

Human Resources 2/11
Senate File 1115
Human Resources
Sovern, Chairperson
Miller of Des Moines
Plymat

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SENATE FILE 1115

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

A BILL FOR

1 An Act relating to the practice of nursing and providing for
2 disciplinary procedures.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NLW SECTION. DEFINITIONS. As used in this
2 Act:

3 1. The "practice of nursing" means the practice of a
4 registered nurse or a licensed practical nurse. It does not
5 mean any of the following:

6 a. The practice of medicine and surgery, as defined in
7 section one hundred forty-eight (148) of the Code, the
8 osteopathic practice, as defined in chapter one hundred fifty
9 (150) of the Code, or the practice of osteopathic medicine
10 and surgery, as defined in chapter one hundred fifty A (150A)
11 of the Code, except practices which are recognized by the
12 board as proper to be performed by a registered nurse.

13 b. The performance of nursing services by a student
14 enrolled in an approved program of nursing if the performance
15 is incidental to a course of study under this program.

16 c. The performance of services by employed workers in
17 offices, hospitals, or health care facilities, as defined
18 in section one hundred thirty-five C point one (135C.1) of
19 the Code, under the supervision of a physician or a nurse
20 licensed under this Act if these persons do not hold themselves
21 out or accept employment as a nurse licensed under this Act.

22 d. The practice of a nurse licensed in another state and
23 employed in this state by the federal government if the
24 practice is in discharge of official employment duties.

25 2. The "practice of the profession of a registered nurse"
26 means the practice of a natural person who is licensed by
27 the board to do all of the following:

28 a. Diagnose, as a registered nurse, and treat human
29 responses to actual or potential health problems through
30 services, such as case finding, referral, health teaching,
31 health counseling, and care provision which is supportive
32 to or restorative of life and well-being.

33 b. Execute regimen prescribed by a physician.

34 c. Supervise and teach other personnel in the performance
35 of the abilities enumerated in paragraphs a and b of this

1 subsection.

2 d. Perform additional acts or nursing specialties which
3 require education and training under emergency or other
4 conditions which are recognized by the board as being proper
5 to be performed by a registered nurse.

6 e. Apply to the abilities enumerated in paragraphs a
7 through d of this subsection scientific principles, including
8 the principles of nursing skills and of biological, physical,
9 and psychosocial sciences.

10 3. The "practice of a licensed practical nurse" means
11 the practice of a natural person who is licensed by the board
12 because of a proven ability to do all of the following:

13 a. Perform services in the provision of supportive or
14 restorative care under the supervision of a registered nurse
15 or a physician, if employed by the physician, or under the
16 direct supervision of a physician.

17 b. Perform additional acts under emergency or other
18 conditions which require education and training and which
19 are recognized by the board, pursuant to a promulgated rule,
20 as being proper to be performed in this practice.

21 4. As used in this section, "diagnose" means to identify
22 and use discriminatory judgment concerning physical and
23 psychosocial signs and symptoms essential to determining
24 effective nursing intervention.

25 5. "Board" means the board of nursing, created under
26 chapter one hundred forty-seven (147) of the Code.

27 6. "Physician" means a person licensed in this state to
28 practice medicine and surgery, osteopathy and surgery,
29 osteopathy, or dentistry.

30 Sec. 2. NEW SECTION. EXECUTIVE DIRECTOR--ASSISTANTS.

31 1. The board shall appoint a full-time executive director.
32 The executive director shall be a registered nurse and shall
33 not be a member of the board. The governor, with the approval
34 of the executive council pursuant to subsection two (2) of
35 section nineteen A point nine (19A.9) of the Code under the

1 pay plan for exempt positions in the executive branch of
2 government, shall set the salary of the executive director.

3 2. The board may appoint such assistants to the director
4 and inspectors as may be necessary to administer the provisions
5 of this Act. Any appointments shall be merit appointments
6 made pursuant to chapter nineteen (19) of the Code. Any
7 person appointed to serve as an assistant to the director
8 shall be a registered nurse.

9 Sec. 3. NEW SECTION. DIRECTOR'S DUTIES. The duties of
10 the executive director shall be as follows:

11 1. To receive all applications to be licensed for the
12 practice of nursing.

13 2. Notwithstanding section one hundred forty-seven point
14 eighty-two (147.82) of the Code, to collect and receive all
15 fees.

16 3. To deposit all fees collected in the general fund of
17 the state and, at the same time, to render to the state
18 comptroller an itemized and verified report which indicates
19 the source of the collected fees.

20 4. To keep all records pertaining to the licensing of
21 nurses, including a record of all board proceedings.

22 5. To perform such other duties as may be prescribed by
23 the board.

24 Sec. 4. NEW SECTION. APPROPRIATIONS. The board may apply
25 appropriated funds to:

26 1. The administration and enforcement of the provisions
27 of this Act and of chapter one hundred forty-seven (147) of
28 the Code.

29 2. The elevation of the standards of the schools of
30 nursing.

31 3. The promotion of educational and professional standards
32 of nurses in this state.

33 Sec. 5. NEW SECTION. EDUCATION PROGRAMS.

34 1. All programs preparing a person to be a registered
35 nurse or a licensed practical nurse shall be approved by the

1 board. The board shall not recognize a program unless it:

2 a. Is of recognized standing.

3 b. Has provisions for adequate physical and clinical
4 facilities and other resources with which to conduct a sound
5 education program.

6 c. Requires, for graduation of a registered nurse
7 applicant, the completion of at least a two academic year
8 course of study which is integrated in theory and practice
9 as prescribed by the board.

10 d. Requires, for graduation of a licensed practical nurse
11 applicant, the completion of at least an academic year course
12 of study in theory and practice as prescribed by the board.

13 2. All advanced formal academic nursing education programs
14 shall also be approved by the board.

15 Sec. 6. NEW SECTION. LICENSES--PROFESSIONAL ABBREVIATIONS.

16 The board may license a natural person to practice as a
17 registered nurse or as a licensed practical nurse. However,
18 only a person currently licensed as a registered nurse in
19 this state may use that title and the abbreviation "RN" after
20 the person's name and only a person currently licensed as
21 a licensed practical nurse in this state may use that title
22 and the abbreviation "LPN" after the person's name.

23 Sec. 7. NEW SECTION. APPLICANT QUALIFICATIONS. In
24 addition to the provisions of section one hundred forty-seven
25 point three (147.3) of the Code, an applicant to be licensed
26 for the practice of nursing shall have the following
27 qualifications:

28 1. Be a graduate of an accredited high school or the
29 equivalent.

30 2. Pass an examination as prescribed by the board.

31 3. If to practice as a registered nurse, holds a diploma
32 or degree resulting from the completion of a course of study
33 in a program approved pursuant to paragraph c of subsection
34 one (1) of section five (5) of this Act.

35 4. If to practice as a licensed practical nurse, holds

1 a diploma resulting from the completion of a course of study
2 in a program approved pursuant to paragraph d of subsection
3 one (1) of section five (5) of this Act.

4 Sec. 8. NEW SECTION. LICENSE ENDORSEMENT. Notwithstanding
5 the provisions of sections one hundred forty-seven point
6 forty-four (147.44) through one hundred forty-seven point
7 fifty-four (147.54) of the Code, the board shall decide whether
8 to recognize a foreign license to practice nursing under
9 conditions specified which indicate that the licensee meets
10 all the qualifications required under section seven (7) of
11 this Act. If a foreign license is recognized the board may
12 issue a license by endorsement without an examination being
13 required. Recognition shall be based on whether the foreign
14 licensee is qualified to practice nursing.

15 Sec. 9. NEW SECTION. TEMPORARY LICENSE. The board may
16 issue a temporary license to a natural person who has completed
17 the requirements of and applied for licensure, either by
18 examination or endorsement. A temporary license shall not
19 remain effective longer than the time between application
20 and the next issuance of licenses. A temporary license issued
21 to a person not holding a foreign license to practice nursing
22 shall be valid only when the temporary licensee is under the
23 direct supervision of a registered nurse.

24 Sec. 10. NEW SECTION. LICENSE REVOCATION OR SUSPENSION.

25 1. Notwithstanding sections one hundred forty-seven point
26 eighty-seven (147.87) through one hundred forty-seven point
27 eighty-nine (147.89) of the Code and in addition to the
28 provisions of sections one hundred forty-seven point fifty-
29 eight (147.58) through one hundred forty-seven point seventy-
30 one (147.71) of the Code, the board may restrict, suspend
31 or revoke a license to practice nursing or place the licensee
32 on probation. The board may also prescribe by rule conditions
33 of license reinstatement. The board shall prescribe rules
34 of procedure by which to suspend or revoke a license. These
35 procedures shall conform to the provisions of chapter seventeen

1 A (17A) of the Code.

2 2. In addition to the grounds stated in section one hundred
3 forty-seven point fifty-five (147.55) of the Code, the
4 following are grounds for suspension or revocation under
5 subsection one (1) of this section:

6 a. Willful violation of the rules of the board.

7 b. Continued practice while knowingly having an infectious
8 or contagious disease which could be harmful to a patient's
9 welfare.

10 c. Conviction for a felony in the courts of this state
11 or another state, territory, or country if the felony relates
12 to the practice of nursing. Conviction shall include only
13 a conviction for an offense which if committed in this state
14 would be deemed a felony without regard to its designation
15 elsewhere. A certified copy of the final order or judgment
16 of conviction or plea of guilty in this state or in another
17 jurisdiction shall be conclusive evidence of conviction.

18 d. Having a license to practice nursing as a registered
19 nurse or licensed practical nurse revoked or suspended, or
20 having other disciplinary action taken by a licensing authority
21 of another state, territory, or country. A certified copy
22 of the record or order of suspension, revocation, or
23 disciplinary action is prima facie evidence of such fact.

24 e. Knowingly aiding, assisting, procuring, advising, or
25 allowing a person to unlawfully practice nursing.

26 f. Being adjudicated mentally incompetent by a court of
27 competent jurisdiction. Such adjudication shall automatically
28 suspend a license for the duration of the license, unless
29 the board orders otherwise.

30 g. Being guilty of willful or repeated departure from
31 or the failure to conform to the minimum standard of acceptable
32 and prevailing practice of nursing; however, actual injury
33 to a patient need not be established.

34 h. (1) Inability to practice nursing with reasonable
35 skill and safety by reason of illness, excessive use of

1 alcohol, drugs, narcotics, chemicals, or other type of material
2 or as a result of a mental or physical condition.

3 (2) The board may, upon probable cause, request a licensee
4 to submit to an appropriate medical examination by a designated
5 physician. If requested by the licensee, the licensee may
6 also designate a physician for an independent medical
7 examination. The reasonable costs of such examinations and
8 medical reports to the board shall be paid by the board.
9 Refusal or failure of a licensee to complete such examinations
10 shall constitute an admission of any allegations relating
11 to such condition. All objections shall be waived as to the
12 admissibility of the examining physicians' testimony or
13 examination reports on the grounds that they constitute
14 privileged communication. The medical testimony or examination
15 reports shall not be used against a registered nurse or
16 licensed practical nurse in another proceeding and shall be
17 confidential. At reasonable intervals, a registered nurse
18 or licensed practical nurse shall be afforded an opportunity
19 to demonstrate that they can resume the competent practice
20 of nursing with reasonable skill and safety to patients.

21 Sec. 11. Sections one hundred forty-seven point one hundred
22 five (147.105) through one hundred forty-seven point one
23 hundred ten (147.110) and chapter one hundred fifty-two (152),
24 Code 1975, are repealed.

25 EXPLANATION

26 This bill extensively revises the nurse practice Act to
27 clarify present nursing practice, provide for expanded nursing
28 functions, and clarify licensee enforcement procedures.

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