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SENATE FILE 2089  
BY PRIEBE

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to qualifications for licensure as a health  
2 professional.

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

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SF 2089

1 Section 1. Section 147.55, subsection 2, Code 1991, is  
2 amended to read as follows:

3 2. Professional incompetency. However, a finding of  
4 professional incompetency shall not be based solely on the  
5 fact that a licensee's practice is unconventional or  
6 experimental in the absence of demonstrable physical harm to a  
7 patient or customer.

8 Sec. 2. Section 148.3, Code 1991, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 4. Present to the medical examiners a  
11 list of negotiated settlements or judgments in claims or civil  
12 actions alleging medical malpractice against the applicant,  
13 including an explanation of the basis for each claim or  
14 action.

15 Sec. 3. Section 148.3, Code 1991, is amended by adding the  
16 following new unnumbered paragraph:

17 NEW UNNUMBERED PARAGRAPH. The medical examiners shall  
18 determine whether each physician applicant has any  
19 disciplinary or other actions recorded in the nationwide  
20 disciplinary data bank of the federation of state medical  
21 boards. If the physician applicant was licensed or practiced  
22 in a jurisdiction that does not record information with the  
23 data bank of the federation of state medical boards, the  
24 medical examiners shall contact the medical regulatory body of  
25 that jurisdiction to obtain comparable information about the  
26 physician applicant.

27 Sec. 4. Section 148.6, subsection 1, paragraph g, Code  
28 1991, is amended to read as follows:

29 g. Being guilty of a willful or repeated departure from,  
30 or the failure to conform to, the minimal standard of  
31 acceptable and prevailing practice of medicine and surgery,  
32 osteopathic medicine and surgery or osteopathy in which  
33 proceeding actual injury to a patient need not be established;  
34 or the committing by a physician of an act contrary to  
35 honesty, justice, or good morals, whether the same is

1 committed in the course of the physician's practice or  
2 otherwise, and whether committed within or without this state.  
3 However, a licensee shall not be disciplined solely on the  
4 basis that a licensee's practice is unconventional or  
5 experimental in the absence of demonstrable physical harm to a  
6 patient.

7 Sec. 5. Section 150A.3, Code 1991, is amended by adding  
8 the following new subsection:

9 NEW SUBSECTION. 3. Present to the medical examiners a  
10 list of negotiated settlements or judgments in claims or civil  
11 actions alleging medical malpractice against the applicant,  
12 including an explanation of the basis for each claim or  
13 action.

14 Sec. 6. Section 150A.3, Code 1991, is amended by adding  
15 the following new unnumbered paragraph:

16 NEW UNNUMBERED PARAGRAPH. The medical examiners shall  
17 determine whether each physician applicant has any  
18 disciplinary or other actions recorded in the nationwide  
19 disciplinary data bank of the federation of state medical  
20 boards. If the physician applicant was licensed or practiced  
21 in a jurisdiction that does not record information with the  
22 data bank of the federation of state medical boards, the  
23 medical examiners shall contact the medical regulatory body of  
24 that jurisdiction to obtain comparable information about the  
25 physician applicant.

26 EXPLANATION

27 This bill requires an applicant for a license to practice  
28 medicine and surgery or osteopathic medicine and surgery to  
29 present to the medical examiners a list of settlements or  
30 judgments in claims or actions alleging medical malpractice  
31 against the applicant and a basis for each claim or action at  
32 the time of application. The bill also requires the medical  
33 examiners to determine whether a physician applicant has any  
34 disciplinary actions in other jurisdictions in which the  
35 physician applicant was licensed or practiced medicine.

1 The bill also provides that a health-related licensee shall  
2 not be disciplined solely on the basis that the licensee's  
3 practice is unconventional or experimental in the absence of  
4 proof of physical harm to a patient or customer of the  
5 licensee.

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