

CHAPTER 1192
ASSESSMENT APPEALS
H.F. 2559

AN ACT relating to the process by which a taxpayer appeals a decision of the local board of review to the district court and providing for the reinstatement of appeals dismissed and providing an effective date.

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

Section 1. Section 441.38, Code 1989, is amended to read as follows:
441.38 APPEAL TO DISTRICT COURT.

1. Appeals may be taken from the action of the board of review with reference to protests of assessment, to the district court of the county in which the board holds its sessions within twenty days after its adjournment or May 31, whichever date is later. No new grounds in addition to those set out in the protest to the board of review as provided in section 441.37 can be pleaded, but additional evidence to sustain those grounds may be introduced. The assessor shall have the same right to appeal and in the same manner as an individual taxpayer, public body or other public officer as provided in section 441.42. Appeals shall be taken by filing a written notice to that effect to the chairperson or presiding officer of the board of review and served as an original notice of appeal with the clerk of district court. Filing of the written notice of appeal shall preserve all rights of appeal of the appellant.

2. Notice of appeal shall be served as an original notice on the chairperson, presiding officer, or clerk of the board of review after the filing of notice under subsection 1 with the clerk of district court.

Sec. 2. REINSTATEMENT.

Any proceeding appealing the decision of a board of review pending or filed after January 1, 1988, which has been dismissed by reason of the failure to serve notice of appeal on a person as selected from among the two persons designated in section 441.38, within the time period required under that section, shall be reinstated by the court in which such proceeding was dismissed, after notice and hearing as prescribed by the court.

Any rights of appeals reinstated as a result of this section shall be exercised by filing of notice of appeal by June 30, 1991, as provided for in section 441.38, subsection 1 and served as provided for in section 441.38, subsection 2.

Sec. 3.

This Act, being deemed of immediate importance, is effective upon enactment.

Approved April 24, 1990

CHAPTER 1193
RESPIRATORY CARE PRACTITIONERS
S.F. 205

AN ACT relating to the credentialing and regulation of respiratory care practitioners.

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

Section 1. Section 135F.1, subsections 1, 3, and 4, Code 1989, are amended to read as follows:

1. "Respiratory care practitioner" or "practitioner" means a person who ~~has qualified~~ qualifies as a respiratory therapist or respiratory therapy technician. ~~Neither term refers to a person~~

currently working in the field of respiratory care who does not become certified under this chapter.

3. "Respiratory therapist" means a respiratory care practitioner person who has successfully completed a respiratory therapy training program, and has passed the registry examination for respiratory therapists administered by the national board for respiratory care and passed or a respiratory therapy certification licensure examination approved by the department. Two years of supervised clinical experience in an acceptable location for the practice of respiratory care, as described in section 135F.4, may be substituted for the completion of a respiratory therapy training program.

4. "Respiratory therapy technician" means a respiratory care practitioner person who has successfully completed a respiratory therapy training program, and has passed the certification examination for respiratory therapy technicians administered by the national board for respiratory care and passed or a respiratory therapy technicians' certification licensure examination approved by the department. Two years of supervised clinical experience in an acceptable location for the practice of respiratory care, as described in section 135F.4, may be substituted for the completion of a respiratory therapy training program.

Sec. 2. Section 135F.2, Code 1989, is amended by adding the following new unnumbered paragraph after subsection 5:

NEW UNNUMBERED PARAGRAPH. "Respiratory care as a practice" does not include the delivery, assembly, setup, testing, or demonstration of respiratory care equipment in the home upon the order of a licensed physician. As used in this paragraph, "demonstration" does not include the actual teaching, administration, or performance of the respiratory care procedures.

Sec. 3. Section 135F.5, unnumbered paragraph 3, Code 1989, is amended to read as follows:

A graduate of an approved respiratory care training program employed in an organized health care system may render services as defined in sections 135F.2 and 135F.3 under the direct and immediate supervision of a respiratory care practitioner for one year. The graduate shall be identified as a "respiratory care practitioner-certification licensure applicant."

Sec. 4. Section 135F.6, subsections 2 and 3, Code 1989, are amended to read as follows:

2. The establishment and collection of fees of a system for the registration licensure of respiratory care practitioners and the establishment and collection of licensure fees. The fees charged shall be sufficient to defray the costs of administration of this chapter and all fees collected shall be deposited with the treasurer of state who shall deposit them in the general fund of the state.

3. The designation of certification licensure examinations for respiratory care practitioners.

Sec. 5. Section 135F.7, Code 1989, is amended to read as follows:

135F.7 REPRESENTATION.

A person who is qualified as a respiratory care practitioner and is registered with licensed by the department may use the title "respiratory care practitioner" or the letters R.C.P. after the person's name to indicate that the person is a qualified respiratory care practitioner registered with licensed by the department. No other person is entitled to use the title or letters or any other title or letters that indicate or imply that the person is a respiratory care practitioner, nor may a person make any representation, orally or in writing, expressly or by implication, that the person is a registered licensed respiratory care practitioner. A person working in the field of respiratory care on July 1, 1985 shall be permitted to continue to do so except that the person shall not be entitled to designate or refer to themselves as a "respiratory care practitioner" or use the letters R.C.P. after the person's name.

Sec. 6. Section 135F.11, Code 1989, is amended to read as follows:

135F.11 CONTINUING EDUCATION.

After July 1, 1988 1991, a respiratory care practitioner shall submit evidence satisfactory to the department that during the year preceding renewal of certification licensure the practitioner has completed continuing education courses as prescribed by the department. In lieu

of the continuing education, a person may successfully complete the most current version of the certification licensure examination.

Persons who are not licensed under this chapter but who perform respiratory care as defined by sections 135F.2 and 135F.3 shall comply with the continuing education requirements of this section. The department shall adopt rules for the administration of this requirement.

This section does not apply to persons who are licensed to practice a health profession covered by chapter 147 or to any person who performs respiratory care procedures as a first responder, emergency rescue technician, emergency medical technician-ambulance, advanced emergency medical care provider, or other person functioning as part of a rescue unit or in a hospital as authorized by chapter 147A, or to persons whose function with respect to respiratory care is limited to the home delivery and connection of oxygen tanks.

Sec. 7. Section 135F.12, Code 1989, is amended to read as follows:

135F.12 SUSPENSION AND REVOCATION OF CERTIFICATE LICENSES.

The department may suspend, revoke or impose probationary conditions upon a certificate license issued pursuant to rules adopted in accordance with section 135F.6.

Sec. 8. Section 258A.1, subsection 6, Code Supplement 1989, is amended by adding the following new paragraph:

NEW PARAGRAPH. aa. The Iowa department of public health in licensing respiratory care practitioners pursuant to chapter 135F.

Approved April 26, 1990

CHAPTER 1194

USE OF FIREARMS NEAR A FEEDLOT

S.F. 2048

AN ACT to prohibit the discharge of firearms near a feedlot and subjecting violators to existing penalties.

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

Section 1. Section 109.123, Code 1989, is amended to read as follows:

109.123 PROHIBITED HUNTING NEAR BUILDINGS.

1. A person shall not discharge a firearm at any game or fur-bearing animal within two hundred yards of a building inhabited by people or domestic livestock or within two hundred yards of a feedlot unless the owner or tenant has given consent.

2. As used in this section, "feedlot" means a lot, yard, corral, or other area in which livestock are present and confined, for the purposes of feeding and growth before slaughter. The term does not include areas which are used for the raising of crops or other vegetation and upon which livestock are allowed to graze or feed.

Approved April 26, 1990