

distance between the parties to the hearing. The industrial commissioner shall issue a decision within ten working days of receipt of an application for alternate care made pursuant to a telephone hearing or within fourteen working days of receipt of an application for alternate care made pursuant to an in-person hearing. The employer shall notify an injured employee of the employee's ability to contest the employer's choice of care pursuant to this paragraph.

Approved April 29, 1992

CHAPTER 1182
SOLID WASTE DISPOSAL
H.F. 2256

AN ACT relating to the local siting for new sanitary landfills and waste incinerators and providing an effective date.

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

Section 1. Section 455B.301, Code Supplement 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 8A. "Incinerator" means any enclosed device using controlled flame combustion that does not meet the criteria for classification as a boiler and is not listed as an industrial furnace. "Incinerator" does not include thermal oxidizers used for the treatment of gas emissions.

Sec. 2. Section 455B.305A, subsection 1, Code 1991, is amended to read as follows:

1. Prior to the siting of a proposed, new sanitary landfill, incinerator, or infectious medical waste incinerator, a city, county, or private agency, with the exception of a private agency disposing of waste which the agency generates on property owned by the agency as of January 1, 1990, shall submit a request for local siting approval to the city council or county board of supervisors which governs the city or county in which the proposed site is to be located. The requirements of this section do not apply to the expansion of an existing sanitary landfill owned by a private agency which disposes of waste which the agency generates on property owned by the agency. The city council or county board of supervisors shall approve or disapprove the site for each sanitary landfill, or incinerator, or infectious medical waste incinerator.

Sec. 3. Section 455B.305A, subsection 1, Code 1991, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Prior to the siting of a proposed new sanitary landfill or incinerator by a private agency disposing of waste which the agency generates on property owned by the agency which is located outside of the city limits and for which no county zoning ordinance exists, the private agency shall cause written notice of the proposal, including the nature of the proposed facility, and the right of the owner to submit a petition for formal siting of the proposed site, to be served either in person or by mail on the owners and residents of all property within two miles in each direction of the proposed local site area. The owners shall be identified based upon the authentic tax records of the county in which the proposed site is to be located. The private agency shall notify the county board of supervisors which governs the county in which the site is to be located of the proposed siting, and certify that notices have been mailed to owners and residents of the impacted area. Written notice shall be published in the official newspaper, as selected by the county board of supervisors pursuant to section 349.1, of the county in which the site is located. The notice shall state the name and address of the applicant, the location of the proposed site, the nature and size of the development, the nature of the activity proposed, the probable life of the proposed activity,

and a description of the right of persons to comment on the request. If two hundred fifty or a minimum of twenty percent, whichever is less, of the owners and residents of property notified submit a petition for formal review to the county board of supervisors or if the county board of supervisors, on the board's own motion, requires formal review of the proposed siting, the private agency proposal is subject to the formal siting procedures established pursuant to this section.

Sec. 4. Section 455B.503, Code Supplement 1991, is amended to read as follows:

455B.503 INFECTIOUS WASTE TREATMENT AND DISPOSAL FACILITIES – PERMITS REQUIRED – RULES.

The commission shall adopt rules which require a person who owns or operates an infectious waste treatment or disposal facility to obtain an operating permit before initial operation of the facility. The rules shall specify the information required to be submitted with the application for a permit and the conditions under which a permit may be issued, suspended, modified, revoked, or renewed. The rules shall address but are not limited to the areas of operator safety, recordkeeping and tracking procedures, best available appropriate technologies, emergency response and remedial action procedures, waste minimization procedures, and long-term liability. The department shall submit proposed rules to the commission and notify the general assembly of the submission of the proposed rules pursuant to section 17.11 by January 15, 1992 1993. The department shall not grant permits for the construction or operation of a commercial infectious waste treatment or disposal facility until the commission has adopted the required rules, and in no event earlier than July 1, 1993.

Sec. 5. Section 455D.9, subsection 3, Code 1991, is amended to read as follows:

3. The department shall develop rules which define yard waste and provide for the safe and proper method of composting. The rules adopted for a composting facility to be located on property owned by an applicant for a permit prior to July 1, 1992, when the property is located within twenty miles of a metropolitan area of two hundred fifty thousand or more, shall require that prior to the issuance of a permit for a composting facility, the applicant shall submit an economic impact statement to the department. For the purpose of this subsection, "economic impact statement" means an estimate of the economic impact of the siting of a composting facility at a specific location on affected property owners.

Sec. 6. 1990 Iowa Acts, chapter 1191, section 5, subsection 1 and subsection 3, paragraph a, as amended by 1991 Iowa Acts, chapter 242, section 7, are amended to read as follows:

1. The department of natural resources shall not grant a permit for the construction or operation of a commercial infectious waste treatment or disposal facility until such time as the department adopts rules for operating permits for these facilities and in any event not earlier than July 1, 1992 1993. The moratorium does not apply to an infectious waste treatment or disposal facility constructed or operated by a hospital licensed pursuant to chapter 135B, or by two or more hospitals licensed pursuant to chapter 135B that jointly construct or operate an infectious waste treatment or disposal facility, which in addition to its own waste only accepts infectious waste from other infectious waste generators, including but not limited to hospitals, health care facilities licensed pursuant to chapter 135C, physicians' offices or clinics, and other health service-related entities in this state or within the service area of the hospital or hospitals operating the facility. Owners and operators of small quantity generators of infectious medical waste who do not treat or dispose of the waste generated by the small quantity generator shall take precautions to ensure the safety and well-being of the public and especially persons directly exposed to the waste in the course of disposal. The precautions shall include but are not limited to securing all sharps; separating and securing infectious waste apart from general waste; clearly marking the waste to indicate that the waste is infectious; and ensuring that the waste is stored, transported, treated, and disposed of in a safe and secure manner. The department, in cooperation with the Iowa department of public health, shall adopt rules defining small quantity generators of infectious waste subject to the provisions of this subsection and which establish criteria for fulfilling the precautionary requirements established.

a. An existing infectious waste treatment or disposal facility shall comply with the standards and limitations adopted by July 1, 1993 1994, or as federal standards and limitations become final, whichever is earlier.

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 29, 1992

CHAPTER 1183

HEALTH PRACTICE PROFESSION EXAMINING BOARDS

H.F. 2292

AN ACT relating to the health practice profession examining boards and the duties of the board of medical examiners and providing penalties.

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

Section 1. Section 80A.2, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 8. A person engaged in the process of verifying the credentials of physicians and allied health professionals applying for hospital staff privileges.

Sec. 2. Section 147.14, subsection 2, Code Supplement 1991, is amended to read as follows:
2. For medical examiners, five members licensed to practice medicine and surgery, two members licensed to practice osteopathic medicine and surgery, and ~~two~~ three members not licensed to practice either medicine and surgery or osteopathic medicine and surgery, and who shall represent the general public. A majority of members of the board constitutes a quorum.

Sec. 3. Section 147.36, Code 1991, is amended by adding the following new subsections, and renumbering subsequent subsections:

NEW SUBSECTION. 1. The qualifications required for applicants seeking to take examinations.

NEW SUBSECTION. 2. The denial of applicants seeking to take examinations.

NEW SUBSECTION. 5. The minimum scores required for passing standardized examinations.

Sec. 4. Section 147.74, subsections 2 and 3, Code Supplement 1991, are amended to read as follows:

2. A physician or surgeon may ~~precede the person's name with the title~~ use the prefix "Dr." or "Doctor", and shall add after the person's name the letters, "M.D."

3. An osteopath or osteopathic physician and surgeon may use the prefix "Dr." or "Doc-tor", ~~but~~ and shall add after the person's name the letters, "D.O." or "O.S." ~~as the case may be~~, or the words, "Osteopath" or "Osteopathic Physician and Surgeon".

Sec. 5. Section 147.80, unnumbered paragraph 1 and subsection 3, Code Supplement 1991, are amended to read as follows:

An examining board shall set the fees for the examination of applicants, which fees shall be based upon the ~~annual~~ cost of administering the examinations. An examining board shall set the ~~annual license~~ fees, ~~except and~~ renewal fees ~~which need not be annual~~, required for any of the following based upon the cost of sustaining the board and the actual costs of licensing:

3. License to practice medicine and surgery, ~~or~~ osteopathic medicine and surgery, ~~issued upon the basis of an examination given by the board of medical examiners, license to practice medicine and surgery, osteopathic medicine and surgery or osteopathy issued by endorsement or under a reciprocal agreement, and~~ renewal of a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy.