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Rereferred To: Commerce 3/23/98

SENATE FILE 2395

BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 2069)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the authorized uses and users of the Iowa  
2 communications network, requiring the Iowa telecommunications  
3 and technology commission to adopt rules relating to remote  
4 dial-up access to the Iowa communications network and internet  
5 access through the network by authorized users, and providing  
6 an effective date.

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

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S.F. 2395

1 Section 1. Section 8D.2, Code 1997, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 2A. "Licensed health care professional"  
4 means a physician and surgeon, podiatric physician, osteopath,  
5 osteopathic physician and surgeon, physician assistant,  
6 advanced registered nurse practitioner, registered nurse,  
7 dentist, or pharmacist required to be licensed under chapter  
8 147.

9 NEW SUBSECTION. 7. "Telehealth" means the use of a  
10 telecommunications system for diagnostic, clinical,  
11 consultative, data, or educational services or related health  
12 care activities by licensed health care professionals, or  
13 staff who function under the direction of, or in collaboration  
14 with, a physician, or staff of a hospital, clinic, home care  
15 or public health agency, or health care facility.

16 Sec. 2. Section 8D.6, subsection 1, Code 1997, is amended  
17 to read as follows:

18 1. The commission shall establish an advisory group to  
19 examine the use of the network for ~~telemedicine~~ telehealth  
20 applications. The advisory group shall consist of  
21 representatives of hospitals and other health care facilities  
22 as determined by the commission, and representatives of  
23 licensed health care professionals.

24 Sec. 3. Section 8D.13, subsection 16, Code Supplement  
25 1997, is amended to read as follows:

26 16. Access shall be offered to hospitals licensed pursuant  
27 to chapter 135B and physician clinics for diagnostic,  
28 clinical, consultative, data, and educational services for the  
29 purpose of developing a comprehensive, statewide ~~telemedicine~~  
30 telehealth network, to an agency of the federal government,  
31 and to a post office defined as a public agency pursuant to  
32 section 8D.2, subsection 5. A hospital, physician clinic, an  
33 agency of the federal government, or a post office defined as  
34 a public agency pursuant to section 8D.2, subsection 5, shall  
35 be responsible for all costs associated with becoming a part

1 of the network.

2 Full-motion, interactive video services offered through the  
3 network to a hospital or physician clinic may be used by a  
4 licensed health care professional at such authorized user's  
5 site as long as the use is within the scope of practice of  
6 such health care professional.

7 Sec. 4. Section 8D.13, Code Supplement 1997, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 20. Unless otherwise provided by rule of  
10 the commission adopted pursuant to chapter 17A, the commission  
11 shall not permit remote dial-up access to the network or  
12 remote dial-up internet access through the network. Rules, if  
13 adopted, shall not permit unlimited remote dial-up access to  
14 the network or remote dial-up internet access through the  
15 network and shall establish a maximum number of access hours  
16 per week for a member of an authorized user group granted such  
17 access.

18 Sec. 5. NEW SECTION. 8D.13A UTILITIES BOARD TO RESOLVE  
19 DISPUTES.

20 A dispute which arises between the commission and any local  
21 exchange carrier regarding the network, and which the  
22 commission and such carrier are unable to resolve, shall be  
23 submitted to the utilities board which shall resolve the  
24 dispute. The resolution of the board shall be final agency  
25 action.

26 The utilities board shall establish a procedure for  
27 receiving and resolving such disputes. The board shall have  
28 the authority to recover the costs associated with  
29 implementing this section from the parties to the dispute.

30 Sec. 6.

31 1. Notwithstanding the provisions of this Act, an  
32 authorized user providing remote dial-up internet access with  
33 the approval of the commission on April 1, 1998, which would  
34 be prohibited by this Act, shall be permitted by the  
35 commission to continue to provide such access until no later

1 than January 1, 1999. An authorized user providing remote  
2 dial-up internet access pursuant to this section shall  
3 discontinue providing such service on or before January 1,  
4 1999.

5 2. Notwithstanding subsection 1, an authorized user  
6 providing remote dial-up internet access with the approval of  
7 the commission on April 1, 1998, which would be prohibited by  
8 this Act, and which would be required to discontinue providing  
9 such service on or before January 1, 1999, may continue to  
10 provide such access after January 1, 1999, if nontoll internet  
11 service is not available in the local exchange area in which  
12 the authorized user is located. The authorized user shall  
13 discontinue providing remote dial-up internet access within  
14 sixty days of the availability of nontoll internet service in  
15 the local exchange area.

16 3. A nonprofit institution of higher education or an  
17 institution under the control of the board of regents may  
18 petition the commission for an extension of the authorization  
19 to utilize remote dial-up access for Iowa communications  
20 network services. The commission shall provide a copy of the  
21 petition to the telecommunications advisory committee. The  
22 committee may advise the commission regarding  
23 telecommunications matters related to the petition. The  
24 commission may grant the petition if the commission determines  
25 that technology is not available to prohibit such dial-up  
26 access. The commission and the institution petitioning for  
27 continued authorization under this subsection shall devise a  
28 plan to assist the institution in obtaining alternate access  
29 services in lieu of the remote dial-up access to the Iowa  
30 communications network.

31 Sec. 7. EFFECTIVE DATE. This Act, being deemed of  
32 immediate importance, is effective upon enactment.

33 EXPLANATION

34 This bill relates to the Iowa communications network and  
35 provides for the use of the network by health care

1 professionals, hospitals, and clinics, and prohibits certain  
2 remote dial-up access.

3 Code section 8D.2 is amended to add definitions for the  
4 terms "licensed health care professional" and "telehealth".

5 Code section 8D.6 is amended to provide that the Iowa  
6 telecommunications and technology commission is to establish  
7 an advisory group to examine the use of the network for  
8 telehealth applications. Currently, that section provides  
9 that the advisory group is to examine such use for  
10 telemedicine applications. The section is also amended to  
11 provide that members are to be appointed representing licensed  
12 health care professionals, in addition to current members who  
13 are to be appointed representing hospitals and other health  
14 care facilities.

15 Code section 8D.13 is amended to provide that full-motion,  
16 interactive video services offered through the network to a  
17 hospital or physician clinic may be used by a licensed health  
18 care professional at the authorized user's site as long as the  
19 use is within the scope of practice of the health care  
20 professional.

21 Code section 8D.13 is amended also to prohibit remote dial-  
22 up access to the network or to the internet through the  
23 network unless specifically provided by rule of the commission  
24 adopted pursuant to Code chapter 17A. If adopted, commission  
25 rules must limit such access to a maximum number of hours per  
26 week.

27 New Code section 8D.13A is created and provides that a  
28 dispute which arises between the commission and any local  
29 exchange carrier regarding the network, and which the parties  
30 are unable to resolve, is to be submitted to the utilities  
31 board for resolution. Such resolution is considered final  
32 agency action.

33 The bill provides that an authorized user providing remote  
34 dial-up internet access with the approval of the commission on  
35 April 1, 1998, which would otherwise be prohibited by this

1 bill, is permitted until January 1, 1999. Certain exceptions  
2 are provided to this date for authorized users in an area  
3 where nontoll internet service is not available in the local  
4 exchange area, and for nonprofit institutions of higher  
5 education and regents institutions which petition to extend  
6 the deadline and are granted the extension by the commission.

7 The bill takes effect upon enactment.

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Rife  
Lundby  
Delaney

SSB 2069

Commerce

Succeeded By

SF/HF 2395

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
COMMERCE BILL BY  
CHAIRPERSON JENSEN)

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

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3 NEW SUBSECTION. 20. Unless otherwise provided by rule of  
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6 remote dial-up internet access through the network. Rules, if  
7 adopted, shall not permit unlimited remote dial-up access to  
8 the network or remote dial-up internet access through the  
9 network and shall establish a maximum number of access hours  
10 per week for a member of an authorized user group granted such  
11 access.

12 EXPLANATION

13 This bill prohibits remote dial-up access to the network or  
14 to the internet through the network unless specifically  
15 provided by rule of the commission adopted pursuant to Code  
16 chapter 17A. If adopted, commission rules must limit such  
17 access to a maximum number of hours per week.

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