

M I N U T E S

ADMINISTRATION COMMITTEE OF THE IOWA LEGISLATIVE COUNCIL

April 3, 1985

The first meeting of the Administration Committee of the 1985-1986 Iowa Legislative Council was called to order at 12:05 p.m. by the Chairman, Senator Donald Doyle, on Wednesday, April 3, 1985, in Senate Committee Room 24 of the State House, Des Moines, Iowa. Members present in addition to Chairman Doyle were:

Senator C. Joseph Coleman
Representative Bob Arnould
Representative William Harbor

Also present were:

Senator Dale Tieden, attending on behalf of Senator
Calvin Hultman
Dr. Dennis Walters, Iowa Medical Society
Dr. Laverne A. Wintermeyer, State Department
of Health
Mr. Norman L. Pawlewski, Commissioner, State
Department of Health
Mr. John R. Kelly, State Department of Health
Mr. Norman C. Johnson, Executive Director,
Board of Pharmacy Examiners
Ms. Virginia M. Moore, Registered nurse, State
Department of Health
Mr. Burnette E. Koebernick, Acting Director,
Legislative Service Bureau
Mr. Thane R. Johnson, Senior Research Analyst,
Legislative Service Bureau

Senator Doyle stated that the purpose of the meeting is to review the status of the Capitol nurse station which was transferred in September of 1984 for administrative and supervisory responsibilities to the State Department of Health. The nurse station previously was under the Department of General Services. Chairman Doyle further stated that recently comments have been brought to the attention of the Legislative Council by a physician of the day that drugs available to him through the nurse station were inadequate for him to treat a person who became ill in the State House. Chairman Doyle asked for comments from members of the committee.

Senator Coleman commented that he believes the status of the nurse station should be upgraded to provide for adequate medication similar to its status five or six years ago.

Representative Harbor commented that he has received treatment from a physician of the day and, therefore, appreciated the availability of the medical services.

Chairman Doyle next recognized Ms. Virginia Moore, Capitol nurse. Ms. Moore stated that she does not have a physician of the day daily and therefore her functions as a registered nurse are strictly limited. She stated that the State Department of Health has developed a protocol book which she must follow in carrying out her duties. She added that even during the legislative session she does not have a physician of the day every day. She added that she has had more prescription medication available at the nursing station, but at that time, a part-time physician was employed by the state to be in charge of the office. She further stated that there has been some reluctance by physicians to accept the position of physician of the day because of potential liability to the volunteer physician and the state.

Mr. John Kelly, State Department of Health, stated that he has discussed the potential liability issue with the Attorney General's office and he has been told that a volunteer physician is protected by the state tort liability law if the physician acts within the scope of the physician's responsibilities. Dr. Laverne Wintermeyer, State Department of Health, questioned what the nurse can do if a physician is not assigned to the nurse station. He stated that if the station is a first aid station the amount of the medication which can be kept available is very limited. He added that if prescription drugs are maintained in the nurse station, a physician in charge is necessary.

In reply to a question by Chairman Doyle, Dr. Wintermeyer stated that he believes the list of medications kept in the nurse station is sufficient for a first aid station. A copy of a letter from Commissioner Norman L. Pawlewski to Chairman Donald V. Doyle concerning the status of the nurse station in the State Capitol Building along with a copy of the letter sent to each volunteer physician of the day and a list of the prescription medication and over-the-counter medication kept in the nurse station is attached and by this reference made a part of these minutes.

In reply to a question by Representative Harbor, Dr. Wintermeyer stated that a legislator or other state employee may leave a prescription medicine with the nurse as long as the prescription is from the legislator's or employee's own physician.

Mr. Norman Johnson, Executive Director, Board of Pharmacy Examiners, stated that when substantial quantities of prescription drugs were kept at the nurse station, the physician in charge was

responsible for these prescription drugs, not the nurse. He stated that without a physician responsible for the prescription drugs, the authority is lacking to have these drugs even under security in the nurse station. Mr. Johnson confirmed Dr. Wintermeyer's comments that drugs could be left with the nurse, but it is the responsibility of the person to whom the drugs are prescribed. Mr. Johnson also commented that having an extensive supply of prescription drugs at the nurse station would be quite a problem with a different physician in charge each day. He stated that the responsibility for the prescription drugs would have to be transferred daily from one doctor to another.

In reply to a question by Representative Harbor, Mr. Pawlewski stated that he believes the Department of General Services initiated the transfer of the nurse station to the State Department of Health because the Department of General Services had no expertise in the medical field.

Chairman Doyle recognized Dr. Dennis Walters, Iowa Medical Society, for his comments. Dr. Walters stated that he could see no problem with the type of prescription medicine listed for the current nurse station. He added that he sees no immediate solution to the problem of having a different physician each day and the problems related to the transfer of the prescription medicine responsibility.

Commissioner Pawlewski stated that he sends a letter to each doctor who volunteers to be physician of the day asking for any items which he might need. He stated that the Department obtains whatever medications are requested.

In reply to a question by Chairman Doyle, Commissioner Pawlewski stated that there are a number of alternatives which the state or the General Assembly can pursue in this matter. He stated that the state could employ a part-time physician as previously done, the state could contract for physicians' services with a local hospital, or the state could maintain the nurse station as a first aid station as presently done.

In reply to a question by Chairman Doyle, Commissioner Pawlewski and Mr. Kelly responded that they did not know for certain the amount of the funding for the nurse station in the current budget. Commissioner Pawlewski stated that if the Committee desires he would seek bids from two or three local hospitals concerning the cost of a contract for physicians' services at the State House.

Ms. Moore commented that currently she sends persons who need medical attention at the State House to the Family Practice Group at Iowa Lutheran Hospital.

Concerning the Capitol nurse authority to dispense over-the-counter medications for other persons, Mr. Johnson stated that

regulations authorize the nurse to request those medications for other persons and a person can request these medications from the nurse, but the nurse cannot prescribe or offer a medication to resolve a problem described by a person.

Representative Arnould stated that he tends to favor a contract to provide two-hour physician's services each day as has been done in the past.

After further discussion, Commissioner Pawlewski asked the Committee for direction on what type of service and cost estimates the Department should pursue concerning the nurse station.

Chairman Doyle stated that the Administration Committee was charged by the Legislative Council to investigate the matter and report back to the Council. He stated that the Committee will report to the Council and obtain direction from the Council on how it wishes to proceed.

Chairman Doyle thanked the representatives of the State Department of Health, the Board of Pharmacy Examiners and the Iowa Medical Society for attending the meeting and providing the requested information.

There being no further business to come before the Committee, Representative Harbor moved the Committee adjourn at 12:41 p.m. The motion was adopted.

Respectfully submitted,

THANE R. JOHNSON
Senior Research Analyst