

following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- a. Propylhexedrine.
- b. Pyrovalerone.

Approved May 3, 1989

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## CHAPTER 110

### COURT REPORTERS' CONTINUING SERVICE

*S.F. 406*

**AN ACT** relating to retention of a court reporter by a newly appointed judge.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 602.6603, subsection 8, Code 1989, is amended to read as follows:

8. If a judge dies, resigns, retires, is removed from office, becomes disabled, or fails to be retained in office and the judicial vacancy is eligible to be filled, a the court reporter appointed by the judge is entitled to ~~shall~~ serve as a court reporter, as directed by the chief judge or the chief judge's designee, until the successor judge appoints a successor court reporter. The court reporter shall ~~be paid~~ receive the reporter's regular salary and benefits during the period of time until a successor court reporter is appointed or until the currently appointed court reporter is reappointed.

Approved May 3, 1989

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## CHAPTER 111

### MEDICAL ASSISTANCE SUBROGATION RIGHTS

*S.F. 412*

**AN ACT** relating to the medical assistance subrogation rights of the department of human services.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 249A.6, subsection 1, Code 1989, is amended to read as follows:

1. When payment is made by the department for medical care or expenses through the medical assistance program on behalf of a recipient, the department is subrogated, to the extent of those payments, to all monetary claims which the recipient may have against third parties as a result of the medical care or expenses received or incurred. A compromise, including but not limited to a settlement, waiver or release, of a claim to which the department is subrogated under this section does not defeat the department's right of recovery except pursuant to the written agreement of the director or the director's designee or except as provided in this section. A settlement, award, or judgment structured in any manner not to include medical expenses or an action brought by a recipient or on behalf of a recipient which fails to state a claim for recovery of medical expenses does not defeat the department's right of subrogation if there is any recovery on the recipient's claim unless the claim for recovery of medical

expenses is barred by an applicable statute of limitation, or the legal representative of the medical assistance recipient does not represent the person or persons who have legal standing to bring the claim for recovery of medical expenses. In such situations, the legal representative shall notify the department of the situation; the department may then notify the person or persons having legal standing to bring the claim of the right to proceed with the claim against the third-party tort-feasor. Should the person or persons elect not to proceed, the department may then proceed in a separate action with a claim to recover its subrogation interest.

Sec. 2. Section 633.336, Code 1989, is amended to read as follows:  
633.336 DAMAGES FOR WRONGFUL DEATH.

When a wrongful act produces death, damages recovered therefor as a result of the wrongful act shall be disposed of as personal property belonging to the estate of the deceased, however, if the damages include damages for loss of services and support of a deceased spouse and parent, such the damages shall be apportioned by the court among the surviving spouse and children of the decedent in such a manner as the court may deem equitable consistent with the loss of services and support sustained by the surviving spouse and children respectively. If the decedent leaves a spouse, child, or parent, damages for wrongful death shall not be subject to debts and charges of the decedent's estate, except for amounts to be paid to the department of human services for payments made for medical assistance pursuant to chapter 249A, paid on behalf of the decedent from the time of the injury which gives rise to the decedent's death up until the date of the decedent's death.

Approved May 3, 1989

## CHAPTER 112

### IDENTIFICATION CARDS FOR PRIVATE INVESTIGATION AND SECURITY AGENTS *S.F. 416*

**AN ACT** relating to the identification of persons engaged in private investigation and private security businesses.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 80A.7, Code 1989, is amended to read as follows:  
80A.7 IDENTIFICATION CARDS.

The department shall issue to each licensee and to each employee of the licensee an identification card in a form approved by the commissioner. The application for a permanent identification card shall include a temporary identification card valid for fourteen days from the date of receipt of the application by the applicant. It is unlawful for an agency licensed under this chapter to employ a person to act in the private investigation business or private security business unless the person has in the person's immediate possession an identification card issued under this section.

The licensee is responsible for the use of identification cards by the licensee's employees and shall return an employee's card to the department upon termination of the employee's service. Identification cards remain the property of the department. The fee for each card is ~~three~~ ten dollars.

A county sheriff may issue temporary identification cards valid for fourteen days to a person employed by an agency licensed as a private security business or private investigation business on a temporary basis in the county. The fee for each card is ~~three~~ five dollars. The form of the temporary identification cards shall be approved by the commissioner.

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