

(P. 506) 3-5-93,
Sub Comm - Human Res.
Kramer, L Lloyd Jones, Vain

(P. 491) 3-3-93 Human Res
3 1993

SENATE FILE 214
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 214

1 Section 1. Section 147.55, subsection 2, Code 1993, 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 provided there is no evidence of serious danger
7 to a patient or customer and the patient or customer has
8 indicated in writing the desire to be treated in an
9 unconventional or experimental manner.

10 Sec. 2. Section 148.3, Code 1993, is amended by adding the
11 following new subsection:

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

17 Sec. 3. Section 148.3, Code 1993, is amended by adding the
18 following new unnumbered paragraph:

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

29 Sec. 4. Section 148.6, subsection 2, paragraph g, Code
30 1993, is amended to read as follows:

31 g. Being guilty of a willful or repeated departure from,
32 or the failure to conform to, the minimal standard of
33 acceptable and prevailing practice of medicine and surgery,
34 osteopathic medicine and surgery or osteopathy in which
35 proceeding actual injury to a patient need not be established;

1 or the committing by a physician of an act contrary to
2 honesty, justice, or good morals, whether the same is
3 committed in the course of the physician's practice or
4 otherwise, and whether committed within or without this state.
5 However, a licensee shall not be disciplined solely on the
6 basis that a licensee's practice is unconventional or
7 experimental provided there is no evidence of serious danger
8 to a patient and the patient has indicated in writing the
9 desire to be treated in an unconventional or experimental
10 manner.

11 Sec. 5. Section 150A.3, Code 1993, is amended by adding
12 the following new subsection:

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

18 Sec. 6. Section 150A.3, Code 1993, is amended by adding
19 the following new unnumbered paragraph:

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

30 EXPLANATION

31 This bill requires an applicant for a license to practice
32 medicine and surgery or osteopathic medicine and surgery to
33 present to the medical examiners a list of settlements or
34 judgments in claims or actions alleging medical malpractice
35 against the applicant and a basis for each claim or action at

1 the time of application. The bill also requires the medical
2 examiners to determine whether a physician applicant has any
3 disciplinary actions in other jurisdictions in which the
4 physician applicant was licensed or practiced medicine.

5 The bill also provides that a health-related licensee shall
6 not be disciplined solely on the basis that the licensee's
7 practice is unconventional or experimental in the absence of
8 evidence of serious danger to a patient or customer of the
9 licensee.

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