not to have performed satisfactorily may apply for reexamination no more than three times. Any applicant who has taken and failed the examination a combined total of four times in this state or in any other state or jurisdiction shall not be permitted to sit for the examination in this state.

This rule is intended to implement Iowa Code sections 147.36 and 147.80.

645—240.9(154B) License renewal.

240.9(1) At least two months before the renewal date, a renewal notice will be sent to each license holder at the last address in the board's file. Failure to receive the notice shall not relieve the license

holder of the obligation to pay the renewal fee as provided in rule 645—240.10(154B) on or before the renewal date.

240.9(2) Renewal fees shall be received by the board on or before the end of the last month of the renewal period. Whenever renewal fees are not received as specified, the license lapses and the practice of psychology must cease until all renewal fees are received by the board. In addition thereto a penalty fee as provided in rule 645—240.10(154B) shall be paid.

240.9(3) If the renewal fees are not received by the board within 180 days after the end of the last month of the renewal period, an application for reinstatement must be filed with the board with a reinstatement fee as provided in rule 645—240.10(154B) in addition to the renewal fee and the penalty.

240.9(4) A duplicate license to practice psychology issued to be displayed in a branch office shall be renewed at the same time as the original license.

This rule is intended to implement Iowa Code sections 147.11 and 147.80.

645—240.10(154B) Licensure fees. All fees are nonrefundable. Checks should be made payable to the Iowa State Board of Psychology Examiners.

240.10(1) Application fee for license to practice psychology is \$100. Fee for application for psychology license by reciprocity is \$250.

240.10(2) Examination fee for a license to practice psychology is \$150. Effective May 1, 1993, the examination fee for a license to practice is \$275.

240.10(3) Application fee for a limited permit is \$100.

240.10(4) Biennial renewal fee for a license to practice psychology is \$140. Biennial renewal fee for a duplicate license to practice psychology for a branch office is \$20.

240.10(5) Renewal fee for a limited permit is \$70.

240.10(6) Penalty fee for failure to submit renewal fee as required by subrule 240.9(2) is \$50.

240.10(7) Reinstatement fee as required by subrule 240.9(3) is \$70.

240.10(8) Delinquent penalty fee for failure to complete continuing education as provided in subrule 240.101(6) is \$25.

240.10(9) Fee for a duplicate license if the original is lost or stolen is \$10. Fee for a duplicate license for a branch office is \$10.

240.10(10) Fee for a certified statement that a licensee is licensed in this state is \$10.

240.10(11) Fee for registration of an applicant and for annual renewal of registration of an applicant as provided by subrule 240.6(12) is \$20.

240.10(12) Delinquent penalty fee for failure to file continuing education report as provided in rule 240.105(272C) is \$25.

This rule is intended to implement Iowa Code section 147.80.

SPECIALTY CERTIFICATION

645—240.11(154B) Definitions.

240.11(1) “*Certified health service provider in psychology*” means a person licensed to practice psychology who has a doctoral degree in psychology, or prior to July 1, 1984, was licensed at the doctoral level with a degree in psychology or its equivalent, or was prior to January 1, 1984, licensed as a psychologist in this state and prior to January 1, 1985, receives a doctoral degree equivalent to a doctoral degree in psychology, and who has at least two years of clinical experience in a recognized health service setting or meets the standards of a national register of health service providers in psychology. A person certified as a health service provider in psychology shall be deemed qualified to diagnose or evaluate mental illness and nervous disorders, and to treat mental illnesses and nervous disorders, excluding those mental illnesses and nervous disorders which are established as primarily of biological etiology with the exception of the treatment of the psychological and behavioral aspects of those mental illnesses and nervous disorders.

The board of examiners for psychology after determining a person meets the qualifications for certification may issue a certificate designating the person as a health service provider in psychology.

240.11(2) “*Doctoral degree in psychology*” means a doctoral degree in any program which meets the following criteria:

a. Programs that are accredited by the American psychological association are recognized as meeting the definition of a professional psychology program. The criteria for accreditation serve as a model for professional psychology training, or all of the following criteria, “*b*” through “*j*.”

b. Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education.

c. The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. A program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

d. The psychology program must stand as a recognizable, coherent organizational entity within the institution.

e. There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

f. The program must be an integrated, organized sequence of study.

g. There must be an identifiable psychology faculty on-site sufficient in size to ensure that the ratio of faculty to students is adequate for instruction. The faculty must also have sufficient breadth in order to ensure that the scope of knowledge in psychology is sufficiently broad for adequate instruction. There must be a psychologist responsible for the program.

h. The program must have an identifiable body of students who are matriculated in that program for a degree.

i. The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.

j. The curriculum shall encompass a minimum of three academic years of graduate study. Because a significant residency experience is necessary to ensure adequate professional-technical skills, at least a minimum of one year’s residency at the educational institution granting the doctoral degree is required. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of three or more graduate semester hours (five or more graduate quarter hours) in each of these four substantive content areas:

(1) Biological bases of behavior: Physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.

(2) Cognitive-affective bases of behavior: Learning, thinking, motivation, emotion.

(3) Social bases of behavior: Social psychology, group processes, organizational and systems theory.

(4) Individual differences: Personality theory, human development, abnormal psychology.

In addition, all professional education programs in psychology will include course requirements in specialty areas.

240.11(3) “*Two years of clinical experience*” means two years of supervised experience in health service in psychology, of which at least one year is in an organized health service training program as defined in subrule 240.11(4) and one year is postdoctoral or for a person who prior to July 1, 1984, was licensed as a psychologist in this state means two years of experience in health service in psychology supervised by a licensed psychologist.

Those psychologists licensed at the subdoctorate level prior to January 1, 1985, who then seek licensure recognition at the doctorate level may be allowed credit for licensure supervision and experience that was done at the subdoctorate level.

240.11(4) *Health service training program.* An organized health service training program shall meet the following criteria:

a. An organized health service training program is designed to provide the intern with a planned, programmed sequence of training experiences. The primary focus and purpose is assuring breadth and quality of training.

b. The organized health service training program has a clearly designated staff psychologist who is responsible for the integrity and quality of the training program and who is actively licensed or certified by the state board of examiners in psychology in the state in which the program exists.

c. The organized health service training program has two or more psychologists on the staff as supervisors, at least one of whom is actively licensed as a psychologist by the state board of examiners in psychology in the state in which the program exists.

d. Supervision is provided by a staff member of the organized health service training program or by an affiliate of the organized health service training program who carries clinical responsibility for the cases being supervised. At least half of the internship supervision is provided by one or more psychologists.

e. The organized health service training program provides training in a range of assessment and treatment activities conducted directly with patients seeking psychological services.

f. At least 25 percent of trainees' time is in direct patient contact (minimum 375 hours).

g. The organized health service training program includes a minimum of two hours per week (regardless of whether the internship is completed in one year or two) of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with psychological services rendered directly by the intern. There must also be at least two additional hours per week in learning activities such as: case conferences involving a case in which the intern is actively involved; seminars dealing with clinical issues; cotherapy with a staff person including discussion; group supervision; additional individual supervision.

h. Training is post clerk ship, post practicum, and post externship level.

i. The organized health service training program has a minimum of two interns at the internship level of training during any period of training.

j. The internship level trainees have a title such as "intern," "resident," "fellow," or other designation of trainee status.

k. The organized health service training program has a written statement or brochure which describes the goals and content of the internship, states clear expectations for quantity and quality of trainee's work and is made available to prospective interns.

l. The training experience (minimum 1800 hours) shall be completed within 24 consecutive months and no less than 12 months.

240.11(5) "*Recognized health service setting*" means a setting in which the delivery of direct preventive, assessment, and therapeutic intervention services are provided to individuals whose growth, adjustment or functioning is actually impaired or is demonstrably at high risk of impairment; delivery of the aforementioned services includes, but is not limited to, the diagnosis or evaluation and treatment of mental illness and nervous disorders, excluding those mental illnesses and nervous disorders which are established as primarily of biological etiology with the exception of the treatment of the psychological and behavioral aspects of those mental illnesses and nervous disorders.

This rule is intended to implement Iowa Code section 154B.7.

645—240.12(154B) Requirements for certification.

240.12(1) Any person currently licensed as a psychologist in the state of Iowa and listed in the 1983 National Register of Health Service Providers in Psychology as published by the Council for Health Service Providers in Psychology or the Cumulative Summer 1984 Supplement to the National Register of Health Service Providers in Psychology is eligible for certification as a health service provider in psychology upon making application and payment of the required certification fee.

240.12(2) Any person, who is not listed in the 1983 National Register of Health Service Providers in Psychology or Cumulative Summer 1984 Supplement, making application for certification as a health service provider in psychology shall comply with the following requirement:

- a. Current licensure to practice psychology in the state of Iowa; and
- b. Doctoral degree in psychology or prior to July 1, 1984, was licensed at the doctoral level with a degree in psychology or its equivalent, or was licensed as a psychologist in Iowa prior to January 1, 1984, and prior to January 1, 1985, receives a doctoral degree equivalent to a doctoral degree in psychology; and
- c. Completion of at least two years of clinical experience in a recognized health service setting.

240.12(3) Applications. All applications shall be made upon a form furnished by the board.

240.12(4) Fees. All fees are nonrefundable:

- a. Application fee for a person who is listed in the 1983 National Register of Health Service Providers in Psychology or Cumulative Summer 1984 Supplement is \$30.
- b. Application fee for a person who is not listed in the 1983 National Register of Health Service Providers or the Cumulative Summer 1984 Supplement is \$140.
- c. Biennial renewal fee for certification as a certified health service provider in psychology is \$40, which shall be paid at the same time as the psychology license renewal fees are due.
- d. Fee for a duplicate certificate if the original is lost or stolen is \$10.
- e. Fee for a certified statement that a licensee is certified in this state is \$10.

This rule is intended to implement Iowa Code section 154B.7.

645—240.13 to 240.99 Reserved.

PSYCHOLOGY CONTINUING EDUCATION

645—240.100(272C) Definitions. For the purpose of these rules, the following definitions shall apply:

“*Accredited sponsor*” means a person or an organization sponsoring continuing education activities which has been approved by the board as a sponsor pursuant to these rules. During the time an organization, educational institution, or person is an accredited sponsor, all continuing education activities of such person or organization may be deemed automatically approved.

“*Approved program or activity*” means a continuing education program activity meeting the standards set forth in these rules which has received advance approval by the board pursuant to these rules.

“*Board*” means the board of examiners for psychology.

“*Hour*” of continuing education means a clock-hour spent after December 31, 1978, by a licensee in actual attendance at and completion of an approved continuing education activity. Graduate level psychology courses offered by a department of psychology in a regionally accredited university are defined as the equivalent of 15 continuing education hours for 1 semester-hour credit or 10 continuing education hours for 1 quarter-hour credit.

“*Licensee*” means any person licensed to practice psychology in the state of Iowa.

“*Practice of psychology*” means the application of established principles of learning, motivation, perception, thinking, and emotional relations to problems of behavior adjustment, group relations, and behavior modification, by persons trained in psychology for compensation or other personal gain. The application of principles includes, but is not limited to: Counseling and the use of psychological remedial measures with persons, in groups or individually, with adjustment or emotional problems in the areas of work, family, school and personal relationships; measuring and testing personality, intelligence, aptitudes, public opinion, attitudes, and skills; and the teaching of such subject matter, and the conducting of research on the problems relating to human behavior.

645—240.101(272C) Continuing education requirements.

240.101(1) Beginning January 1, 1979, each person licensed to practice psychology in this state shall complete during each calendar year a minimum of 20 hours of continuing education approved by the board. Compliance with the requirement of continuing education is a prerequisite for license renewal in each subsequent license renewal year.

Beginning January 1, 1982, each person licensed to practice psychology in this state shall complete during the biennium ending December 31, 1983, and each biennium thereafter ending on an odd-numbered year a minimum of 40 hours of continuing education approved by the board.

240.101(2) The continuing education compliance year shall extend from January 1 to December 31, during which period attendance at approved continuing education programs may be used as evidence of fulfilling continuing education requirements for the subsequent license renewal year beginning July 1 and expiring June 30. Beginning January 1, 1982, the continuing education compliance period shall extend from January 1, 1982, to December 31, 1983, and each biennium thereafter with the periods ending on December 31 of the odd-numbered years, during which period attendance at approved continuing education programs may be used as evidence of fulfilling continuing education requirements for the subsequent biennial license renewal period beginning July 1 of the even-numbered years.

240.101(3) Hours of continuing education credit may be obtained by attending and participating in a continuing education activity, either previously accredited by the board or which otherwise meets the requirement herein and is approved by the board pursuant to rule 240.103(272C).

240.101(4) A licensee desiring to obtain credit for one succeeding calendar year, for completing more than 20 hours of approved continuing education during any one calendar year shall report such carry-over credit at the time of filing the annual report to the board following the calendar year during which the claimed additional continuing education hours were completed. Carry-over credit of continuing education shall not be permitted after December 31, 1982.

240.101(5) It is the responsibility of each licensee to finance the costs of continuing education.

240.101(6) If a licensee fails to complete the continuing education requirements during the continuing education period, the licensee shall pay a penalty as provided in rule 645—240.10(154B) unless the failure is because of disability or illness documented by a statement from an appropriately licensed health care professional and is acceptable to the board.

240.101(7) If a new license holder is licensed during the first year of the biennial continuing education period, the licensee is only required to complete 20 hours of continuing education for renewal. If a new license holder is licensed during the second year of the biennial continuing education period, the licensee will be exempt from meeting the continuing education requirement for the first license renewal. The new license holder will be required to obtain 40 hours of continuing education for the second license renewal.

This rule is intended to implement Iowa Code section 272C.2.

645—240.102(272C) Standards for approval. A continuing education activity shall be qualified for approval if the board determines that:

240.102(1) It constitutes an organized program of learning (including a workshop or symposium) which contributes directly to the professional competency of the licensee; and

240.102(2) It pertains to common subjects or other subject matters which integrally relate to the practice of psychology; and

240.102(3) It is conducted by individuals who have a special education, training and experience by reason of which said individuals should be considered experts concerning the subject matter of the program, and is accompanied by a paper, manual or written outline which substantively pertains to the subject matter of the program.

645—240.103(272C) Approval of sponsors, programs, and activities.

240.103(1) Accreditation of sponsors. An organization or person not previously accredited by the board, which desires accreditation as a sponsor of courses, programs, or other continuing education activities including individually designed programs, shall apply for accreditation to the board stating its education history, subjects offered, total hours of instruction presented, and the names and qualifications of instructors. By January 31 of each year, commencing January 31, 1980, all accredited sponsors shall report to the board in writing the education programs conducted during the preceding calendar year on a form approved by the board.

Individually designed programs shall be cosponsored by at least two licensed psychologists and bear their signatures attesting that the program is acceptable. Not more than one-half of the continuing education may be acquired by means of individually designed programs.

The board may at any time reevaluate an accredited sponsor. If, after reevaluation the board finds there is basis for consideration of revocation of the accreditation of an accredited sponsor, the board shall give notice by ordinary mail to that sponsor of a hearing on possible revocation at least 30 days prior to the hearing. The decision of the board after the hearing shall be final.

240.103(2) Prior approval of activities. An organization other than an accredited sponsor, which desires prior approval of a course, program or other continuing education activity, shall apply for approval to the board at least 60 days in advance of the commencement of the activity on a form provided by the board. The board shall approve or deny such application in writing. The application shall state the dates, subjects offered, total hours of instruction, names and qualifications of speakers and other pertinent information.

240.103(3) Reserved.

240.103(4) Review of programs. The board may monitor or review any continuing education program already approved by the board and upon evidence of significant variation in the program presented from the program approved may disapprove all or any part of the approved hours granted the program.

645—240.104 Rescinded IAB 6/28/89, effective 8/2/89.

645—240.105(272C) Report of licensee. Each licensee shall file a report of continuing education on a form provided by the board once each licensure biennium by January 31 of the calendar year following the most recent continuing education compliance period. This continuing education report will be used as evidence for fulfillment of continuing education requirements for the subsequent biennial licensure renewal period beginning July 1. The licensee will be required to maintain appropriate records including evidence of attendance and completion of the continuing education activities reported and may be asked by the board to produce continuing education activity attendance and completion records. Failure to report continuing education by the specified date will result in a penalty fee as provided in rule 645—240.10(154B). Failure to report continuing education activity and attendance records or failure to produce upon board request continuing education attendance and completion records satisfactory to the board will result in nonrenewal of licensure for the subsequent licensure biennium unless such a failure is the result of a disability or illness documented by a statement from an appropriately licensed health care professional and is acceptable to the board.

645—240.106(272C) Attendance record report. The person or organization sponsoring continuing education activities shall make a written record of the Iowa licensees in attendance and send a signed copy of such attendance record to the secretary of the board upon completion of the educational activity, but in no case later than February 1 of the following calendar year. The report shall be sent to the Iowa Department of Public Health, Professional Licensure, Lucas State Office Building, Des Moines, Iowa 50319-0075.

645—240.107(272C) Disability or illness. The board may, in individual cases involving disability or illness, grant waivers of the minimum education requirements or extensions of time within which to fulfill the same or make the required reports. No waiver or extension of time shall be granted unless written application therefor shall be made on forms provided by the board and signed by the licensee and an appropriately licensed health care professional, and the waiver is acceptable to the board. Waivers of the minimum educational requirements may be granted by the board for any period of time not to exceed one calendar year. In the event that the disability or illness upon which a waiver has been granted continues beyond the period of the waiver, the licensee must reapply for an extension of the waiver. The board may, as a condition of any waiver granted, require the applicant to make up a certain portion or all of the minimum educational requirements waived by methods as may be prescribed by the board.

645—240.108(272C) Exemptions for inactive practitioners. A licensee who is not engaged in practice in the state of Iowa residing within or without the state of Iowa may be granted a waiver of compliance and obtain a certificate of exemption upon written application to the board. The application shall contain a statement that the applicant will not engage in the practice of psychology in Iowa without first complying with all regulations governing reinstatement after exemption. The application for a certificate of exemption shall be submitted upon the form provided by the board.

645—240.109(272C) Reinstatement of inactive practitioners. Inactive practitioners who have been granted a waiver of compliance with these regulations and obtained a certificate of exemption shall, prior to engaging in the practice of psychology in the state of Iowa satisfy the following requirements for reinstatement:

240.109(1) Submit written application for reinstatement to the board upon forms provided by the board; and

240.109(2) Furnish in the application evidence of one of the following:

a. The full-time practice of psychology in another state of the United States or the District of Columbia and completion of continuing education for each year of inactive status substantially equivalent in the opinion of the board to that required under these rules; or

b. Completion of a total number of hours of accredited continuing education computed by multiplying 20 by the number of years a certificate of exemption shall have been in effect for such applicant; or

c. Successful completion of the Iowa state license examination conducted within one year immediately prior to the submission of an application for reinstatement.

240.109(3) Submit payment of the current renewal fee and reinstatement fee.

Rules 240.100 to 240.109 are intended to implement Iowa Code sections 147.80 and 272C.2.

645—240.110 to 240.199 Reserved.

DISCIPLINARY PROCEDURES FOR PSYCHOLOGISTS

645—240.200(272C) Definitions. For the purpose of these rules, the following definitions shall apply:

“*Board*” means board of psychology examiners.

“*Licensee*” means any person licensed to practice psychology in the state of Iowa.

645—240.201(272C) Complaint. A complaint of a licensee’s professional misconduct shall be made in writing by any person to the Board of Psychology Examiners, Professional Licensure, Lucas State Office Building, Des Moines, Iowa 50319-0075. The complaint shall include complainant’s address

and telephone number, be signed and dated by the complainant, shall identify the licensee, and shall give the address and any other information about the licensee which the complainant may have concerning the matter.

645—240.202(272C) Report of malpractice claims or actions. Each licensee shall submit a copy of any judgment or settlement in a malpractice claim or action to the board within 30 days after the occurrence at the address given in rule 645—240.201(272C).

645—240.203(272C) Investigation of complaints or malpractice claims. The chair of the board of psychology examiners shall assign an investigation of a complaint or malpractice claim to a member of the board who will be known as the investigating board member or may request the state department of health to investigate the complaint or malpractice claim. The investigating board member or employee of the department may request information from any peer review committee which may be established to assist the board. The investigating board member or employee of the department may consult with an administrative hearing officer or assistant attorney general concerning the investigation on evidence produced from the investigation. The investigating board member, if the board member investigates the complaint, shall make a written determination whether there is probable cause for a disciplinary hearing. The investigating board member shall not take part in the decision of the board, but may appear as a witness.

645—240.204(272C) Alternative procedure and settlement.

240.204(1) A disciplinary hearing before the licensing board is an alternative to the procedure in Iowa Code sections 147.58 to 147.71.

240.204(2) Informal stipulation or settlement negotiations may be initiated by either party to the controversy either prior to or during a contested case proceeding. However, neither party is obligated to utilize this informal procedure to settle the controversy pursuant to such informal procedures. The investigating board member charged with the responsibility of handling disciplinary and enforcement matters shall have the authority to negotiate an informal settlement. If the investigating board member believes it to be in the best interest of the board and the public to informally settle the controversy, the investigating board member shall recommend the terms of stipulation or settlement to the board. If the board approves the terms, the investigating board member shall effectuate the settlement. The terms of the stipulation or settlement shall be in writing for entering and filing by the board.

This rule is intended to implement Iowa Code section 17A.10.

645—240.205 Rescinded IAB 6/28/89, effective 8/2/89.

645—240.206(272C) Notice of hearing. If there is a finding of probable cause for a disciplinary hearing by the investigating board member or by the department, the department shall prepare the notice of hearing and transmit the notice of hearing to the respondent by certified mail, return receipt requested, at least ten days before the date of the hearing.

645—240.207(272C) Hearings open to the public. A hearing of a licensing board concerning a licensee or an applicant shall be open to the public unless the licensee or the licensee's attorney requests in writing that the hearing be closed to the public.

645—240.208(272C) Hearings. The board adopts the rules of the department of public health found in 641—Chapter 173, IAC, as the procedure for hearings before the board. The board may authorize an administrative hearing officer to conduct the hearings, administer oaths, issue subpoenas, and prepare written findings of fact, conclusions of law and a decision at the direction of the board. If a majority of

the board does not hear the disciplinary proceeding, a recording or a transcript of the proceedings shall be made available to the members of the board who did not hear the proceeding.

645—240.209(272C) Appeal. Any appeal to the district court from disciplinary action of the board or denial of license shall be taken within 30 days from the issuance of the decision by the board. It is not necessary to request a rehearing before the board to appeal to the district court.

645—240.210(272C) Transcript. The party who appeals a decision of the board to the district court shall pay the cost of the preparation of a transcript of the administrative hearing for the district court.

645—240.211(272C) Publication of decisions. Final decisions of the board relating to disciplinary proceedings shall be transmitted to the appropriate professional association, the news media and employer.

645—240.212(272C) Suspension, revocation, or probation. The board may revoke or suspend a license, or place a licensee on probation for any of the following reasons:

240.212(1) All grounds listed in Iowa Code section 147.55 which are:

a. Fraud in procuring a license.
b. Professional incompetency.
c. 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.

d. Habitual intoxication or addiction to the use of drugs.
e. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect that licensee's ability to practice within a profession. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

f. Fraud in representations as to skill or ability.

g. Use of untruthful or improbable statements in advertisements.

h. Willful or repeated violations of the provisions of Iowa Code chapter 147.

240.212(2) Violation of the rules promulgated by the board.

240.212(3) Personal disqualifications:

a. Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

b. Involuntary commitment for treatment of mental illness, drug addiction or alcoholism.

240.212(4) Practicing the profession while the license is suspended.

240.212(5) Revocation, suspension, or other disciplinary action taken by a licensing authority of another state, territory, or country; or failure by the licensee to report in writing to the Iowa board of psychology examiners revocation, suspension, or other disciplinary action taken by a licensing authority of another state, territory, or country; or both.

240.212(6) Negligence by the licensee in the practice of the profession, which is a failure to exercise due care including negligent delegation to or supervision of employees or other individuals, whether or not injury results; or any conduct, practice or conditions which impair the ability to safely and skillfully practice the profession.

240.212(7) Prohibited acts consisting of the following:

a. Permitting an unlicensed employee or person under the licensee's control to perform activities requiring a license.

b. Permitting another person to use the licensee's license for any purpose.

c. Practice outside the scope of a license.

d. Obtaining, possessing, or attempting to obtain or possess a controlled substance without lawful authority; or selling, prescribing, giving away, or administering controlled substances.

- e. Verbally or physically abusing clients.
- f. Any sexual intimidation or sexual relationship between a psychologist and a client.

240.212(8) Unethical business practices, consisting of any of the following:

- a. False or misleading advertising.
- b. Betrayal of a professional confidence.
- c. Falsifying client's records.

240.212(9) Failure to report a change of name or address within 30 days after it occurs.

240.212(10) Submission of a false report of continuing education or failure to submit the annual report of continuing education.

240.212(11) Failure to notify the board within 30 days after occurrence of any judgment or settlement of a malpractice claim or action.

240.212(12) Failure to comply with a subpoena issued by the board.

240.212(13) Failure to report to the board as provided in rule 645—240.201(272C) any violation by another licensee of the reasons for disciplinary action as listed in this rule.

240.212(14) Failure to comply with the Ethical Principles of Psychologists and Code of Conduct of the American Psychological Association, as published in the December 1992 edition of *American Psychologist*, effective December 1, 1992, which is hereby adopted by reference. Later amendments or editions of the Principles are not included in this rule. Copies of the Principles may be obtained at cost from the board, or may be obtained by contacting the Director, Office of Ethics, American Psychological Association, 750 First Street N.E., Washington, D.C. 20002-4242.

These rules are intended to implement Iowa Code sections 147.76, 147.55(3), 272C.4 and 272C.10.

645—240.213(272C) Peer review committees.

240.213(1) Each peer review committee for the profession, if established, may register with the board of examiners within 30 days after the effective date of these rules or within 30 days after formation.

240.213(2) Each peer review committee shall report, in writing within 30 days of the action, any disciplinary action taken against a licensee by the peer review committee.

240.213(3) The board may appoint peer review committees as needed consisting of not more than five persons who are licensed to practice psychology to advise the board on standards of practice and other matters relating to specific complaints as requested by the board. The members of the peer review committees shall serve at the pleasure of the board. The peer review committees shall observe the requirements of confidentiality provided in Iowa Code chapter 272C.

645—240.214(272C) Immunity. A person shall not be civilly liable as a result of filing a report of complaint with a licensing board or peer review committee, or for the disclosure to a licensing board or its agents or employees, whether or not pursuant to a subpoena of records, documents, testimony or other forms of information which constitute privileged matter concerning a recipient of health care services or some other person, in connection with proceedings of a peer review committee, or in connection with duties of a health care board. However, such immunity from civil liability shall not apply if such act is done with malice.

These rules are intended to implement Iowa Code sections 272C.4 to 272C.6.

645—240.215 to 240.299 Reserved.

PROCEDURES FOR USE OF CAMERAS
AND RECORDING DEVICES
AT OPEN MEETINGS

645—240.300(21) Conduct of persons attending meetings.

240.300(1) The person presiding at a meeting of the board may exclude a person from an open meeting for behavior that obstructs the meeting.

240.300(2) Cameras and recording devices may be used at open meetings provided they do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the person presiding may request the person to discontinue use of the camera or device. If the person persists in use of the device or camera, that person shall be ordered excluded from the meeting by order of the board member presiding at the meeting.

These rules are intended to implement Iowa Code section 21.7.

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