

PROFESSIONAL AND OCCUPATIONAL LICENSING STUDY COMMITTEE

Report to the Legislative Council
and the Members of the
First Session of the Sixty-sixth General Assembly
State of Iowa
1975

FINAL REPORT

PROFESSIONAL AND OCCUPATIONAL LICENSING STUDY COMMITTEE

The Professional and Occupational Licensing Study Committee was established by the Legislative Council at its June 12, 1974 meeting. Section 202 of Senate File 277, passed by the Sixty-fifth General Assembly, 1974 Session, outlined the Committee's duties: "To study the recommendations of the various professional and occupational licensing boards ('concerning continuing education requirements for their licensed, registered, or certified members') which were submitted to the Sixty-fifth General Assembly, 1974 Session, and to make recommendations, accompanied by legislative bill drafts to implement the recommendations, to the legislative council and the general assembly meeting in the year 1975." At its August 14, 1974 meeting, the Legislative Council expanded the Committee's authority so as to permit the Committee to take testimony from currently-unlicensed groups in terms of what continuing education requirements would be appropriate if they were licensed.

The Legislative Council named the following members of the General Assembly to serve as members of the Committee:

Senator Cliff Burroughs, Greene
Senator Lowell L. Junkins, Montrose
Senator William N. Plymat, Urbandale
Representative Sonja Egenes, Story City
Representative Mattie Harper, West Grove
Representative Donald L. Lippold, Waterloo
Representative Alvin V. Miller, Ventura

At its first meeting on July 9-10, 1974, Representative Egenes was elected Chairperson and Representative Mattie Harper was elected Vice Chairperson.

The Committee decided to study the continuing education recommendations of and received oral testimony from the following professional and occupational examining boards:

1. Accountancy (Ch. 116)
2. Architecture (Ch. 118)
3. Barbering (Ch. 147)
4. Certified Shorthand Reporting (Ch. 115)
5. Certified Operators of Water Supply Systems and Wastewater Treatment Plants and Distribution Systems (Ch. 4553)
6. Chiropractic (Ch. 147)
7. Cosmetology (Ch. 147)
8. Dentistry and Dental Hygiene (Ch. 147)
9. Engineering and Land Surveying (Ch. 114)
10. Funeral Directing and Embalming (Ch. 147)
11. Landscape Architecture (S.F. 277, 65th G.A., 2d Sess.)

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12. Law (Ch. 610)
13. Medicine and Surgery, Osteopathy, Osteopathic Medicine and Surgery (Ch. 147)
14. Nursing (Ch. 147)
15. Nursing Home Administrators (Ch. 147)
16. Optometry (Ch. 147)
17. Pharmacy (Ch. 147)
18. Physical Therapy (Ch. 147)
19. Podiatry (Ch. 147)
20. Psychology (Ch. 147)
21. Real Estate (Ch. 117)
22. Veterinary Medicine (Ch. 169)
23. Watchmaking (Ch. 120)
24. Hearing Aid Dealers (H.F. 708, 65th G.A., 1974 Session)

The Committee also received testimony from representatives of the following groups concerning their attitudes and concerns relating to continuing education:

1. County health Sanitarians
2. Speech Pathologists and Audiologists
3. Social Workers

The July 9-10, 1974 Committee meeting was primarily devoted to the receiving of testimony from representatives of the various professional and occupational examining boards. This testimony was in regard to the recommendations made to the General Assembly pursuant to Section 202 of Senate File 277. The Committee learned that while few boards had actually implemented programs requiring continuing education as a condition of license renewal, every board felt that such implementation was possible. Most representatives of the various boards expressed a hope that if the General Assembly mandates a continuing education requirement, it will allow the boards sufficient flexibility to implement it.

An issue raised during the July 9-10 Committee hearing was whether the boards presently had statutory rule-making authority to implement a continuing education requirement. To answer this question, the Committee requested an Attorney General's opinion, a copy of which is attached to this report as Appendix #1.

As a result of the virtual flood of information received by the Committee at its July 9-10 hearing, the Committee directed the Legislative Service Bureau to: (1) Elicit by questionnaire general profile information from the various boards; and (2) Prepare a list of theoretical and operational questions raised during the hearing. A compilation of the responses to the questionnaire is attached to this report as Appendix #2 and a list of the theoretical and operational questions is attached to this report as Appendix #3.

The second meeting of the Committee on August 26-27, 1974, was primarily devoted to the answering of the theoretical and operational questions contained in Appendix #3. It was the basic consensus of the Committee that:

1. It is desirable for the public health, safety, and well-being that a professional or occupational licensee maintain the current level of competency practiced in the profession or occupation by continuing education.
2. Each professional and occupational examining board is best equipped to initially determine what, if any, continuing education requirements are appropriate. Therefore, each board should be granted statutory flexibility to make this initial determination.
3. Even though each board is best equipped to make this initial determination, the General Assembly should maintain a legislative overview by monitoring the activities of the various boards and considering the application for licensure of unlicensed groups.

More detailed answers to the theoretical and operational questions, as derived by the Committee, are incorporated in its recommendations, infra, and its proposed bill draft, attached to this report as Appendix #4.

At the August 26-27 Committee meeting, the Committee directed the Legislative Service Bureau to prepare a tentative bill draft and tentative final report consistent with the Committee motions passed and consensus agreed upon during this meeting. At the third meeting of the Committee on September 19, 1974, both drafts were studied and revised. Subsequent to this meeting, each professional and occupational examining board was given an opportunity to submit to the Committee its written criticism of both revised drafts. A summary of the boards' written criticisms is attached to this report as Appendix #5. At the fourth and final meeting of the Committee on October 21, 1974, the Committee finalized its recommendations.

Pursuant to its charge, as expressed in Senate File 277, Sixty-fifth General Assembly, Second Session, and by the Legislative Council, the 1974 Professional and Occupational Licensing Study Committee makes the following recommendations to the Legislative Council and Sixty-sixth General Assembly:

1. Mandatory annual license renewals by statute should be eliminated so that each professional or occupational examining board may set the period most appropriate to its profession or occupation for license renewal, this renewal being set possibly in conjunction with a continuing education requirement.
2. Each professional and occupational examining board should be statutorily delegated clear rule-making authority to establish continuing education requirement and programs. Such delegation should occur with specific legislative guidelines.

3. A legislative licensing review committee should be statutorily established. This committee should consist of seven members so as to maintain a broad legislative base and should include an ex officio member from the Office of the Attorney General so as to instill a consumer protection input.
4. The recommended licensing review committee should periodically review any continuing education requirements or programs proposed or established by the various examining boards. Such review should begin immediately upon the committee's formation.
5. The various examining boards should not be statutorily required to establish a continuing education requirement or program, but rather should only be statutorily required to submit a negative or affirmative proposal for a continuing education requirement or program to the recommended licensing review committee.
6. The recommended licensing review committee should review, to the exclusion of the Administrative Rules Review Committee, all rules proposed by the various examining boards under the "Iowa Administrative Procedure Act" so as to create legislative expertise in this committee and to relieve the Administrative Rules Review Committee of overburdening.
7. The recommended licensing review committee should review all requests for new licensure and the feasibility of eliminating current licensure so as to keep the General Assembly informed of changing licensing needs.
8. The responsibility for arrangement of financing continuing education requirements and supporting continuing education programs should reside with the individual licensee, except where it is convenient for the state to offer its educational facilities. However, the board or continuing education provider should be allowed to receive or utilize any available funds or resources in supporting continuing education programs.
9. The various examining boards should be compensated for any increased administrative costs caused by the establishment of a continuing education requirement by raising renewal fees.
10. The recommended licensing review committee should study the effect of continuing education on interstate and international practice, examine the use of the C.E.U. (continuing education unit) or any other uniform measurement method for recording continuing education

achievement, and strictly scrutinize continuing education requirements to determine if they are being used to monopolize a particular profession or occupation.

11. Each professional or occupational licensee of this state should strive at all times to maintain skills and knowledge commensurate with the current level of competency of a profession or occupation.
12. Consideration should be given by the General Assembly during the next session to alter the name of the board of certification to more accurately reflect its functions.
13. The General Assembly should study and clarify the separation of powers issue in terms of conflicts between the inherent constitutional authority of the Supreme Court to regulate the practice of law and the constitutional authority of the General Assembly, under its police powers, to enact legislation which affects the practice of law. Correspondence received from Chief Justice Moore states that the Supreme Court has inherent and exclusive power to prescribe reasonable conditions upon which persons may be permitted to practice law and describes the creation by the Supreme Court of a Continuing Legal Education Commission to administer a continuing education program. The Committee rejected the inclusion of provisions in its proposed bill which would have placed authority for the administration of a continuing legal education program with the Supreme Court instead of the Board of Law Examiners and expressed the belief that the General Assembly has an obligation to oversee the continuing education programs of all professions and occupations for which passage of an examination is required for licensure.
14. The General Assembly should enact the proposed Committee bill which is attached to this report as Appendix #4. This bill should encompass all other recommendations contained in this report.

APPENDIX #1

LICENSES: Continuing Education Requirements, S.F. 277, 65th G.A., 1974 Session. Only the Board of Accountancy Examiners should prescribe a continuing education program as a requisite to the retention of a license. (Haesemeyer to Egenes, State Representative, 10-14-74) #74-10-15

October 14, 1974

Honorable Sonja Egenes
State Representative
905 LaFayette
Story City, Iowa 50248

Dear Representative Egenes:

You requested an Attorney General's opinion on the subject of continuing education programs for occupational licensees, and stated:

"During the hearings of the Professional and Occupational Licensing Study Committee, it has become apparent that many of the licensing boards are uncertain as to whether Senate File 277 gave them the authority to establish by rule continuing education requirements for license renewal. Therefore the Committee has by motion directed me to request an attorney general's opinion as to which licensing boards do now have authority to establish continuing education requirements."

We have been unable to find any litigation or treatise on the subject of continuing education programs as requisite to license retention. However, it is the generally accepted rule that a state may impose regulations reasonably necessary to the protection of the general public or persons dealing with the licensee, provided that: such regulations are not unduly burdensome, Sallsbury v. Equitable Purchasing Co., 177 Ky. 348, 197 S.W. 813 (1917); are not applied in an arbitrary or capricious manner, Larr v. Digman, 317 Mich. 121, 26 N.W.2d 872 (1947); Braddock v. State, 127 Ga.App. 513, 194 S.E.2d 317 (1972); see generally, 53 C.J.S. Licenses, §42(e) (1950); and subject to the exception that a regulation may not excise or abrogate constitutional rights of the licensee, Frost v. R.R. Comm., 271 U.S. 583 (1926); Finch v. U.S., 102 U.S. 269 (1880); District of Columbia v. Lee, 35 App. D.C. 341 (1910).

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Nonetheless, S.F. 277, Acts, 65th G.A., Second Session (1974) was enacted for the specific purpose of mandating just exactly what principles should be followed and what procedures should be adopted by the various occupational licensing boards. Section 1 states:

"The following principles shall be used by the general assembly in determining whether a procedure should be established and the type of procedure which should be established for the state licenser of an occupation or profession:

"1. The state shall engage in licensing procedures for those professions and occupations where it believes it can assure an objective and measurable level of competence concerning the public health, safety, and well being which other sources cannot effectively provide.

"2. The examining board shall pursue a meaningful examination and enforcement procedure which upholds the level of competency of the licensee to insure that public interest is protected."

While throughout the Act each licensing board is given the power to tax a fee for the license, revoke or suspend the license for misconduct of the licensee, and renew the license upon timely application by the licensee, there is only one place in the Act where the legislature has specifically provided for continuing education requirements. Section 32 of the Act, which amends Chapter 116, Code, 1973, states in the fourth new section:

"The board shall prescribe continuing education requirements, subject to approval under the provisions of chapter 17A of the Code, for all certified public accountants holding certificates and all other certified public accountants working under certificates to engage in the practice of public accounting in this state, and compliance by certified public accountants shall be a condition to the renewal of a certificate to practice under section 116.13 of the Code."

Nowhere else in the Act is an analogous provision as to continuing education as a prerequisite to license renewal to be found. In all other cases, renewal is conditioned only upon timely application and payment of the specified fee. As mentioned above, the

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Act provides for revocation or suspension of the license upon failure of the licensee to comport with the board's rules of conduct, and it is our opinion that by forbearing from imposing continuing education requirements upon these occupations the legislature evidenced its intent to rely upon such revocation and suspension procedures for policing of these occupations.

It is appropriate too to consider the viability of an argument that this statute violates the due process clause of the Fourteenth Amendment by imposing certain restrictions and conditions upon one class of licensees while not imposing the same upon other classes of licensees. It may be suggested, arguendo, that there is no reason why accountants should be required to hone and refine their competency periodically while other comparable professionals, e.g. doctors, lawyers, engineers, are not saddled with a similar burden. Of course, the general rule is that it is within the state's police power to make reasonable classifications in its licensing legislation and that this authority extends to the imposition of licensing requirements. See generally, 51 Am. Jur.2d Licenses and Permits, §27 (1970) and there are numerous arguments which the legislature could adduce in support of its imposition of a continuing education requirement only upon accounting licensees, e.g., that defects in accounting practice might not be noticed as readily as would defects in the work of other licensees; or that accounting practices are in such a state of flux that it is in the best interest of this state and its citizens to ensure that accounting licensees are continually apprised of changes in current accounting methods.

Accordingly, it is our opinion that the legislature has expressed its intent that only accountants be subjected to continuing education requirements by the accountancy board, and that other occupational licensing boards may not impose continuing educational requirements unless and until such time as the legislature expressly authorizes them to do so. This is not to say, however, that the Supreme Court under its inherent power to regulate the practice of law could not prescribe a continuing education requirement for attorneys. It is also our opinion that this legislation is constitutionally acceptable, and that no due process argument would lie against the requirements imposed therein.

Very truly yours,


RICHARD E. HAESEMEYER
Solicitor General

REH:no

CHARTED QUESTIONNAIRE RESPONSES

The chart included in this appendix was prepared from responses to the following questionnaire. The questionnaire was sent to all the 29 examining boards studied by the committee. The numbers on the left hand side of the chart correspond to the questions that numbers on the questionnaire. The boards were requested to insert "N/A" to questions that were not applicable to their profession and "U/A" when the information was not available. When specific data was not available, approximations were requested. The original questionnaire responses are on file with the Legislative Service Bureau.

1. Name of Board: _____ (Practicing in state) _____

2. How many active licensees _____ (Licensed but no longer practicing) _____

3. How many out of state licensees _____ (Licensee home-practicing elsewhere) _____

4. Average number of new licensees annually _____

5. Average number of applicants annually _____

6. Average number of annual renewals _____

7. Cost of initial examination _____

8. Cost of initial license _____

9. Cost of renewal _____

10. Amount of post secondary education required for initial licensure _____

11. Is the required education available within Iowa? _____

12. Partially available _____ or totally available _____

13. If the required education is not available within the state, where is the nearest place such education may be obtained? _____

14. Are the educational facilities _____ Public Institution _____

15. Private institutions _____ or Both _____

16. What is the present average cost of such education _____

17. Is there any internship or apprenticeship period required _____

18. (a) Before initial licensure _____ How long _____

19. (b) After initial licensure _____ How long _____

20. Are there currently any colleges, universities or technical schools within the state which offer courses or seminars for the practitioner to continue his education after licensure? _____

21. If so, are these facilities Public _____ Private _____ or Both _____

22. Is there any Professional Association for your members which sponsors continuing education programs? _____

23. If so, is the Association State _____ National _____ or Both _____?

24. Approximately what percent of your licensees belong to an Association which sponsors continuing education for membership? _____

25. Is participation in this association mandatory for persons in your profession? _____

26. How many hours does this Professional Association require its members to spend on continuing education? _____ hours

27. of _____ (credit or contact) over a _____ year period.

28. How many hours of continuing education does your Board feel would be sufficient to insure maintaining the competency of licensees? _____ hours of _____ (credit/contact) over a _____ year period.

29. What additional expenses do you feel would be incurred if the State mandated a minimal amount of continuing education? _____

30. (A) Expense to the Licensing Board \$ _____ ANNUALLY

31. (B) Expense to the Individual \$ _____ ANNUALLY

32. Would your Board require additional staff to administer and enforce a continuing education program? _____ If so, how many employees _____ and at what average annual salary _____ annually.

33. How do you feel a program of continuing education should be funded? By state expenditure _____, By increased license fees _____, or by the Individual Practitioner at the time he attends the program _____ (Indicate if combination of these plans preferred what % allocated to each.)

34. Does Iowa have EXCELLENCE _____ and/or GIFTED _____ with other states in regard to your profession? _____

35. In Iowa, at the present, there is an abundance _____, adequate number _____ shortage _____ of licensed persons in this profession.

36. To meet and serve the needs of Iowa's present population, there should be _____ (fewer _____ /more _____) qualified licensees in this profession in the state.

37. If there is a trend indicated in the above answers toward either oversupply or undersupply of qualified persons in your profession, do you see this trend increasing, decreasing or remaining constant over the next few years? _____

38. What is the average working life span in your profession from the time of initial licensure until retirement? _____

39. What is the average age of those currently licensed? _____

40. Which would your Board prefer? General legislation requiring continued education of all professions but leaving the specifics to the individual licensing boards _____, Specific legislation setting the amount and type of continuing education for each individual profession _____, or No legislation _____.

Question	Architects	Optometry	Accountants	Engineers	Funeral Dirs.	Nurses RN/LPN	Nursing Home Administrators
1.	961	329	386	4310	1000	14,000/4,000	575
2.	726	13	990	U/A	300		U/A
3.	U/A	95	449	2334	100	10,000/2,500	34
4.	80	8	250	239	50	1,625/1,090	79
5.	100	9	380	273	55	1,700/1,090	100
6.	950	424	1600	4119	1400	21,654/6,975	609
7.	\$10.00	\$20.00	\$25.00	\$25.00	\$30.00	\$30/\$20	\$25.00
8.a	\$15.00	incl.	\$10.00	\$10.00	incl.	incl.	\$30.00
b	\$25.00	\$25.00	\$10.00	\$10.00	\$10.00	\$ 4.00	\$30.00
9.	none	6 yrs.	4 yrs.	4 yrs.	3 yrs.	2-4 yrs./1 yr.	1 yr. +
10.a	total	partial	total	total	partial	total	total
b		Chicago			Mn., Ill.		
11.	public	both	both	public	both	both	public
12.	\$15,000	\$4,000/yr.	college	\$10-\$12,000	\$2,000/yr.	\$800-1000/\$400	
13.a	3 yrs.	no	1 yr.	4 yrs.	no	no	varies
b	no	no	no	no	1 yr.	no	no
14.	none	both	both	both	no	both	public
15.	none	both	both	both	both	both	both
16.a	none		no	no		no	no
b	no	no	no	no	no	no	no
17.		12 cred.			none		
18.	none	12 cred.	120 cd./3 yrs.	40 hrs.	4 hrs.		36 hrs/2 yrs.
19.a	\$6,000	\$500	N/A	\$10,000	\$3,000	\$84,696	none
b	\$1,000	\$300	N/A	\$75-\$150	\$75.00	U/A	none
20.a	1/2	no		1	1	8	no
b	\$5,000		N/A	U/A	U/A	\$65,696	
21.a					50%		
b					25%	yes	
c					25%	yes	100%
22.	100%	100%	100%	100%	recip.	endorsement	comity
23.	recip.	recip.	recip.	comity	adequate		adequate
24.	shortage	shortage	adequate	shortage	same	more	600 more
25.	more	more	more	more	constant		constant
26.	constant	increase	U/A	constant	40 yrs.	U/A	U/A
27.	40 yrs.	38 yrs.	40 yrs.	35-45 yrs.	45 yrs.	U/A	50 yrs.
28.	40 yrs.	51 yrs.	U/A	50 yrs.	Gen.	Gen.	no
	no	Gen.	Gen.	Gen.			

Question	Waste Water Operators	Watchmakers	Shorthand Reporters	Physical Therapists	Cosmetologists	Barbers	Real Estate Brokers
1.	3300	660	120	310	9767	U/A	11931
2.	100	7	U/A	24	12973	U/A	402
3.	U/A	67	U/A	153	1120	U/A	900
4.	575	7	20	67	923	60	1800
5.	700	650	60	73	1011	65	2400
6.	1779	650	120	480	24272	3625	11931
7.	none	\$20.00	\$10.00	\$40.00	\$10.00	\$25.00	none
8.a	\$ 5.00	U/A	\$10.00	incl.	none	\$10.00	\$20/\$10
b	\$ 3.00	\$10.00	\$10.00	\$10.00	\$ 3.00	\$ 5.00	\$20/\$10
9.	1 yr. exp.	2-3 yrs.	2 yrs.	5-6 yrs.	2100 hrs.	1800 hrs.	none
10.a	N/A	no	total	total	total	total	N/A
b		Mn., Ill.					
11.		private	private	public	both	private	both
12.		U/A	\$2,800	\$16-\$19,000	\$450.00	\$700.00	\$7.50-\$15.00
13.a	1 yr.	3 yrs.	no	18 wks.	N/A	no	no
b	varies	no	no	no	N/A	18 mos.	no
14.	both	no	no	both	public	private	both
15.	both	both	both	both	no	both	both
16.a	no	25%	N/A	10-15%	N/A	25%	3%
b	no	no	no	no	N/A	no	no
17.	N/A	none	N/A	150 hrs/3 yrs.	N/A	none	U/A
18.	20-40/4 yr.	2 hrs.	10 hrs.	30 hrs/2 yrs.	24 hrs./2 yrs.	8 cred.	8 hrs.
19.a	\$10,000	\$5,000	U/A	\$1,800	U/A	\$3,000	\$5,000
b	\$100	\$15.00	U/A	\$100-\$750	U/A	\$15.00	none
20.a	1/2	none	parttime	none	2	1	1
b	\$8,000		U/A		\$6,000	U/A	\$12,000
21.a	50%			10%		1st yr.	yes
b		50%			100%		
c	50%	50%	100%	90%		yes	
22.	recip.	recip.	no	comity	recip.	part. recip.	recip.
23.	abundance	shortage	shortage	adequate	shortage	shortage	U/A
24.	300 more		more		more	400 more	U/A
25.	increase	increase		U/A	U/A	constant	U/A
26.	20 yrs.	40 yrs.	40 yrs.	30-45 yrs.	U/A	40 yrs.	U/A
27.	45 yrs.	U/A	est. 35	U/A	30 yrs.	U/A	U/A
28.	Gen.	Gen.	no	Gen.	Gen.	Gen.	Gen.

A P P E N D I X 2

<u>Question</u>	<u>Doctors MD's & DO's</u>	<u>Dentists</u>	<u>Chiro- practors</u>	<u>Podiatrists</u>	<u>Veterin- arians</u>	<u>Lawyers</u>	<u>Pharmacists</u>
1.	3060	1275	496	91	1200	4058	1668
2.	1778	150	101	169	100	243	211
3.	3089	900	586	U/A	500	546	1367
4.	350	100	150	3	50	325	159
5.	375	125	175	4	55	400-450	194
6.	6149	2200	1100	156	1800	4604	3246
7.	\$50.00	\$100.00	\$20.00	\$20.00	\$25.00	\$5.00	\$50.00
8.a	incl.	\$ 50.00	none	None	none	\$25.00	incl.
b	\$15.00	\$ 15.00	\$12.50	15 yr	\$ 5.00	\$25-100.00	\$15.00
9.	7-9 yrs.	6 yrs.	4000 hrs.	6 yr	none	7 yrs.	5 yrs.
10.a	total	total	total	No	total	total	total
b							
11.	both	public	both	Private	public	both	both
12.	\$30-35,000	\$18-20,000	3825	\$12,000	minimal	\$35,000	\$1300
13.a	1 yr.	none	4 qtrs.	no	no	no	1500 hrs.
b				no		no	no
14.	both	public	private	both	private	both	both
15.	both	state	both	both	both	both	both
16.a		10%	none		20%	none	none
b		no	no	None	no		no
17.	50 hrs.	100 hrs.			50 hrs.		
18.	150 hrs./3 yrs.	60 hrs./3yrs.	12 hrs.	14 hrs.	20 hrs.	15-20 hrs.	10-15 hrs.
19.a	\$25,000	\$20,000	\$1,000	U/A	\$500	\$10.00	\$50,000
b	U/A	500	\$ 250	U/A	\$350	\$250.00	\$50-\$300
20.a	2	1	no	U/A	no		2
b	\$16,000	\$10,000		U/A		Ct. will appoint 5 member board	\$50,000
21.a							50%
b		100%				Admin. cost	25%
c	100%		100%	100%	100%	Program cost	25%
22.	recip.	recip.	recip.	both	no	Both limited	recip.
23.	shortage	adequate	shortage	shortage	shortage	Adequate	shortage
24.	more	adequate	600 more	more	more	same	more
25.	increase	oversupply	constant	undersupply	constant	Oversupply	constant
26.	55 yrs.	30-40 yrs.	35 yrs.	U/A	60-65 yrs.	40 yrs.	38 yrs.
27.	54 yrs.	U/A	49 yrs.	Late 40's	40 yrs.	U/A	40-49 yrs.
28.	Gen.	Gen.	Gen.	No	Gen.	Ct. Juris.	Gen.

PROFESSIONAL AND OCCUPATIONAL LICENSING QUESTIONS

Theoretical Questions

1. In regard to the benefit of the general public, is continuing education absolutely necessary or merely desirable so as to justify its imposition on the licensed professions and occupations?

2. What are the criteria for determining whether continuing education is necessary or desirable for the public interest in the occupation?

3. Should continuing education legislation be mandatory or permissive in nature?

4. To what extent should the operation of continuing education be established by statute rather than by rule?

5. What type of continuing education courses are in the public interest, rather than just the occupations interest?

6. What, if any, aspects of continuing education should be uniform in all the occupations subject to continuing education?

7. So the problems of interstate reciprocity, comity, and commerce outweigh the public interest in mandatory continuing education for all Iowa licenses in some or all of the occupations?

8. Would the requirement of continuing education significantly increase the monopolization of the occupation?

9. What would be the effect of continuing education requirements on part-time or occasional working members of the occupation?

Operational Questions

1. How much continuing education should be required in the occupation?

2. Should the requirement be annual or otherwise?

3. What is an educational experience that should be considered for accreditation?

4. To what extent is work itself a continuing educational experience?

5. To what extent is the reading of occupational journals a continuing educational experience?

6. How should continuing education participation be audited?

7. What should be the criteria for accreditation?
8. Should specialization in continuing education be permitted?
9. Should persons not in continuing education be allowed to carry licenses on an inactive status?
10. On what grounds could waivers on deferments of continuing education requirements be granted?
11. How can the nonresident Iowa licensee have his educational experiences accredited?
12. Would the licensing board have to recognize out-of-state education experiences to avoid imposing an unreasonable burden on interstate commerce?
13. If a nonresident or inactive licensee desires to reenter the occupation in Iowa, should he be retested, admitted upon participation in continuing education, or admitted upon payment of renewal fee as presently done?
 - a. Should the retest be a retaking of the initial license examination or a lesser examination?
 - b. Should participation in the normal continuing education program be sufficient or should a greater amount of continuing education, based on the period of absence or inactivity, be required?
14. Should the cost of continuing education programs themselves be assumed by the licensee, the state, or by educational institutions?
15. Should the cost of administering the continuing education be assumed by the licensees or the state?
16. How much of the cost should the licensee assume, and how burdensome could this be to the licensee?

APPENDIX #4

PROFESSIONAL AND OCCUPATIONAL
LICENSING STUDY COMMITTEE THIRD
AND FINAL BILL DRAFT

(Revised at the Committee's
October 21, 1974 meeting.)

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

A BILL FOR

1 An Act relating to continuing education requirements as a
2 condition of a professional or occupational license re-
3 newal or inactive licensee reentry, providing for legis-
4 lative review of professional and occupational examining
5 board activities, delegating rule-making authority to pro-
6 fessional and occupational examining boards, and eliminating
7 mandatory annual renewal of professional and occupational
8 licenses.

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

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1 Section 1. NEW SECTION. FINDINGS BY THE GENERAL ASSEMBLY.

2 1. The general assembly finds that there is a need to
3 insure that the public health, safety, and well-being is
4 protected by meaningful examination and licensing procedures
5 which establish an initial achievement of skills and knowledge
6 by a professional or occupational licensee commensurate with
7 the current level of competency of his profession or
8 occupation. The general assembly further finds that there
9 is a need to insure that the public health, safety, and well-
10 being is protected by meaningful license renewal, inactive
11 licensee reentry, continuing education, and general enforcement
12 procedures which guarantee a continued maintenance of skills
13 and knowledge by a professional or occupational licensee
14 commensurate with the current level of competency of his
15 profession or occupation.

16 2. The general assembly also finds that as a general
17 proposition individual professional and occupational examining
18 boards are the most capable bodies to determine which
19 examination, licensure, renewal, inactive licensee reentry,
20 continuing education, and general enforcement procedures are
21 appropriate under subsection one (1) of this section. However,
22 the general assembly further finds that it is desirable to
23 maintain a legislative overview of the operation of such
24 procedures. Such legislative overview shall be conducted
25 for the purpose of informing the general assembly of the
26 changing nature of the licensed and unlicensed professions
27 and occupations and of the expected need for periodic revision
28 in the professional and occupational licensing laws.

29 Sec. 2. NEW SECTION. DEFINITIONS.

30 1. "Professional and occupational examining board" includes
31 the following boards:

32 a. Board of engineering examiners, created pursuant to
33 chapter one hundred fourteen (114) of the Code.

34 b. Board of examiners for shorthand reporters, created
35 pursuant to chapter one hundred fifteen (115) of the Code.

- 1 c. Board of accountancy, created pursuant to section three
2 (2), Senate File one hundred thirty-four (134), Sixty-fifth
3 General Assembly, 1974 Session.
- 4 d. Iowa real estate commission, created pursuant to chapter
5 one hundred seventeen (117) of the Code.
- 6 e. Board of architectural examiners, created pursuant
7 to chapter one hundred eighteen (118) of the Code.
- 8 f. Board of watchmaking examiners, created pursuant to
9 chapter one hundred twenty (120) of the Code.
- 10 g. Board of medical examiners, created pursuant to chapter
11 one hundred forty-seven (147) of the Code.
- 12 h. Board of psychology examiners, created pursuant to
13 chapter one hundred forty-seven (147) of the Code.
- 14 i. Board of podiatry examiners, created pursuant to chapter
15 one hundred forty-seven (147) of the Code.
- 16 j. Board of chiropractic examiners, created pursuant to
17 chapter one hundred forty-seven (147) of the Code.
- 18 k. Board of physical therapy examiners, created pursuant
19 to chapter one hundred forty-seven (147) of the Code.
- 20 l. Board of nursing, created pursuant to chapter one
21 hundred forty-seven (147) of the Code.
- 22 m. Board of dental examiners, created pursuant to chapter
23 one hundred forty-seven (147) of the Code.
- 24 n. Board of optometry examiners, created pursuant to
25 chapter one hundred forty-seven (147) of the Code.
- 26 o. Board of cosmetology examiners, created pursuant to
27 chapter one hundred forty-seven (147) of the Code.
- 28 p. Board of barber examiners, created pursuant to chapter
29 one hundred forty-seven (147) of the Code.
- 30 q. Board of pharmacy examiners, created pursuant to chapter
31 one hundred forty-seven (147) of the Code.
- 32 r. Board of funeral director and embalmer examiners,
33 created pursuant to chapter one hundred forty-seven (147)
34 of the Code.
- 35 s. Board of examiners for nursing home administrators,

1 created pursuant to chapter one hundred forty-seven (147)
2 of the Code.

3 t. Board of veterinary medical examiners, created pur-
4 suant to chapter one hundred sixty-nine (169) of the Code.

5 u. Board of certification, created pursuant to chapter
6 four hundred fifty-five B (455B) of the Code.

7 v. Board of law examiners, created pursuant to chapter
8 six hundred ten (610) of the Code.

9 w. Iowa board of landscape architectural examiners, created
10 pursuant to sections one hundred seventy-six (176) through
11 one hundred ninety-seven (197), Senate File two hundred
12 seventy-seven (277), Sixty-fifth General Assembly, 1974
13 Session.

14 x. Board for the licensing and regulation of hearing aid
15 dealers, created pursuant to section two (2), House File seven
16 hundred eight (708), Sixty-fifth General Assembly, 1974
17 Session.

18 2. "Rule" means rule as defined in section two (2), House
19 File one thousand two hundred (1200), Sixty-fifth General
20 Assembly, 1974 Session.

21 3. "Continuing education" means that education which is
22 obtained by a professional or occupational licensee in order
23 to maintain, improve, or expand skills and knowledge obtained
24 prior to initial licensure or to develop new and relevant
25 skills and knowledge.

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

30 5. The term "licensing" and its derivations include the
31 terms "regulation" and "certification" and their derivations.

32 Sec. 3. NEW SECTION. LICENSING REVIEW COMMITTEE CREATED.

33 1. There is created the licensing review committee. The
34 committee shall be bipartisan and shall be composed of the
35 following members:

- 1 a. Three senators appointed by the president of the senate.
- 2 b. Four representatives appointed by the speaker of the
- 3 house.
- 4 c. The director of the consumer protection division of
- 5 the office of the attorney general to be designated by the
- 6 attorney general and to serve as an ex officio member.
- 7 2. A committee member shall be appointed prior to the
- 8 adjournment of a regular session convened in an odd-numbered
- 9 year. The term of office shall be for four years commencing
- 10 May first of the year of appointment. However, a member shall
- 11 serve until his successor is appointed. A vacancy on the
- 12 committee shall be filled by the original appointing authority
- 13 for the remainder of the term. A vacancy shall exist when-
- 14 ever a committee member ceases to be a member of the house
- 15 of the general assembly from which the member was appointed.
- 16 3. A committee member, except an ex officio member, shall
- 17 be paid a per diem, as established for members of the general
- 18 assembly under subsection six (6) of section two point ten
- 19 (2.10) of the Code, for each day in attendance and shall be
- 20 reimbursed for actual and necessary expenses incurred in the
- 21 performance of his duties. There is appropriated from money
- 22 in the general fund not otherwise appropriated an amount
- 23 sufficient to pay costs incurred under this subsection.
- 24 4. The committee shall choose a chairperson from its
- 25 membership and prescribe its rules of procedure. The Code
- 26 editor or a designee shall act as secretary for the commit-
- 27 tee.
- 28 5. A committee meeting shall be held upon the call of
- 29 the chairperson or at the request of three committee members.
- 30 Unless impracticable, the subject matter to be considered
- 31 at a committee meeting shall be published in advance of the
- 32 meeting in the "Iowa Administrative Code". A committee meeting
- 33 shall be open to the public and an interested person may be
- 34 heard and present evidence. The committee may require a
- 35 representative of a professional or occupational examining

1 board to attend a committee meeting.

2 Sec. 4. NEW SECTION. COMMITTEE PURPOSES. The committee
3 shall meet for the following purposes:

4 1. The committee shall review the proposals of each
5 professional and occupational examining board to create
6 continuing education requirements as a condition to license
7 renewal or inactive licensee reentry. Such boards shall be
8 requested to submit their proposals at the discretion of the
9 committee. The committee shall consider the convenience of
10 the boards when requesting submission of their proposals;
11 however, each board shall submit a proposal within two years
12 of formation of the committee. Subsequent to the initial
13 review, the continuing education requirements of each board
14 shall be reviewed at least once every five years. As used
15 in this subsection, "proposal" includes both a negative and
16 an affirmative recommendation.

17 2. a. The committee shall review all rules proposed by
18 the professional and occupational examining boards. Not less
19 than seven days prior to the filing of an adopted rule under
20 subsection one (1) of section five (5), House File one thousand
21 two hundred (1200), Sixty-fifth General Assembly, 1974 Session,
22 and prior to the adoption, amendment, or repeal of a rule
23 by a professional or occupational examining board under section
24 four (4), House File one thousand two hundred (1200), Sixty-
25 fifth General Assembly, 1974 Session, a professional or
26 occupational examining board shall submit a copy of the
27 proposed rule to each member of the committee.

28 b. If the committee or attorney general finds objection
29 to all or some portion of a proposed rule because that rule
30 is deemed to be unreasonable, arbitrary, capricious or other-
31 wise beyond the authority delegated to the board, the committee
32 or attorney general may, in writing, notify the board of the
33 objection within seven days of the meeting at which the rule
34 is reviewed. The committee or attorney general shall also
35 file a certified copy of such an objection in the office of

1 the secretary of state within the same time limits. A notice
2 to the effect that an objection has been filed shall be
3 published in the next supplement to the "Iowa Administrative
4 Code". Upon publishing of the notice, the burden of proof
5 shall be on the board in any proceeding for judicial review
6 or for enforcement of the rule heard subsequent to the filing
7 to establish that the rule or portion of the rule timely
8 objected to according to the procedure of this paragraph is
9 not unreasonable, arbitrary, capricious or otherwise beyond
10 the authority delegated to it.

11 c. If the board fails to meet the burden of proof pre-
12 scribed for a rule objected to, according to the provisions
13 of paragraph b of this subsection, the court shall declare
14 the rule or portion of the rule objected to invalid and render
15 judgment against the board for court costs. Such court costs
16 shall include a reasonable attorney fee and shall be payable
17 by the state controller from the support appropriations of
18 the board which issued the rule in question.

19 d. A board rule adopted after the effective date of this
20 act is not valid unless adopted in the substantial compliance
21 with the requirements of this subsection. However, a board
22 rule shall be conclusively presumed to have been made in
23 compliance with all of the procedural requirements of this
24 subsection if it has not been invalidated on the grounds of
25 noncompliance in a proceeding commenced within two years after
26 its effective date.

27 e. This section shall not be construed so as to relieve
28 a board from meeting the requirements of House File one
29 thousand two hundred (1200), Sixty-fifth General Assembly,
30 1974 Session.

31 3. The committee shall review any proposal by a pro-
32 fessional or occupational group that it should be subject
33 to state licensing laws. The committee shall, at least every
34 five years, also review whether any existing board should
35 be discontinued.

1 Sec. 5. NEW SECTION. REFERRAL TO THE GENERAL ASSEMBLY.

2 In addition to the filing of an objection under paragraph
3 b of subsection two (2) of section four (4) of this Act and
4 as a result of any review conducted under section four (4)
5 of this Act, the committee may refer recommendations for
6 statutory revision of the professional or occupational
7 licensing laws to the speaker of the house and the president
8 of the senate at the next regular session of the general
9 assembly. The speaker and the president shall refer such
10 recommendations to the appropriate committee of the general
11 assembly. This section shall not be construed to prevent
12 a committee of the general assembly, except the administrative
13 rules review committee, from reviewing, on its own motion,
14 any possible statutory revision of the professional and
15 occupational licensing laws.

16 Sec. 6. NEW SECTION. RULE-MAKING DELEGATION.

17 1. Each professional and occupational examining board
18 is delegated the authority to create, by rule, pursuant to
19 chapter seventeen A (17A) of the Code, continuing education
20 requirements as a condition to license renewal or inactive
21 licensee reentry.

22 2. Promulgated rules may simply create such continuing
23 education requirements or may additionally establish continuing
24 education programs to assist a licensee in meeting such
25 continuing education requirements. Such rules also shall:

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

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

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

35 d. Establish guidelines, including guidelines in regard

1 to the monitoring of licensee participation, for the approval
 2 of continuing education programs that qualify under the con-
 3 tinuing education requirements prescribed.

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

6 f. Define the statuses of active and inactive licensure
 7 and establish appropriate guidelines for inactive licensee
 8 reentry.

9 g. Be promulgated solely for the purpose of assuring a
 10 continued maintenance of skills and knowledge by a pro-
 11 fessional or occupational licensee directly related and com-
 12 mensurate with the current level of competency of the li-
 13 censee's profession or occupation.

14 Sec. 7. Section one hundred fourteen point eighteen
 15 (114.18), Code 1975, is amended to read as follows:

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

1 ~~state or who are members of the armed forces of the United~~
2 ~~States and may renew the engineering certificates of said~~
3 ~~registered professional engineers.~~

4 Sec. 8. Section twenty-one (21), second "NEW SECTION",
5 Senate File two hundred seventy-seven (277), Sixty-fifth
6 General Assembly, 1974 Session, as amending chapter one hundred
7 fifteen (115), Code 1973, is amended to read as follows:

8 NEW SECTION. EXPIRATIONS AND RENEWALS. Certification
9 shall expire annually as determined by the board. The board
10 shall notify every person certified under this chapter of
11 the date of expiration of his certificate and the amount of
12 the fee required for its renewal ~~for one year~~. The notice
13 shall be mailed at least one month in advance of the expira-
14 tion date. A person who fails to renew his certificate by
15 the expiration date shall be allowed to do so within thirty
16 days following its expiration, but the board may assess a
17 reasonable penalty.

18 Sec. 9. Section one hundred seventeen point twenty-seven
19 (117.27), Code 1975, is amended to read as follows:

20 117.27 FEES. The commission shall set annual fees, ex-
21 cept renewal fees which need not be annual, for examination
22 and licensing of real estate brokers and real estate salesmen.
23 The commission shall determine the annual cost of administer-
24 ing the examination and shall set the examination fee accord-
25 ingly. The commission shall set the fees for the real estate
26 broker's licenses and for real estate salesmen's licenses
27 based upon the administrative costs of sustaining the
28 commission. The fees shall include, but shall not be limited
29 to, the costs for:

- 30 1. Per diem, expenses, and travel for commission members.
- 31 2. Office facilities, supplies, and equipment.
- 32 3. Director, assistants, and clerical assistance.

33 Sec. 10. Section one hundred seventeen point twenty-eight
34 (117.28), Code 1975, is amended to read as follows:

35 117.28 EXPIRATION OF LICENSE. Every license shall expire

1 annually as determined by the commission. A person who fails
2 to renew his license by the expiration date shall be allowed
3 to do so within thirty days following its expiration, but
4 the commission may assess a reasonable penalty. The commission
5 shall upon the written request of the applicant on forms pre-
6 scribed by the commission, and payment of the ~~annual~~ fee
7 therefor as herein required, issue a new license for each
8 ensuing year in the absence of any reason or condition which
9 might warrant the revocation of a license after a hearing
10 as provided in sections 117.34 and 117.35.

11 Sec. 11. Section one hundred eighteen point ten (118.10),
12 Code 1975, is amended to read as follows:

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

21 Sec. 12. Section one hundred twenty point eight (120.8),
22 subsection four (4), Code 1975, is amended to read as follows:

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

1 reasonable penalty.

2 Sec. 13. Section one hundred twenty point nine (120.9),
3 Code 1975, is amended to read as follows:

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

25 Sec. 14. Section one hundred forty-seven point ten
26 (147.10), Code 1975, is amended to read as follows:

27 147.10 RENEWAL. Every license to practice a profession
28 shall expire ~~annually-as-determined-by-the-board~~, and shall
29 be renewed ~~annually~~ upon application by the licensee, as de-
30 termined by the board, without examination. Application for
31 such renewal shall be made in writing to the department accom-
32 panied by the required fee at least thirty days prior to the
33 expiration of such license. Every renewal shall be displayed
34 in connection with the original license. ~~Every-year-the~~ The
35 department shall notify each licensee by mail of the expiration

1 of his license. Failure to renew the license within a reason-
2 able time after the expiration shall not invalidate the
3 license, but a reasonable penalty may be assessed by the
4 board.

5 Sec. 15. Section one hundred forty-seven point eighty
6 (147.80), unnumbered paragraph one (1), Code 1975, is amended
7 to read as follows:

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

15 Sec. 16. Section one hundred forty-seven point one hundred
16 (147.100), Code 1975, is amended to read as follows:

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

22 Sec. 17. Section one hundred forty-seven point one hundred
23 twenty-two (147.122), Code 1975, is amended to read as follows:

24 147.122 LICENSE FEES. Each person licensed as a nursing
25 home administrator shall be required to pay a license fee
26 in an amount to be fixed by the board. Said license shall
27 expire ~~annually~~, and shall be renewable annually as determined
28 by the board and upon payment of the license fee. A person
29 who fails to renew his license by the expiration date shall
30 be allowed to do so within thirty days following its ex-
31 piration, but the board may assess a reasonable penalty.

32 Sec. 18. Section one hundred forty-seven point one hun-
33 dred twenty-seven (147.127), Code 1975, is amended to read
34 as follows:

35 147.127 RENEWAL OF LICENSE. Every holder of a nursing

1 home administrator's license shall renew it ~~annually-by-making~~
2 ~~application-to as determined by~~ the board, ~~except-that~~
3 ~~biennially-the-individual-requesting-renewal-shall-submit~~
4 ~~evidence-satisfactory-to-the-board-of-continued-education~~
5 ~~in-this-field.~~ Such renewals shall be granted as a matter
6 of course unless the board finds, after due notice and hearing,
7 that the applicant has acted or failed to act in accordance
8 with the rules or in such a manner or under such circumstances
9 as would constitute grounds for suspension or revocation
10 of a license.

11 Sec. 19. Section one hundred forty-eight point five
12 (148.5), Code 1975, is amended to read as follows:

13 148.5 RESIDENT PHYSICIAN'S LICENSE. Any physician, who
14 is a graduate of a medical school and is serving only as a
15 resident physician and who is not licensed to practice medicine
16 and surgery in this state, shall be required to obtain from
17 the medical examiners a temporary or special license to prac-
18 tice as a resident physician. The license shall be designated
19 "Resident Physician License" and shall authorize the licensee
20 to serve as a resident physician only, under the supervision
21 of a licensed practitioner of medicine and surgery, in an
22 institution approved for this purpose by the medical examiners.
23 Such license shall be valid for one year and may be ~~annually~~
24 renewed at the discretion of the medical examiners. The fee
25 for this license shall be set by the board to cover the
26 administrative costs of issuing the license, and if extended
27 beyond one year, ~~an-annual~~ a renewal fee as set by the board
28 shall be required. The medical examiners shall determine
29 in each instance those eligible for this license, whether
30 or not examinations shall be given, and the type of
31 examinations. No requirements of the law pertaining to regular
32 permanent licensure shall be mandatory for this resident
33 licensure except as specifically designated by the medical
34 examiners. The granting of a resident physician's license
35 does not in any way indicate that the person so licensed is

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

8 Sec. 20. Section one hundred forty-eight point ten
9 (148.10), unnumbered paragraph two (2), Code 1975, is amended
10 to read as follows:

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

23 Sec. 21. Section one hundred fifty A point nine (150A.9),
24 Code 1975, is amended to read as follows:

25 150A.9 RESIDENT LICENSE. Any osteopathic physician and
26 surgeon who is a graduate of a college of osteopathic medicine
27 and surgery approved by the medical examiners and is serving
28 only as a resident osteopathic physician and surgeon and who
29 is not licensed to practice osteopathic medicine and surgery
30 in this state, shall be required to obtain from the medical
31 examiners a temporary or special license to practice as a
32 resident osteopathic physician and surgeon. The license shall
33 be designated "Resident Osteopathic Physician and Surgeon
34 License", and shall authorize the licensee to serve as a
35 resident only, under the supervision of a licensed practitioner

1 of osteopathic medicine and surgery, in an institution approved
2 for this purpose by the medical examiners. Such license shall
3 be valid for one year and may be ~~annually~~ renewed at the dis-
4 cretion of the medical examiners. The fee for this license
5 shall be set by the board and based on the cost of issuing
6 the license, and if extended beyond one year, ~~an-annual~~ a
7 renewal fee shall be required. The medical examiners shall
8 determine in each instance those eligible for this license,
9 whether or not examinations shall be given, and the type of
10 examinations. No requirements of the law pertaining to regular
11 permanent licensure shall be mandatory for this resident
12 licensure except as specifically designated by the medical
13 examiners. The granting of a resident osteopathic physician
14 and surgeon's license does not in any way indicate that the
15 person so licensed is necessarily eligible for regular
16 licensure, nor are the medical examiners in any way obligated
17 to so license such individual. The medical examiners shall
18 revoke said license at any time they shall determine either
19 that the caliber of work done by the licensee or the type
20 of supervision being given such licensee does not conform
21 to reasonable standards established by the medical examiners.

22 Sec. 22. Section one hundred fifty-three point twenty-
23 two (153.22), Code 1975, is amended to read as follows:

24 153.22 RESIDENT DENTIST LICENSE. Any dentist, who is
25 a graduate of an accredited dental school and is serving only
26 as a resident, intern or graduate student dentist and who
27 is not licensed to practice dentistry in this state, shall
28 be required to obtain from the board of dentistry a tempor-
29 ary or special license to practice as a resident, intern or
30 graduate dentist. The license shall be designated "Resident
31 Dentist License" and shall authorize the licensee to serve
32 as a resident, intern or graduate student only, under the
33 supervision of a licensed practitioner of dentistry, in an
34 institution approved for this purpose by the board. Such
35 license shall be valid for one year and may be ~~annually~~ re-

1 renewed at the discretion of the board for a period not to
 2 exceed three additional years. The fee for this license and
 3 the annual renewal fee shall be set by the board based upon
 4 the cost of issuance of the license. The board shall determine
 5 in each instance those eligible for this license, whether
 6 or not examinations shall be given, and the type of
 7 examination. No requirements of the law pertaining to regu-
 8 lar permanent licensure shall be mandatory for this resident
 9 licensure except as specifically designated by the board.
 10 The granting of a resident dentist's license does not in any
 11 way indicate that the person so licensed is necessarily elig-
 12 ible for regular licensure, nor is the board in any way ob-
 13 ligated to so license such individual. The board may revoke
 14 said license at any time it shall determine either that the
 15 caliber of work done by a licensee or the type of supervi-
 16 sion being given such licensee does not conform to reason-
 17 able standards established by the board.

18 Sec. 23. Section one hundred fifty-four point six (154.6),
 19 Code 1975, is amended to read as follows:

20 154.6 EXPIRATION AND RENEWAL OF LICENSES. Every license
 21 to practice optometry shall expire annually as determined
 22 by the board. Application for renewal of such license shall
 23 be made in writing to the department of health at least thirty
 24 days prior to the annual expiration date, and be accompanied
 25 by the required renewal fee and the affidavit of the licensee
 26 or other proof satisfactory to the department and to the Iowa
 27 state board of optometry examiners, that said applicant has
 28 attended, since the issuance of the last license to said
 29 applicant, an educational program or clinic as conducted by
 30 the Iowa optometric association, or its equivalent, for a
 31 period of at least two days. The attendance requirement at
 32 said educational program or clinic shall not be conditioned
 33 upon membership in said Iowa optometric association.
 34 Members shall be admitted to said annual educational program
 35 en masse upon payment of their pro-rata share of the cost.

1 In-lieu-of-attendance-at-the-said-annual-educational-program
2 or-clinic, it shall be the duty of the board of optometry
3 examiners to recognize and approve attendance at local
4 optometric study group meetings as shall, in the judgment
5 of said board, constitute an equivalent to attendance at the
6 annual educational program of said association.

7 Sec. 24. Section one hundred fifty-four point seven
8 (154.7), Code 1975, is amended to read as follows:

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

19 Sec. 25. Section one hundred fifty-five point twelve
20 (155.12), unnumbered paragraph one (1), Code 1975, is amended
21 to read as follows:

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

35 Sec. 26. Section one hundred fifty-five point thirteen

1 (155.13), unnumbered paragraph one (1), Code 1975, is amended
2 to read as follows:

3 Each license issued under this chapter unless sooner sus-
4 pended or revoked, shall be renewable annually as determined
5 by the board upon payment of the ~~annual~~ license fee. The
6 board shall have the authority to deny, suspend or revoke
7 a license in any case where it finds that there has been a
8 substantial failure to comply with the provisions of this
9 chapter or the regulations promulgated hereunder, or the
10 violation thereof, and in addition the board shall have the
11 power to deny, suspend or revoke a license, when the appli-
12 cant or licensee, or any employee, providing the offense is
13 committed on licensed premises or is in the conduct of the
14 business licensed, is guilty of any of the following facts
15 or offenses:

16 Sec. 27. Section one hundred fifty-seven point seven
17 (157.7), Code 1975, is amended to read as follows:

18 157.7 PRESENT PRACTITIONERS. All persons who, on April
19 9, 1927, are in the actual practice of cosmetology in the
20 state of Iowa, as defined herein, shall be entitled to a
21 license under this chapter, without examination, provided
22 that application therefor, accompanied by the physician's
23 certificate and the required ~~annual~~ license fee, is filed
24 with the cosmetology examiners within ninety days after said
25 date.

26 Sec. 28. Section one hundred fifty-seven point nine
27 (157.9), unnumbered paragraphs one (1) and two (2), Code 1975,
28 is amended to read as follows:

29 No school shall be approved by the board of cosmetology
30 examiners unless and until such school shall have made a
31 verified application to the department for a license to teach
32 cosmetology. Such application shall be accompanied by the
33 ~~annual~~ license fee, shall state the name and location of said
34 school, and such other additional information as the board
35 of cosmetology examiners may require. When such application

1 shall have been approved by the board of cosmetology examiners
2 the department shall issue to the applicant a license to
3 conduct such school of cosmetology for one year. Subject
4 to the approval of the board of cosmetology examiners any
5 such license may be ~~annually~~ renewed upon the receipt of the
6 ~~annual~~ license fee.

7 No application for ~~annual~~ renewal of license shall be re-
8 fused by the board except following hearing before the board
9 at least ten days following written notice to the applicant,
10 which notice shall set forth a statement of the charges and
11 the date and place of hearing. Said notice shall be served
12 as provided for the service of original notices under the
13 rules of civil procedure.

14 Sec. 29. Section one hundred fifty-eight point eleven
15 (158.11), subsection two (2), unnumbered paragraph five (5),
16 Code 1975, is amended to read as follows:

17 The state department of health shall collect, in addition
18 to the inspection fee and the ~~annual~~ individual license fee
19 required by section 147.80, an inspection fee in an amount
20 set by the barber examiners based upon the inspection costs
21 and administrative costs for every barber shop or barber
22 school changing ownership before it may open for business
23 or before the new owner assumes the control and management
24 of the same. The remodeling and reopening of a barber shop
25 on the same site as an existing shop and under the same
26 ownership shall not for the purpose of this section be
27 considered as a new shop.

28 Sec. 30. Section one hundred sixty-nine point six (169.6),
29 Code 1975, is amended to read as follows:

30 169.6 RENEWAL. Every license issued under this chapter
31 shall expire ~~annually~~, and shall be renewed ~~annually~~ as
32 determined by the board upon application by the licensee.
33 A person who fails to renew his license by the expiration
34 date shall be allowed to do so within thirty days following
35 its expiration, but the board may assess a reasonable penalty.

1 Application for such renewal shall be made in writing to the
 2 department of agriculture, accompanied by the required fee,
 3 at least thirty days prior to the expiration of such license.
 4 The department shall notify each licensee by mail of the ex-
 5 piration of his license. Every renewal shall be displayed
 6 in connection with the original license. ~~A licensed veteri-~~
 7 ~~arian of the state of Iowa who is called into military duty~~
 8 ~~for the United States government is exempt from paying the~~
 9 ~~renewal fee for such license but said license must be renewed~~
 10 ~~within one year from date of discharge or the license shall~~
 11 ~~be revoked.~~

12 Sec. 31. Section four hundred fifty-five D point fifty-
 13 eight (#55B.50), Code 1975, is amended to read as follows:

14 #55B.50 DURATION. Certificates shall continue in effect
 15 ~~for one year from the date of issuance~~ a period determined
 16 by the board unless sooner revoked by the executive director,
 17 but such certificates shall remain the property of the depart-
 18 ment and the certificate shall so state. A person who fails
 19 to renew his certificate by the expiration date shall be
 20 allowed to do so within thirty days following its expiration,
 21 but the board may assess a reasonable penalty.

22 Sec. 32. Section one hundred sixty-six (166), first "NEW
 23 SECTION", Senate File two hundred seventy-seven (227), Sixty-
 24 fifth General Assembly, 1974 Session, as amending chapter
 25 six hundred ten (610), Code 1973, is amended to read as
 26 follows:

27 NEW SECTION. RENEWALS. The right to practice law in this
 28 state after July 1, 1975, shall be renewed annually by the
 29 supreme court upon such conditions as the court shall deter-
 30 mine. Any moneys received from those persons admitted to
 31 practice law and which are designated for a client security
 32 fund or similar fund created by the supreme court shall be
 33 separately retained and administered by said court in ac-
 34 cordance with rules promulgated by it.

35 Sec. 33. Section one hundred eighty-eight (188), Senate

1 File two hundred seventy-seven (277), Sixty-fifth General
2 Assembly, 1974 Session, is amended to read as follows:

3 Sec. 188. NEW SECTION. RENEWALS. Certificates of regis-
4 tration shall expire ~~annually~~ as determined by the board.
5 Registered landscape architects shall renew their certifi-
6 cates of registration and pay a renewal fee in the manner
7 and amount prescribed by the board. A person who fails to
8 renew his certificate by the expiration date shall be allowed
9 to do so within thirty days following its expiration, but
10 the board may assess a reasonable penalty.

11 Sec. 34. Section eight (8), subsection six (6), House
12 File one thousand two hundred (1200), Sixty-fifty General
13 Assembly, 1174 Session, is amended to read as follows:

14 6. The committee shall meet for the purpose of selectively
15 reviewing rules, whether proposed or in effect. However,
16 the committee shall not review a rule subject to review by
17 the licensing review committee under section four (4) of this
18 Act. A regular or special committee meeting shall be open
19 to the public and an interested person may be heard and present
20 evidence. The committee may require a representative of an
21 agency whose rule or proposed rule is under consideration
22 to attend a committee meeting.

23 Sec. 35. Section fifteen (15), House File seven hundred
24 eight (708), Sixty-fifth General Assembly, 1974 Session, is
25 amended to read as follows:

26 Sec. 15. NEW SECTION. LICENSE RENEWAL. Licenses shall
27 be renewed ~~annually~~ in a manner determined by the board.
28 The renewal fee shall be determined by the board pursuant
29 to section seventeen (17) of this Act. The department shall
30 notify every person licensed under this chapter of the date
31 of expiration of his license and the amount of fee required
32 for its renewal ~~for-one-year~~. The notice shall be mailed
33 at least one month in advance of the expiration date. A
34 person who fails to renew his license by the expiration date
35 shall be allowed to do so within thirty days following its

1 expiration, but the board may assess a reasonable penalty.

2 Sec. 36. Section twelve (12), Senate File one hundred
3 thirty-four (134), Sixty-fifth General Assembly, 1974 Session,
4 is amended to read as follows:

5 Sec. 12. NEW SECTION. RENEWALS. Licenses as accounting
6 practitioners shall expire ~~annually~~ as determined by the
7 board. The board shall notify every person licensed under
8 this Act of the date of expiration of his license and the
9 amount of the fee required for its renewal ~~for one year~~.
10 The notice shall be mailed at least one month in advance of
11 the expiration date. A person who fails to renew his li-
12 cense to practice as an accounting practitioner by the ex-
13 piration date shall be allowed to do so within thirty days
14 following its expiration, but the board may assess a reason-
15 able penalty.

16 Sec. 37. Section twenty (20), subsection one (1), Senate
17 File one hundred thirty-four (134), Sixty-fifth General As-
18 sembly, 1974 Session, is amended to read as follows:

19 1. The certificate of certified public accountant granted
20 by the board under section five (5) of this Act and the regis-
21 tration with the board as a public accountant under section
22 six (6) of this Act, and the license to practice as an ac-
23 counting practitioner under section seven (7) or eight (8)
24 of this Act shall be renewed ~~annually~~ as determined by the
25 board. There shall be ~~an annual~~ a renewal fee, in the amount
26 to be determined from time to time by the board, not to exceed
27 fifty dollars.

28 Sec. 38. Section sixteen (16), House File seven hundred
29 eight (708), Sixty-fifth General Assembly, 1974 Session, sec-
30 tion twenty (20), subsection six (6), Senate File one hundred
31 thirty-four (134), Sixty-fifth General Assembly, 1974 Session,
32 and section one hundred fifty-four point eight (154.8), Code
33 1975, are repealed.

34 Sec. 39. The provisions of section eighteen (18), except
35 where the words "annually by making application to" are

1 stricken and where the words "as determined by" are inserted,
2 section twenty-three (23), except where the words "annually"
3 and "annual" are stricken and where the words "as determined
4 by the board" are inserted, and section thirty-eight (38)
5 of this Act shall be effective on July 1, 1976.

6 EXPLANATION

7 This bill, by its legislative findings in section 1, expands
8 the principles stated in section 1 of S.F. 277, passed in
9 the Sixty-fifth General Assembly, 1974 Session. These
10 legislative findings are implemented by the remainder of the
11 bill.

12 Section 3 of the bill creates the licensing review committee
13 composed of seven legislative members and an ex officio member
14 from the attorney general's office. Section 4 of the bill
15 delineates the committee's review duties including duties
16 similar to those given the administrative rules review
17 committee under the Iowa Administrative Procedure Act.

18 Sections 5 and 34 of the bill establish that the committee's
19 duty of reviewing the examining boards' rules is to the
20 exclusion of the administrative rules review committee.
21 Section 5 of the bill also gives the committee the power to
22 recommend revision of the licensing laws.

23 Section 6 of the bill delegates rule-making authority to
24 the 24 examining boards to establish continuing education
25 requirements and programs. Specific guidelines for rule
26 promulgation are prescribed.

27 Sections 7 through 37 of the bill eliminate the mandatory
28 statutory annual renewal of licenses. This allows the boards
29 to coordinate renewals with continuing education requirements.

30 Sections 18, 23, and 38 of the bill repeal current statutory
31 specifications of continuing education for the accountancy,
32 hearing aid dealers, nursing home administrators, and optometry
33 boards. The repeal contemplates uniformity and is, pursuant
34 to section 39 of the bill, delayed until July 1, 1976, so
35 that these boards may implement necessary rules to replace

1 the repealed statutory provisions.

2 Sections 7 and 30 delete obsolete language.

3 Under this bill and in particular under subsection 1 of
4 section 4, the boards are not required to establish continuing
5 education requirements or programs.

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APPENDIX #5

SUMMARY OF RESPONSES
FROM PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS
CONCERNING
PROPOSED BILL TO ESTABLISH A LICENSING REVIEW COMMITTEE

1. Board of Certification - Bill is acceptable to Board. Suggest clarification that continuing education costs be borne by sources other than the licensee. (Section 6, subsection 2, paragraph b)
2. Real Estate Commission - Concern about duplication of authority by Legislative Rules Review Committee and Licensing Review Committee.
3. Board of Medical Examiners - No recommendations.
4. Board of Dentistry - Intent of the bill is in order and well prepared.
5. Board of Nursing - Pleased and impressed with contents of the bill. Suggest clarification of definition of continuing education so that the skills and knowledge of the licensee are not required to be obtained prior to initial licensure. Also suggest that renewal sections for all professions and occupations licensed by examining boards contain language to establish that licensees must hold a current license in order to practice the profession or occupation.
6. Board of Physical Therapy Examiners - the bill contains no mandate for continuing education requirements. Suggest that consideration be added to the bill for the licensee who does not comply with the continuing education requirements.
7. Supreme Court - Supreme Court has mandated continuing education for lawyers administered by a Continuing Legal Education Commission. Authority should not be shifted to the Board of Law Examiners. Suggest that Board of Law Examiners be deleted from definition of examining board.
8. Board of Cosmetology Examiners - Requested opportunity to review "active" and "inactive" licensure.
9. Board of Accountancy - No comments.
10. Board of Watchmakers - Approve the bill as drafted.

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