

April 12, 1957.
Sifting Committee.

House File 583
By COMMITTEE ON PUBLIC
HEALTH AND PHARMACY.

Passed House, Date..... Passed Senate, Date.....
Vote: Ayes..... Nays..... Vote: Ayes..... Nays.....
Approved.....

A BILL FOR

An Act to provide an alternative method for revocation,
suspension, or probation of licenses to practice medicine
and surgery.

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

1 Section 1. In lieu of and as an alternative to the pro-
2 visions of sections one hundred forty-seven point fifty-eight
3 (147.58) through one hundred forty-seven point seventy-one
4 (147.71), inclusive, of the Code, the medical examiners after
5 due notice and hearing may direct the commissioner of public
6 health to issue an order to revoke, suspend or place on pro-
7 bation the license of any person licensed to practice medicine
8 and surgery for any of the grounds set forth in sections one
9 hundred forty-seven point fifty-five (147.55) and one hundred
10 forty-seven point fifty-six (147.56) of the Code.

1 Sec. 2. Any proceeding for revocation, suspension or pro-
2 bation of a license to practice medicine and surgery shall be
3 substantially in accord with the following procedure:

4 1. The medical examiners may, upon their own motion or upon
5 verified complaint in writing, and shall, if such complaint is
6 filed by the commissioner of public health, issue an order
7 fixing the time and place for hearing thereon. A written notice
8 of the time and place of the hearing together with a statement
9 of the charges shall be served upon the licensee at least ten
10 days before said hearing in the manner required for the service

11 of notice of the commencement of an ordinary action.

12 2. If the licensee has absented or removed himself from the
13 state, the notice and statement of the charges shall be so served
14 at last twenty days before the date of the hearing, wherever he
15 may be found. If the whereabouts of the licensee is unknown,
16 service may be had by publication as provided in the rules of
17 civil procedure upon filing the affidavit required by said rules.
18 In case the licensee fails to appear, either in person or by
19 counsel at the time and place designated in said notice, the
20 medical examiners shall proceed with the hearing as hereinafter
21 provided.

22 3. The hearing shall be before a member or members desig-
23 nated by the board. The board shall designate one member to
24 serve as presiding member. Such presiding member is hereby em-
25 powered to issue subpoenas, administer oaths and take or cause
26 depositions to be taken in connection with the hearing. He shall
27 issue subpoenas at the request and on behalf of the licensee.

28 4. A stenographic record of the proceeding shall be kept.
29 The licensee shall have the opportunity to appear personally and
30 by his attorney, with the right to produce evidence in his own
31 behalf, to examine and cross-examine witnesses and to examine
32 documentary evidence produced against him.

33 5. In case any person refuses to obey a subpoena issued by
34 the presiding member or to answer any proper question put to him
35 during the hearing, the presiding member may invoke the aid of
36 any court of competent jurisdiction or judge thereof in requiring
37 the attendance and testimony of such person and the production of
38 papers. Any failure to obey such order of the court may be
39 punished by the court as a civil contempt may be punished.

40 6. Unless the hearing is before the entire board, a tran-
41 script of the proceeding, together with exhibits presented, shall
42 be considered by the entire board at the earliest practicable
43 time. The licensee and his attorney shall have the opportunity
44 to appear personally to present the licensee's position and
45 arguments to the board. The board shall determine the charge
46 or charges upon the merits on the basis of the evidence in the
47 record before it.

48 7. If a majority of the members of the board vote in favor
49 of finding the licensee guilty of any act or offense specified
50 in sections one hundred forty-seven point fifty-five (147.55)
51 or one hundred forty-seven point fifty-six (147.56) of the Code,
52 the board shall prepare written findings of fact and its decision
53 based thereon. Such findings of fact and decision shall be
54 filed with the commissioner of public health who shall within
55 ten days from such filing enter an order revoking, suspending
56 or placing on probation the license as directed by the board in
57 its decision. A copy of the commissioner's order shall immedi-
58 ately be sent by registered mail to the licensee's last known
59 postoffice address accompanied by a copy of the board's findings
60 of fact and decision.

61 8. The licensee shall have the right to a judicial review
62 of the board's decision and the order of the commissioner.
63 Such review shall be initiated by application to the district
64 court in and for Polk county, or to the district court of the
65 county in which the licensee resides, by any method permissible
66 under the laws of this state. Such application must be made
67 within thirty days after the date of the commissioner's order.
68 On any such review, the findings of fact of the board, if

69 supported by the evidence, shall be final and conclusive.

1 Sec. 3. The commissioner of public health is hereby author-
2 ized to accept the voluntary surrender of a license if accompanied
3 by a written statement of intention. Such voluntary surrender,
4 when so accepted, shall have the same force and effect as an
5 order of revocation.

1 Sec. 4. Any person whose license has been suspended, revoked
2 or placed on probation may apply to the board of medical exam-
3 iners for reinstatement at any time and the board may hold
4 hearings on any such petition and may order reinstatement and
5 impose terms and conditions thereof and issue a certificate of
6 reinstatement to the commissioner of public health who shall
7 thereupon issue a license as directed by the board.

EXPLANATION OF HOUSE FILE 583

This bill gives the board of medical examiners and the commissioner of public health the authority to revoke, suspend or place on probation the license of any medical doctor who, after proper notice and hearing, is found guilty of any of the acts or offenses specified in sections 147.55 and 147.56 of the Code. It also clarifies existing law with reference to the voluntary surrender and reinstatement of medical licenses.