

Human Resources
Carr, Chairperson
Murray
Miller of Des Moines

FILED JAN 24 1978

SENATE FILE 2063

By KELLY

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

A BILL FOR

1 An Act to remove provisions of the Code relating to the pro-
2 fession of psychology.

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

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1 Section 1. Section one hundred twenty-five point two
2 (125.2), subsection eleven (11), Code 1977, is amended to
3 read as follows:

4 11. "Treatment" means the broad range of emergency, out-
5 patient, intermediate, and inpatient services and care, in-
6 cluding diagnostic evaluation, medical, nursing, psychiatric,
7 ~~psychological~~ and social service care, vocational rehabilita-
8 tion and career counseling, which may be extended to alcoholics
9 and intoxicated persons.

10 Sec. 2. Section one hundred forty-seven point one (147.1),
11 subsection two (2), Code 1977, is amended to read as follows:

12 2. "Licensed" or "certified" when applied to a physician
13 and surgeon, podiatrist, osteopath, osteopathic physician
14 and surgeon, ~~psychologist-or-associate-psychologist,~~
15 chiropractor, nurse, dentist, dental hygienist, optometrist,
16 speech pathologist, audiologist, pharmacist, physical
17 therapist, practitioner of cosmetology, practitioner of bar-
18 bering, funeral director or embalmer shall mean a person li-
19 censed under this title.

20 Sec. 3. Section one hundred forty-seven point one (147.1),
21 subsection three (3), Code 1977, is amended to read as follows:

22 3. "Profession" shall mean medicine and surgery, podi-
23 atry, osteopathy, osteopathic medicine and surgery, ~~psychology,~~
24 chiropractic, nursing, dentistry, dental hygiene, optometry,
25 speech pathology, audiology, pharmacy, physical therapy, cos-
26 metology, barbering, funeral directing or embalming.

27 Sec. 4. Section one hundred forty-seven point two (147.2),
28 Code 1977, is amended to read as follows:

29 147.2 LICENSE REQUIRED. No person shall engage in the
30 practice of medicine and surgery, podiatry, osteopathy, osteo-
31 pathic medicine and surgery, ~~psychology,~~ chiropractic, physical
32 therapy, nursing, dentistry, dental hygiene, optometry, speech
33 pathology, audiology, pharmacy, cosmetology, barbering, funeral
34 directing or embalming as defined in the following chapters
35 of this title, unless he or she shall have obtained from the

1 state department of health a license for that purpose.

2 Sec. 5. Section one hundred forty-seven point three
3 (147.3), Code 1977, is amended to read as follows:

4 147.3 QUALIFICATIONS. An applicant for a license to prac-
5 tice a profession under this title shall not be ineligible
6 because of age, citizenship, sex, race, religion, marital
7 status or national origin, although the application form may
8 require citizenship information. Any board may consider the
9 past felony record of an applicant only if the felony
10 conviction relates directly to the practice of medicine,
11 podiatry, osteopathy, osteopathy and surgery, chiropractic,
12 nursing, ~~psychology~~, optometry, speech pathology, audiology,
13 pharmacy, physical therapy, cosmetology, barbering or funeral
14 directing or embalming for which the applicant requests to
15 be licensed. Character references may be required, but shall
16 not be obtained from licensed members of the profession.

17 Sec. 6. Section one hundred forty-seven point thirteen
18 (147.13), Code 1977, is amended to read as follows:

19 147.13 DESIGNATION OF BOARDS. The examining boards
20 provided in section 147.12 shall be designated as follows:
21 For medicine and surgery, and osteopathy, and osteopathic
22 medicine and surgery, medical examiners; ~~for psychology,~~
23 ~~psychology-examiners;~~ for podiatry, podiatry examiners; for
24 chiropractic, chiropractic examiners; for physical therapists,
25 physical therapy examiners; for nursing, board of nursing;
26 for dentistry and dental hygiene, dental examiners; for
27 optometry, optometry examiners; for speech pathology and audi-
28 ology, speech pathology and audiology examiners; for
29 cosmetology, cosmetology examiners; for barbering, barber
30 examiners; for pharmacy, pharmacy examiners; for funeral
31 directing and embalming, funeral director and embalmer
32 examiners.

33 Sec. 7. Section one hundred forty-seven point fourteen
34 (147.14), Code 1977, is amended by striking subsection seven
35 (7).

1 Sec. 8. Section one hundred forty-seven point eighteen
2 (147.18), Code 1977, is amended to read as follows:

3 147.18 DISQUALIFICATIONS. No examiner shall be an officer
4 or member of the instructional staff of any school in which
5 any profession regulated by this title is taught, or be
6 connected therewith in any manner, except nurse examiners
7 ~~and-psychology-examiners~~. No examiner shall be connected
8 in any manner with any wholesale or jobbing house dealing
9 in supplies.

10 Sec. 9. Section one hundred forty-seven point seventy-
11 four (147.74), Code 1977, is amended by striking unnumbered
12 paragraph nine (9).

13 Sec. 10. Section one hundred forty-seven point eighty
14 (147.80), Code 1977, is amended by striking subsection four
15 (4).

16 Sec. 11. Section one hundred forty-seven point one hundred
17 two (147.102), Code 1977, is amended to read as follows:

18 147.102 PHYSICIANS AND SURGEONS, ~~PSYCHOLOGISTS,~~
19 CHIROPRACTORS AND OSTEOPATHS. Notwithstanding the provisions
20 of this title, every application for a license to practice
21 medicine and surgery, ~~psychology,~~ chiropractic, osteopathy,
22 or osteopathic medicine and surgery, shall be made directly
23 to the secretary of the examining board of such profession,
24 and every reciprocal agreement for the recognition of any
25 such license issued in another state shall be negotiated by
26 the examining board for such profession, and all examination,
27 license, and renewal fees received from such persons licensed
28 to practice any of such professions shall be paid to and
29 collected by the secretary of the examining board of such
30 profession, who shall transmit the fees to the treasurer of
31 state who shall deposit the fees in the general fund of the
32 state. The salary of the secretary shall be established by
33 the governor with the approval of the executive council
34 pursuant to section 19A.9, subsection 2, under the pay plan
35 for exempt positions in the executive branch of government.

1 Sec. 12. Section two hundred seventeen point thirteen
2 (217.13), Code 1977, is amended to read as follows:

3 217.13 DIRECTOR OF DIVISION OF CORRECTIONS. The director
4 of the division of corrections shall be qualified in
5 reformatory and prison management with special training in
6 sociology ~~and-psycheology~~. He or she shall also have practical
7 experience in the field of criminology and discipline and
8 in the supervision of inmates in corrective penal institutions.

9 Sec. 13. Section two hundred twenty-two point twenty-three
10 (222.23), Code 1977, is amended to read as follows:

11 222.23 PERSONS TO BE PRESENT. At any hearing for commit-
12 ment under this chapter, the person whose commitment is sought,
13 his or her appointed counsel, his or her own attorney, if
14 any, and any physician ~~or-psycheologist~~ whose testimony is
15 to be made a part of the record shall be present unless the
16 presiding judge shall determine that the presence will not
17 be in the best interest of the person whose commitment is
18 sought. Such determination shall be made a part of the record.

19 Sec. 14. Section two hundred twenty-two point twenty-eight
20 (222.28), Code 1977, is amended to read as follows:

21 222.28 COMMISSION TO EXAMINE. The court may, at or prior
22 to the final hearing, appoint a commission of one qualified
23 physician ~~and-one-qualified-psycheologist~~ who shall make a
24 personal examination of the person alleged to be mentally
25 retarded for the purpose of determining the mental condition
26 of the person.

27 Sec. 15. Section two hundred twenty-five B point two
28 (225B.2), Code 1977, is amended to read as follows:

29 225B.2 COMMITTEE ON MENTAL HYGIENE. A committee on mental
30 hygiene is hereby created to consist of the director of the
31 psychopathic hospital at Iowa City, the commissioner of the
32 state department of health, the dean of the college of medicine
33 at the University of Iowa, a member of the state board of
34 regents appointed by the board, the commissioner of the state
35 department of social services and the director of mental

1 health of the state department of social services, a member
2 of the state board of public instruction appointed by the
3 board, and ~~eight~~ seven members to be appointed by the governor.
4 The appointive members by the governor shall be one from the
5 membership of the subcommittee on nervous and mental disease
6 of the Iowa medical society, one from the membership of the
7 Iowa psychiatric society, two from the membership of the
8 boards of directors of the Iowa community mental health
9 centers, one from the membership of the Iowa association
10 for mental health, ~~one from the membership of the Iowa~~
11 ~~psychological association~~, one from the membership of the
12 Iowa society of osteopathic physicians and surgeons and one
13 from the membership of the Iowa association for retarded
14 children. The appointive members, by the governor and the
15 various boards shall serve for terms of three years beginning
16 July 4 fourth of the year of appointment; however, of the
17 initial appointees by the governor, the terms shall be three
18 for terms of three years, ~~three~~ two for terms of two years,
19 and two for terms of one year. Vacancies shall be filled
20 for the unexpired term in the same manner as original
21 appointment.

22 Sec. 16. Section two hundred thirty-two point thirteen
23 (232.13), Code 1977, is amended to read as follows:

24 232.13 EXAMINATION OF CHILD. The court may order that
25 a child for whom a petition has been filed shall be examined
26 by a physician, surgeon, or psychiatrist, ~~or psychologist~~
27 and may order treatment by them of a child who has been
28 adjudicated by the court. The court may place the child in
29 a hospital or other suitable facility for such examination
30 or treatment.

31 Sec. 17. Section two hundred thirty-two point fifty-five
32 (232.55), Code 1977, is amended to read as follows:

33 232.55 PETITIONS AND REPORTS SEGREGATED. The proceedings
34 concerning delinquency petitions filed and petitions concerning
35 children in need of assistance; the reports of juvenile court

1 probation officers, social workers, and doctors, ~~and~~
2 ~~psychologists~~; and the reports of juvenile homes shall not
3 be public records, but the court may make them public in its
4 discretion.

5 Sec. 18. Section two hundred thirty-five A point three
6 (235A.3), subsection one (1), paragraph b, Code 1977, is
7 amended to read as follows:

8 b. Every social worker under the jurisdiction of the de-
9 partment of social services, public or private health care
10 facility as defined in section 135C.1, ~~certified-psychologist,~~
11 certified school employee, employee of a licensed day care
12 facility, member of the staff of a mental health center, or
13 peace officer, who, in the course of employment, examines,
14 attends, counsels or treats a child and believes or has reason
15 to believe that the child has had physical injury inflicted
16 on the child as a result of abuse. Whenever such person is
17 required to report under this section as a member of the staff
18 of a public or private institution, agency or facility, that
19 person shall immediately notify the person in charge of such
20 institution, agency or facility, or that person's designated
21 agent and the person in charge of the institution, agency,
22 or facility, or the designated agent shall make the report.

23 Sec. 19. Section two hundred fifty-seven point twenty-
24 five (257.25), subsection nine (9), paragraph b, Code 1977,
25 is amended to read as follows:

26 b. A qualified school guidance counselor who shall meet
27 the certification and approval standards prescribed by the
28 department of public instruction. The guidance counselor
29 may be employed on a part-time or full-time basis, or may
30 devote only part time to counseling services, according to
31 the needs of the school and the availability of guidance
32 personnel, as determined by the local board. The state board
33 shall recommend standards based upon the number of students
34 in attendance and other appropriate factors. Other members
35 of the noninstructional professional staff, including but

1 not limited to physicians, dentists, nurses, ~~school~~
2 ~~psychologists~~, speech therapists and other specialists, may
3 also be employed or shared by one or more schools. The
4 guidance counselor shall meet the certification and approval
5 standards of the department of public instruction and
6 noninstructional staff members shall meet the professional
7 practice requirements of this state relating to their special
8 services.

9 Sec. 20. Section two hundred eighty-one point three
10 (281.3), subsection six (6), Code 1977, is amended to read
11 as follows:

12 6. To prescribe courses of study, and curricula for special
13 schools, special classes and special instruction of children
14 requiring special education, including physical and
15 ~~psychological~~ examinations, and to prescribe minimum
16 requirements for children requiring special education to be
17 admitted to any such special schools, classes or instruction.

18 Sec. 21. Section seven hundred forty-nine B point one
19 (749B.1), subsection seven (7), Code 1977, is amended to read
20 as follows:

21 7. "Correctional data" means information pertaining to
22 the status, location and activities of persons under the
23 supervision of the county sheriff, the division of corrections
24 of the department of social services, board of parole or any
25 other state or local agency performing the same or similar
26 function, but does not include investigative, sociological,
27 ~~psychological~~, economic or other subjective information
28 maintained by the division of corrections of the department
29 of social services or board of parole.

30 Sec. 22. Chapter one hundred fifty-four B (154B), Code
31 1977, is repealed.

32 Sec. 23. This Act is effective January 1, 1979.

33 EXPLANATION

34 This bill repeals chapter 154B of the Code, relating to
35 the practice of psychology, and strikes all provisions of
36 the Code relating to psychology.