

FILED APR 1 1977

SENATE FILE 312

By COMMITTEE ON STATE GOVERNMENT

approved 2/25 (p. 935)

Sub. for H. 7. 492 4/21 (p. 1527)

Passed Senate, Date 4-7-77 (p. 952) Passed House, Date 4-21-77 (p. 1554)

Vote: Ayes 42 Nays 6 Vote: Ayes 84 Nays 3

Approved 7/12/77

Proposed Senate as amended by House (S 3472) 5-16-77 (p. 1537) 43-3

referred to committee (1555) on 4/25 Proposed House as amended by Senate (4210) 5-20-77 (p. 2586) 91-12

A BILL FOR

1 An Act requiring professional and occupational licensees
 2 to participate in a continuing education program as a
 3 condition of license renewal, delegating rule-making
 4 authority, providing for methods and procedures for the
 5 professional review of and the imposition of disciplinary
 6 sanctions for certain acts or omissions of practitioners
 7 and providing grounds for suspension or revocation of a
 8 professional or occupational license.

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

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*Repassed Senate as amended by House (S-3472)
5-16-77 (p. 1537)
43-3*

*Motion to reconsider (1555) w.s. 4/25
Repassed House as amended by Senate (4210)
5-20-77 (p. 2586)
91-2*

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S.F. 312

1 Section 1. NEW SECTION. DEFINITIONS.

2 1. "Licensing board" or "board" includes the following
3 boards:

4 a. The state board of engineering examiners, created pur-
5 suant to chapter one hundred fourteen (114) of the Code.

6 b. The board of examiners of shorthand reporters, created
7 pursuant to chapter one hundred fifteen (115) of the Code.

8 c. The board of accountancy, created pursuant to chap-
9 ter one hundred sixteen (116) of the Code.

10 d. The Iowa real estate commission, created pursuant to
11 chapter one hundred seventeen (117) of the Code.

12 e. The board of architectural examiners, created pur-
13 suant to chapter one hundred eighteen (118) of the Code.

14 f. The Iowa board of landscape architectural examiners,
15 created pursuant to chapter one hundred eighteen A (118A)
16 of the Code.

17 g. The board of watchmaking examiners, created pursuant
18 to chapter one hundred twenty (120) of the Code.

19 h. The board of barber examiners, created pursuant to
20 chapter one hundred forty-seven (147) of the Code.

21 i. The board of chiropractic examiners, created pursuant
22 to chapter one hundred forty-seven (147) of the Code.

23 j. The board of cosmetology examiners, created pursuant
24 to chapter one hundred forty-seven (147) of the Code.

25 k. The board of dental examiners, created pursuant to
26 chapter one hundred forty-seven (147) of the Code.

27 l. The board of funeral directors and embalmer examiners,
28 created pursuant to chapter one hundred forty-seven (147)
29 of the Code.

30 m. The board of medical examiners, created pursuant to
31 chapter one hundred forty-seven (147) of the Code.

32 n. The board of nursing, created pursuant to chapter one
33 hundred forty-seven (147) of the Code.

34 o. The board of examiners for nursing home administrators,
35 created pursuant to chapter one hundred thirty-five E (135E)

1 of the Code.

2 p. The board of optometry examiners, created pursuant
3 to chapter one hundred forty-seven (147) of the Code.

4 q. The board of pharmacy examiners, created pursuant to
5 chapter one hundred forty-seven (147) of the Code.

6 r. The board of physical therapy examiners, created pur-
7 suant to chapter one hundred forty-seven (147) of the Code.

8 s. The board of podiatry examiners, created pursuant to
9 chapter one hundred forty-seven (147) of the Code.

10 t. The board of psychology examiners, created pursuant
11 to chapter one hundred forty-seven (147) of the Code.

12 u. The board of speech pathology and audiology examiners
13 created pursuant to chapter one hundred forty-seven (147)
14 of the Code.

15 v. The board for the licensing and regulation of hear-
16 ing aid dealers, created pursuant to chapter one hundred
17 fifty-four A (154A) of the Code.

18 w. The board of veterinary medical examiners, created
19 pursuant to chapter one hundred sixty-nine (169) of the Code.

20 x. The board of certification, created pursuant to chapter
21 four hundred fifty-five B (455B) of the Code.

22 y. Any professional or occupational licensing board created
23 after the effective date of this Act.

24 2. "Continuing education" means that education which is
25 obtained by a professional or occupational licensee in order
26 to maintain, improve, or expand skills and knowledge obtained
27 prior to initial licensure or to develop new and relevant
28 skills and knowledge. This education may be obtained through
29 formal or informal education practices, self-study, research,
30 and participation in professional, technical, and occupational
31 societies, and by other similar means as authorized by the
32 board.

33 3. The term "licensing" and its derivations include the
34 terms "registration" and "certification" and their derivations.

35 4. "Inactive licensee reentry" means that process a for-

1 mer or inactive professional or occupational licensee pursues
2 to again be capable of actively and competently practicing
3 as a professional or occupational licensee.

4 5. "Licensee discipline" means any sanction a licensing
5 board may impose upon its licensees for conduct which threatens
6 or denies citizens of this state a high standard of pro-
7 fessional or occupational care.

8 6. "Disciplinary proceeding" means any proceeding under
9 the authority of a licensing board pursuant to which licen-
10 see discipline may be imposed.

11 7. "Peer review" means evaluation of professional ser-
12 vices rendered by a professional practitioner.

13 8. "Peer review committee" means one or more persons
14 acting in a peer review capacity pursuant to this Act.

15 9. "Malpractice" means any error or omission, unreason-
16 able lack of skill, or failure to maintain a reasonable
17 standard of care by a licensee in the course of practice of
18 his or her occupation or profession, pursuant to this Act.

19 Sec. 2. NEW SECTION. CONTINUING EDUCATION REQUIRED.

20 1. Each licensing board shall require and issue rules
21 for continuing education requirements as a condition to license
22 renewal.

23 2. The rules shall create continuing education requirements
24 at a minimum level prescribed by each licensing board. These
25 boards may also establish continuing education programs to
26 assist a licensee in meeting such continuing education
27 requirements. Such rules shall also:

28 a. Give due attention to the effect of continuing education
29 requirements on interstate and international practice.

30 b. Place the responsibility for arrangement of financing
31 of continuing education on the licensee, while allowing the
32 board of continuing education provider to receive any other
33 available funds or resources that aid in supporting a
34 continuing education program.

35 c. Attempt to express continuing education requirements

- 1 in terms of uniform and widely-recognized measurement units.
- 2 d. Establish guidelines, including guidelines in regard
- 3 to the monitoring of licensee participation, for the approval
- 4 of continuing education programs that qualify under the con-
- 5 tinuing education requirements prescribed.
- 6 e. Not be implemented for the purpose of limiting the
- 7 size of the profession or occupation.
- 8 f. Define the status of active and inactive licensure
- 9 and establish appropriate guidelines for inactive licensee
- 10 reentry.
- 11 g. Be promulgated solely for the purpose of assuring a
- 12 continued maintenance of skills and knowledge by a pro-
- 13 fessional or occupational licensee directly related and com-
- 14 mensurate with the current level of competency of the li-
- 15 censee's profession or occupation.

16 Sec. 3. NEW SECTION. AUTHORITY OF LICENSING BOARDS.

- 17 1. Notwithstanding any other provision of this Act, each
- 18 licensing board shall have the powers to:
- 19 a. Administer and enforce the laws and administrative
- 20 rules relating to the practice of the profession whose members
- 21 are examined for licensure by the board;
- 22 b. Review or investigate, or both, upon written complaint
- 23 or upon its own motion pursuant to other evidence received
- 24 by the board, alleged acts or omissions which the board
- 25 reasonably believes constitute cause under applicable law
- 26 or administrative rule for licensee discipline;
- 27 c. Determine in any case whether an investigation, or
- 28 further investigation, or a disciplinary proceeding is
- 29 warranted;
- 30 d. Initiate and prosecute disciplinary proceedings;
- 31 e. Impose licensee discipline;
- 32 f. Petition the district court for enforcement of its
- 33 authority with respect to licensees or with respect to other
- 34 persons violating the laws which the board is charged with
- 35 administering;

1 g. Register or establish and register peer review commit-
2 tees;

3 h. Refer to a registered peer review committee for
4 investigation, review, and report to the board, any complaint
5 or other evidence of an act or omission which the board
6 reasonably believes to constitute cause for licensee
7 discipline. However, the referral of any matter shall not
8 relieve the board of any of its duties and shall not divest
9 the board of any authority or jurisdiction.

10 i. Determine and administer the annual renewal of licenses.

11 2. Each licensing board may impose one or more of the
12 following as licensee discipline:

13 a. Revoke a license, or suspend a license either until
14 further order of the board or for a specified period, upon
15 the grounds specified in sections one hundred fourteen point
16 twenty-one (114.21), one hundred fifteen point eight (115.8),
17 one hundred sixteen point twenty-one (116.21), one hundred
18 seventeen point twenty-nine (117.29), one hundred eighteen
19 point thirteen (118.13), one hundred eighteen A point fifteen
20 (118A.15), one hundred twenty point ten (120.10), chapter
21 one hundred thirty-five E (135E), one hundred forty-seven
22 point fifty-five (147.55), chapter one hundred fifty-one
23 (151), sections one hundred fifty-four A point twenty-four
24 (154A.24), one hundred sixty-nine point thirty-six (169.36)
25 and four hundred fifty-five B point fifty-nine (455B.59) of
26 the Code, or upon any other grounds specifically provided
27 for in this Act for revocation of the license of a licensee
28 subject to the jurisdiction of that board, or upon failure
29 of the licensee to comply with a decision of the board imposing
30 licensee discipline;

31 b. Revoke, or suspend either until further order of the
32 board or for a specified period, the privilege of a licensee
33 to engage in one or more specified procedures, methods, or
34 acts incident to the practice of the profession, if pursuant
35 to hearing or stipulated or agreed settlement the board finds

1 that because of a lack of education or experience, or because
2 of negligence, or careless acts or omissions, or because of
3 one or more intentional acts or omissions, the licensee has
4 demonstrated a lack of qualifications which are necessary
5 to assure the residents of this state a high standard of
6 professional and occupational care:

7 c. Impose a period of probation under specified con-
8 ditions, whether or not in conjunction with other sanctions;

9 d. Require additional professional education or training,
10 or re-examination, or any combination, as a condition precedent
11 to the reinstatement of a license or of any privilege incident
12 thereto, or as a condition precedent to the termination of
13 any suspension;

14 e. Revoke a license, or suspend a license either until
15 further order of the board or for a specified period, upon
16 the grounds specified in sections one hundred fourteen point
17 twenty-one (114.21), one hundred fifteen point eight (115.8),
18 one hundred sixteen point twenty-one (116.21), one hundred
19 seventeen point twenty-nine (117.29), one hundred eighteen
20 point thirteen (118.13), one hundred eighteen A point fifteen
21 (118A.15), one hundred twenty point ten (120.10), chapter
22 one hundred thirty-five E (135E), section one hundred forty-
23 seven point fifty-five (147.55), chapter one hundred fifty-
24 one (151), sections one hundred fifty-four A point twenty-
25 four (154A.24), one hundred sixty-nine point thirty-six
26 (169.36), and four hundred fifty-five B point fifty-nine
27 (455B.59) of the Code, or for failure to comply with an order
28 of the board imposing disciplinary sanctions, if the board
29 has provided by rule that civil penalties may be imposed by
30 the board pursuant to this paragraph, and if the rule specifies
31 which offenses or acts are subject to the imposition of the
32 civil penalty. The amount of the civil penalty shall be in
33 the discretion of the board, but shall not exceed one thousand
34 dollars;

35 f. Issue a citation and warning respecting licensee

1 behavior which is subject to the imposition of other sanctions
2 by the board.

3 3. The powers conferred by this section upon a licens-
4 ing board shall be in addition to powers specified elsewhere
5 in the Code. The powers of any other person specified
6 elsewhere in the Code shall not limit the powers of a licensing
7 board conferred by this section, nor shall the powers of such
8 other person be deemed limited by the provisions of this
9 section.

10 4. Nothing contained in this section shall be construed
11 to prohibit informal stipulation and settlement by a board
12 and a licensee of any matter involving licensee discipline.
13 However, licensee discipline shall not be agreed to or imposed
14 except pursuant to a written decision which specifies the
15 sanction and which is entered by the board and filed.

16 All health-care boards shall file written decisions which
17 specify the sanction entered by the board with the department
18 of health which file shall be available to the public upon
19 request. All nonhealth-care boards shall have on file the
20 written and specified decisions and sanctions entered by the
21 board and shall be available to the public upon request.

22 Licensee discipline pursuant to informal stipulation or
23 agreed settlement under this section and pursuant to this
24 Act shall not be subject to review by the court.

25 Sec. 4. NEW SECTION. DUTIES OF BOARD.

26 1. Each licensing board shall have the following duties
27 in addition to other duties specified by this Act or elsewhere
28 in the Code:

29 a. Establish procedures by which complaints which re-
30 late to licensure or to licensee discipline shall be received
31 and reviewed by the board;

32 b. Establish procedures by which disputes between licensees
33 and clients which result in judgments or settlements in or
34 of malpractice claims or actions shall be investigated by
35 the board;

1 c. Establish procedures by which any recommendation taken
2 by a peer review committee shall be reported to and reviewed
3 by the board;

4 d. Establish procedures for registration with the board
5 of peer review committees;

6 e. Define by rule those recommendations of peer review
7 committees which shall constitute disciplinary recommendations
8 which must be reported to the board;

9 f. Define by rule acts or omissions which are grounds
10 for revocation or suspension of a license under the provisions
11 of sections one hundred fourteen point twenty-one (114.21),
12 one hundred fifteen point eight (115.8), one hundred sixteen
13 point twenty-one (116.21), one hundred seventeen point twenty-
14 nine (117.29), one hundred eighteen point thirteen (118.13),
15 one hundred eighteen A point fifteen (118A.15), one hundred
16 twenty point ten (120.10), chapter one hundred thirty-five
17 E (135E), sections one hundred forty-seven point fifty-five
18 (147.55), chapter one hundred fifty-one (151), section one
19 hundred fifty-four A point twenty-four (154A.24), one hundred
20 sixty-nine point thirty-six (169.36) and four hundred fifty-
21 five B point forty-nine (455B.49), of the Code, and to define
22 by rule acts or omissions which constitute negligence, careless
23 acts or omissions within the meaning of paragraph b of
24 subsection two (2) of section three (3) of this Act, which
25 licensees are required to report to the board pursuant to
26 subsection two (2) of section nine (9) of this Act;

27 g. Establish the procedures by which licensees shall
28 report those acts or omissions specified by the board pur-
29 suant to paragraph f of this subsection;

30 h. Give written notice to another licensing board or to
31 a hospital licensing agency if evidence received by the board
32 either alleges or constitutes reasonable cause to believe
33 the existence of an act or omission which is subject to
34 discipline by that other board or agency.

35 i. Require each health care licensing board to file with

1 the department of health a copy of each decision of the board
2 imposing licensee discipline. Each nonhealth-care board shall
3 have on file a copy of each decision of the board imposing
4 licensee discipline which copy shall be properly dated and
5 shall be in simple language and in the most concise form
6 consistent with clearness and comprehensiveness of subject
7 matter.

8 The commissioner of insurance shall by rule in consulta-
9 tion with the licensing boards enumerated in section one (1)
10 of this Act, require insurance carriers which insure
11 professional and occupational licensees for acts or omis-
12 sions which constitute negligence, careless acts or omis-
13 sions in the practice of a profession or occupation to file
14 reports with the commissioner of insurance. The reports
15 shall include information pertaining to incidents by a licensee
16 which may affect the licensee as defined by rule, involving
17 an insured of the insurer. The commissioner of insurance
18 shall forward reports pursuant to this section to the
19 appropriate licensing board.

20 2. Each licensing board, shall submit to the senate and
21 house committees on state government in January of each year,
22 commencing in January of 1979, a summary of the activities
23 of that board since the preceding report respecting the
24 following subjects:

25 a. The adoption or nonadoption of rules relating to the
26 duties of the board as specified in this section;

27 b. The number of complaints, peer review committee dis-
28 ciplinary actions, and judgments and settlements reviewed
29 or investigated by the board, the number of formal disciplinary
30 proceedings commenced before the board or in the courts, the
31 number and types of sanctions imposed, and the number and
32 status of appeals to the court of board decisions, and the
33 number and types of peer review committees registered by the
34 board.

35 Sec. 5. NEW SECTION. LICENSEE DISCIPLINARY PROCEDURE-

1 -RULE--MAKING DELEGATION.

2 1. Each licensing board may establish by rule licensee
3 disciplinary procedures. Each licensing board may impose
4 licensee discipline under these procedures.

5 2. Rules promulgated under subsection one (1) of this
6 section:

7 a. Shall comply with the provisions of chapter seventeen
8 A (17A) of the Code.

9 b. Shall designate who may or shall initiate a licensee
10 disciplinary investigation and a licensee disciplinary
11 proceeding, and who shall prosecute a disciplinary proceeding
12 and under what conditions, and shall state the procedures
13 for review by the licensing board of findings of fact if a
14 majority of the licensing board does not hear the disciplinary
15 proceeding.

16 c. Shall state whether the procedures are an alternative
17 to or an addition to the procedures stated in sections one
18 hundred fourteen point twenty-two (114.22), one hundred sixteen
19 point twenty-three (116.23), one hundred seventeen point
20 thirty-five (117.35), one hundred seventeen point thirty-six
21 (117.36), one hundred eighteen A point sixteen (118A.16),
22 one hundred forty-seven point fifty-eight (147.58) through
23 one hundred forty-seven point seventy-one (147.71), one hundred
24 forty-eight point six (148.6) through one hundred forty-eight
25 point nine (148.9), one hundred fifty-four A point twenty-
26 three (154A.23), and one hundred fifty-five point fourteen
27 (155.14) through one hundred fifty-five point sixteen (155.16)
28 of the Code.

29 d. Shall specify methods by which the final decisions
30 of the board relating to disciplinary proceedings shall be
31 published.

32 Sec. 6. NEW SECTION. HEARINGS--POWER OF SUBPOENA--
33 DECISIONS.

34 1. Disciplinary hearings held pursuant to this Act shall
35 be heard by the board sitting as the hearing panel, or by

1 a panel of not less than three board members who are licensed
2 in the profession, or by a panel of not less than three members
3 appointed pursuant to subsection two (2) of this section.
4 Notwithstanding chapter twenty-eight A (28A) of the Code a
5 disciplinary hearing shall be open to the public at the
6 discretion of the licensee.

7 2. When, in the opinion of a majority of the board, it
8 is desirable to obtain specialists within an area of prac-
9 tice of a profession when holding disciplinary hearings, a
10 licensing board may appoint licensees not having a conflict
11 of interest to make findings of fact and to report to the
12 board. Such findings shall not include any recommendation
13 for or against licensee discipline.

14 3. The presiding officer of a hearing panel may issue
15 subpoenas pursuant to rules of the board on behalf of the
16 board or on behalf of the licensee. A licensee may have
17 subpoenas issued on his or her behalf. A subpoena issued
18 under the authority of a licensing board may compel the
19 attendance of witnesses and the production of professional
20 records, books, papers, correspondence and other records,
21 whether or not privileged or confidential under law, which
22 are deemed necessary as evidence in connection with a
23 disciplinary proceeding.

24 Nothing in this subsection shall be deemed to enable a
25 licensing board to compel an attorney of the licensee, or
26 stenographer or confidential clerk of the attorney, to dis-
27 close any information when privileged against disclosure by
28 section six hundred twenty-two point ten (622.10) of the Code.
29 In the event of a refusal to obey a subpoena, the licensing
30 board may petition the district court for its enforcement.
31 Upon proper showing, the district court shall order the person
32 to obey the subpoena, and if the person fails to obey the
33 order of the court he or she may be found guilty of contempt
34 of court. The presiding officer of a hearing panel may also
35 administer oaths and affirmations, take or order that

1 depositions be taken, and pursuant to rules of the board,
2 grant immunity to a witness from disciplinary proceedings
3 initiated either by the board or by other state agencies which
4 might otherwise result from the testimony to be given by the
5 witness to the panel.

6 4. In order to assure a free flow of information for
7 accomplishing the purposes of this section, and notwith-
8 standing section six hundred twenty-two point ten (622.10)
9 of the Code, all complaint files, and investigation files,
10 and all other investigation reports and other investigative
11 information in the possession of a licensing board or peer
12 review committee acting under the authority of a licensing
13 board or its employees or agents which relates to licensee
14 discipline shall be privileged and confidential, and shall
15 not be subject to discovery, subpoena, or other means of legal
16 compulsion for their release to any person, or be admissible
17 in evidence in any judicial or administrative proceeding.
18 However, a final written decision and finding of fact of a
19 licensing board in a disciplinary proceeding, including a
20 decision referred to in subsection four (4) of section three
21 (3) of this Act shall be a public record.

22 Pursuant to the provisions of subsection six (6) of section
23 seventeen A point nineteen (17A.19) of the Code, a licensing
24 board upon an appeal by the licensee of the decision by the
25 licensing board, shall transmit the entire record of the
26 contested case to the reviewing court.

27 Notwithstanding the provisions of subsection six (6) of
28 section seventeen A point nineteen (17A.19) of the Code, if
29 a waiver of privilege has been involuntary and evidence has
30 been received at a disciplinary hearing, the court shall order
31 withheld the identity of the individual whose privilege was
32 waived.

33 5. Licensee discipline shall not be imposed except upon
34 the affirmative vote of a majority of the licensing board.

35 Sec. 7. NEW SECTION. EXECUTIVE SECRETARY AND PERSONNEL.

1 1. As an alternative to authority contained elsewhere
2 in this Act, a licensing board may employ within the limits
3 of available funds an executive secretary, one or more
4 inspectors, and such clerical personnel as may be necessary
5 for the administration of the duties of the board. Employees
6 of the board shall be employed subject to chapter nineteen
7 A (19A) of the Code. The qualifications of the executive
8 secretary shall be determined by the board.

9 2. All employees of a licensing board shall be reimbursed
10 for actual and necessary expenses incurred in the performance
11 of official duties. All reimbursements shall constitute costs
12 of sustaining the board.

13 3. Licensees appointed to serve on a hearing panel pursuant
14 to subsection two (2) of section six (6) of this Act shall
15 be compensated at the rate of forty dollars for each day of
16 actual duty, and shall be reimbursed for actual expenses
17 reasonably incurred in the performance of duties.

18 4. Salaries, per diem, and expenses incurred in the
19 performance of official duties of the board or its employees
20 shall be paid from funds appropriated by the general assembly.

21 Sec. 8. NEW SECTION. IMMUNITIES.

22 1. A person shall not be civilly liable as a result of
23 his or her acts, omissions or decisions in good faith as a
24 member of a licensing board or as an employee or agent in
25 connection with the person's duties.

26 2. A person shall not be civilly liable as a result of
27 filing a report or complaint with a licensing board or peer
28 review committee, or for the disclosure to a licensing board
29 or its agents or employees, whether or not pursuant to a
30 subpoena of records, documents, testimony or other forms of
31 information which constitute privileged matter concerning
32 a recipient of health care services or some other person,
33 in connection with proceedings of a peer review committee,
34 or in connection with duties of a health care board. However,
35 such immunity from civil liability shall not apply if such

1 act is done with malice.

2 3. A person shall not be dismissed from employment, and
3 shall not be discriminated against by an employer because
4 the person filed a complaint with a licensing board or peer
5 review committee, or because the person participated as a
6 member, agent or employee of a licensing board or peer review
7 committee, or presented testimony or other evidence to a
8 licensing board or peer review committee.

9 Any employer who violates the terms of this section shall
10 be liable to any person aggrieved for actual and punitive
11 damages plus reasonable attorney fees.

12 Sec. 9. NEW SECTION. DUTIES OF LICENSEES.

13 1. Each licensee of a licensing board, as a condition
14 of licensure, is under a duty to submit to a physical or
15 mental examination when directed in writing by the board for
16 cause. All objections shall be waived as to the admissi-
17 bility of the examining physician's testimony or reports on
18 the grounds of privileged communications. The medical testi-
19 mony or report shall not be used against the licensee in any
20 proceeding other than one relating to licensee discipline
21 by the board, or one commenced in district court for revocation
22 of the licensee's privileges. The licensing board, upon
23 probable cause, shall have the authority to order physical
24 or mental examination, and upon refusal of the licensee to
25 submit to the examination the licensing board may order that
26 the allegations pursuant to which the order of physical or
27 mental examination was made shall be taken to be established.

28 2. A licensee shall have a continuing duty to report
29 to the licensing board by whom he or she is licensed those
30 acts or omissions specified by rule of the board pursuant
31 to paragraph f of subsection one (1) of section four (4) of
32 this Act when committed by another person licensed by the
33 same licensing board.

34 3. A licensee shall have a continuing duty and obliga-
35 tion, as a condition of licensure, to report to the licensing

1 board by which he or she is licensed every adverse judgment
2 in a professional or occupational malpractice action to which
3 he or she is a party, and every settlement of a claim against
4 him or her alleging malpractice.

5 4. A licensee who willfully fails to comply with sub-
6 section two (2) or three (3) of this section commits a vio-
7 lation of this Act for which licensee discipline may be
8 imposed.

9 Sec. 10. Chapter one hundred fourteen point twenty-one
10 (114.21), Code 1977, is amended by striking the section and
11 inserting in lieu thereof the following:

12 114.21 SUSPENSION OR REVOCATION. The board shall have
13 the power by a five-sevenths vote of the entire board to
14 suspend for a period not exceeding two years, or to revoke
15 the certificate of registration of, or to reprimand any
16 registrant who is found guilty of the following acts or
17 offenses:

18 1. Fraud in procuring a license.

19 2. Professional incompetency.

20 3. Knowingly making misleading, deceptive, untrue or
21 fraudulent representations in the practice of his or her
22 profession or engaging in unethical conduct or practice harmful
23 to the public. Proof of actual injury need not be established.

24 4. Habitual intoxication or addiction to the use of drugs.

25 5. Conviction of a felony related to the profession or
26 occupation of the licensee or the conviction of any felony
27 that would affect his or her ability to practice professional
28 engineering or land surveying. A copy of the record of
29 conviction or plea of guilty shall be conclusive evidence.

30 6. Fraud in representations as to skill or ability.

31 7. Use of untruthful or improbable statements in ad-
32 vertisements.

33 8. Willful or repeated violations of the provisions of
34 this Act.

35 Sec. 11. Section one hundred fifteen point eight (115.8),

1 Code 1977, is amended by striking the section and inserting
2 in lieu thereof the following:

3 115.8 REVOCATION OR SUSPENSION. A license to practice
4 shorthand reporting may be revoked or suspended when the li-
5 censee is guilty of the following acts or offenses:

- 6 1. Fraud in procuring a license.
- 7 2. Professional incompetency.
- 8 3. Knowingly making misleading, deceptive, untrue or
9 fraudulent representations in the practice of his or her
10 profession or engaging in unethical conduct or practice harmful
11 or detrimental to the public. Proof of actual injury need
12 not be established.
- 13 4. Habitual intoxication or addiction to the use of drugs.
- 14 5. Conviction of a felony related to the profession or
15 occupation of the licensee or the conviction of any felony
16 that would affect his or her ability to practice professional
17 shorthand reporting. A copy of the record of conviction or
18 plea of guilty shall be conclusive evidence.
- 19 6. Fraud in representations as to skill or ability.
- 20 7. Use of untruthful or improbable statements in ad-
21 vertisements.
- 22 8. Willful or repeated violations of the provisions of
23 this Act.

24 Sec. 12. Section one hundred seventeen point twenty-nine
25 (117.29), Code 1977, is amended to read as follows:

26 117.29 REVOCATION OF LICENSE OR SUSPENSION. A license
27 to practice the profession of real estate broker and salesman
28 may be revoked or suspended when the licensee is guilty of
29 the following acts or offenses:

- 30 1. Fraud in procuring a license.
- 31 2. Professional incompetency.
- 32 3. Knowingly making misleading, deceptive, untrue or
33 fraudulent representations in the practice of his or her
34 profession or engaging in unethical conduct or practice harmful
35 or detrimental to the public. Proof of actual injury need

1 not be established.

2 4. Habitual intoxication or addiction to the use of drugs.

3 5. Conviction of a felony related to the profession or
4 occupation of the licensee on the conviction of any felony
5 that would affect his or her ability to practice the profession
6 of real estate broker and salesman. A copy of the record
7 of conviction or plea of guilty shall be conclusive evidence.

8 6. Fraud in representations as to skill or ability.

9 7. Use of untruthful or improbable statements in ad-
10 vertisements.

11 8. Willful or repeated violations of the provisions of
12 this Act.

13 The revocation of a broker's license shall automatically
14 suspend every real estate salesperson's license and every
15 real estate apprentice salesperson's license granted to any
16 person by virtue of his or her employment by the broker whose
17 license has been revoked, pending a change of employer and
18 the issuance of a new license. Such new license shall be
19 issued upon payment of a fee in an amount determined by the
20 commission based upon the administrative costs involved, if
21 granted during the same year in which the original license
22 was granted.

23 Sec. 13. Section one hundred eighteen point thirteen
24 (118.13), Code 1977, is amended by striking the section and
25 inserting in lieu thereof the following:

26 118.13 REVOCATION OR SUSPENSION. A license to practice
27 architecture may be revoked or suspended when the licensee
28 is guilty of the following acts or offenses:

29 1. Fraud in procuring a license.

30 2. Professional incompetency.

31 3. Knowingly making misleading, deceptive, untrue or
32 fraudulent representations in the practice of his or her
33 profession or engaging in unethical conduct or practice harmful
34 or detrimental to the public. Proof of actual injury need
35 not be established.

1 4. Habitual intoxication or addiction to the use of drugs.
2 5. Conviction of a felony related to the profession or
3 occupation of the licensee or the conviction of any felony
4 that would affect his or her ability to practice the profession
5 of architecture. A copy of the record of conviction or plea
6 of guilty shall be conclusive evidence.

7 6. Fraud in representations as to skill or ability.

8 7. Use of untruthful or improbable statements in ad-
9 vertisements.
10 8. Willful or repeated violations of the provisions of
11 this Act.

12 The board may revoke any certificate after thirty days'
13 notice with grant of hearing to the holder if satisfactory
14 proof is presented to the board.

15 Proceedings for the revocation of a certificate shall be
16 begun by filing written charges against the accused with the
17 board. A time and place for the hearing of the charges shall
18 be fixed by the board. Where personal service or services
19 through counsel cannot be effected, services may be had by
20 publication. At the hearing, the accused shall have the right
21 to be represented by counsel, to introduce evidence and to
22 examine and cross-examine witnesses. The board shall have
23 the power to subpoena witnesses, to administer oaths to such
24 witnesses, and to employ counsel. The board shall make a
25 written report of its findings, which report shall be filed
26 with the secretary of state, and which shall be conclusive.

27 Sec. 14. Section one hundred eighteen A point fifteen
28 (118A.15), Code 1977, is amended by striking the section
29 and inserting in lieu thereof the following:

30 118A.15 REVOCATION OR SUSPENSION. The board may by a
31 five-sevenths vote of the entire board, suspend for a period
32 not exceeding two years, or revoke the certificate of
33 registration of, or reprimand any registrant who is found
34 guilty of the following acts or offenses:

35 1. Fraud in procuring a license.

1 2. Professional incompetency.

2 3. Knowingly making misleading, deceptive, untrue or
3 fraudulent representations in the practice of his or her
4 profession or engaging in unethical conduct or practice harmful
5 or detrimental to the public. Proof of actual injury need
6 not be established.

7 4. Habitual intoxication or addiction to the use of drugs.

8 5. Conviction of a felony related to the profession or
9 occupation of the licensee that would affect his or her ability
10 to practice professional land architecture. A copy of the
11 record of conviction or plea of guilty shall be conclusive
12 evidence.

13 6. Fraud in representations as to skill or ability.

14 7. Use of untruthful or improbable statements in ad-
15 vertisements.

16 8. Willful or repeated violations of the provisions of
17 this Act.

18 Sec. 15. Section one hundred twenty point ten (120.10),
19 Code 1977, is amended by striking the section and insert-
20 ing in lieu thereof the following:

21 120.10 REVOCATION OR SUSPENSION. A license to practice
22 watchmaking and the repair of watches pursuant to the
23 provisions of this chapter may be revoked or suspended when
24 the licensee is guilty of the following acts or offenses:

25 1. Fraud in procuring a license.

26 2. Professional incompetency.

27 3. Knowingly making misleading, deceptive, untrue or
28 fraudulent representations in the practice of his or her
29 profession or engaging in unethical conduct or practice harmful
30 or detrimental to the public. Proof of actual injury need
31 not be established.

32 4. Habitual intoxication or addiction to the use of drugs.

33 5. Conviction of a felony related to the profession or
34 occupation of the licensee or the conviction of any felony
35 that would affect his or her ability to practice the profession

1 of watchmaking or watch repair. A copy of the record of
2 conviction or plea of guilty shall be conclusive evidence.

3 6. Fraud in representations as to skill or ability.

4 7. Use of untruthful or improbable statements in ad-
5 vertisements.

6 8. Willful or repeated violations of the provisions of
7 this Act.

8 Sec. 16. Chapter one hundred thirty-five E (135E), Code
9 1977, is amended by adding the following new section:

10 NEW SECTION. REVOCATION OR SUSPENSION. A license to
11 practice as a nursing home administrator may be revoked or
12 suspended when the licensee is guilty of the following acts
13 or omissions:

14 1. Fraud in procuring a license.

15 2. Professional incompetency.

16 3. Knowingly making misleading, deceptive, untrue or
17 fraudulent representations in the practice of his or her
18 profession or engaging in unethical conduct or practice harmful
19 or detrimental to the public. Proof of actual injury need
20 not be established.

21 4. Habitual intoxication or addiction to the use of drugs.

22 5. Conviction of a felony related to the profession or
23 occupation of the licensee. A copy of the record of conviction
24 or plea of guilty shall be conclusive evidence.

25 6. Fraud in representations as to skill or ability.

26 7. Use of untruthful or improbable statements in ad-
27 vertisements.

28 8. Willful or repeated violations of the provisions of
29 this Act.

30 Sec. 17. Chapter one hundred fifty-one (151), Code 1977,
31 is amended by adding the following new section:

32 NEW SECTION. REVOCATION OR SUSPENSION OF LICENSE. A
33 license to practice as a chiropractor may be revoked or
34 suspended when the licensee is guilty of the following acts
35 or offenses:

- 1 1. Fraud in procuring a license.
- 2 2. Professional incompetency.
- 3 3. Knowingly making misleading, deceptive, untrue or
- 4 fraudulent representations in the practice of his or her
- 5 profession or engaging in unethical conduct or practice harmful
- 6 or detrimental to the public. Proof of actual injury need
- 7 not be established.
- 8 4. Habitual intoxication or addiction to the use of drugs.
- 9 5. Conviction of a felony related to the profession or
- 10 occupation of the licensee or the conviction of any felony
- 11 that would affect his or her ability to practice as a
- 12 professional chiropractor. A copy of the record of conviction
- 13 or plea of guilty shall be conclusive evidence.
- 14 6. Fraud in representations as to skill or ability.
- 15 7. Use of untruthful or improbable statements in ad-
- 16 vertisements.
- 17 8. Willful or repeated violations of the provisions of
- 18 this Act.

19 Sec. 18. Section one hundred sixty-nine point thirty-six
20 (169.36), unnumbered paragraph one (1), Code 1977, is amended
21 to read as follows:

22 169.36 ~~REVOCATION OF LICENSE~~ OR SUSPENSION. A license
23 to practice veterinarian medicine and surgery under this
24 chapter shall be revoked or suspended by the secretary of
25 agriculture of the state of Iowa ~~and~~ or the examining li-
26 censing board provided for in section 169.15, when the licensee
27 is found guilty of any of the following acts or offenses:

28 Sec. 19. Section four hundred fifty-five B point fifty-
29 nine (455B.59), Code 1977, is amended by striking the sec-
30 tion and inserting in lieu thereof the following:

31 455B.59 REVOCATION OR SUSPENSION. The executive director
32 may suspend or revoke the certificate of an operator, fol-
33 lowing a hearing before the board when the operator is found
34 guilty of the following acts or offenses:

- 35 1. Fraud in procuring a license.

1 2. Professional incompetency.

2 3. Knowingly making misleading, deceptive, untrue or
3 fraudulent representations in the practice of his or her
4 profession or engaging in unethical conduct or practice harmful
5 or detrimental to the public. Proof of actual injury need
6 not be established.

7 4. Habitual intoxication or addiction to the use of drugs.

8 5. Conviction of a felony related to the profession or
9 occupation of the licensee or the conviction of any felony
10 that would affect his or her ability to practice professional
11 veterinarian medicine and surgery. A copy of the record of
12 conviction or plea of guilty shall be conclusive evidence.

13 6. Fraud in representations as to skill or ability.

14 7. Use of untruthful or improbable statements in ad-
15 vertisements.

16 8. Willful or repeated violations of the provisions of
17 this Act.

18 Sec. 20. A licensing board established after the effective
19 date and pursuant to the provisions of this Act shall by rule
20 include provisions for the revocation or suspension of a
21 license which shall include but is not limited to the
22 following:

23 1. Fraud in procuring a license.

24 2. Professional incompetency.

25 3. Knowingly making misleading, deceptive, untrue or
26 fraudulent representations in the practice of his or her
27 profession or engaging in unethical conduct or practice harmful
28 or detrimental to the public. Proof of actual injury need
29 not be established.

30 4. Habitual intoxication or addiction to the use of drugs.

31 5. Conviction of a felony related to the profession or
32 occupation of the licensee. A copy of the record of conviction
33 or plea of guilty shall be conclusive evidence.

34 6. Fraud in representations as to skill or ability.

35 7. Use of untruthful or improbable statements in ad-

1 vertisements.

2 8. Willful or repeated violations of the provisions of
3 this Act.

4 Sec. 21. All rules required by section four (4) of this
5 Act, shall be submitted to the administrative rules review
6 committee before October 1, 1978.

7 Sec. 22. This Act is effective January 1, 1978.

8 EXPLANATION

9 This bill provides for and establishes a professional and
10 occupation continuing education program in order to guarantee
11 a continued maintenance of skills and knowledge by a
12 professional or occupational licensee commensurate with the
13 current level of competency of members of the profession or
14 occupation, for the purposes of guaranteeing the citizens
15 of the state of Iowa, a high standard of professional or oc-
16 cupational care.

17 The bill specifically does the following:

18 1. Section 1 lists for purposes of the Act, 24 licens-
19 ing boards. Subsection 2 of section 1 of the bill defines
20 various terms and concepts subject to the provisions of the
21 Act.

22 2. Section 2 of the bill requires and delegates rule-
23 making authority to the 24 examining boards to establish
24 continuing education requirements and programs. Specific
25 guidelines for rule promulgation are prescribed.

26 3. Section 3 outlines and specifies the authority of the
27 licensing board and authorizes the licensing board to exercise
28 certain powers and duties prescribed in section 4 of the bill.

29 Section 4 of the bill mandates the licensing board to
30 establish and implement peer review and licensee disciplinary
31 committees and procedures.

32 Subsection 4 of section 3 specifically provides for in-
33 formal stipulation and settlement by a board and a licensee
34 regarding licensee discipline which informal stipulation or
35 agreed settlement shall not be subject to review by the court.

1 Subsection 1 of section 4 mandates the commissioner of
2 insurance to require insurance carriers which insure
3 professional and occupational licensees for negligences, or
4 careless acts or omissions in the practice of a profession
5 or occupation to file reports with the commissioner of
6 insurance. The commissioner of insurance shall forward the
7 reports to the appropriate licensing board.

8 4. Section 5 of the bill specifically outlines the li-
9 censee disciplinary procedure and rule-making delegation.
10 Section 6 of the bill specifies duties and function of the
11 licensee disciplinary hearing and empowers the presiding of-
12 ficer of the hearing to issue subpoenas on behalf of the li-
13 censing board or on behalf of the licensee.

14 The subpoena issued under the authority of the board may
15 compel the attendance of witnesses and the production of
16 professional records, books, papers, correspondence, and other
17 records whether or not privileged or confidential under law.
18 However, the licensing board shall not compel an attorney
19 of the licensee, or stenographer or confidential clerk of the
20 attorney to disclose any information privileged against
21 disclosure by law.

22 Subsection 4 of section 6 provides that in order to as-
23 sure a free flow of information for accomplishing the pur-
24 poses of licensee peer review and discipline, all informa-
25 tion such as complaint files, investigations files and re-
26 cords and other investigation information in the possession
27 of a licensing board or peer review committee under the au-
28 thority of the licensing board shall not be subject to dis-
29 covery, subpoena, or other means of legal compulsion for their
30 release to any person or be admissible in evidence in any
31 judicial or administrative proceeding. A final written
32 decision and finding of fact of a licensing board, including
33 informal stipulation and agreements shall be a public record.

34 Subsection 4 of section 6 further provides, pursuant to
35 subsection 6 of section 17A.19 of the Code that a licensing

1 board upon an appeal by the licensee of the decision by the
2 licensing board, shall transmit the entire record of the
3 contested case to the reviewing court. The reviewing court
4 shall order withheld the identity of an individual whose
5 privilege was waived if the waiver of privilege has been
6 involuntary and evidence has been received at the disciplinary
7 hearing.

8 5. Section 7 of the bill authorizes licensing boards which
9 do not have an executive secretary, clerical staff or
10 inspectors, to employ such personnel as may be necessary for
11 the administration of the duties of the board. Section 7
12 also provides that employees of the licensing board shall
13 be reimbursed for expenses incurred in the performance of
14 official duties, and each licensee shall receive per diem
15 for each day of actual duty for the board and shall be
16 reimbursed for actual expenses incurred in the performance
17 of official duties of the board. Salaries, per diem, and
18 expenses incurred in the performance of official duties of
19 the board or its employees shall be paid from funds
20 appropriated by the general assembly.

21 6. Section 8 of the bill protects members of the board
22 and its employees or any person filing a complaint or report
23 with the board from civil liability.

24 7. Section 9 of the bill requires licensees upon request
25 of the licensing board to submit to a mental or physical
26 examination. Failure of a licensee to submit to an examination
27 by the licensing board shall constitute admission of the
28 allegation made against the licensee.

29 Subsections 2 and 3 of section 9 provides that a licensee
30 has a continuing duty and obligation as condition of licensure
31 to report to the licensing board by whom he or she is licensed
32 acts or offenses, specified by rule of the board, and any
33 adverse judgment or claim alleging malpractice to which he
34 or she is a party.

35 8. Sections 10 through 18 of the bill amend sections

1 114.21, 115.8, 116.21, 117.29, 118,13, 118A.15, 120.10, chapter
2 151, sections 154A.24, 169.36 and 455B.59 of the Code, to
3 provide for and to make uniform with the provisions of this
4 Act, general grounds for the suspension or revocation of a
5 license.

6 9. Section 19 provides that a licensing board established
7 after the effective date of the Act shall include, but is
8 not limited to the grounds for revocation or suspension
9 prescribed pursuant to the provisions of this Act.

10 10. Section 20 mandates that all rules required by section
11 4 of the Act, shall be submitted to the administrative rules
12 review committee before October 1, 1978.

13 11. Section 21 provides that the Act is effective January
14 1, 1978.

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Senate File 312

S-3308

1 Amend Senate File 312 as follows:

2 1. Page 4, by inserting after line 15 the
3 following new section:

4 "Sec. ____ Chapter one hundred fifty-two (152), Code
5 1977, is amended by adding the following new section:

6 NEW SECTION. CONTINUING EDUCATION IN NURSING.

7 1. The board of nursing shall appoint an advisory
8 council on continuing education which shall advise,
9 and recommend to the board, requirements, standards
10 and policies for continuing education courses,
11 continuing education providers and minimum continuing
12 education requirements. The advisory council shall
13 consist of nine members, at least seven of whom shall
14 be nurse members representing various levels and
15 specialty areas of nursing from lists submitted by
16 professional nurses organizations of the state. The
17 council shall meet at least twice annually, one of which
18 meetings shall be with the board. Travel and lodging
19 expenses shall be paid to advisory council members in
20 the same manner as state employees.

21 2. This section shall be effective on the effective
22 date of this Act. However, no proof of fulfillment of
23 rules requiring continuing education shall be required
24 for licensees under chapter one hundred fifty-two (152)
25 of the Code for license renewals effective prior to
26 January 1, 1981.

27 2. By renumbering sections of the bill and
28 correcting internal references as necessary.

S-3308 FILED - *Lost 4/7 (p. 951)* BY LUCAS J. DE KOSTER
APRIL 6, 1977

SENATE FILE 312

S-3311

1 Amend Senate File 312, page 13, line 15, by
2 striking the word "forty" and inserting in lieu
3 thereof the words "one hundred".

S-3311 FILED & LOST (*p. 952*) BY E. KEVIN KELLY
APRIL 7, 1977

House Amendment to Senate File 312

S-3462

1 Amend Senate File 312, as passed by the Senate
2 as follows:

3 1. Page 4, by inserting after line 15 the following
4 new subsection:

5 "3. A person licensed to practice an occupation
6 or profession in this state shall be deemed to have
7 complied with the continuing education requirements
8 of this state during periods that the person serves
9 honorably on active duty in the military services,
10 or for periods that the person is a resident of another
11 state or district having a continuing education re-
12 quirement for the occupation or profession and meets
13 all requirements of that state or district for practice
14 therein, or for periods that the person is a govern-
15 ment employee working in his or her licensed spec-
16 ialty and assigned to duty outside of the United
17 States, or for other periods of active practice and
18 absence from the state approved by the appropriate
19 board of examiners."

20 2. Page 4, by inserting after line 21 the follow-
21 ing new lettered paragraph:

22 "b. Administer and enforce administrative rules
23 providing for partial re-examination of the profession-
24 al licensing examinations given by each licensing
25 board."

26 3. Page 5, line 10, by striking the word "an-
27 nual".

28 4. Page 13, line 9, by inserting after the word
29 "reimbursed" the words "subject to the rules of the
30 state comptroller".

31 5. Page 13, line 10, by striking the words "actual
32 and necessary" and inserting in lieu thereof the word
33 "their".

34 6. Page 15, by inserting after line 8, the follow-
35 ing:

36 "Sec. _____. Section one hundred fourteen point
37 eighteen (114.18), Code 1977, is amended to read as
38 follows:

39 114.18 EXPIRATIONS AND RENEWALS. Certificates
40 of registration shall expire ~~annually~~ as determined
41 by the board. It shall be the duty of the secretary
42 of the board to notify every person registered under
43 this chapter, of the date of expiration of ~~his~~ the
44 certificate and the amount of the fee that shall be
45 required for its renewal ~~for one year~~; such notice
46 shall be mailed at least one month in advance of the
47 date of the expiration of ~~said~~ the certificate.
48 Renewal may be effected by the payment of a fee the
49 amount of which shall be determined by the board.
50 The failure on the part of any registrant to renew

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1. ~~his~~ a certificate annually in the month of expiration
2 as required above shall not deprive such a person
3 of the right of renewal. A person who fails to renew
4 ~~his~~ a certificate by the expiration date shall be
5 allowed to do so within thirty days following its
6 expiration, but the board may assess a reasonable
7 penalty. ~~For the duration of any war in which the~~
8 ~~United States is engaged the board may, in its dis-~~
9 ~~cretion, defer the collection of renewal fees without~~
10 ~~penalty, which have or may become due from registered~~
11 ~~professional engineers who are employed in the war~~
12 ~~effort, and residing outside the state, or who are~~
13 ~~members of the armed forces of the United States,~~
14 ~~and may renew the engineering certificates of said~~
15 ~~registered professional engineers."~~

16 7. Page 16, by inserting after line 23, the follow-
17 ing:

18 "Sec. _____. Section one hundred sixteen point
19 twelve (116.12), Code 1977, is amended to read as
20 follows:

21 116.12 RENEWALS. Licenses as accounting
22 practitioners shall expire annually as determined
23 by the board. The board shall notify every person
24 licensed under this chapter of the date of expiration
25 of ~~his~~ the license and the amount of the fee required
26 for its renewal ~~for one year~~. The notice shall be
27 mailed at least one month in advance of the expiration
28 date. A person who fails to renew ~~his~~ a license to
29 practice as an accounting practitioner by the ex-
30 piration date shall be allowed to do so within thirty
31 days following its expiration, but the board may
32 assess a reasonable penalty.

33 Sec. _____. Section one hundred sixteen point
34 twenty (116.20), subsection one (1), Code 1977, is
35 amended to read as follows:

36 1. The certificate of certified public accountant
37 granted by the board under section 116.5 and the
38 registration with the board as a public accountant
39 under section 116.6, and the license to practice as
40 an accounting practitioner under section 116.7 or
41 116.8 shall be renewed annually as determined by the
42 board. There shall be an ~~annual~~ a renewal fee, in
43 the amount to be determined from time to time by the
44 board, not to exceed fifty dollars.

45 Sec. _____. Section one hundred sixteen point
46 twenty (116.20), subsection six (6), Code 1977, is
47 amended by striking the subsection.

48 Sec. _____. Section one hundred seventeen point
49 twenty-seven (117.27), Code 1977, is amended to read
50 as follows:

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1 117.27 FEES. The commission shall set annual
2 fees, except renewal fees which need not be annual,
3 for examination and licensing of real estate brokers
4 and real estate salesmen. The commission shall
5 determine the annual cost of administering the
6 examination and shall set the examination fee accord-
7 ingly. The commission shall set the fees for the
8 real estate broker's licenses and for real estate
9 salesmen's licenses based upon the administrative
10 costs of sustaining the commission. The fees shall
11 include, but shall not be limited to, the costs for:

12 1. Per diem, expenses, and travel for commission
13 members.

14 2. Office facilities, supplies, and equipment.

15 3. Director, assistants, and clerical assistance.

16 Sec. _____. Section one hundred seventeen point
17 twenty-eight (117.28), Code 1977, is amended to read
18 as follows:

19 117.28 EXPIRATION OF LICENSE. Every license shall
20 expire ~~annually~~ as determined by the commission.
21 A person who fails to renew ~~his~~ a license by the
22 expiration date shall be allowed to do so within
23 thirty days following its expiration, but the
24 commission may assess a reasonable penalty. The
25 commission shall upon the written request of the
26 applicant on forms prescribed by the commission, and
27 payment of the annual fee ~~therefor~~ as herein required,
28 issue a new license for each ensuing year in the
29 absence of any reason or condition which might war-
30 rant the revocation of a license after a hearing as
31 provided in sections 117.34 and 117.35."

32 8. Page 17, by inserting after line 22, the follow-
33 ing:

34 "Sec. _____. Section one hundred eighteen point
35 ten (118.10), Code 1977, is amended to read as follows:

36 118.10 RENEWALS. Certificates of registration
37 shall expire ~~annually~~ as determined by the board.
38 Registered architects shall renew their certificates
39 of registration and pay a renewal fee in the manner
40 prescribed by the board. A person who fails to renew
41 ~~his~~ a certificate of registration by the expiration
42 date shall be allowed to do so within thirty days
43 following its expiration, but the board may assess
44 a reasonable penalty."

45 9. Page 18, by inserting after line 26, the follow-
46 ing:

47 "Sec. _____. Section one hundred eighteen A point
48 thirteen (118A.13), Code 1977, is amended to read
49 as follows:

50 118A.13 RENEWALS. Certificates of registration

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1 shall expire ~~annually~~ as determined by the board.
2 Registered landscape architects shall renew their
3 certificates of registration and pay a renewal fee
4 in the manner and amount prescribed by the board.
5 A person who fails to renew ~~his~~ a certificate by the
6 expiration date shall be allowed to do so within
7 thirty days following its expiration, but the board
8 may assess a reasonable penalty."

9 10. Page 19, by inserting after line 17, the
10 following:

11 "Sec. _____. Section one hundred twenty point eight
12 (120.8), subsection four (4), Code 1977, is amended
13 to read as follows:

14 4. Every certificate of registration shall expire
15 ~~annually~~, and shall be renewed ~~annually~~ as determined
16 by the board upon application by the holder thereof,
17 without examination. Application for such renewal
18 shall be made in writing to the department, accompanied
19 by a renewal fee in an amount determined by the board
20 based upon the cost of renewing the certificate, at
21 least thirty days prior to the expiration of such
22 certificate. Every renewal shall be displayed in
23 connection with the original certificate. The board
24 shall notify each certificate holder by mail of the
25 expiration of his certificate. A person who fails
26 to renew ~~his~~ a certificate by the expiration date
27 shall be allowed to do so within thirty days following
28 its expiration, but the board may assess a reasonable
29 penalty.

30 Sec. _____. Section one hundred twenty point nine.
31 (120.9), Code 1977, is amended to read as follows:

32 120.9 APPRENTICE WATCHMAKERS. Any person sixteen
33 years of age or over, apprenticed to a registered
34 watchmaker, may pursue the trade of watchmaking upon
35 obtaining from the board a certificate of registration
36 as an apprenticed watchmaker, which certificate shall
37 be conspicuously displayed at all times in the place
38 of employment of such apprentice. No apprentice
39 certificate shall be renewed unless the application
40 ~~therefor~~ shall be accompanied by a sworn statement
41 of the employer or employers as to the length of time
42 the applicant has been actually employed under ~~his~~
43 a certificate in the pursuit of the watchmaking trade.
44 Apprentice watchmakers shall pay a fee in an amount
45 determined by the board for the certificate which
46 shall expire ~~annually~~ as determined by the board and
47 shall pay a renewal fee ~~annually~~ in an amount
48 determined by the board. A person who fails to renew
49 ~~his~~ a certificate by the expiration date shall be
50 allowed to do so within thirty days following its

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1 expiration, but the board may assess a reasonable
2 penalty. Any applicant for a certificate of
3 registration as a watchmaker who fails to pass the
4 examination provided for herein may in the discretion
5 of the board be issued a certificate as an appren-
6 tice watchmaker."

7 11. Page 20, by inserting after line 29, the
8 following:

9 "Sec. _____. Section one hundred thirty-five E
10 point five (135E.5), Code 1977, is amended to read
11 as follows:

12 135E.5 LICENSE FEES. Each person licensed as
13 a nursing home administrator shall be required to
14 pay a license fee in an amount to be fixed by the
15 board. ~~Said~~ The license shall expire annually and
16 ~~shall be renewable annually and as determined by the~~
17 board upon payment of the license fee. A person who
18 fails to renew his a license by the expiration date
19 shall be allowed to do so within thirty days following
20 its expiration, but the board may assess a reasonable
21 penalty.

22 Sec. _____. Section one hundred thirty-five E point
23 ten (135E.10), Code 1977, is amended to read as
24 follows:

25 135E.10 RENEWAL OF LICENSE. Every holder of a
26 nursing home administrator's license shall renew it
27 ~~annually by making application to~~ as determined by
28 ~~the board, except that biennially the individual~~
29 ~~requesting renewal shall submit evidence satisfactory~~
30 ~~to the board of continued education in this field.~~
31 Such License renewals shall be granted as a matter
32 of course unless the board finds, after due notice
33 and hearing, that the applicant has acted or failed
34 to act in accordance with the rules or in such a
35 manner or under such circumstances as would constitute
36 grounds for suspension or revocation of a license.

37 Sec. _____. Section one hundred forty-seven point
38 ten (147.10), Code 1977, is amended to read as follows:

39 147.10 RENEWAL. Every license to practice a
40 profession shall expire ~~annually as determined by~~
41 ~~the board~~ and shall be renewed annually upon
42 application by the licensee, as determined by the
43 board, without examination. Application for such
44 renewal shall be made in writing to the department
45 accompanied by the required fee at least thirty days
46 prior to the expiration of ~~such~~ the license. Every
47 renewal shall be displayed in connection with the
48 original license. ~~Every year the~~ The department shall
49 notify each licensee by mail of the expiration of
50 his a license. Failure to renew the license within

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1 a reasonable time after the expiration shall not
2 invalidate the license, but a reasonable penalty may
3 be assessed by the board.

4 Sec. _____. Section one hundred forty-seven point
5 eighty [147.80], unnumbered paragraph one (1), Code
6 1977, is amended to read as follows:

7 An examining board shall set the fees for the
8 examination of applicants, which fees shall be based
9 upon the annual cost of administering the examinations.
10 An examining board shall set the annual fees, except
11 renewal fees which need not be annual, required for
12 any of the following based upon the cost of sustaining
13 the board and the actual costs of licensing:

14 Sec. _____. Section one hundred forty-seven point
15 one hundred [147.100], Code 1977, is amended to read
16 as follows:

17 147.100 EXPIRATIONS AND RENEWALS. Licenses shall
18 expire ~~annually~~ as determined by the examining board.
19 A person who fails to renew his a license by the
20 expiration date shall be allowed to do so within
21 thirty days following its expiration, but the examining
22 board may assess a reasonable penalty.

23 Sec. _____. Section one hundred forty-eight point
24 five [148.5], Code 1977, is amended to read as follows:

25 148.5 RESIDENT PHYSICIAN'S LICENSE. Any physician,
26 who is a graduate of a medical school and is serving
27 only as a resident physician and who is not licensed
28 to practice medicine and surgery in this state, shall
29 be required to obtain from the medical examiners a
30 temporary or special license to practice as a resident
31 physician. The license shall be designated "Resident
32 Physician License" and shall authorize the licensee
33 to serve as a resident physician only, under the
34 supervision of a licensed practitioner of medicine
35 and surgery, in an institution approved for this
36 purpose by the medical examiners. Such license shall
37 be valid for one year and may be ~~annually~~ renewed
38 at the discretion of the medical examiners. The fee
39 for this license shall be set by the board to cover
40 the administrative costs of issuing the license, and
41 if extended beyond one year, ~~an annual~~ a renewal fee
42 as set by the board shall be required. The medical
43 examiners shall determine in each instance those
44 eligible for this license, whether or not examina-
45 tions shall be given, and the type of examinations.
46 No requirements of the law pertaining to regular
47 permanent licensure shall be mandatory for this
48 resident licensure except as specifically designated
49 by the medical examiners. The granting of a resi-
50 dent physician's license does not in any way indicate

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1 that the person so licensed is necessarily eligible
2 for regular licensure, nor are the medical examiners
3 in any way obligated to so license such individual.
4 The medical examiners shall revoke the license at
5 any time they shall determine either that the caliber
6 of work done by a licensee or the type of supervision
7 being given such licensee does not conform to reason-
8 able standards established by the medical examiners.

9 Sec. _____. Section one hundred forty-eight point
10 ten (148.10), unnumbered paragraph two (2), Code 1977,
11 is amended to read as follows:

12 The temporary certificate shall be issued for one
13 year and, at the discretion of the medical examiners
14 may be renewed, but no person shall be entitled to
15 practice medicine and surgery or osteopathic medicine
16 and surgery in excess of three years while holding
17 a temporary certificate. The fee for this license
18 shall be set by the medical examiners and if extended
19 beyond one year ~~an annual~~ a renewal fee per year shall
20 be set by the medical examiners. The fees shall be
21 based on the administrative costs of issuing and
22 renewing the licenses. The medical examiners may
23 cancel a temporary certificate at any time, without
24 a hearing, for reasons deemed sufficient to the medical
25 examiners.

26 Sec. _____. Section one hundred fifty A point nine
27 (150A.9), Code 1977, is amended to read as follows:

28 150A.9 RESIDENT LICENSE. Any osteopathic physician
29 and surgeon who is a graduate of a college of
30 osteopathic medicine and surgery approved by the
31 medical examiners and is serving only as a resident
32 osteopathic physician and surgeon and who is not
33 licensed to practice osteopathic medicine and surgery
34 in this state, shall be required to obtain from the
35 medical examiners a temporary or special license to
36 practice as a resident osteopathic physician and
37 surgeon. The license shall be designated "Resident
38 Osteopathic Physician and Surgeon License", and shall
39 authorize the licensee to serve as a resident only,
40 under the supervision of a licensed practitioner of
41 osteopathic medicine and surgery, in an institution
42 approved for this purpose by the medical examiners.
43 Such license shall be valid for one year and may be
44 ~~annually~~ renewed at the discretion of the medical
45 examiners. The fee for this license shall be set
46 by the board and based on the cost of issuing the
47 license, and if extended beyond one year, ~~an annual~~
48 a renewal fee shall be required. The medical examiners
49 shall determine in each instance those eligible for
50 this license, whether or not examinations shall be

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1 given, and the type of examinations. No requirements
2 of the law pertaining to regular permanent licensure
3 shall be mandatory for this resident licensure except
4 as specifically designated by the medical examiners.
5 The granting of a resident osteopathic physician and
6 surgeon's license does not in any way indicate that
7 the person so licensed is necessarily eligible for
8 regular licensure, nor are the medical examiners in
9 any way obligated to so license such individual.
10 The medical examiners shall revoke said license at
11 any time they shall determine either that the cali-
12 ber of work done by the licensee or the type of
13 supervision being given such licensee does not conform
14 to reasonable standards established by the medical
15 examiners."

16 12. Page 21, by inserting after line 18, the
17 following:

18 "Sec. _____. Section one hundred fifty-three point
19 twenty-two (153.22), Code 1977, is amended to read
20 as follows:

21 153.22 RESIDENT DENTIST LICENSE. Any dentist,
22 who is a graduate of an accredited dental school and
23 is serving only as a resident, intern or graduate
24 student dentist and who is not licensed to practice
25 dentistry in this state, shall be required to obtain
26 from the board of dentistry a temporary or special
27 license to practice as a resident, intern or graduate
28 dentist. The license shall be designated "Resident
29 Dentist License" and shall authorize the licensee
30 to serve as a resident, intern or graduate student
31 only, under the supervision of a licensed practitioner
32 of dentistry, in an institution approved for this
33 purpose by the board. Such license shall be valid
34 for one year and may be annually renewed at the
35 discretion of the board ~~for a period not to exceed~~
36 ~~three additional years~~. The fee for this license
37 and the ~~annual~~ renewal fee shall be set by the board
38 based upon the cost of issuance of the license. The
39 board shall determine in each instance those eligible
40 for this license, whether or not examinations shall
41 be given, and the type of examination. No requirements
42 of the law pertaining to regular permanent licensure
43 shall be mandatory for this resident licensure except
44 as specifically designated by the board. The granting
45 of a resident dentist's license does not in any way
46 indicate that the person so licensed is necessarily
47 eligible for regular licensure, nor is the board in
48 any way obligated to so license such individual.
49 The board may revoke said license at any time it shall
50 determine either that the caliber of work done by

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1 a licensee or the type of supervision being given
2 such licensee does not conform to reasonable standards
3 established by the board.

4 Sec. 154.6. Section one hundred fifty-four point
5 six (154.6), Code 1977, is amended to read as follows:

6 154.6 EXPIRATION AND RENEWAL OF LICENSES. Every
7 license to practice optometry shall expire annually
8 as determined by the board. Application for renewal
9 of such license shall be made in writing to the
10 department of health at least thirty days prior to
11 the annual expiration date, and be accompanied by
12 the required renewal fee and ~~the affidavit of the~~
13 ~~licensee or other proof satisfactory to the department~~
14 ~~and to the Iowa state board of optometry examiners,~~
15 ~~that said applicant has attended, since the issuance~~
16 ~~of the last license to said applicant, an educational~~
17 ~~program or clinic as conducted by the Iowa optometric~~
18 ~~association, or its equivalent, for a period of at~~
19 ~~least two days. The attendance requirement at said~~
20 ~~educational program or clinic shall not be conditioned~~
21 ~~upon membership in said Iowa optometric association.~~
22 ~~Nonmembers shall be admitted to said annual educational~~
23 ~~program or clinic upon payment of their pro-rata share~~
24 ~~of the cost. In lieu of attendance at the said annual~~
25 ~~educational program or clinic, it shall be the duty~~
26 ~~of the board of optometry examiners to recognize and~~
27 ~~approve attendance at local optometric study group~~
28 ~~meetings as shall, in the judgment of said board,~~
29 ~~constitute an equivalent to attendance at the annual~~
30 ~~educational program of said association.~~

31 Sec. 154.7. Section one hundred fifty-four point
32 seven (154.7), Code 1977, is amended to read as
33 follows:

34 154.7 NOTICE OF EXPIRATION. Notice of expiration
35 of the annual license to practice optometry shall
36 be given by the state department of health to all
37 certificate holders by mailing said notice to the
38 last known address of such licensee at least seventy-
39 five days prior to the expiration date, and said
40 notice shall contain a statement of the educational
41 ~~program attendance requirement and the amount of legal~~
42 ~~fee required as a condition to the renewal of the~~
43 ~~license for the coming year.~~ Subject to the provisions
44 of this chapter, said license shall be renewed without
45 examination.

46 Sec. 154A.15. Section one hundred fifty-four A point
47 fifteen (154A.15), Code 1977, is amended to read as
48 follows:

49 154A.15 LICENSE RENEWAL. Licenses shall be renewed
50 annually in a manner determined by the board. The

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1 renewal fee shall be determined by the board pursuant
2 to section 154A.17. The department shall notify every
3 person licensed under this chapter of the date of
4 expiration of his license and the amount of fee
5 required for its renewal ~~for one year~~. The notice
6 shall be mailed at least one month in advance of the
7 expiration date. A person who fails to renew his
8 a license by the expiration date shall be allowed
9 to do so within thirty days following its expiration,
10 but the board may assess a reasonable penalty.

11 Sec. . Section one hundred fifty-five point
12 twelve (~~155.12~~), unnumbered paragraph one (1), Code
13 1977, is amended to read as follows:

14 Licenses shall be obtained from the board for each
15 and every place of business. Applications shall be
16 upon such forms and shall contain such information
17 as the board may reasonably require. Each application
18 for license shall be made by the pharmacist-owner
19 to the secretary of the board, accompanied by the
20 license fee, which shall be paid over into the state
21 treasury and credited to the general fund if the
22 license is issued. The license fee for a pharmacy
23 license or a wholesale drug license shall be set by
24 the board and based upon the administrative costs
25 of issuing the licenses. ~~These licenses shall be~~
26 ~~due annually on the first day of each January.~~ The
27 board shall issue a license upon receipt of an
28 application accompanied by the license fee and after
29 approval thereof by the board.

30 Sec. . Section one hundred fifty-five point
31 thirteen (~~155.13~~), unnumbered paragraph one (1), Code
32 1977, is amended to read as follows:

33 Each license issued under this chapter unless
34 ~~seener~~ suspended or revoked, shall be renewable
35 ~~annually~~ as determined by the board upon payment of
36 the ~~annual~~ license fee. The board shall have the
37 authority to deny, suspend or revoke a license in
38 any case where it finds that there has been a
39 substantial failure to comply with the provisions
40 of this chapter or the regulations promulgated
41 hereunder, or the violation thereof, and in addition
42 the board shall have the power to deny, suspend or
43 revoke a license, when the applicant or licensee,
44 or any employee, providing the offense is committed
45 on licensed premises or is in the conduct of the
46 business licensed, is guilty of any of the following
47 facts or offenses:

48 Sec. . Section one hundred sixty-nine point
49 six (~~169.6~~), Code 1977, is amended to read as follows:
50 169.6 RENEWAL. Every license issued under this

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1 chapter shall expire ~~annually~~ and shall be renewed
2 ~~annually~~ as determined by the board upon application
3 by the licensee. A person who fails to renew his
4 license by the expiration date shall be allowed to
5 do so within thirty days following its expiration,
6 but the board may assess a reasonable penalty.
7 Application for such renewal shall be made in writing
8 to the department of agriculture, accompanied by the
9 required fee, at least thirty days prior to the
10 expiration of such license. The department shall
11 notify each licensee by mail of the expiration of
12 his license. Every renewal shall be displayed in
13 connection with the original license. ~~A licensed~~
14 ~~veterinarian of the state of Iowa who is called into~~
15 ~~military duty for the United States government is~~
16 ~~exempt from paying the renewal fee for such license~~
17 ~~but said license must be renewed within one year from~~
18 ~~date of discharge or the license shall be revoked."~~

19 13. - Page 21, by inserting after line 18, the
20 following:

21 "Sec. _____. Section one hundred fifty-four B point
22 four (154B.4), Code 1977, is amended to read as
23 follows:

24 154B.4 ACTS PROHIBITED. Commencing July 1, ~~1974~~
25 1975, a person who is not ~~certified~~ licensed under
26 this chapter shall not represent himself or herself
27 as a ~~certified~~ licensed practicing psychologist, use
28 a title or description, including the term "psychology"
29 or any of its derivatives, such as "psychologist"-~~or~~
30 "psychological", "psychotherapist" or modifiers such
31 as "practicing" or "~~certified~~ licensed" in a manner
32 which implies that he or she is certified under this
33 chapter, or offer to practice or practice psychology,
34 except as otherwise permitted in this chapter. The
35 use by a person who is not ~~certified~~ licensed under
36 this chapter of such terms is not prohibited by this
37 chapter, except when such terms are used in connection
38 with an offer to practice or the practice of
39 psychology.

40 Sec. _____. Section one hundred fifty-four B point
41 six (154B.6), Code 1977, is amended to read as follows:

42 154B.6 REQUIREMENTS FOR ~~CERTIFICATION~~ LICENSURE.
43 Except as provided in this section, an applicant for
44 certification licensure as a psychologist ~~or as an~~
45 ~~associate psychologist~~ shall meet the following
46 requirements in addition to those specified in chapter
47 147:

48 1. A ~~certified~~ licensed psychologist shall possess
49 a doctoral degree in psychology or its equivalent
50 from an institution approved by the board and shall

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1 have completed at least one year of supervised
2 professional experience under the supervision of a
3 licensed psychologist or prior to July 1, 1976 any
4 person holding a license as a psychologist from the
5 board of examiners of the Iowa psychological
6 association, following the granting of the doctoral
7 degree, or predoctoral experience, as may be acceptable
8 to the board; or shall possess a masters degree in
9 psychology or its equivalent from an institution
10 approved by the board and have completed at least
11 five years of professional experience, at least two
12 of which shall have been under the supervision of
13 a licensed psychologist or prior to July 1, 1976 any
14 person holding a license as a psychologist from the
15 board of examiners of the Iowa psychological
16 association, as may be acceptable to the board.

17 ~~2. A certified associate psychologist shall possess~~
18 ~~a masters degree in psychology or its equivalent from~~
19 ~~an institution approved by the board.~~

20 3 2. Have passed an examination administered by
21 the board to assure his or her professional competence.
22 The examination of any of its divisions may be given
23 by the board at any time after the applicant has met
24 the degree requirements of section one hundred fifty-
25 four B point six (154B.6) of the Code.

26 4 3. Have not failed the examination required
27 in subsection 3 within the six months next preceding
28 the date of the examination.

29 The examinations required in this section may,
30 at the discretion of the board, be waived for holders
31 by examination of licenses or certificates from states
32 whose requirements are substantially equivalent to
33 those of this chapter, and for holders by examination
34 of specialty diplomas from the American board of
35 professional psychology.

36 Any person who within one year after July 1, 1974
37 1975, meets the requirements specified in subsections
38 subsection 1 and 2 shall receive certification
39 licensure without having passed the examination
40 required in subsection 3 if application for licensure
41 is filed with the board of psychology examiners before
42 July 1, 1977. Any person holding a certificate from
43 the board of examiners of the Iowa psychological
44 association on July 1, 1974 1975, who applies for
45 certification before July 1, 1975, shall receive
46 certification.

47 Sec. _____. Section one hundred fifty-four B point
48 seven [154B.7], Code 1977, is amended to read as
49 follows;

50 154B.7 VOLUNTARY SURRENDER OF CERTIFICATION

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1 LICENSE. The commissioner of public health may accept
2 the voluntary surrender of ~~certification~~ license if
3 accompanied by a written statement of intention.
4 The voluntary surrender, when accepted, shall have
5 the same force and effect as an order of revocation."

6 14. Page 21, by inserting after line 27, the
7 following:

8 "Sec. _____. Section four hundred fifty-five B
9 point fifty-eight (455B.58), Code 1977, is amended
10 to read as follows:

11 455B.58 DURATION. Certificates shall continue
12 in effect for ~~one-year-from-the-date-of-issuance~~ a
13 period determined by the board unless sooner revoked
14 by the executive director, but such certificates shall
15 remain the property of the department and the
16 certificate shall so state. A person who fails to
17 renew ~~his~~ a certificate by the expiration date shall
18 be allowed to do so within thirty days following its
19 expiration, but the board may assess a reasonable
20 penalty."

21 15. Page 22, by inserting after line 17, the
22 following:

23 "Sec. _____. Section six hundred ten point forty-
24 five (610.45), Code 1977, is amended to read as
25 follows:

26 610.45 RENEWALS. The right to practice law in
27 this state shall be renewed ~~annually~~ by the supreme
28 court upon such conditions as the court shall deter-
29 mine. Any moneys received from those persons admitted
30 to practice law and which are designated for a client
31 security fund or similar fund created by the supreme
32 court shall be separately retained and administered
33 by said court in accordance with rules promulgated
34 by it."

35 16. Page 23, by inserting after line 6, the follow-
36 ing:

37 "Sec. _____. Sections one hundred fifty-four point
38 eight (154.8) and one hundred fifty-four A point
39 sixteen (154A.16), Code 1977, are repealed."

40 17. Renumbering sections of the bill and cor-
41 recting internal references as necessary.

SENATE FILE 312

S-3549

- 1 Amend the House amendment to Senate File 312, S-
2 3462, as follows:
3 1. Page 1, by striking lines 20 through 27 and
4 inserting in lieu thereof the following:
5 "_____. Adopt and enforce administrative rules which
6 provide for the partial reexamination of the
7 professional licensing examinations given by each
8 licensing board."
9 2. By striking page 1, line 34 through page 11,
10 line 18.
11 3. Page 12, line 4, by striking the word "license"
12 and inserting in lieu thereof the word "certificate".
13 4. Page 12, line 14, by striking the word "license"
14 and inserting in lieu thereof the word "certificate".
15 5. Page 12, line 42, by inserting after the word
16 "certificate" the words "as a psychologist".
17 6. Page 12, line 44, by striking the figure "1975"
18 and inserting in lieu thereof the figure "1977".
19 7. Page 13, by inserting after line 5 the follow-
20 ing:
21 "_____. Page 21, by striking lines 19 through 27
22 and inserting in lieu thereof the following:
23 Sec. 18. Chapter one hundred sixty-nine (169),
24 Code 1977, is amended by adding the following new
25 section:
26 NEW SECTION. DISCIPLINE OF LICENSEES. A license
27 or temporary permit issued under this chapter may
28 be revoked or suspended or the licensee or permittee
29 may be otherwise disciplined by the board upon a two-
30 thirds vote of the entire board, with the secretary
31 of agriculture sitting as a voting board member for
32 this purpose only. Such an action may be taken when
33 the licensee is found guilty of any of the following
34 acts or offenses:".

S-3549 FILED - *Adopted 5/16 (1537)* BY LOWELL L. JUNKINS
MAY 10, 1977

SENATE FILE 312

S-3579

- 1 Amend the House amendment, S-3462, to Senate File
2 312 as follows:
3 1. Page 13, by striking lines 6 through 34.

S-3579 FILED - *Adopted 5/16*
MAY 12, 1977 (*g. 1537*) BY LOWELL JUNKINS

1 Amend Senate File 312 as passed by the Senate as
2 follows:

3 1. Page 21, by inserting after line 18, the follow-
4 ing:

5 "Sec. _____. Section one hundred fifty-four B point
6 four (154B.4), Code 1977, is amended to read as
7 follows:

8 154B.4 ACTS PROHIBITED. Commencing July 1, 1974
9 1975, a person who is not ~~certified~~ licensed under
10 this chapter shall not represent himself or herself
11 as a ~~certified~~ licensed practicing psychologist, use
12 a title or description, including the term "psychology"
13 or any of its derivatives, such as "psychologist"-er,
14 "psychological", "psychotherapist" or modifiers such
15 as "practicing" or "~~certified~~ licensed" in a manner
16 which implies that he or she is certified under this
17 chapter, or offer to practice or practice psychology,
18 except as otherwise permitted in this chapter. The
19 use by a person who is not ~~certified~~ licensed under
20 this chapter of such terms is not prohibited by this
21 chapter, except when such terms are used in connection
22 with an offer to practice or the practice of
23 psychology.

24 Sec. _____. Section one hundred fifty-four B point
25 six (154B.6), Code 1977, is amended to read as follows:

26 154B.6 REQUIREMENTS FOR ~~CERTIFICATION~~ LICENSURE.
27 Except as provided in this section, an applicant for
28 ~~certification~~ licensure as a psychologist ~~or-as-an~~
29 ~~associate-psychologist~~ shall meet the following
30 requirements in addition to those specified in chapter
31 147:

32 1. A ~~certified~~ licensed psychologist shall possess
33 a doctoral degree in psychology or its equivalent
34 from an institution approved by the board and shall
35 have completed at least one year of supervised
36 professional experience under the supervision of a
37 licensed psychologist or prior to July 1, 1976 any
38 person holding a license as a psychologist from the
39 board of examiners of the Iowa psychological
40 association, following the granting of the doctoral
41 degree, or predoctoral experience, as may be acceptable
42 to the board; or shall possess a masters degree in
43 psychology or its equivalent from an institution
44 approved by the board and have completed at least
45 five years of professional experience, at least two
46 of which shall have been under the supervision of
47 a licensed psychologist or prior to July 1, 1976 any
48 person holding a license as a psychologist from the
49 board of examiners of the Iowa psycholigical
50 association, as may be acceptable to the board.

1 ~~2.---A-certified-associate-psychologist-shall-possess~~
 2 ~~a-masters-degree-in-psychology-or-its-equivalent-from~~
 3 ~~an-institution-approved-by-the-board.~~

4 . 3 2. Have passed an examination administered by
 5 the board to assure his or her professional competence.
 6 The examination of any of its divisions may be given
 7 by the board at any time after the applicant has met
 8 the degree requirements of section one hundred fifty-
 9 four B point six (154B.6) of the Code.

10 4 3. Have not failed the examination required
 11 in subsection 3 within the six months next preceding
 12 the date of the examination.

13 The examinations required in this section may,
 14 at the discretion of the board, be waived for holders
 15 by examination of licenses or certificates from states
 16 whose requirements are substantially equivalent to
 17 those of this chapter, and for holders by examination
 18 of specialty diplomas from the American board of
 19 professional psychology.

20 Any person who within one year after July 1, 1974
 21 1975, meets the requirements specified in subsections
 22 subsection 1 and 2 shall receive certification
 23 licensure without having passed the examination
 24 required in subsection 3 if application for licensure
 25 is filed with the board of psychology examiners before
 26 July 1, 1977. Any person holding a certificate from
 27 the board of examiners of the Iowa psychological
 28 association on July 1, 1974 1975, who applies for
 29 certification before July 1, 1975, shall receive
 30 certification.

31 Sec. _____. Section one hundred fifty-four B point
 32 seven (154B.7), Code 1977, is amended to read as
 33 follows:

34 154B.7 VOLUNTARY SURRENDER OF CERTIFICATION
 35 LICENSE. The commissioner of public health may accept
 36 the voluntary surrender of certification license if
 37 accompanied by a written statement of intention.
 38 The voluntary surrender, when accepted, shall have
 39 the same force and effect as an order of revocation."

H-3712 FILED - *Adopted 4/21* BY CRAWFORD of Story
 APRIL 21, 1977 (*p. 1553*)

SENATE FILE 312

H-3715

1 Amend Senate File 312 as passed by the Senate as
 2 follows:

3 1. Page 13, line 9, by inserting after the word
 4 "reimbursed" the words "subject to the rules of the
 5 state comptroller".

6 2. Page 13, line 10, by striking the words "actual
 7 and necessary" and inserting in lieu thereof the word
 8 "their".

H-3715 FILED - *Adopted 4/21* BY MONROE Of Des Moines
 APRIL 21, 1977 (*p. 1551*)

1 Amend Senate File 312 as passed by the Senate as
2 follows:

3 1. Page 5, line 10, by striking the word "an-
4 nual".

5 2. Page 15, by inserting after line 8, the follow-
6 ing:

7 "Sec. _____. Section one hundred fourteen point
8 eighteen (114.18), Code 1977, is amended to read as
9 follows:

10 114.18 EXPIRATIONS AND RENEWALS. Certificates
11 of registration shall expire ~~annually~~ as determined
12 by the board. It shall be the duty of the secretary
13 of the board to notify every person registered under
14 this chapter, of the date of expiration of ~~his~~ the
15 certificate and the amount of the fee that shall be
16 required for its renewal ~~for one year~~; such notice
17 shall be mailed at least one month in advance of the
18 date of the expiration of ~~said~~ the certificate.
19 Renewal may be effected by the payment of a fee the
20 amount of which shall be determined by the board.
21 The failure on the part of any registrant to renew
22 ~~his~~ a certificate ~~annually~~ in the month of expiration
23 as required above shall not deprive such a person
24 of the right of renewal. A person who fails to renew
25 ~~his~~ a certificate by the expiration date shall be
26 allowed to do so within thirty days following its
27 expiration, but the board may assess a reasonable
28 penalty. ~~For the duration of any war in which the~~
29 ~~United States is engaged the board may, in its dis-~~
30 ~~cretion, defer the collection of renewal fees without~~
31 ~~penalty, which have or may become due from registered~~
32 ~~professional engineers who are employed in the war~~
33 ~~effort, and residing outside the state, or who are~~
34 ~~members of the armed forces of the United States,~~
35 ~~and may renew the engineering certificates of said~~
36 ~~registered professional engineers."~~

37 3. Page 16, by inserting after line 23, the follow-
38 ing:

39 "Sec. _____. Section one hundred sixteen point
40 twelve (116.12), Code 1977, is amended to read as
41 follows:

42 116.12 RENEWALS. Licenses as accounting
43 practitioners shall expire ~~annually~~ as determined
44 by the board. The board shall notify every person
45 licensed under this chapter of the date of expiration
46 of ~~his~~ the license and the amount of the fee required
47 for its renewal ~~for one year~~. The notice shall be
48 mailed at least one month in advance of the expiration
49 date. A person who fails to renew ~~his~~ a license
50 to practice as an accounting practitioner by the ex-

1 piration date shall be allowed to do so within thirty
2 days following its expiration, but the board may
3 assess a reasonable penalty.

4 Sec. _____. Section one hundred sixteen point
5 twenty (116.20), subsection one (1), Code 1977, is
6 amended to read as follows:

7 1. The certificate of certified public accountant
8 granted by the board under section 116.5 and the
9 registration with the board as a public accountant
10 under section 116.6, and the license to practice as
11 an accounting practitioner under section 116.7 or
12 116.8 shall be renewed ~~annually~~ as determined by the
13 board. There shall be ~~an annual~~ a renewal fee, in
14 the amount to be determined from time to time by the
15 board, not to exceed fifty dollars.

16 Sec. _____. Section one hundred sixteen point
17 twenty (116.20), subsection six (6), Code 1977, is
18 amended by striking the subsection.

19 Sec. _____. Section one hundred seventeen point
20 twenty-seven (117.27), Code 1977, is amended to read
21 as follows:

22 117.27 FEES. The commission shall set annual
23 fees, except renewal fees which need not be annual,
24 for examination and licensing of real estate brokers
25 and real estate salesmen. The commission shall
26 determine the annual cost of administering the
27 examination and shall set the examination fee accord-
28 ingly. The commission shall set the fees for the
29 real estate broker's licenses and for real estate
30 salesmen's licenses based upon the administrative
31 costs of sustaining the commission. The fees shall
32 include, but shall not be limited to, the costs for:

33 1. Per diem, expenses, and travel for commission
34 members.

35 2. Office facilities, supplies, and equipment.

36 3. Director, assistants, and clerical assistance.

37 Sec. _____. Section one hundred seventeen point
38 twenty-eight (117.28), Code 1977, is amended to read
39 as follows:

40 117.28 EXPIRATION OF LICENSE. Every license shall
41 expire ~~annually~~ as determined by the commission.

42 A person who fails to renew ~~his~~ a license by the
43 expiration date shall be allowed to do so within
44 thirty days following its expiration, but the
45 commission may assess a reasonable penalty. The
46 commission shall upon the written request of the
47 applicant on forms prescribed by the commission, and
48 payment of the ~~annual~~ fee ~~therefor~~ as herein required,
49 issue a new license for each ensuing year in the
50 absence of any reason or condition which might war-

1 rant the revocation of a license after a hearing as
2 provided in sections 117.34 and 117.35."

3 4. Page 17, by inserting after line 22, the follow-
4 ing:

5 "Sec. _____. Section one hundred eighteen point
6 ten (118.10), Code 1977, is amended to read as follows:

7 118.10 RENEWALS. Certificates of registration
8 shall expire ~~annually~~ as determined by the board.
9 Registered architects shall renew their certificates
10 of registration and pay a renewal fee in the manner
11 prescribed by the board. A person who fails to renew
12 ~~his~~ a certificate of registration by the expiration
13 date shall be allowed to do so within thirty days
14 following its expiration, but the board may assess
15 a reasonable penalty."

16 5. Page 18, by inserting after line 26, the follow-
17 ing:

18 Sec. _____. Section one hundred eighteen A point
19 thirteen (118A.13), Code 1977, is amended to read
20 as follows:

21 118A.13 RENEWALS. Certificates of registration
22 shall expire ~~annually~~ as determined by the board.
23 Registered landscape architects shall renew their
24 certificates of registration and pay a renewal fee
25 in the manner and amount prescribed by the board.
26 A person who fails to renew ~~his~~ a certificate by the
27 expiration date shall be allowed to do so within
28 thirty days following its expiration, but the board
29 may assess a reasonable penalty."

30 6. Page 19, by inserting after line 17, the follow
31 ing:

32 "Sec. _____. Section one hundred twenty point eight
33 (120.8), subsection four (4), Code 1977, is amended
34 to read as follows:

35 4. Every certificate of registration shall expire
36 ~~annually~~, and shall be renewed ~~annually~~ as determined
37 by the board upon application by the holder thereof,
38 without examination. Application for such renewal
39 shall be made in writing to the department, accompanied
40 by a renewal fee in an amount determined by the board
41 based upon the cost of renewing the certificate, at
42 least thirty days prior to the expiration of such
43 certificate. Every renewal shall be displayed in
44 connection with the original certificate. The board
45 shall notify each certificate holder by mail of the
46 expiration of his certificate. A person who fails
47 to renew ~~his~~ a certificate by the expiration date
48 shall be allowed to do so within thirty days following
49 its expiration, but the board may assess a reasonable
50 penalty.

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1 Sec. _____. Section one hundred twenty point nine
2 (120.9), Code 1977, is amended to read as follows:
3 120.9 APPRENTICE WATCHMAKERS. Any person sixteen
4 years of age or over, apprenticed to a registered
5 watchmaker, may pursue the trade of watchmaking upon
6 obtaining from the board a certificate of registration
7 as an apprenticed watchmaker, which certificate shall
8 be conspicuously displayed at all times in the place
9 of employment of such apprentice. No apprentice
10 certificate shall be renewed unless the application
11 therefor shall be accompanied by a sworn statement
12 of the employer or employers as to the length of time
13 the applicant has been actually employed under his
14 a certificate in the pursuit of the watchmaking trade.
15 Apprentice watchmakers shall pay a fee in an amount
16 determined by the board for the certificate which
17 shall expire annually as determined by the board and
18 shall pay a renewal fee annually in an amount
19 determined by the board. A person who fails to renew
20 his a certificate by the expiration date shall be
21 allowed to do so within thirty days following its
22 expiration, but the board may assess a reasonable
23 penalty. Any applicant for a certificate of
24 registration as a watchmaker who fails to pass the
25 examination provided for herein may in the discretion
26 of the board be issued a certificate as an appren-
27 tice watchmaker."

28 7. Page 20, by inserting after line 29, the follow-
29 ing:

30 "Sec. _____. Section one hundred thirty-five E
31 point five (135E.5), Code 1977, is amended to read
32 as follows:

33 135E.5 LICENSE FEES. Each person licensed as
34 a nursing home administrator shall be required to
35 pay a license fee in an amount to be fixed by the
36 board. ~~Said~~ The license shall expire annually and
37 shall be renewable annually and as determined by the
38 board upon payment of the license fee. A person who
39 fails to renew his a license by the expiration date
40 shall be allowed to do so within thirty days following
41 its expiration, but the board may assess a reasonable
42 penalty.

43 Sec. _____. Section one hundred thirty-five E point
44 ten (135E.10), Code 1977, is amended to read as
45 follows:

46 135E.10 RENEWAL OF LICENSE. Every holder of a
47 nursing home administrator's license shall renew it
48 annually by making application to as determined by
49 the board, except that biennially the individual
50 requesting renewal shall submit evidence satisfactory

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1 ~~to-the-board-of-continued-education-in-this-field.~~
2 Such License renewals shall be granted as a matter
3 of course unless the board finds, after due notice
4 and hearing, that the applicant has acted or failed
5 to act in accordance with the rules or in such a
6 manner or under such circumstances as would constitute
7 grounds for suspension or revocation of a license.
8 Sec. _____. Section one hundred forty-seven point
9 ten (147.10), Code 1977, is amended to read as follows:
10 147.10 RENEWAL. Every license to practice a
11 profession shall expire ~~annually-as-determined-by~~
12 ~~the-board~~ and shall be renewed ~~annually~~ upon
13 application by the licensee, as determined by the
14 board, without examination. Application for such
15 renewal shall be made in writing to the department
16 accompanied by the required fee at least thirty days
17 prior to the expiration of ~~such the~~ license. Every
18 renewal shall be displayed in connection with the
19 original license. ~~Every-year-the~~ The department shall
20 notify each licensee by mail of the expiration of
21 ~~his~~ a license. Failure to renew the license within
22 a reasonable time after the expiration shall not
23 invalidate the license, but a reasonable penalty may
24 be assessed by the board.
25 Sec. _____. Section one hundred forty-seven point
26 eighty (147.80), unnumbered paragraph one (1), Code
27 1977, is amended to read as follows:
28 An examining board shall set the fees for the
29 examination of applicants, which fees shall be based
30 upon the annual cost of administering the examinations.
31 An examining board shall set the annual fees, except
32 renewal fees which need not be annual, required for
33 any of the following based upon the cost of sustaining
34 the board and the actual costs of licensing:
35 Sec. _____. Section one hundred forty-seven point
36 one hundred (147.100), Code 1977, is amended to read
37 as follows:
38 147.100 EXPIRATIONS AND RENEWALS. Licenses shall
39 expire ~~annually~~ as determined by the examining board.
40 A person who fails to renew ~~his~~ a license by the
41 expiration date shall be allowed to do so within
42 thirty days following its expiration, but the examining
43 board may assess a reasonable penalty.
44 Sec. _____. Section one hundred forty-eight point
45 five (148.5), Code 1977, is amended to read as follows:
46 148.5 RESIDENT PHYSICIAN'S LICENSE. Any physician,
47 who is a graduate of a medical school and is serving
48 only as a resident physician and who is not licensed
49 to practice medicine and surgery in this state, shall
50 be required to obtain from the medical examiners a

1 temporary or special license to practice as a resident
2 physician. The license shall be designated "Resident
3 Physician License" and shall authorize the licensee
4 to serve as a resident physician only, under the
5 supervision of a licensed practitioner of medicine
6 and surgery, in an institution approved for this
7 purpose by the medical examiners. Such license shall
8 be valid for one year and may be ~~annually~~ renewed
9 at the discretion of the medical examiners. The fee
10 for this license shall be set by the board to cover
11 the administrative costs of issuing the license, and
12 if extended beyond one year, ~~an-annual~~ a renewal fee
13 as set by the board shall be required. The medical
14 examiners shall determine in each instance those
15 eligible for this license, whether or not examina-
16 tions shall be given, and the type of examinations.
17 No requirements of the law pertaining to regular
18 permanent licensure shall be mandatory for this
19 resident licensure except as specifically designated
20 by the medical examiners. The granting of a resi-
21 dent physician's license does not in any way indicate
22 that the person so licensed is necessarily eligible
23 for regular licensure, nor are the medical examiners
24 in any way obligated to so license such individual.
25 The medical examiners shall revoke the license at
26 any time they shall determine either that the caliber
27 of work done by a licensee or the type of supervision
28 being given such licensee does not conform to reason-
29 able standards established by the medical examiners.

30 Sec. _____. Section one hundred forty-eight point
31 ten (148.10), unnumbered paragraph two (2), Code 1977,
32 is amended to read as follows:

33 The temporary certificate shall be issued for one
34 year and, at the discretion of the medical examiners
35 may be renewed, but no person shall be entitled to
36 practice medicine and surgery or osteopathic medicine
37 and surgery in excess of three years while holding
38 a temporary certificate. The fee for this license
39 shall be set by the medical examiners and if extended
40 beyond one year ~~an-annual~~ a renewal fee per year shall
41 be set by the medical examiners. The fees shall be
42 based on the administrative costs of issuing and
43 renewing the licenses. The medical examiners may
44 cancel a temporary certificate at any time, without
45 a hearing, for reasons deemed sufficient to the medical
46 examiners.

47 Sec. _____. Section one hundred fifty A point nine
48 (150A.9), Code 1977, is amended to read as follows:

49 150A.9 RESIDENT LICENSE. Any osteopathic physician
50 and surgeon who is a graduate of a college of

1 osteopathic medicine and surgery approved by the
2 medical examiners and is serving only as a resident
3 osteopathic physician and surgeon and who is not
4 licensed to practice osteopathic medicine and surgery
5 in this state, shall be required to obtain from the
6 medical examiners a temporary or special license to
7 practice as a resident osteopathic physician and
8 surgeon. The license shall be designated "Resident
9 Osteopathic Physician and Surgeon License", and shall
10 authorize the licensee to serve as a resident only,
11 under the supervision of a licensed practitioner of
12 osteopathic medicine and surgery, in an institution
13 approved for this purpose by the medical examiners.
14 Such license shall be valid for one year and may be
15 ~~annually~~ renewed at the discretion of the medical
16 examiners. The fee for this license shall be set
17 by the board and based on the cost of issuing the
18 license, and if extended beyond one year, ~~an annual~~
19 a renewal fee shall be required. The medical examiners
20 shall determine in each instance those eligible for
21 this license, whether or not examinations shall be
22 given, and the type of examinations. No requirements
23 of the law pertaining to regular permanent licensure
24 shall be mandatory for this resident licensure except
25 as specifically designated by the medical examiners.
26 The granting of a resident osteopathic physician and
27 surgeon's license does not in any way indicate that
28 the person so licensed is necessarily eligible for
29 regular licensure, nor are the medical examiners in
30 any way obligated to so license such individual.
31 The medical examiners shall revoke said license at
32 any time they shall determine either that the cali-
33 ber of work done by the licensee or the type of
34 supervision being given such licensee does not conform
35 to reasonable standards established by the medical
36 examiners."

37 8. Page 21, by inserting after line 18, the follow-
38 ing:

39 "Sec. _____. Section one hundred fifty-three point
40 twenty-two (153.22), Code 1977, is amended to read
41 as follows:

42 153.22 RESIDENT DENTIST LICENSE. Any dentist,
43 who is a graduate of an accredited dental school and
44 is serving only as a resident, intern or graduate
45 student dentist and who is not licensed to practice
46 dentistry in this state, shall be required to obtain
47 from the board of dentistry a temporary or special
48 license to practice as a resident, intern or graduate
49 dentist. The license shall be designated "Resident
50 Dentist License" and shall authorize the licensee

1 to serve as a resident, intern or graduate student
2 only, under the supervision of a licensed practitioner
3 of dentistry, in an institution approved for this
4 purpose by the board. Such license shall be valid
5 for one year and may be annually renewed at the
6 discretion of the board ~~for a period not to exceed~~
7 ~~three additional years.~~ The fee for this license
8 and the annual renewal fee shall be set by the board
9 based upon the cost of issuance of the license. The
10 board shall determine in each instance those eligible
11 for this license, whether or not examinations shall
12 be given, and the type of examination. No requirements
13 of the law pertaining to regular permanent licensure
14 shall be mandatory for this resident licensure except
15 as specifically designated by the board. The granting
16 of a resident dentist's license does not in any way
17 indicate that the person so licensed is necessarily
18 eligible for regular licensure, nor is the board in
19 any way obligated to so license such individual.
20 The board may revoke said license at any time it shall
21 determine either that the caliber of work done by
22 a licensee or the type of supervision being given
23 such licensee does not conform to reasonable standards
24 established by the board.

25 Sec. _____. Section one hundred fifty-four point
26 six (154.6), Code 1977, is amended to read as follows:
27 154.6 EXPIRATION AND RENEWAL OF LICENSES. Every
28 license to practice optometry shall expire annually
29 as determined by the board. Application for renewal
30 of such license shall be made in writing to the
31 department of health at least thirty days prior to
32 the annual expiration date, and be accompanied by
33 the required renewal fee ~~and the affidavit of the~~
34 ~~licensee or other proof satisfactory to the department~~
35 ~~and to the Iowa state board of optometry examiners,~~
36 ~~that said applicant has attended, since the issuance~~
37 ~~of the last license to said applicant, an educational~~
38 ~~program or clinic as conducted by the Iowa optometric~~
39 ~~association, or its equivalent, for a period of at~~
40 ~~least two days. The attendance requirement at said~~
41 ~~educational program or clinic shall not be conditioned~~
42 ~~upon membership in said Iowa optometric association.~~
43 ~~Nonmembers shall be admitted to said annual educational~~
44 ~~program or clinic upon payment of their pro-rata share~~
45 ~~of the cost. In lieu of attendance at the said annual~~
46 ~~educational program or clinic, it shall be the duty~~
47 ~~of the board of optometry examiners to recognize and~~
48 ~~approve attendance at local optometric study group~~
49 ~~meetings as shall, in the judgment of said board,~~
50 ~~constitute an equivalent to attendance at the annual~~

1 ~~educational-program-of-said-association.~~

2 Sec. _____. Section one hundred fifty-four point
3 seven (154.7), Code 1977, is amended to read as
4 follows:

5 154.7 NOTICE OF EXPIRATION. Notice of expiration
6 of the ~~annual~~ license to practice optometry shall
7 be given by the state department of health to all
8 certificate holders by mailing said notice to the
9 last known address of such licensee at least seventy-
10 five days prior to the expiration date, and said
11 notice shall contain a statement of the ~~educational~~
12 ~~program-attendance-requirement-and-the~~ amount of legal
13 fee required as a condition to the renewal of the
14 license ~~for-the-coming-year~~. Subject to the provisions
15 of this chapter, said license shall be renewed without
16 examination.

17 Sec. _____. Section one hundred fifty-four A point
18 fifteen (154A.15), Code 1977, is amended to read as
19 follows:

20 154A.15 LICENSE RENEWAL. Licenses shall be renewed
21 ~~annually~~ in a manner determined by the board. The
22 renewal fee shall be determined by the board pursuant
23 to section 154A.17. The department shall notify every
24 person licensed under this chapter of the date of
25 expiration of his license and the amount of fee
26 required for its renewal ~~for-one-year~~. The notice
27 shall be mailed at least one month in advance of the
28 expiration date. A person who fails to renew ~~his~~
29 ~~a~~ license by the expiration date shall be allowed
30 to do so within thirty days following its expiration,
31 but the board may assess a reasonable penalty.

32 Sec. _____. Section one hundred fifty-five point
33 twelve (155.12), unnumbered paragraph one (1), Code
34 1977, is amended to read as follows:

35 Licenses shall be obtained from the board for each
36 and every place of business. Applications shall be
37 upon such forms and shall contain such information
38 as the board may reasonably require. Each application
39 for license shall be made by the pharmacist-owner
40 to the secretary of the board, accompanied by the
41 license fee, which shall be paid over into the state
42 treasury and credited to the general fund if the
43 license is issued. The license fee for a pharmacy
44 license or a wholesale drug license shall be set by
45 the board and based upon the administrative costs
46 of issuing the licenses. ~~These-licenses-shall-be~~
47 ~~due-annually-on-the-first-day-of-each-January.~~ The
48 board shall issue a license upon receipt of an
49 application accompanied by the license fee and after
50 approval thereof by the board.

Sec. _____. Section one hundred fifty-five point thirteen (155.13), unnumbered paragraph one (1), Code 1977, is amended to read as follows:

Each license issued under this chapter unless sooner suspended or revoked, shall be renewable annually as determined by the board upon payment of the annual license fee. The board shall have the authority to deny, suspend or revoke a license in any case where it finds that there has been a substantial failure to comply with the provisions of this chapter or the regulations promulgated hereunder, or the violation thereof, and in addition the board shall have the power to deny, suspend or revoke a license, when the applicant or licensee, or any employee, providing the offense is committed on licensed premises or is in the conduct of the business licensed, is guilty of any of the following facts or offenses:

Sec. _____. Section one hundred sixty-nine point six (169.6), Code 1977, is amended to read as follows:

169.6 RENEWAL. Every license issued under this chapter shall expire annually, and shall be renewed annually as determined by the board upon application by the licensee. A person who fails to renew his license by the expiration date shall be allowed to do so within thirty days following its expiration, but the board may assess a reasonable penalty. Application for such renewal shall be made in writing to the department of agriculture, accompanied by the required fee, at least thirty days prior to the expiration of such license. The department shall notify each licensee by mail of the expiration of his license. Every renewal shall be displayed in connection with the original license. ~~A licensed veterinarian of the state of Iowa who is called into military duty for the United States government is exempt from paying the renewal fee for such license but said license must be renewed within one year from date of discharge or the license shall be revoked.~~

9. Page 21, by inserting after line 27, the following:

"Sec. _____. Section four hundred fifty-five B point fifty-eight (455B.58), Code 1977, is amended to read as follows:

455B.58 DURATION. Certificates shall continue in effect for ~~one year from the date of issuance~~ a period determined by the board unless sooner revoked by the executive director, but such certificates shall remain the property of the department and the certificate shall so state. A person who fails to

1 renew his a certificate by the expiration date shall
2 be allowed to do so within thirty days following its
3 expiration, but the board may assess a reasonable
4 penalty."

5 10. Page 22, by inserting after line 17, the
6 following:

7 "Sec. _____. Section six hundred ten point forty-
8 five (610.45), Code 1977, is amended to read as
9 follows:

10 610.45 RENEWALS. The right to practice law in
11 this state shall be renewed annually by the supreme
12 court upon such conditions as the court shall deter-
13 mine. Any moneys received from those persons admitted
14 to practice law and which are designated for a client
15 security fund or similar fund created by the supreme
16 court shall be separately retained and administered
17 by said court in accordance with rules promulgated
18 by it."

19 11. Page 23, by inserting after line 6, the follow-
20 ing:

21 "Sec. _____. Sections one hundred fifty-four point
22 eight (154.8) and one hundred fifty-four A point
23 sixteen (154A.16), Code 1977, are repealed."

24 12. By renumbering sections of the bill and cor-
25 recting internal references as necessary.

H-3710 FILED - *Adopted 4/21* BY EGENES of Story
APRIL 21, 1977 (*p. 1551*)

SENATE FILE 312

H-3708

1 Amend Senate File 312 as passed by the Senate,
2 as follows:

3 1. Page 4, by inserting after line 15 the
4 following new subsection:

5 "3. A person licensed to practice an occupation
6 or profession in this state shall be deemed to have
7 complied with the continuing education requirements
8 of this state during periods that the person serves
9 honorably on active duty in the military services,
10 or for periods that the person is a resident of another
11 state or district having a continuing education re-
12 quirement for the occupation or profession and meets
13 all requirements of that state or district for practice
14 therein, or for periods that the person is a govern-
15 ment employee working in his or her licensed spec-
16 ialty and assigned to duty outside of the United
17 States, or for other periods of active practice and
18 absence from the state approved by the appropriate
19 board of examiners."

H-3708 FILED - *Adopted 4/21* BY EVANS of Grundy
APRIL 21, 1977 (*p. 1539*)

SENATE AMENDMENT TO
HOUSE AMENDMENT TO
SENATE FILE 312

H-4210

1 Amend the House amendment, S-3462, to Senate File 312
2 as follows:

3 1. Page 1, by striking lines 20 through 27 and
4 inserting in lieu thereof the following:

5 "_____. Adopt and enforce administrative rules which
6 provide for the partial reexamination of the
7 professional licensing examinations given by each
8 licensing board."

9 2. Striking page 1, line 34 through page 11, line
10 18.

11 3. Page 12, line 4, by striking the word "license"
12 and inserting in lieu thereof the word "certificate".

13 4. Page 12, line 14, by striking the word "license"
14 and inserting in lieu thereof the word "certificate".

15 5. Page 12, line 42, by inserting after the word
16 "certificate" the words "as a psychologist".

17 6. Page 12, line 44, by striking the figure "1975"
18 and inserting in lieu thereof the figure "1977".

19 7. Page 13, by inserting after line 5 the follow-
20 ing:

21 "_____. Page 21, by striking lines 19 through 27
22 and inserting in lieu thereof the following:

23 Sec. 18. Chapter one hundred sixty-nine (169),
24 Code 1977, is amended by adding the following new
25 section:

26 NEW SECTION. DISCIPLINE OF LICENSEES. A license
27 or temporary permit issued under this chapter may
28 be revoked or suspended or the licensee or permittee
29 may be otherwise disciplined by the board upon a two-
30 thirds vote of the entire board, with the secretary
31 of agriculture sitting as a voting board member for
32 this purpose only. Such an action may be taken when
33 the licensee is found guilty of any of the following
34 acts or offenses:"

35 8. Page 13, by striking lines 6 through 34.

H-4210 FILED

RECEIVED FROM SENATE

MAY 16, 1977

House concurred 5/20 (p. 2580)

SENATE FILE 312

H-4245

1 Amend Senate amendment H-4210 to House
2 amendment S-3462 to Senate File 312 by striking
3 lines 19 through 34.

H-4245 FILED
MAY 17, 1977

W/S 5/20

BY KRAUSE of Kossuth
SCHEELHAASE of Woodbury

SENATE FILE 312

H-3686

- 1 Amend Senate File 312 as passed by the Senate
2 as follows:
3 1. Page 4, by inserting after line 15 the
4 following new section:
5 "Sec. . Chapter one hundred fifty-two (152),
6 Code 1977, is amended by adding the following new
7 section:
8 NEW SECTION. CONTINUING EDUCATION IN NURSING
9 1. The board of nursing shall appoint task
10 forces as necessary to assist the board in the
11 development and evaluation of rules and regulations
12 for continuing education requirements as a condition
13 to license renewal. The membership on these task
14 forces shall be limited to registered nurses and
15 licensed practical nurse practitioners who are
16 knowledgeable in each area of nursing education or
17 practice that these rules are to address. Nursing
18 organizations may submit lists of candidates for
19 membership of these task forces. Appropriate
20 consultants to these task forces may be appointed
21 by the board.
22 2. This section shall be effective on the
23 effective date of this Act. However, no proof of
24 fulfillment of rules requiring continuing education
25 shall be required for licensees under chapter one
26 hundred fifty-two (152) of the Code for license
27 renewals effective prior to January 1, 1981."
28 2. By renumbering sections of the bill and
29 correcting internal references as necessary.

H-3686 FILED - *Lost 4/21* BY LIPSKY of Linn
APRIL 20, 1977 (*p. 1538*) HARGRAVE of Johnson
STROMER of Hancock
THOMPSON of Polk
LONERGAN of Boone
O'HALLORAN of Black Hawk

SENATE FILE 312

H-3685

- 1 Amend Senate File 312 as passed by the Senate, as
2 follows:
3 1. Page 4, by inserting after line 21 the follow-
4 ing new lettered paragraph :
5 "b. Administer and enforce administrative rules
6 providing for partial re-examination of the profession-
7 al licensing examinations given by each licensing
8 board."

H-3685 FILED - *Adopted* BY MONROE Of Des Moines
APRIL 20, 1977 *4/21 (p. 1539)*

SENATE FILE 312

AN ACT

REQUIRING PROFESSIONAL AND OCCUPATIONAL LICENSEES TO PARTICIPATE IN A CONTINUING EDUCATION PROGRAM AS A CONDITION OF LICENSE RENEWAL, DELEGATING RULE-MAKING AUTHORITY, PROVIDING FOR METHODS AND PROCEDURES FOR THE PROFESSIONAL REVIEW OF AND THE IMPOSITION OF DISCIPLINARY SANCTIONS FOR CERTAIN ACTS OR OMISSIONS OF PRACTITIONERS AND PROVIDING GROUNDS FOR SUSPENSION OR REVOCATION OF A PROFESSIONAL OR OCCUPATIONAL LICENSE.

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

Section 1. NEW SECTION. DEFINITIONS.

1. "Licensing board" or "board" includes the following boards:
 - a. The state board of engineering examiners, created pursuant to chapter one hundred fourteen (114) of the Code.
 - b. The board of examiners of shorthand reporters, created pursuant to chapter one hundred fifteen (115) of the Code.
 - c. The board of accountancy, created pursuant to chapter one hundred sixteen (116) of the Code.
 - d. The Iowa real estate commission, created pursuant to chapter one hundred seventeen (117) of the Code.
 - e. The board of architectural examiners, created pursuant to chapter one hundred eighteen (118) of the Code.
 - f. The Iowa board of landscape architectural examiners, created pursuant to chapter one hundred eighteen A (118A) of the Code.
 - g. The board of watchmaking examiners, created pursuant to chapter one hundred twenty (120) of the Code.
 - h. The board of barber examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
 - i. The board of chiropractic examiners, created pursuant

to chapter one hundred forty-seven (147) of the Code.

- j. The board of cosmetology examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- k. The board of dental examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- l. The board of funeral directors and embalmer examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- m. The board of medical examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- n. The board of nursing, created pursuant to chapter one hundred forty-seven (147) of the Code.
- o. The board of examiners for nursing home administrators, created pursuant to chapter one hundred thirty-five E (135E) of the Code.
- p. The board of optometry examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- q. The board of pharmacy examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- r. The board of physical therapy examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- s. The board of podiatry examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- t. The board of psychology examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- u. The board of speech pathology and audiology examiners created pursuant to chapter one hundred forty-seven (147) of the Code.
- v. The board for the licensing and regulation of hearing aid dealers, created pursuant to chapter one hundred fifty-four A (154A) of the Code.
- w. The board of veterinary medical examiners, created pursuant to chapter one hundred sixty-nine (169) of the Code.
- x. The board of certification, created pursuant to chapter four hundred fifty-five B (455B) of the Code.

y. Any professional or occupational licensing board created after the effective date of this Act.

2. "Continuing education" means that education which is obtained by a professional or occupational licensee in order to maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge. This education may be obtained through formal or informal education practices, self-study, research, and participation in professional, technical, and occupational societies, and by other similar means as authorized by the board.

3. The term "licensing" and its derivations include the terms "registration" and "certification" and their derivations.

4. "Inactive licensee reentry" means that process a former or inactive professional or occupational licensee pursues to again be capable of actively and competently practicing as a professional or occupational licensee.

5. "Licensee discipline" means any sanction a licensing board may impose upon its licensees for conduct which threatens or denies citizens of this state a high standard of professional or occupational care.

6. "Disciplinary proceeding" means any proceeding under the authority of a licensing board pursuant to which licensee discipline may be imposed.

7. "Peer review" means evaluation of professional services rendered by a professional practitioner.

8. "Peer review committee" means one or more persons acting in a peer review capacity pursuant to this Act.

9. "Malpractice" means any error or omission, unreasonable lack of skill, or failure to maintain a reasonable standard of care by a licensee in the course of practice of his or her occupation or profession, pursuant to this Act.

Sec. 2. NEW SECTION. CONTINUING EDUCATION REQUIRED.

1. Each licensing board shall require and issue rules for continuing education requirements as a condition to license

renewal.

2. The rules shall create continuing education requirements at a minimum level prescribed by each licensing board. These boards may also establish continuing education programs to assist a licensee in meeting such continuing education requirements. Such rules shall also:

a. Give due attention to the effect of continuing education requirements on interstate and international practice.

b. Place the responsibility for arrangement of financing of continuing education on the licensee, while allowing the board of continuing education provider to receive any other available funds or resources that aid in supporting a continuing education program.

c. Attempt to express continuing education requirements in terms of uniform and widely-recognized measurement units.

d. Establish guidelines, including guidelines in regard to the monitoring of licensee participation, for the approval of continuing education programs that qualify under the continuing education requirements prescribed.

e. Not be implemented for the purpose of limiting the size of the profession or occupation.

f. Define the status of active and inactive licensure and establish appropriate guidelines for inactive licensee reentry.

g. Be promulgated solely for the purpose of assuring a continued maintenance of skills and knowledge by a professional or occupational licensee directly related and commensurate with the current level of competency of the licensee's profession or occupation.

3. A person licensed to practice an occupation or profession in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a resident of another state or district having a continuing

education requirement for the occupation or profession and meets all requirements of that state or district for practice therein, or for periods that the person is a government employee working in his or her licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the appropriate board of examiners.

Sec. 3. NEW SECTION. AUTHORITY OF LICENSING BOARDS.

1. Notwithstanding any other provision of this Act, each licensing board shall have the powers to:

a. Administer and enforce the laws and administrative rules relating to the practice of the profession whose members are examined for licensure by the board;

b. Adopt and enforce administrative rules which provide for the partial reexamination of the professional licensing examinations given by each licensing board;

c. Review or investigate, or both, upon written complaint or upon its own motion pursuant to other evidence received by the board, alleged acts or omissions which the board reasonably believes constitute cause under applicable law or administrative rule for licensee discipline;

d. Determine in any case whether an investigation, or further investigation, or a disciplinary proceeding is warranted;

e. Initiate and prosecute disciplinary proceedings;

f. Impose licensee discipline;

g. Petition the district court for enforcement of its authority with respect to licensees or with respect to other persons violating the laws which the board is charged with administering;

h. Register or establish and register peer review committees;

i. Refer to a registered peer review committee for investigation, review, and report to the board, any complaint or other evidence of an act or omission which the board

reasonably believes to constitute cause for licensee discipline. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction;

j. Determine and administer the annual renewal of licenses.

2. Each licensing board may impose one or more of the following as licensee discipline:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon the grounds specified in sections one hundred fourteen point twenty-one (114.21), one hundred fifteen point eight (115.8), one hundred sixteen point twenty-one (116.21), one hundred seventeen point twenty-nine (117.29), one hundred eighteen point thirteen (118.13), one hundred eighteen A point fifteen (118A.15), one hundred twenty point ten (120.10), chapter one hundred thirty-five E (135E), section one hundred forty-seven point fifty-five (147.55), chapter one hundred fifty-one (151), sections one hundred fifty-four A point twenty-four (154A.24), one hundred sixty-nine point thirty-six (169.36) and four hundred fifty-five B point fifty-nine (455B.59) of the Code, or upon any other grounds specifically provided for in this Act for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

b. Revoke, or suspend either until further order of the board or for a specified period, the privilege of a licensee to engage in one or more specified procedures, methods, or acts incident to the practice of the profession, if pursuant to hearing or stipulated or agreed settlement the board finds that because of a lack of education or experience, or because of negligence, or careless acts or omissions, or because of one or more intentional acts or omissions, the licensee has demonstrated a lack of qualifications which are necessary to assure the residents of this state a high standard of

professional and occupational care;

c. Impose a period of probation under specified conditions, whether or not in conjunction with other sanctions;

d. Require additional professional education or training, or re-examination, or any combination, as a condition precedent to the reinstatement of a license or of any privilege incident thereto, or as a condition precedent to the termination of any suspension;

e. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon the grounds specified in sections one hundred fourteen point twenty-one (114.21), one hundred fifteen point eight (115.8), one hundred sixteen point twenty-one (116.21), one hundred seventeen point twenty-nine (117.29), one hundred eighteen point thirteen (118.13), one hundred eighteen A point fifteen (118A.15), one hundred twenty point ten (120.10), chapter one hundred thirty-five E (135E), section one hundred forty-seven point fifty-five (147.55), chapter one hundred fifty-one (151), sections one hundred fifty-four A point twenty-four (154A.24), one hundred sixty-nine point thirty-six (169.36), and four hundred fifty-five B point fifty-nine (455B.59) of the Code, or for failure to comply with an order of the board imposing disciplinary sanctions, if the board has provided by rule that civil penalties may be imposed by the board pursuant to this paragraph, and if the rule specifies which offenses or acts are subject to the imposition of the civil penalty. The amount of the civil penalty shall be in the discretion of the board, but shall not exceed one thousand dollars;

f. Issue a citation and warning respecting licensee behavior which is subject to the imposition of other sanctions by the board.

3. The powers conferred by this section upon a licensing board shall be in addition to powers specified elsewhere in the Code. The powers of any other person specified

elsewhere in the Code shall not limit the powers of a licensing board conferred by this section, nor shall the powers of such other person be deemed limited by the provisions of this section.

4. Nothing contained in this section shall be construed to prohibit informal stipulation and settlement by a board and a licensee of any matter involving licensee discipline. However, licensee discipline shall not be agreed to or imposed except pursuant to a written decision which specifies the sanction and which is entered by the board and filed.

All health-care boards shall file written decisions which specify the sanction entered by the board with the department of health which file shall be available to the public upon request. All nonhealth-care boards shall have on file the written and specified decisions and sanctions entered by the board and shall be available to the public upon request.

Licensee discipline pursuant to informal stipulation or agreed settlement under this section and pursuant to this Act shall not be subject to review by the court.

Sec. 4. NEW SECTION. DUTIES OF BOARD.

1. Each licensing board shall have the following duties in addition to other duties specified by this Act or elsewhere in the Code:

a. Establish procedures by which complaints which relate to licensure or to licensee discipline shall be received and reviewed by the board;

b. Establish procedures by which disputes between licensees and clients which result in judgments or settlements in or of malpractice claims or actions shall be investigated by the board;

c. Establish procedures by which any recommendation taken by a peer review committee shall be reported to and reviewed by the board;

d. Establish procedures for registration with the board of peer review committees;

e. Define by rule those recommendations of peer review committees which shall constitute disciplinary recommendations which must be reported to the board;

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under the provisions of sections one hundred fourteen point twenty-one (114.21), one hundred fifteen point eight (115.8), one hundred sixteen point twenty-one (116.21), one hundred seventeen point twenty-nine (117.29), one hundred eighteen point thirteen (118.13), one hundred eighteen A point fifteen (118A.15), one hundred twenty point ten (120.10), chapter one hundred thirty-five E (135E), section one hundred forty-seven point fifty-five (147.55), chapter one hundred fifty-one (151), sections one hundred fifty-four A point twenty-four (154A.24), one hundred sixty-nine point thirty-six (169.36) and four hundred fifty-five B point forty-nine (455B.49), of the Code, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of paragraph b of subsection two (2) of section three (3) of this Act, which licensees are required to report to the board pursuant to subsection two (2) of section nine (9) of this Act;

g. Establish the procedures by which licensees shall report those acts or omissions specified by the board pursuant to paragraph f of this subsection;

h. Give written notice to another licensing board or to a hospital licensing agency if evidence received by the board either alleges or constitutes reasonable cause to believe the existence of an act or omission which is subject to discipline by that other board or agency;

i. Require each health care licensing board to file with the department of health a copy of each decision of the board imposing licensee discipline. Each nonhealth-care board shall have on file a copy of each decision of the board imposing licensee discipline which copy shall be properly dated and shall be in simple language and in the most concise form

consistent with clearness and comprehensiveness of subject matter.

The commissioner of insurance shall by rule in consultation with the licensing boards enumerated in section one (1) of this Act, require insurance carriers which insure professional and occupational licensees for acts or omissions which constitute negligence, careless acts or omissions in the practice of a profession or occupation to file reports with the commissioner of insurance. The reports shall include information pertaining to incidents by a licensee which may affect the licensee as defined by rule, involving an insured of the insurer. The commissioner of insurance shall forward reports pursuant to this section to the appropriate licensing board.

2. Each licensing board, shall submit to the senate and house committees on state government in January of each year, commencing in January of 1979, a summary of the activities of that board since the preceding report respecting the following subjects:

a. The adoption or nonadoption of rules relating to the duties of the board as specified in this section;

b. The number of complaints, peer review committee disciplinary actions, and judgments and settlements reviewed or investigated by the board, the number of formal disciplinary proceedings commenced before the board or in the courts, the number and types of sanctions imposed, and the number and status of appeals to the court of board decisions, and the number and types of peer review committees registered by the board.

Sec. 5. NEW SECTION. LICENSEE DISCIPLINARY PROCEDURE-RULE-MAKING DELEGATION.

1. Each licensing board may establish by rule licensee disciplinary procedures. Each licensing board may impose licensee discipline under these procedures.

2. Rules promulgated under subsection one (1) of this

section:

a. Shall comply with the provisions of chapter seventeen A (17A) of the Code.

b. Shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the licensing board of findings of fact if a majority of the licensing board does not hear the disciplinary proceeding.

c. Shall state whether the procedures are an alternative to or an addition to the procedures stated in sections one hundred fourteen point twenty-two (114.22), one hundred sixteen point twenty-three (116.23), one hundred seventeen point thirty-five (117.35), one hundred seventeen point thirty-six (117.36), one hundred eighteen A point sixteen (118A.16), one hundred forty-seven point fifty-eight (147.58) through one hundred forty-seven point seventy-one (147.71), one hundred forty-eight point six (148.6) through one hundred forty-eight point nine (148.9), one hundred fifty-four A point twenty-three (154A.23), and one hundred fifty-five point fourteen (155.14) through one hundred fifty-five point sixteen (155.16) of the Code.

d. Shall specify methods by which the final decisions of the board relating to disciplinary proceedings shall be published.

Sec. 6. NEW SECTION. HEARINGS--POWER OF SUBPOENA--DECISIONS.

1. Disciplinary hearings held pursuant to this Act shall be heard by the board sitting as the hearing panel, or by a panel of not less than three board members who are licensed in the profession, or by a panel of not less than three members appointed pursuant to subsection two (2) of this section. Notwithstanding chapter twenty-eight A (28A) of the Code a disciplinary hearing shall be open to the public at the

discretion of the licensee.

2. When, in the opinion of a majority of the board, it is desirable to obtain specialists within an area of practice of a profession when holding disciplinary hearings, a licensing board may appoint licensees not having a conflict of interest to make findings of fact and to report to the board. Such findings shall not include any recommendation for or against licensee discipline.

3. The presiding officer of a hearing panel may issue subpoenas pursuant to rules of the board on behalf of the board or on behalf of the licensee. A licensee may have subpoenas issued on his or her behalf. A subpoena issued under the authority of a licensing board may compel the attendance of witnesses and the production of professional records, books, papers, correspondence and other records, whether or not privileged or confidential under law, which are deemed necessary as evidence in connection with a disciplinary proceeding.

Nothing in this subsection shall be deemed to enable a licensing board to compel an attorney of the licensee, or stenographer or confidential clerk of the attorney, to disclose any information when privileged against disclosure by section six hundred twenty-two point ten (622.10) of the Code. In the event of a refusal to obey a subpoena, the licensing board may petition the district court for its enforcement. Upon proper showing, the district court shall order the person to obey the subpoena, and if the person fails to obey the order of the court he or she may be found guilty of contempt of court. The presiding officer of a hearing panel may also administer oaths and affirmations, take or order that depositions be taken, and pursuant to rules of the board, grant immunity to a witness from disciplinary proceedings initiated either by the board or by other state agencies which might otherwise result from the testimony to be given by the witness to the panel.

4. In order to assure a free flow of information for accomplishing the purposes of this section, and notwithstanding section six hundred twenty-two point ten (622.10) of the Code, all complaint files, and investigation files, and all other investigation reports and other investigative information in the possession of a licensing board or peer review committee acting under the authority of a licensing board or its employees or agents which relates to licensee discipline shall be privileged and confidential, and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person, or be admissible in evidence in any judicial or administrative proceeding. However, a final written decision and finding of fact of a licensing board in a disciplinary proceeding, including a decision referred to in subsection four (4) of section three (3) of this Act shall be a public record.

Pursuant to the provisions of subsection six (6) of section seventeen A point nineteen (17A.19) of the Code, a licensing board upon an appeal by the licensee of the decision by the licensing board, shall transmit the entire record of the contested case to the reviewing court.

Notwithstanding the provisions of subsection six (6) of section seventeen A point nineteen (17A.19) of the Code, if a waiver of privilege has been involuntary and evidence has been received at a disciplinary hearing, the court shall order withheld the identity of the individual whose privilege was waived.

5. Licensee discipline shall not be imposed except upon the affirmative vote of a majority of the licensing board.

Sec. 7. NEW SECTION. EXECUTIVE SECRETARY AND PERSONNEL.

1. As an alternative to authority contained elsewhere in this Act, a licensing board may employ within the limits of available funds an executive secretary, one or more inspectors, and such clerical personnel as may be necessary for the administration of the duties of the board. Employees

of the board shall be employed subject to chapter nineteen A (19A) of the Code. The qualifications of the executive secretary shall be determined by the board.

2. All employees of a licensing board shall be reimbursed subject to the rules of the state comptroller for their expenses incurred in the performance of official duties. All reimbursements shall constitute costs of sustaining the board.

3. Licensees appointed to serve on a hearing panel pursuant to subsection two (2) of section six (6) of this Act shall be compensated at the rate of forty dollars for each day of actual duty, and shall be reimbursed for actual expenses reasonably incurred in the performance of duties.

4. Salaries, per diem, and expenses incurred in the performance of official duties of the board or its employees shall be paid from funds appropriated by the general assembly.

Sec. 8. NEW SECTION. IMMUNITIES.

1. A person shall not be civilly liable as a result of his or her acts, omissions or decisions in good faith as a member of a licensing board or as an employee or agent in connection with the person's duties.

2. A person shall not be civilly liable as a result of filing a report or 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.

3. A person shall not be dismissed from employment, and shall not be discriminated against by an employer because the person filed a complaint with a licensing board or peer

review committee, or because the person participated as a member, agent or employee of a licensing board or peer review committee, or presented testimony or other evidence to a licensing board or peer review committee.

Any employer who violates the terms of this section shall be liable to any person aggrieved for actual and punitive damages plus reasonable attorney fees.

Sec. 9. NEW SECTION. DUTIES OF LICENSEES.

1. Each licensee of a licensing board, as a condition of licensure, is under a duty to submit to a physical or mental examination when directed in writing by the board for cause. All objections shall be waived as to the admissibility of the examining physician's testimony or reports on the grounds of privileged communications. The medical testimony or report shall not be used against the licensee in any proceeding other than one relating to licensee discipline by the board, or one commenced in district court for revocation of the licensee's privileges. The licensing board, upon probable cause, shall have the authority to order physical or mental examination, and upon refusal of the licensee to submit to the examination the licensing board may order that the allegations pursuant to which the order of physical or mental examination was made shall be taken to be established.

2. A licensee shall have a continuing duty to report to the licensing board by whom he or she is licensed those acts or omissions specified by rule of the board pursuant to paragraph f of subsection one (1) of section four (4) of this Act when committed by another person licensed by the same licensing board.

3. A licensee shall have a continuing duty and obligation, as a condition of licensure, to report to the licensing board by which he or she is licensed every adverse judgment in a professional or occupational malpractice action to which he or she is a party, and every settlement of a claim against him or her alleging malpractice.

4. A licensee who willfully fails to comply with subsection two (2) or three (3) of this section commits a violation of this Act for which licensee discipline may be imposed.

Sec. 10. Chapter one hundred fourteen point twenty-one (114.21), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

114.21 SUSPENSION OR REVOCATION. The board shall have the power by a five-sevenths vote of the entire board to suspend for a period not exceeding two years, or to revoke the certificate of registration of, or to reprimand any registrant who is found guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice professional engineering or land surveying. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 11. Section one hundred fifteen point eight (115.8), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

115.8 REVOCATION OR SUSPENSION. A license to practice shorthand reporting may be revoked or suspended when the li-

censee is guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice professional shorthand reporting. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 12. Section one hundred seventeen point twenty-nine (117.29), Code 1977, is amended to read as follows:

117.29 REVOCATION OF LICENSE OR SUSPENSION. A license to practice the profession of real estate broker and salesman may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee on the conviction of any felony

that would affect his or her ability to practice the profession of real estate broker and salesman. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of this Act.

The revocation of a broker's license shall automatically suspend every real estate salesperson's license and every real estate apprentice salesperson's license granted to any person by virtue of his or her employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued upon payment of a fee in an amount determined by the commission based upon the administrative costs involved, if granted during the same year in which the original license was granted.

Sec. 13. Section one hundred eighteen point thirteen (118.13), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

118.13 REVOCATION OR SUSPENSION. A license to practice architecture may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice the profession

of architecture. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of this Act.

The board may revoke any certificate after thirty days' notice with grant of hearing to the holder if satisfactory proof is presented to the board.

Proceedings for the revocation of a certificate shall be begun by filing written charges against the accused with the board. A time and place for the hearing of the charges shall be fixed by the board. Where personal service or services through counsel cannot be effected, services may be had by publication. At the hearing, the accused shall have the right to be represented by counsel, to introduce evidence and to examine and cross-examine witnesses. The board shall have the power to subpoena witnesses, to administer oaths to such witnesses, and to employ counsel. The board shall make a written report of its findings, which report shall be filed with the secretary of state, and which shall be conclusive.

Sec. 14. Section one hundred eighteen A point fifteen (118A.15), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

118A.15 REVOCATION OR SUSPENSION. The board may by a five-sevenths vote of the entire board, suspend for a period not exceeding two years, or revoke the certificate of registration of, or reprimand any registrant who is found guilty of the following acts or offenses:

1. Fraud in procuring a license.

2. Professional incompetency.

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful

or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony related to the profession or occupation of the licensee that would affect his or her ability to practice professional land architecture. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of this Act.

Sec. 15. Section one hundred twenty point ten (120.10), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

120.10 REVOCATION OR SUSPENSION. A license to practice watchmaking and the repair of watches pursuant to the provisions of this chapter may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.

2. Professional incompetency.

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice the profession of watchmaking or watch repair. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in ad-

vertisements.

8. Willful or repeated violations of the provisions of this Act.

Sec. 16. Chapter one hundred thirty-five E (135E), Code 1977, is amended by adding the following new section:

NEW SECTION. REVOCATION OR SUSPENSION. A license to practice as a nursing home administrator may be revoked or suspended when the licensee is guilty of the following acts or omissions:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony related to the profession or occupation of the licensee. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

3. Willful or repeated violations of the provisions of this Act.

Sec. 17. Chapter one hundred fifty-one (151), Code 1977, is amended by adding the following new section:

NEW SECTION. REVOCATION OR SUSPENSION OF LICENSE. A license to practice as a chiropractor may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her

profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice as a professional chiropractor. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of this Act.

Sec. 18. Section one hundred fifty-four B point four (154B.4), Code 1977, is amended to read as follows:

154B.4 ACTS PROHIBITED. Commencing July 1, 1974 1975, a person who is not ~~certified~~ licensed under this chapter shall not represent himself or herself as a ~~certified~~ licensed practicing psychologist, use a title or description, including the term "psychology" or any of its derivatives, such as "psychologist" ~~or~~, "psychological", "psychotherapist" or modifiers such as "practicing" or "~~certified~~ licensed" in a manner which implies that he or she is certified under this chapter, or offer to practice or practice psychology, except as otherwise permitted in this chapter. The use by a person who is not ~~certified~~ licensed under this chapter of such terms is not prohibited by this chapter, except when such terms are used in connection with an offer to practice or the practice of psychology.

Sec. 19. Section one hundred fifty-four B point six (154B.6), Code 1977, is amended to read as follows:

154B.6 REQUIREMENTS FOR ~~CERTIFICATION~~ LICENSURE. Except as provided in this section, an applicant for ~~certification~~ licensure as a psychologist ~~or as an associate-psychologist~~

shall meet the following requirements in addition to those specified in chapter 147:

1. A certified licensed psychologist shall possess a doctoral degree in psychology or its equivalent from an institution approved by the board and shall have completed at least one year of supervised professional experience under the supervision of a licensed psychologist or prior to July 1, 1976 any person holding a certificate as a psychologist from the board of examiners of the Iowa psychological association, following the granting of the doctoral degree, or predoctoral experience, as may be acceptable to the board; or shall possess a masters degree in psychology or its equivalent from an institution approved by the board and have completed at least five years of professional experience, at least two of which shall have been under the supervision of a licensed psychologist or prior to July 1, 1976 any person holding a certificate as a psychologist from the board of examiners of the Iowa psychological association, as may be acceptable to the board.

~~2.--A-certified-associate-psychologist-shall-possess-a masters-degree-in-psychology-or-its-equivalent-from-an institution-approved-by-the-board.~~

3. Have passed an examination administered by the board to assure his or her professional competence. The examination of any of its divisions may be given by the board at any time after the applicant has met the degree requirements of section one hundred fifty-four B point six (154B.6) of the Code.

4. Have not failed the examination required in subsection 3 two (2) of this section within the six months next preceding the date of the examination.

The examinations required in this section may, at the discretion of the board, be waived for holders by examination of licenses or certificates from states whose requirements are substantially equivalent to those of this chapter, and for holders by examination of specialty diplomas from the

American board of professional psychology.

Any person who within one year after July 1, ~~1974~~ 1975, meets the requirements specified in ~~subsections~~ subsection 1 and 2 shall receive ~~certification~~ licensure without having passed the examination required in ~~subsection 3~~ two (2) of this section if application for licensure is filed with the board of psychology examiners before July 1, 1977. Any person holding a certificate as a psychologist from the board of examiners of the Iowa psychological association on July 1, ~~1974~~ 1977, who applies for certification before July 1, 1975, shall receive certification.

Sec. 20. Section one hundred fifty-four B point seven (154B.7), Code 1977, is amended to read as follows:

154B.7 VOLUNTARY SURRENDER OF ~~CERTIFICATION~~ LICENSE. The commissioner of public health may accept the voluntary surrender of ~~certification~~ license if accompanied by a written statement of intention. The voluntary surrender, when accepted, shall have the same force and effect as an order of revocation.

Sec. 21. Chapter one hundred sixty-nine (169), Code 1977, is amended by adding the following new section:

NEW SECTION. DISCIPLINE OF LICENSEES. A license or temporary permit issued under this chapter may be revoked or suspended or the licensee or permittee may be otherwise disciplined by the board upon a two-thirds vote of the entire board, with the secretary of agriculture sitting as a voting board member for this purpose only. Such an action may be taken when the licensee is found guilty of any of the following acts or offenses:

Sec. 22. Section four hundred fifty-five B point fifty-nine (455B.59), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

455B.59 REVOCATION OR SUSPENSION. The executive director may suspend or revoke the certificate of an operator, following a hearing before the board when the operator is found

guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice professional veterinarian medicine and surgery. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 23. A licensing board established after the effective date and pursuant to the provisions of this Act shall by rule include provisions for the revocation or suspension of a license which shall include but is not limited to the following:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 24. All rules required by section four (4) of this Act, shall be submitted to the administrative rules review committee before October 1, 1978.

Sec. 25. Sections one hundred fifty-four point eight (154.8) and one hundred fifty-four A point sixteen (154A.16), Code 1977, are repealed.

Sec. 26. This Act is effective January 1, 1978.

ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 312, Sixty-seventh General Assembly.

STEVEN C. CROSS
Secretary of the Senate

Approved 7/12, 1977

ROBERT D. RAY
Governor