

## GENERAL PROVISIONS, HEALTH-RELATED PROFESSIONS

### Footnotes

Continuing education and regulation; see chapter 272C

#### 147.1 Definitions.

1. As used in this chapter, unless the context otherwise requires, "*book*", "*list*", "*record*", or "*schedule*" kept by a county auditor, assessor, treasurer, recorder, sheriff, or other county officer means the county system as defined in section 445.1.

2. For the purpose of this and the following chapters of this subtitle:

a. "*Department*" shall mean the Iowa department of public health.

b. "*Examining board*" shall mean one of the boards appointed by the governor to give examinations to applicants for licenses.

c. "*Licensed*" or "*certified*" when applied to a physician and surgeon, podiatric physician, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, social worker, massage therapist, athletic trainer, acupuncturist, or interpreter for the hearing impaired means a person licensed under this subtitle.

d. "*Peer review*" means evaluation of professional services rendered by a person licensed to practice a profession.

e. "*Peer review committee*" means one or more persons acting in a peer review capacity who also serve as an officer, director, trustee, agent, or member of any of the following:

(1) A state or local professional society of a profession for which there is peer review.

(2) Any organization approved to conduct peer review by a society as designated in paragraph "a" of this subsection.

(3) The medical staff of any licensed hospital.

(4) An examining board.

(5) The board of trustees of a licensed hospital when performing a function relating to the reporting required by section 147.135, subsection 3.

(6) A health care entity, including but not limited to a group medical practice, that provides health care services and follows a formal peer review process for the purpose of furthering quality health care.

f. "*Profession*" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, social work, dietetics, massage therapy, athletic training, acupuncture, or interpreting for the hearing impaired.

[C24, 27, 31, 35, 39, § **2438**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.1]

84 Acts, ch 1075, § 6; 85 Acts, ch 168, § 1; 86 Acts, ch 1211, § 13; 87 Acts, ch 91, § 6; 88 Acts, ch 1225, § 2; 89 Acts, ch 89, § 4, 5; 91 Acts, ch 229, § 1; 92 Acts, ch 1205, § 13; 94 Acts, ch 1132, §10; 95 Acts, ch 41, §8; 95 Acts, ch 108, §3; 96 Acts, ch 1036, § 3, 4; 96 Acts, ch 1109, § 1; 96 Acts, ch 1219, §20; 98 Acts, ch 1053, §2, 3; 2000 Acts, ch 1053, §1; 2000 Acts, ch 1148, §1; 2004 Acts, ch 1175, §419, 420, 433

### **147.2 License required.**

A person shall not engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, occupational therapy, respiratory care, pharmacy, cosmetology, barbering, social work, dietetics, marital and family therapy or mental health counseling, massage therapy, mortuary science, athletic training, acupuncture, or interpreting for the hearing impaired, or shall not practice as a physician assistant as defined in the following chapters of this subtitle, unless the person has obtained from the department a license for that purpose.

For purposes of this section, a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3 shall be considered to have obtained a license to practice nursing from the department.

[C97, § 2582, 2588; S13, § 2575-a28, -a31, -a36, 2582, 2583-a, -d, -r, 2600-o4; SS15, § 2588; C24, 27, 31, 35, 39, § **2439**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.2]

85 Acts, ch 168, §2; 88 Acts, ch 1225, §3; 96 Acts, ch 1035, §1; 96 Acts, ch 1036, § 5; 98 Acts, ch 1050, §1, 5; 2000 Acts, ch 1008, §1; 2000 Acts, ch 1053, §2; 2000 Acts, ch 1185, §1; 2004 Acts, ch 1045, §1; 2004 Acts, ch 1175, §421, 433; 2005 Acts, ch 53, §1

2005 amendment to unnumbered paragraph 2 to be repealed effective July 1, 2008; 2005 Acts, ch 53, §1, 11

### **147.3 Qualifications.**

An applicant for a license to practice a profession under this subtitle is not ineligible because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. A board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of the profession for which the applicant requests to be licensed. Character references may be required, but shall not be obtained from licensed members of the profession.

[S13, § 2575-a29, -a37, 2583-a, -1, 2600-d; C24, 27, 31, 35, 39, § **2440, 2567**; C46, 50, 54, 58, 62, 66, § 147.3, 153.3; C71, 73, § 147.3, 153.5; C75, 77, 79, 81, § 147.3]

84 Acts, ch 1075, § 7; 85 Acts, ch 168, §3; 88 Acts, ch 1225, §4; 94 Acts, ch 1132, §11; 96 Acts, ch 1036, § 6; 98 Acts, ch 1053, §4

### **147.4 Grounds for refusing.**

The department may refuse to grant a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked or suspended.

[C97, § 2578; S13, § 2575-a33, -a41, 2578, 2583-c; C24, 27, 31, 35, 39, § **2441**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.4]

90 Acts, ch 1086, §1

## **Footnotes**

Grounds for revocation, § 147.55147.71

### **147.5 License required exception.**

Every license to practice a profession shall be in the form of a certificate under the seal of the department, signed by the director of public health. Such license shall be issued in the name of the examining board which conducts examinations for that particular profession.

This section shall not apply to a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3.

[C97, § 2576, 2577, 2591; S13, § 2575-a30, -a38, 2576, 2583-k, 2600-d; C24, 27, 31, 35, 39, § 2442; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.5]

2000 Acts, ch 1008, §2; 2000 Acts, ch 1140, §30; 2005 Acts, ch 53, §2

2005 amendment to unnumbered paragraph 2 to be repealed effective July 1, 2008; 2005 Acts, ch 53, §2, 11

### **147.6 Certificate presumptive evidence.**

Every license issued under this subtitle shall be presumptive evidence of the right of the holder to practice in this state the profession therein specified.

[C97, § 2576; S13, § 2575-a30, -a38, 2576, 2583-k, 2600-d; C24, 27, 31, 35, 39, § 2443; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.6]

94 Acts, ch 1132, §12; 96 Acts, ch 1036, §7; 98 Acts, ch 1053, §5

### **147.7 Display of license.**

Every person licensed under this subtitle to practice a profession shall keep the license publicly displayed in the primary place in which the person practices.

This section shall not apply to a person who is licensed in another state and recognized for licensure in this state pursuant to the nurse licensure compact contained in section 152E.1 or pursuant to the advanced practice registered nurse compact contained in section 152E.3. A person licensed in another state and recognized for licensure in this state pursuant to either compact shall, however, maintain a copy of a license issued by the person's home state available for inspection when engaged in the practice of nursing in this state.

[C97, § 2591; S13, § 2600-o1; C24, 27, 31, 35, 39, § 2444; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.7]

90 Acts, ch 1086, §2; 94 Acts, ch 1132, §13; 96 Acts, ch 1036, §8; 98 Acts, ch 1053, §6; 2000 Acts, ch 1008, §3; 2005 Acts, ch 53, §3; 2006 Acts, ch 1010, §54

2005 and 2006 amendments to unnumbered paragraph 2 to be repealed effective July 1, 2008; 2005 Acts, ch 53, §3, 11; 2006 Acts, ch 1010, §54, 176

### **147.8 Record of licenses.**

The name, location, number of years of practice of the person to whom a license is issued to practice a profession, the number of the certificate, and the date of registration thereof shall be kept and made available in a manner which is open to public inspection.

[C97, § 2591; S13, § 2575-a40, 2583-a, -k, 2600-d; C24, 27, 31, 35, 39, § 2445; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.8]

96 Acts, ch 1128, § 5

### **147.9 Change of residence.**

When any person licensed to practice a profession under this subtitle changes a residence or place of practice the person shall notify the department.

[C97, § 2591; C24, 27, 31, 35, 39, § 2446; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.9]

90 Acts, ch 1086, §3; 94 Acts, ch 1132, §14; 96 Acts, ch 1036, § 9; 98 Acts, ch 1053, §7

### **147.10 Renewal.**

Every license to practice a profession shall expire in multiyear intervals and be renewed as determined by the board upon application by the licensee, without examination. Application for renewal shall be made in writing to the department accompanied by the required fee at least thirty days prior to the expiration of such license. Every renewal shall be displayed in connection with the original license. The department shall notify each licensee prior to the expiration of a license. Failure to renew the license within a reasonable time after the expiration shall not invalidate the license, but a reasonable penalty may be assessed by the board.

[C97, § 2590; S13, § 2575-a39, 2589-d; C24, 27, 31, § 2447; C35, § 2447, 2573-g22573-g4; C39, § 2447, 2573.022573.04; C46, 50, 54, 58, 62, 66, § 147.10, 153.11153.12; C71, 73, § 147.10, 153.9, 153.10; C75, 77, 79, 81, § 147.10]

2002 Acts, ch 1108, §12

### **147.11 Reinstatement.**

Any licensee who allows the license to lapse by failing to renew the same, as provided in section 147.10, may be reinstated without examination upon recommendation of the examining board for the licensee's profession and upon payment of the renewal fees then due.

[C24, 27, 31, 35, 39, § 2448; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.11]

### **147.12 Examining boards.**

For the purpose of giving examinations to applicants for licenses to practice the professions for which licenses are required by this subtitle, the governor shall appoint, subject to confirmation by the senate, a board of examiners for each of the professions. The board members shall not be required to be members of professional societies or associations composed of members of their professions.

If a person who has been appointed by the governor to serve on an examining board has ever been disciplined in a contested case by the board to which the person has been appointed, all board complaints and statements

of charges, settlement agreements, findings of fact, and orders pertaining to the disciplinary action shall be made available to the senate committee to which the appointment is referred at the committee's request before the full senate votes on the person's appointment.

[C97, § 2576, 2584; S13, § 2575-a29, -a37, 2576, 2583-a, -h, 2600-b; SS15, § 2584; C24, 27, 31, 35, 39, § 2449; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.12]

88 Acts, ch 1128, §2; 94 Acts, ch 1132, §15; 96 Acts, ch 1036, § 10; 98 Acts, ch 1053, §8

## **Footnotes**

Confirmation, see § 2.32

### **147.13 Designation of boards.**

The examining boards provided in section 147.12 shall be designated as follows:

1. For medicine and surgery, osteopathy, osteopathic medicine and surgery, and acupuncture, medical examiners.
2. For physician assistants, board of physician assistant examiners.
3. For psychology, psychology examiners.
4. For podiatry, podiatry examiners.
5. For chiropractic, chiropractic examiners.
6. For physical therapists and occupational therapists, physical and occupational therapy examiners.
7. For nursing, board of nursing.
8. For dentistry, dental hygiene, and dental assisting, dental examiners.
9. For optometry, optometry examiners.
10. For speech pathology and audiology, speech pathology and audiology examiners.
11. For cosmetology arts and sciences, cosmetology arts and sciences examiners.
12. For barbering, barber examiners.
13. For pharmacy, pharmacy examiners.
14. For mortuary science, mortuary science examiners.
15. For social workers, social work examiners.
16. For marital and family therapists and mental health counselors, behavioral science examiners.
17. For dietetics, dietetic examiners.
18. For respiratory care therapists, respiratory care examiners.

19. For massage therapists, massage therapy examiners.
20. For athletic trainers, athletic training examiners.
21. For interpreters, interpreter for the hearing impaired examiners.
22. For hearing aids, hearing aid dispenser examiners.
23. For nursing home administrators, nursing home administrators examiners.

[C24, 27, 31, 35, 39, § 2450; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.13]

84 Acts, ch 1075, § 8; 85 Acts, ch 168, § 4; 88 Acts, ch 1225, § 5; 91 Acts, ch 229, § 2; 92 Acts, ch 1205, § 14; 93 Acts, ch 86, § 12; 96 Acts, ch 1036, § 11; 98 Acts, ch 1053, §9; 2000 Acts, ch 1002, §1; 2004 Acts, ch 1175, §422, 433; 2006 Acts, ch 1155, §3, 15

### **147.14 Composition of boards.**

The boards of examiners shall consist of the following:

1. For barbering, three members licensed to practice barbering, and two members who are not licensed to practice barbering and who shall represent the general public. A quorum shall consist of a majority of the members of the board.
2. For medical examiners, five members licensed to practice medicine and surgery, two members licensed to practice osteopathic medicine and surgery, and 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.
3. For the board of nursing, four registered nurses, two of whom shall be actively engaged in practice, two of whom shall be nurse educators from nursing education programs; of these, one in higher education and one in area community and vocational-technical registered nurse education; one licensed practical nurse actively engaged in practice; and two members not registered nurses or licensed practical nurses and who shall represent the general public. The representatives of the general public shall not be members of health care delivery systems. A majority of the members of the board constitutes a quorum.
4. For dental examiners, five members shall be licensed to practice dentistry, two members shall be licensed to practice dental hygiene and two members not licensed to practice dentistry or dental hygiene and who shall represent the general public. A majority of the members of the board shall constitute a quorum. No member of the dental faculty of the school of dentistry at the state university of Iowa shall be eligible to be appointed. Beginning January 1, 2000, persons appointed to the board as dental hygienist members shall not be employed by or receive any form of remuneration from a dental or dental hygiene educational institution. The two dental hygienist board members and one dentist board member shall constitute a dental hygiene committee of the board as provided in section 153.33A.
5. For pharmacy examiners, five members licensed to practice pharmacy and two members who are not licensed to practice pharmacy and who shall represent the general public. A majority of the members of the board shall constitute a quorum.
6. For optometry examiners, five members licensed to practice optometry and two members who are not licensed to practice optometry and who shall represent the general public. A majority of the members of the board shall constitute a quorum.

7. For psychology examiners, five members who are licensed to practice psychology and two members not licensed to practice psychology and who shall represent the general public. Of the five members who are licensed to practice psychology, one member shall be primarily engaged in graduate teaching in psychology, two members shall be persons who render services in psychology, one member shall represent areas of applied psychology and may be affiliated with training institutions and shall devote a major part of the member's time to rendering service in psychology, and one member shall be primarily engaged in research psychology. A majority of the members of the board constitutes a quorum.

8. For chiropractic examiners, five members licensed to practice chiropractic and two members who are not licensed to practice chiropractic and who shall represent the general public. A majority of the members of the board shall constitute a quorum.

9. For speech pathology and audiology examiners, five members licensed to practice speech pathology or audiology at least two of which shall be licensed to practice speech pathology and at least two of which shall be licensed to practice audiology, and two members who are not licensed to practice speech pathology or audiology and who shall represent the general public. A majority of the members of the board shall constitute a quorum.

10. For physical therapy and occupational therapy, three members licensed to practice physical therapy, two members licensed to practice occupational therapy, and two members who are not licensed to practice physical therapy or occupational therapy and who shall represent the general public. A quorum shall consist of a majority of the members of the board.

11. For dietetic examiners, one licensed dietitian representing the approved or accredited dietetic education programs, one licensed dietitian representing clinical dietetics in hospitals, one licensed dietitian representing community nutrition services and two members who are not licensed dietitians and who shall represent the general public. A majority of the members of the board constitutes a quorum.

12. For the board of physician assistant examiners, three members licensed to practice as physician assistants, at least two of whom practice in counties with a population of less than fifty thousand, one member licensed to practice medicine and surgery who supervises a physician assistant, one member licensed to practice osteopathic medicine and surgery who supervises a physician assistant, and two members who are not licensed to practice either medicine and surgery or osteopathic medicine and surgery or licensed as a physician assistant and who shall represent the general public. At least one of the physician members shall be in practice in a county with a population of less than fifty thousand. A majority of members of the board constitutes a quorum.

13. For behavioral science examiners, three members licensed to practice marital and family therapy, one of whom shall be employed in graduate teaching, training, or research in marital and family therapy and two of whom shall be practicing marital and family therapists; three members licensed to practice mental health counseling, one of whom shall be employed in graduate teaching, training, or research in mental health counseling and two of whom shall be practicing mental health counselors; and three members who are not licensed to practice marital and family therapy or mental health counseling and who shall represent the general public. A majority of the members of the board constitutes a quorum.

14. For cosmetology arts and sciences examiners, a total of seven members, three who are licensed cosmetologists, one who is a licensed electrologist, esthetician, or nail technologist, one who is a licensed instructor of cosmetology arts and sciences at a public or private school and who does not own a school of cosmetology arts and sciences, and two who are not licensed in a practice of cosmetology arts and sciences and who shall represent the public.

15. For respiratory care, one licensed physician with training in respiratory care, three respiratory care practitioners who have practiced respiratory care for a minimum of six years immediately preceding their

appointment to the board and who are recommended by the society for respiratory care, and one member not licensed to practice medicine or respiratory care who shall represent the general public. A majority of members of the board constitutes a quorum.

16. For mortuary science examiners, four members licensed to practice mortuary science, one member owning, operating, or employed by a crematory, and two members not licensed to practice mortuary science and not a crematory owner, operator, or employee who shall represent the general public. A majority of the members of the board constitutes a quorum.

17. For massage therapists, four members licensed to practice massage therapy and three members who are not licensed to practice massage therapy and who shall represent the general public. A majority of the members of the board constitutes a quorum.

18. For athletic trainers, three members licensed to practice athletic training, three members licensed to practice medicine and surgery, and one member not licensed to practice athletic training or medicine and surgery and who shall represent the general public. A majority of the members of the board constitutes a quorum.

19. For podiatry examiners, five members licensed to practice podiatry and two members who are not licensed to practice podiatry and who shall represent the general public. A majority of the members of the board shall constitute a quorum.

20. For social work examiners, a total of seven members, five who are licensed to practice social work, with at least one from each of three levels of licensure described in section 154C.3, subsection 1, two employed by a licensee under chapter 237, and two who are not licensed social workers and who shall represent the general public.

21. For interpreting for the hearing impaired, four members licensed to practice interpreting, three of whom shall be practicing interpreters at the time of appointment to the board and at least one of whom is employed in an educational setting; and three members who are consumers of interpreting services as defined in section 154E.1, each of whom shall be deaf. A majority of members of the board constitutes a quorum.

[C97, § 2564, 2576, 2584; S13, § 2564, 2575-a29, -a30, -a37, -a38, 2576, 2583-a, -h, -i, 2600-b, -c; SS15, § 2584; C24, 27, 31, 35, 39, § 2451, 2452, 2475; C46, 50, 54, 58, 62, 66, § 147.14, 147.15, 147.38; C71, 73, § 147.14, 147.15, 147.38, 153.1; C75, 77, 79, 81, § 147.14]

84 Acts, ch 1075, § 9; 85 Acts, ch 168, § 5; 86 Acts, ch 1003, § 1; 86 Acts, ch 1022, § 1; 88 Acts, ch 1134, § 29; 88 Acts, ch 1225, § 6, 7; 91 Acts, ch 229, § 3; 92 Acts, ch 1183, § 2; 92 Acts, ch 1205, § 15, 16; 96 Acts, ch 1035, § 2, 3, 13; 96 Acts, ch 1036, § 12; 96 Acts, ch 1148, § 1, 2; 98 Acts, ch 1002, § 1, 2; 98 Acts, ch 1010, § 1; 98 Acts, ch 1053, § 10; 99 Acts, ch 19, § 1; 99 Acts, ch 96, § 14; 2004 Acts, ch 1175, § 423, 433; 2005 Acts, ch 3, § 36

**147.15** Repealed by 74 Acts, ch 1086, § 198.

#### **147.16 Examiners.**

Each licensed examiner shall be actively engaged in the practice or the instruction of the examiner's profession and shall have been so engaged for a period of five years just preceding the examiner's appointment, the last two of which shall be in this state.

However, each licensed physician assistant member of the board of physician assistant examiners shall be actively engaged in practice as a physician assistant and shall have been so engaged for a period of three years just preceding the member's appointment, the last year of which shall be in this state.

[C97, § 2584; S13, § 2583-a, -h, 2600-b; SS15, § 2584; C24, 27, 31, 35, 39, § **2453**; C46, 50, 54, 58, 62, 66, § 147.16; C71, 73, § 147.16, 153.1; C75, 77, 79, 81, § 147.16; 81 Acts, ch 65, § 1]

88 Acts, ch 1225, §8

**147.17** Repealed by 74 Acts, ch 1086, § 198.

### **147.18 Disqualifications.**

No examiner shall be connected in any manner with any wholesale or jobbing house dealing in supplies or have a financial interest in or be an instructor at a proprietary school.

[C97, § 2564; S13, § 2564, 2583-a, -j, 2600-k; C24, 27, 31, 35, 39, § **2455**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.18; 81 Acts, ch 65, § 2]

### **147.19 Terms of office.**

The board members shall serve three-year terms, which shall commence and end as provided by section 69.19. Any vacancy in the membership of an examining board shall be filled by appointment of the governor subject to senate confirmation. A member shall serve no more than three terms or nine years.

[C97, §2564, 2576, 2584; S13, §2564, 2575-a29, -a37, 2576, 2583-a, -h, 2600-b; SS15, §2584; C24, 27, 31, 35, 39, §**2456, 2458**; C46, 50, 54, 58, 62, 66, §147.19, 147.21; C71, 73, §147.19, 147.21, 153.1; C75, 77, 79, 81, §147.19]

### **Footnotes**

Confirmation, see § 2.32

### **147.20 Nomination of examiners.**

The regular state association or society for each profession may recommend the names of potential board members to the governor, but the governor shall not be bound by the recommendations.

[S13, § 2583-a, -h, 2600-b; C24, 27, 31, 35, 39, § **2457**; C46, 50, 54, 58, 62, 66, § 147.20; C71, 73, § 147.20, 153.1; C75, 77, 79, 81, § 147.20]

### **147.21 Examination information.**

The public members of the board shall be allowed to participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

A member of the board shall not disclose information relating to the following:

1. Criminal history or prior misconduct of the applicant.
2. Information relating to the contents of the examination.
3. Information relating to the examination results other than final score except for information about the results of an examination which is given to the person who took the examination.

A member of the board who willfully communicates or seeks to communicate such information, and any

person who willfully requests, obtains, or seeks to obtain such information, is guilty of a simple misdemeanor.

[C75, 77, 79, 81, § 147.21]

83 Acts, ch 101, § 26

#### **147.22 Officers.**

Each examining board shall organize annually and shall select a chairperson and a secretary from its own membership.

[C97, § 2576, 2585; S13, § 2576, 2583-i, 2585, 2600-c; C24, 27, 31, 35, 39, § **2459**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.22]

**147.23** Repealed by 78 Acts, ch 1104, § 3.

#### **147.24 Compensation.**

Members of an examining board shall receive actual expenses for their duties as a member of the examining board. Each member of each board may also be eligible to receive compensation as provided in section 7E.6. The funds shall be appropriated to the department and allocated to each examining board within the limits of funds.

[C97, § 2574; S13, § 2574, 2575-a34, -a44, 2583-a, -p, 2600-g; C24, 27, 31, 35, 39, § **2461**; C46, 50, 54, 58, 62, 66, § 147.24; C71, 73, § 147.24, 153.3; C75, 77, 79, 81, § 147.24]

86 Acts, ch 1245, § 1141

#### **147.25 System of health personnel statistics fee.**

The division for records and statistics within the department shall establish and maintain a system of health personnel statistics which shall include the collection, preservation, revision and dissemination of statistical data to enable the department or other agencies concerned with delivery of health care services in this state to determine the total number, employment status, location of practice or place of employment, areas of professional specialization and ages of licensed health care practitioners and other pertinent information bearing on the availability of trained and licensed personnel in health care fields to provide services in this state. The statistical data shall be computed and available upon request at least biannually in the form of a report to agencies, both public and private, which are concerned with the delivery of health care in this state.

The department shall enter into co-operative arrangements with and seek the technical expertise of agencies collecting and producing health personnel statistics in order to eliminate duplication in the collection of health personnel information and to assist in the standardization and co-ordination of procedures relating to the collection of health personnel statistics.

Examining boards collecting information necessary for the division for records and statistics to carry out the provisions of this section shall provide the department with the information which may be gathered by means including, but not limited to, questionnaires forwarded to applicants for a license or renewal of a license.

In addition to any other fee provided by law, a fee may be set by the respective examining boards for each license and renewal of a license to practice a profession, which fee shall be based on the annual cost of collecting information for use by the department in the administration of the system of health personnel statistics established by this section. The fee shall be collected, transmitted to the treasurer of state and

deposited in the general fund of the state in the manner in which license and renewal fees of the respective professions are collected, transmitted, and deposited in the general fund.

[C75, 77, 79, 81, § 147.25]

84 Acts, ch 1075, § 10; 85 Acts, ch 168, §6; 88 Acts, ch 1225, §9

For future amendment to this section effective July 1, 2007, see 2006 Acts, ch 1155, §4, 15

Nonreversion of unencumbered or unobligated funds appropriated or received as fees or repayment receipts for the fiscal period beginning July 1, 2006, and ending July 1, 2007, until the close of the next succeeding fiscal year; 2006 Acts, ch 1155, §14, 15

#### **147.26 Supplies and examination quarters.**

The department shall furnish each examining board with all articles and supplies required for the public use and necessary to enable said board to perform the duties imposed upon it by law. Such articles and supplies shall be obtained by the department in the same manner in which the regular supplies for the department are obtained and the cost shall be assessed to the examining board. The director of the department of administrative services shall furnish each examining board with suitable quarters in which to conduct the examination and the cost of the quarters shall be assessed to the examining board.

[C97, § 2583; S13, § 2575-a34, -a44, 2583, 2583-a, -p, 2600-g; C24, 27, 31, 35, 39, § **2463, 2464**; C46, 50, 54, 58, 62, 66, 71, 73, § 147.26, 147.27; C75, 77, 79, 81, § 147.26]

2003 Acts, ch 145, §286

**147.27** Repealed by 74 Acts, ch 1086, § 198.

#### **147.28 National organization.**

Each examining board may maintain a membership in the national organization of the state examining boards of its profession to be paid from funds appropriated to the board.

[C27, 31, 35, § 2465-b1; C39, § **2465.1**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.28]

#### **147.28A Scope of practice review committees future repeal.**

1. The department shall utilize scope of practice review committees to evaluate and make recommendations to the general assembly and to the appropriate examining boards regarding all of the following issues:

- a.* Requests from practitioners seeking to become newly licensed health professionals or to establish their own examining boards.
- b.* Requests from health professionals seeking to expand or narrow the scope of practice of a health profession.
- c.* Unresolved administrative rulemaking disputes between examining boards.

2. A scope of practice review committee established under this section shall evaluate the issues specified in subsection 1 and make recommendations regarding proposed changes to the general assembly based on the following standards and guidelines:

- a. The proposed change does not pose a significant new danger to the public.
  - b. Enacting the proposed change will benefit the health, safety, or welfare of the public.
  - c. The public cannot be effectively protected by other more cost-effective means.
3. A scope of practice review committee shall be limited to five members as follows:
- a. One member representing the profession seeking licensure, a new examining board, or a change in scope of practice.
  - b. One member of the health profession directly impacted by, or opposed to, the proposed change.
  - c. One impartial health professional who is not directly or indirectly affected by the proposed change.
  - d. Two impartial members of the general public.
4. The department may contract with a school or college of public health to assist in implementing this section.
5. The department shall submit an annual progress report to the governor and the general assembly by January 15 and shall include any recommendations for legislative action as a result of review committee activities.
6. The department shall adopt rules in accordance with chapter 17A to implement this section.
7. This section is repealed July 1, 2007.

2005 Acts, ch 175, §84

#### **147.29 Applications.**

Any person desiring to take the examination for a license to practice a profession shall make application to the department at least fifteen days before the examination, on a form provided by the board. The application shall be accompanied by the examination fee and such documents and affidavits as are necessary to show the eligibility of the candidate to take the examination. All applications shall be in accordance with the rules of the department and shall be signed by the applicant. The board may require that a recent photograph of the applicant be attached to the application.

[S13, § 2575-a37, 2600-d; C24, 27, 31, 35, 39, § **2466, 2567, 2572, 2573**; C46, 50, 54, 58, 62, 66, § 147.29, 153.3, 153.8, 153.9; C71, 73, § 147.29, 153.6, 153.8; C75, 77, 79, 81, § 147.29]

90 Acts, ch 1086, §4

#### **Footnotes**

Exceptions, § 147.94, et seq.

#### **147.30 Time and place of examinations.**

The department shall give public notice of the time and place of all examinations to be held under this subtitle. Such notice shall be given in such manner as the department may deem expedient and in ample time to allow all candidates to comply with the provisions of this subtitle.

[S13, § 2576; C24, 27, 31, 35, 39, § **2467**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.30]

94 Acts, ch 1132, §16; 96 Acts, ch 1036, § 13; 98 Acts, ch 1053, §11

**147.31** Repealed by 74 Acts, ch 1086, § 198.

**147.32 Accredited colleges.** Repealed by 89 Acts, ch 3, § 3.

### **147.33 Professional schools.**

As a basis for such action on the part of the examining board, the registrar of the state university of Iowa and the dean of the professional school of said institution which teaches the profession for which said board gives license examinations, shall supply such data relative to any such professional school as said board may request.

[C24, 27, 31, 35, 39, § **2470**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.33]

### **147.34 Examinations.**

Examinations for each profession licensed under this subtitle shall be conducted at least one time per year at such time as the department may fix in cooperation with each examining board. Examinations may be given at the state university of Iowa at the close of each school year for professions regulated by this subtitle and examinations may be given at other schools located in the state at which any of the professions regulated by this subtitle are taught. At least one session of each examining board shall be held annually at the seat of government and the locations of other sessions shall be determined by the examining board, unless otherwise ordered by the department. Applicants who fail to pass the examination once shall be allowed to take the examination at the next scheduled time. Thereafter, applicants shall be allowed to take the examination at the discretion of the board. Examinations may be given by an examining board which are prepared and scored by persons outside the state, and examining boards may contract for such services. An examining board may make an agreement with examining boards in other states for administering a uniform examination. An applicant who has failed an examination may request in writing information from the examining board concerning the examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the examining board administers a uniform, standardized examination, the examining board shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the examining board.

[C97, § 2576, 2582, 2589, 2597; S13, § 2575-a29, -a37, 2576, 2582, 2583-a, -i, -k, 2589-a, 2600-c, -d; SS15, § 2589-a; C24, 27, 31, 35, 39, § **2471, 2567, 2572, 2573**; C46, 50, 54, 58, 62, 66, § 147.34, 153.3, 153.8, 153.9; C71, 73, § 147.34, 153.2, 153.6, 153.8; C75, 77, 79, 81, § 147.34]

94 Acts, ch 1132, §17; 96 Acts, ch 1036, § 14; 98 Acts, ch 1053, §12

### **147.35 Names of eligible candidates.**

Prior to each examination the department shall transmit to each examining board the list of candidates who are eligible to take the examination given by such board. In making up such list the department may call upon any examining board, or any member thereof, for information relative to the eligibility of any applicant.

[C24, 27, 31, 35, 39, § **2472**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.35]

### **147.36 Rules.**

Each examining board shall establish rules for:

1. The qualifications required for applicants seeking to take examinations.
2. The denial of applicants seeking to take examinations.
3. The conducting of examinations.
4. The grading of examinations and passing upon the technical qualifications of applicants, as shown by such examinations.
5. The minimum scores required for passing standardized examinations.

[C97, § 2584; S13, § 2575-a38, 2583-a, -i, 2600-e; SS15, § 2584; C24, 27, 31, 35, 39, § **2473**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.36]

92 Acts, ch 1183, § 3

#### **147.37 Identity of candidate concealed.**

All examinations in theory shall be in writing, and the identity of the person taking the same shall not be disclosed upon the examination papers in such a way as to enable the members of the examining board to know by whom written until after the papers have been passed upon. In examinations in practice the identity of the candidate shall also be concealed as far as possible.

[C97, § 2576; S13, § 2576, 2583-a; C24, 27, 31, 35, 39, § **2474**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.37]

**147.38** Repealed by 74 Acts, ch 1086, § 198.

#### **147.39 Clerk.**

Upon the request of any examining board, the department shall detail some employee to act as clerk of any examination given by said examining board. Such clerk shall have charge of the candidates during the examination and perform such other duties as the examining board may direct. If the duties of such clerk are performed away from the seat of government, the clerk shall receive necessary travel and expenses, which shall be paid from the appropriations to the examining board in the same manner in which other similar expenses are paid. The department shall be reimbursed by the examining board for costs incurred.

[C24, 27, 31, 35, 39, § **2476**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.39]

#### **147.40 Certification of applicants.**

Every examination shall be passed upon in accordance with the established rules of the examining board and shall be satisfactory to at least a majority of the professional members of the board. In the case of the board of dental examiners, only licensed dentist members of the board shall determine whether an applicant has passed the examination to practice as a licensed dentist. After each examination, the examining board shall certify the names of the successful applicants to the department in the manner prescribed by it. The department shall then issue the proper license.

[C97, § 2576; S13, § 2575-a30, -a38, 2576, 2583-i, 2600-c; C24, 27, 31, 35, 39, § **2477**; C46, 50, 54, 58, 62, 66, § 147.40; C71, 73, § 147.40, 153.2; C75, 77, 79, 81, § 147.40]

**147.41 Partial examinations.**

Any examining board may provide for a partial examination for a license to practice a profession to any applicant who has completed a portion of the professional course. For such purpose said board shall establish by rule:

1. The portion of such course which shall be completed prior to such examination.
2. The subjects to be covered by such examination and the subjects to be covered by the final examination to be taken by such applicant after the completion of the professional course and prior to the issuance of the license, but the subjects covered in the partial and final examinations shall be the same as those specified in this subtitle for the regular examination.

[C24, 27, 31, 35, 39, § **2478**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.41]

94 Acts, ch 1132, §18; 96 Acts, ch 1036, § 15; 98 Acts, ch 1053, § 13

**147.42 Rules relative to partial examinations.**

In case any examining board shall provide for partial examinations under section 147.41, the department shall adopt rules establishing:

1. The portion of the license fee fixed in this chapter which shall be paid for a partial examination.
2. The credentials which shall be presented to the department by an applicant showing the applicant's qualifications to take such examination.
3. The method of certifying the list of the eligible applicants for such examination to the proper examining board.
4. The method of certifying back to the department the list of applicants who successfully pass such examination.
5. The method of keeping the records of such applicants for use at the time of completing the examination for a license.
6. The credentials which shall be presented to the department by such an applicant upon the completion of the professional course.
7. The method of certifying such applicant to the proper examining board for the remainder of the examination.
8. Such other matters of procedure as are necessary to carry into effect section 147.41.

[C24, 27, 31, 35, 39, § **2479**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.42]

**147.43 Preservation of records.**

All matters connected with each examination for a license shall be filed with the department and preserved for such period of time as specified by the state records commission as a part of the records of the department. The records shall be open to public inspection.

[C97, § 2576; S13, § 2576, 2578-a, 2583-a; C24, 27, 31, 35, 39, § **2480**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.43]

#### **147.44 Agreements.**

For the purpose of recognizing licenses which have been issued in other states to practice any profession for which a license is required by this subtitle, the department shall enter into a reciprocal agreement with every state which is certified to it by the proper examining board under the provisions of section 147.45 and with which this state does not have an existing agreement at the time of such certification.

[C97, § 2582; S13, § 2582; C24, 27, 31, 35, 39, § **2481**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.44]

94 Acts, ch 1132, §19; 96 Acts, ch 1036, § 16; 98 Acts, ch 1053, §14

#### **147.45 States entitled to reciprocal relations.**

The department shall at least once each year lay before the proper examining board the requirements of the several states for a license to practice the profession for which such examining board conducts examinations for licenses in this state. Said examining board shall immediately examine such requirements and after making such other inquiries as it deems necessary, shall certify to the department the states having substantially equivalent requirements to those existing in this state for that particular profession and with which said examining board desires this state to enter into reciprocal relations.

[S13, § 2575-a30, -a39, 2589-b, 2600-m; C24, 27, 31, 35, 39, § **2482**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.45]

#### **147.46 Reciprocal agreements.**

In negotiating any reciprocal agreement, the department shall be governed by the following regulations:

1. *Protection to licensees of this state.* When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person licensed in this state to practice any profession regulated by this subtitle, which affects the right of said person to be licensed or to practice the person's profession in said state, then the same requirement or disability shall be placed upon any person licensed in said state when applying for a license to practice in this state.

2. *Special conditions.* When any examining board has established by rule any special condition upon which reciprocal agreements shall be entered into, as provided in section 147.47, such condition shall be incorporated into the reciprocal agreements negotiated with reference to licenses to practice the professions for which such examining board conducts examinations.

[S13, § 2575-a30, -a39, 2582-a, 2589-b, 2600-m; C24, 27, 31, 35, 39, § **2483**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.46]

94 Acts, ch 1132, §20; 96 Acts, ch 1036, § 17; 98 Acts, ch 1053, §15

#### **147.47 Special conditions.**

An examining board shall have power to provide by rule that no reciprocal relation shall be entered into by the department with any state with reference to licenses to practice the profession for which such examining board conducts examinations, unless every person licensed in another state when applying for a license to practice in this state shall comply with one or both of the following conditions:

1. Furnish satisfactory proof to the department that the person has been actively engaged in the practice of the profession for a certain period of years to be fixed by such examining board.
2. Pass a practical examination in the practice of the person's particular profession as prescribed by such examining board.

[S13, § 2600-m; C24, 27, 31, 35, 39, § **2484**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.47]

#### **147.48 Termination of agreements.**

When the requirements for a license in any state with which this state has a reciprocal agreement are changed by any law or rule of the authorities therein so that such requirements are no longer substantially as high as those existing in this state, then such agreement shall be deemed terminated and licenses issued in such state shall not be recognized as a basis of granting a license in this state until a new agreement has been negotiated. The fact of such change shall be determined by the proper examining board and certified to the department for its guidance in enforcing the provisions of this section.

[C24, 27, 31, 35, 39, § **2485**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.48]

#### **147.49 License of another state.**

The department shall, upon presentation of a license to practice a profession issued by the duly constituted authority of another state, with which this state has established reciprocal relations, and subject to the rules of the examining board for such profession, license said applicant to practice in this state, unless under the rules of said examining board a practical examination is required in such cases. The department may, upon the recommendation of the medical examiners, accept in lieu of the examination prescribed in section 148.3 or section 150A.3 a license to practice medicine and surgery or osteopathic medicine and surgery, issued by the duly constituted authority of another state, territory or foreign country. Endorsement may be accepted by the department in lieu of further written examination without regard to the existence or nonexistence of a reciprocal agreement, but shall not be in lieu of the standards and qualifications prescribed by section 148.3 or section 150A.3.

[C97, § 2582; S13, § 2575-a30, -a39, 2582, 2583-l, 2589-b, 2600-m; C24, 27, 31, 35, 39, § **2486**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.49]

#### **147.50 Practical examinations.**

If the rules of any examining board require an applicant for a license under a reciprocal agreement to pass a practical examination in the practice of the applicant's profession, then such applicant shall make application therefor to the department upon a form provided by it.

[C24, 27, 31, 35, 39, § **2487**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.50]

#### **147.51 Applicability of other provisions.**

All the provisions of this chapter relative to applications, transmittal of the names of eligible candidates, certification of successful applicants, and issuance of licenses thereto, in the case of regular examinations, shall apply as far as applicable to applicants for practical examinations.

[C24, 27, 31, 35, 39, § **2488**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.51]

#### **147.52 Reciprocity.**

When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person holding a diploma or certificate from any college in this state in which one of the professions regulated by this subtitle is taught, which affects the right of said person to be licensed in said state, the same requirement or disability shall be placed upon any person holding a diploma from a similar college situated therein, when applying for a license to practice in this state.

[S13, § 2582-a; C24, 27, 31, 35, 39, § **2489**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.52]

94 Acts, ch 1132, §21; 96 Acts, ch 1036, § 18; 98 Acts, ch 1053, §16

#### **147.53 Power to adopt rules.**

The department and each examining board shall have power to establish the necessary rules, not inconsistent with law, for carrying out the reciprocal relations with other states which are authorized by this chapter.

[C24, 27, 31, 35, 39, § **2490**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.53]

#### **147.54 Change of residence.**

Any licensee who is desirous of changing the licensee's residence to that of another state or territory shall upon application to the department, and payment of the legal fee, receive a certified statement that the licensee is a duly licensed practitioner in this state.

[S13, § 2600-n; C24, 27, 31, 35, 39, § **2491**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.54]

#### **147.55 Grounds.**

A license to practice a profession shall be revoked or suspended when the licensee is guilty of any of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of a profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect the licensee's ability to practice within a profession. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.\*

1. [C97, § 2578; S13, § 2575-a33, -a41, 2578, 2583-c, 2600-o5; C24, 27, 31, 35, 39, § **2492**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.55(1)]

2. [C97, § 2578; S13, § 2578, 2583-c, -m; C24, 27, 31, 35, 39, § **2492**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.55(2)]

3. [C97, § 2578; S13, § 2575-a33, -a41, 2578, 2583-m, 2600-o5; C24, 27, 31, 35, 39, § **2492**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.55(3)]

4. [C97, § 2578; S13, § 2575-a41, 2578, 2583-c, -m, 2600-o5; C24, 27, 31, 35, 39, § **2492**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.55(4)]

5. [C97, § 2578; S13, § 2578, 2583-c, 2600-o5; C24, 27, 31, 35, 39, § **2492**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.55(5)]

6. [C97, § 2578; S13, § 2578, 2583-c; C24, 27, 31, 35, 39, § **2492**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.55(6)]

7. [C97, § 2578; S13, § 2578, 2583-c, 2600-o5; C24, 27, 31, 35, 39, § **2492**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.55(7)]

8. [C97, § 2596; S13, § 2575-a33, -a41; C24, 27, 31, 35, 39, § **2492**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, § 147.55(9); C79, 81, § 147.55(8)]

## Footnotes

\*Chapter 272C may have been intended; see 78 Acts, ch 1097, § 12; also 77 Acts, ch 95

**147.56** Repealed by 74 Acts, ch 1086, § 198.

### **147.57 Dental hygienist and dentist.**

The practice of dentistry by a dental hygienist shall also be grounds for the revocation of the dental hygienist's license, and the permitting of such practice by the dentist under whose supervision said dental hygienist is operating shall be grounds for revoking the license of said dentist.

[S13, § 2600-o5; C24, 27, 31, 35, 39, § **2494**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.57]

### **147.58 Jurisdiction of revocation.**

The district court of the county in which a licensee resides shall have jurisdiction of the proceeding to revoke or suspend the licensee's license.

[C24, 27, 31, 35, 39, § **2495**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.58]

### **147.59 Petition for revocation.**

The petition for the revocation or suspension of a license may be filed by the attorney general in all cases. Said petition shall be filed in the office of the clerk of the district court having jurisdiction.

[C24, 27, 31, 35, 39, § **2496**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.59]

### **147.60 Duty of department.**

The department shall direct the attorney general to file such petition against any licensee upon its own

motion, or it may give such direction upon the sworn information of some person who resides in the county wherein the licensee practices.

[C97, § 2578, 2596; S13, § 2575-a33, -a41, 2578-a, 2583-c, -m, 2600-o5; C24, 27, 31, 35, 39, § 2497; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.60]

#### **147.61 Attorney general and county attorney.**

The attorney general shall comply with such direction of the department and prosecute such action on behalf of the state, but the county attorney, at the request of the attorney general, shall appear and prosecute such action when brought in the county attorney's county.

[C24, 27, 31, 35, 39, § 2498; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.61]

#### **147.62 Rules governing petition.**

The following rules shall govern the petition in such cases:

1. The state shall be named as plaintiff and the licensee as defendant.
2. The charges against the licensee shall be stated in full.
3. Amendments may be made as in ordinary actions.
4. All allegations shall be deemed denied but the licensee may plead thereto if the licensee desires.

[C24, 27, 31, 35, 39, § 2499; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.62]

#### **147.63 Trial.**

Upon the presentation of the petition, or a copy thereof, to the court, the court shall make an order fixing the time and place for the hearing, which shall be not less than ten nor more than twenty days thereafter.

[S13, § 2575-a33, -a41, 2578-a, 2583-c, -m, 2600-o5; C24, 27, 31, 35, 39, § 2500; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.63]

#### **147.64 Notice.**

Notice of the filing of such petition and of the time and place of hearing shall be served upon the licensee at least ten days before said hearing in the manner required for the service of notice of the commencement of an ordinary action.

[S13, § 2575-a33, -a41, 2578-a, 2583-c, -m, 2600-o5; C24, 27, 31, 35, 39, § 2501; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.64]

#### **Footnotes**

Manner of service, R.C.P. 1.305 and 1.306

#### **147.65 Nature of action.**

The proceeding shall be summary in its nature and triable as an equitable action.

[S13, § 2575-a33, -a41, 2578-a, 2583-c, -m, 2600-o5; C24, 27, 31, 35, 39, § **2502**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.65]

## **Footnotes**

Trial; see chapter 624 and R.C.P. 1.901 et seq.

### **147.66 Judgment.**

Judgment of revocation or suspension of the license shall be entered of record and the licensee shall not engage in the practice of the licensee's profession after the license is revoked or during the time for which it is suspended. The clerk of the court shall, upon the entry of such judgment, forthwith furnish the department with a certified copy thereof.

[C73, § 1535; C97, § 2386, 2400; S13, § 2386, 2400, 2575-a33, -a41, 2578-a; C24, 27, 31, 35, 39, § **2503**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.66]

### **147.67 Default.**

In case the licensee fails to appear, either in person or by counsel at the time and place designated in said notice, the court, after receiving satisfactory evidence of the truth of the charges, shall order the license revoked or suspended.

[S13, § 2575-a33, -a41, 2578-a; C24, 27, 31, 35, 39, § **2504**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.67]

### **147.68 Costs.**

If the judgment is adverse to the licensee the costs shall be taxed to the licensee as in ordinary civil actions, but if the state is the unsuccessful party the costs shall be paid out of any money in the state treasury not otherwise appropriated.

[C24, 27, 31, 35, 39, § **2505**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.68]

## **Footnotes**

Costs, chapter 625

### **147.69 Unpaid costs.**

All costs accrued at the instance of the state, when the successful party, which the attorney general certifies cannot be collected from the defendant, shall be paid out of any money in the state treasury not otherwise appropriated.

[C24, 27, 31, 35, 39, § **2506**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.69]

### **147.70 Hearing on appeal.**

Both parties shall have the right of appeal. The cause shall be advanced and take precedence over all other causes upon the court calendar, and shall be heard at the next term after the appeal is taken.

[S13, § 2578-b, 2600-o5; C24, 27, 31, 35, 39, § **2507**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.70]

### **147.71 Effect of appeal.**

The taking of an appeal by the defendant and the filing of a supersedeas bond shall not operate to stay the proceedings of the district court, or restore the right of said defendant to practice the defendant's profession pending such appeal.

[C24, 27, 31, 35, 39, § 2508; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.71]

### **147.72 Professional titles and abbreviations.**

Any person licensed to practice a profession under this subtitle may append to the person's name any recognized title or abbreviation, which the person is entitled to use, to designate the person's particular profession, but no other person shall assume or use such title or abbreviation, and no licensee shall advertise in such a manner as to lead the public to believe that the licensee is engaged in the practice of any other profession than the one which the licensee is licensed to practice.

[S13, § 2575-a28, -a31, 2583-q; C24, 27, 31, 35, 39, § 2509; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.72]

94 Acts, ch 1132, §22; 96 Acts, ch 1036, § 19; 98 Acts, ch 1053, §17

### **147.73 Titles used by holder of degree.**

Nothing in section 147.72 shall be construed:

1. As authorizing any person licensed to practice a profession under this subtitle to use or assume any degree or abbreviation of the same unless such degree has been conferred upon said person by an institution of learning accredited by the appropriate board herein created, together with the director of public health, or by some recognized state or national accredited agency.
2. As prohibiting any holder of a degree conferred by an institution of learning accredited by the appropriate board herein created, together with the director of public health, or by some recognized state or national accrediting agency, from using the title which such degree authorizes the holder to use, but the holder shall not use such degree or abbreviation in any manner which might mislead the public as to the holder's qualifications to treat human ailments.

[C24, 27, 31, 35, 39, § 2510; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.73]

94 Acts, ch 1132, §23; 96 Acts, ch 1036, § 20; 98 Acts, ch 1053, §18

### **147.74 Professional titles or abbreviations false use prohibited.**

1. Any person who falsely claims by the use of any professional title or abbreviation, either in writing, cards, signs, circulars, or advertisements, to be a practitioner of a system of the healing arts other than the one under which the person holds a license or who fails to use the following designations shall be guilty of a simple misdemeanor.
2. A physician or surgeon may use the prefix "Dr." or "Doctor", and shall add after the person's name the letters, "M.\$THD."
3. An osteopath or osteopathic physician and surgeon may use the prefix "Dr." or "Doctor", and shall add after the person's name the letters, "D.\$THO.", or the words "osteopath" or "osteopathic physician and

surgeon".

4. A chiropractor may use the prefix "Doctor", but shall add after the person's name the letters, "D.\$THC." or the word, "chiropractor".

5. A dentist may use the prefix "Doctor", but shall add after the person's name the letters "D.\$THD.\$THS." or the word "dentist" or "dental surgeon".

6. A podiatric physician may use the prefix "Dr." but shall add after the person's name the words "podiatric physician".

7. A graduate of a school accredited on the board of optometric examiners may use the prefix "Doctor", but shall add after the person's name the letters "O.\$THD."

8. A physical therapist registered or licensed under chapter 148A may use the words "physical therapist" after the person's name or signify the same by the use of the letters "P.\$THT." after the person's name.

9. A physical therapist assistant licensed under chapter 148A may use the words "physical therapist assistant" after the person's name or signify the same by use of the letters "P.\$THT.\$THA." after the person's name.

10. A psychologist who possesses a doctoral degree and who claims to be a certified practicing psychologist may use the prefix "Doctor" but shall add after the person's name the word "psychologist".

11. A speech pathologist with an earned doctoral degree in speech pathology obtained beyond a bachelor's degree from an accredited school, college, or university, may use the suffix designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the words "speech pathologist". An audiologist with an earned doctoral degree in audiology obtained beyond a bachelor's degree from an accredited school, college, or university, may use the suffix designating the degree, or the prefix "Doctor" or "Dr." and add after the person's name the word "audiologist".

12. A bachelor social worker licensed under chapter 154C may use the words "licensed bachelor social worker" or the letters "L.\$THB.\$THS.\$THW." after the person's name. A master social worker licensed under chapter 154C may use the words "licensed master social worker" or the letters "L.\$THM.\$THS.\$THW." after the person's name. An independent social worker licensed under chapter 154C may use the words "licensed independent social worker", or the letters "L.\$THI.\$THS.\$THW." after the person's name.

13. A marital and family therapist licensed under chapter 154D and this chapter may use the words "licensed marital and family therapist" after the person's name or signify the same by the use of the letters "L.\$THM.\$THF.\$THT." after the person's name. A marital and family therapist licensed under chapter 154D and this chapter who possesses a doctoral degree may use the prefix "Doctor" or "Dr." in conjunction with the person's name, but shall add after the person's name the words "licensed marital and family therapist".

14. A mental health counselor licensed under chapter 154D and this chapter may use the words "licensed mental health counselor" after the person's name. A mental health counselor licensed under chapter 154D and this chapter who possesses a doctoral degree may use the prefix "Doctor" or "Dr." in conjunction with the person's name, but shall add after the person's name the words "licensed mental health counselor".

15. A pharmacist who possesses a doctoral degree recognized by the American council of pharmaceutical education from a college of pharmacy approved by the board of pharmacy examiners or a doctor of philosophy degree in an area related to pharmacy may use the prefix "Doctor" or "Dr." but shall add after the person's name the word "pharmacist" or "Pharm. D."

16. A physician assistant licensed under chapter 148C may use the words "physician assistant" after the person's name or signify the same by the use of the letters "P.\$THA." after the person's name.
17. A massage therapist licensed under chapter 152C may use the words "licensed massage therapist" or the initials "L.\$THM.\$THT." after the person's name.
18. An acupuncturist licensed under chapter 148E may use the words "licensed acupuncturist" after the person's name.
19. A respiratory care practitioner licensed under chapter 152B and this chapter may use the title "respiratory care practitioner" or the letters "R.\$THC.\$THP." after the person's name.
20. An athletic trainer licensed under chapter 152D and this chapter may use the words "licensed athletic trainer" or the letters "LAT" after the person's name.
21. A registered nurse licensed under chapter 152 may use the words "registered nurse" or the letters "R.\$THN." after the person's name. A licensed practical nurse licensed under chapter 152 may use the words "licensed practical nurse" or the letters "L.\$THP.\$THN." after the person's name.
22. An interpreter licensed under chapter 154E and this chapter may use the title "licensed interpreter" or the letters "L.\$THI." after the person's name.
23. No other practitioner licensed to practice a profession under any of the provisions of this subtitle shall be entitled to use the prefix "Dr." or "Doctor".

[C31, 35, § 2510-d1; C39, § **2510.1**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.74; 81 Acts, ch 66, § 1]

84 Acts, ch 1075, § 11; 87 Acts, ch 215, § 40; 88 Acts, ch 1225, § 10; 90 Acts, ch 1168, § 27; 91 Acts, ch 228, § 1; 91 Acts, ch 229, § 4; 92 Acts, ch 1137, § 7; 92 Acts, ch 1183, § 4; 93 Acts, ch 86, § 13; 95 Acts, ch 108, §4; 96 Acts, ch 1035, § 4; 96 Acts, ch 1036, § 21; 98 Acts, ch 1053, §19; 99 Acts, ch 101, §1; 2000 Acts, ch 1053, §3; 2001 Acts, ch 58, §7; 2003 Acts, ch 93, §1, 14; 2004 Acts, ch 1045, §2; 2004 Acts, ch 1175, §424, 433

#### **147.75 Itinerants.**

Any person holding an itinerant practitioner's license on July 4, 1963, is hereby granted continuation of the rights and privileges granted under such license for as long as the person's regular license is maintained.

[C97, § 2581; S13, § 2581, 2583-e; C24, 27, 31, 35, 39, § **2512**; C46, 50, 54, 58, 62, § 147.76; C66, 71, 73, 75, 77, 79, 81, § 147.75]

#### **147.76 Rules.**

The examining boards for the various professions shall adopt all necessary and proper rules to implement and interpret this chapter and chapters 147A through 158, except chapter 148D.

[C77, 79, 81, § 147.76]

89 Acts, ch 83, § 28; 92 Acts, ch 1097, § 4

**147.77 to 147.79** Repealed by 63 Acts, ch 123, § 1.

## **147.80 License examination fees.**

An examining board shall set the fees for the examination of applicants, which fees shall be based upon the cost of administering the examinations. An examining board shall set the license fees and renewal fees required for any of the following based upon the cost of sustaining the board and the actual costs of licensing:

1. License to practice dentistry issued upon the basis of an examination given by the board of dental examiners, license to practice dentistry issued under a reciprocal agreement, resident dentist's license, renewal of a license to practice dentistry.
2. License to practice pharmacy issued upon the basis of an examination given by the board of pharmacy examiners, license to practice pharmacy issued under a reciprocal agreement, renewal of a license to practice pharmacy.
3. License to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy and renewal of a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy.
4. Certificate to practice psychology or associate psychology issued on the basis of an examination given by the board of psychology examiners, or certificate to practice psychology or associate psychology issued under a reciprocity agreement or by endorsement, renewal of a certificate to practice psychology or associate psychology.
5. Application for a license to practice as a physician assistant, issuance of a license to practice as a physician assistant issued upon the basis of an examination given or approved by the board of physician assistant examiners, issuance of a license to practice as a physician assistant issued under a reciprocal agreement, renewal of a license to practice as a physician assistant, temporary license to practice as a physician assistant.
6. License to practice chiropractic issued on the basis of an examination given by the board of chiropractic examiners. License to practice chiropractic issued by endorsement or under a reciprocal agreement, renewal of a license to practice chiropractic.
7. License to practice podiatry issued upon the basis of an examination given by the board of podiatry examiners, license to practice podiatry issued under a reciprocal agreement, renewal of a license to practice podiatry.
8. License to practice physical therapy issued upon the basis of an examination given by the board of physical and occupational therapy examiners, license to practice physical therapy issued under a reciprocal agreement, renewal of a license to practice physical therapy.
9. License to practice as a physical therapist assistant issued on the basis of an examination given by the board of physical and occupational therapy examiners, license to practice as a physical therapist assistant issued under a reciprocal agreement, renewal of a license to practice as a physical therapist assistant.
10. For a license to practice optometry issued upon the basis of an examination given by the board of optometry examiners, license to practice optometry issued under a reciprocal agreement, renewal of a license to practice optometry.
11. License to practice dental hygiene issued upon the basis of an examination given by the board of dental examiners, license to practice dental hygiene issued under a reciprocal agreement, renewal of a license to practice dental hygiene.
12. License to practice mortuary science issued upon the basis of an examination given by the board of mortuary science examiners, license to practice mortuary science issued under a reciprocal agreement,

renewal of a license to practice mortuary science.

13. License to practice nursing issued upon the basis of an examination given by the board of nursing; license to practice nursing based on an endorsement from another state, territory or foreign country; renewal of a license to practice nursing.

14. A nurse who does not engage in nursing during the year succeeding the expiration of the license shall notify the board to place the nurse upon the inactive list and the nurse shall not be required to pay the renewal fee so long as the nurse remains inactive and so notifies the board. To resume nursing, the nurse shall notify the board and remit the renewal fee for the current period.

15. License to practice cosmetology arts and sciences issued upon the basis of an examination given by the board of cosmetology arts and sciences examiners, license to practice cosmetology arts and sciences under a reciprocal agreement, renewal of a license to practice cosmetology arts and sciences, temporary permit to practice as a cosmetology arts and sciences trainee, original license to conduct a school of cosmetology arts and sciences, renewal of license to conduct a school of cosmetology arts and sciences, original license to operate a salon, renewal of a license to operate a salon, original license to practice manicuring, renewal of a license to practice manicuring, annual inspection of a school of cosmetology arts and sciences, annual inspection of a salon, original cosmetology arts and sciences school instructor's license, and renewal of cosmetology arts and sciences school instructor's license.

16. License to practice barbering on the basis of an examination given by the board of barber examiners, license to practice barbering under a reciprocal agreement, renewal of a license to practice barbering, annual inspection by the department of inspections and appeals of barber school and annual inspection of barber shop, an original barber school license, renewal of a barber school license, transfer of license upon change of ownership of a barber shop or barber school, inspection by the department of inspections and appeals and an original barber shop license, renewal of a barber shop license, original barber school instructor's license, renewal of a barber school instructor's license.

17. License to practice speech pathology or audiology issued on the basis of an examination given by the board of speech pathology and audiology, or license to practice speech pathology or audiology issued under a reciprocity agreement, renewal of a license to practice speech pathology or audiology.

18. License to practice occupational therapy issued upon the basis of an examination given by the board of physical and occupational therapy examiners, license to practice occupational therapy issued under a reciprocal agreement, renewal of a license to practice occupational therapy.

19. License to assist in the practice of occupational therapy issued upon the basis of an examination given by the board of physical and occupational therapy examiners, license to assist in the practice of occupational therapy issued under a reciprocal agreement, renewal of a license to assist in the practice of occupational therapy.

20. License to practice social work issued on the basis of an examination by the board of social work examiners, or license to practice social work issued under a reciprocity agreement, or renewal of a license to practice social work.

21. License to practice marital and family therapy issued upon the basis of an examination given by the board of behavioral science examiners, license to practice marital and family therapy issued under a reciprocal agreement, or renewal of a license to practice marital and family therapy.

22. License to practice mental health counseling issued upon the basis of an examination given by the board of behavioral science examiners, license to practice mental health counseling issued under a reciprocal agreement, or renewal of a license to practice mental health counseling.

23. License to practice dietetics issued upon the basis of an examination given by the board of dietetic examiners, license to practice dietetics issued under a reciprocal agreement, or renewal of a license to practice dietetics.
24. License to practice acupuncture, license to practice acupuncture under a reciprocal agreement, or renewal of a license to practice acupuncture.
25. License to practice respiratory care, license to practice respiratory care under a reciprocal license, or renewal of a license to practice respiratory care.
26. License to practice massage therapy, license to practice massage therapy under a reciprocal license, or renewal of a license to practice massage therapy.
27. License to practice athletic training, license to practice athletic training under a reciprocal license, or renewal of a license to practice athletic training.
28. Registration to practice as a dental assistant, registration to practice as a dental assistant under a reciprocal agreement, or renewal of registration to practice as a dental assistant.
29. License to practice interpreting, license to practice interpreting under a reciprocal license, or renewal of a license to practice interpreting.
30. License to practice hearing aid dispensing, license to practice hearing aid dispensing under a reciprocal license, or renewal of a license to practice hearing aid dispensing.
31. License to practice nursing home administration, license to practice nursing home administration under a reciprocal license, or renewal of a license to practice nursing home administration.
32. For a certified statement that a licensee is licensed in this state.
33. Duplicate license, which shall be so designated on its face, upon satisfactory proof the original license issued by the department has been destroyed or lost.

The licensing and certification division shall prepare estimates of projected revenues to be generated by the licensing, certification, and examination fees of each board as well as a projection of the fairly apportioned administrative costs and rental expenses attributable to each board. Each board shall annually review and adjust its schedule of fees so that, as nearly as possible, projected revenues equal projected costs and any imbalance in revenues and costs in a fiscal year is offset in a subsequent fiscal year.

The board of medical examiners, the board of pharmacy examiners, the board of dental examiners, and the board of nursing shall retain individual executive officers, but shall make every effort to share administrative, clerical, and investigative staffs to the greatest extent possible. The department shall annually submit a status report to the general assembly in December regarding the sharing of staff during the previous fiscal year.

[C97, § 2576, 2597, 2590; S13, § 2575-a30, -a38, -a39, 2582, 2583-a, -l, 2589-d, 2600-d; C24, 27, 31, 35, 39, § **2516**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.80; 81 Acts, ch 2, § 10(5), ch 5, § 4(5)]

**1.** [C97, § 2597; S13, § 2600-d, -m; C24, 27, 31, 35, 39, § **2516**; C46, 50, 54, 58, 62, § 147.80(1, 2, 7); C66, 71, 73, § 147.80(1, 7); C75, 77, 79, 81, § 147.80(1)]

**2.** [C97, § 2590; S13, § 2589-b, -d; C24, 27, 31, 35, 39, § **2516**; C46, 50, 54, 58, 62, § 147.80(57); C66, 71, 73, § 147.80(1, 7); C75, 77, 79, 81, § 147.80(2)]

3. [C97, § 2576; S13, § 2576, 2582, 2583-a; C24, 27, 31, 35, 39, § **2516**; C46, 50, 54, 58, 62, § 147.80(14); C66, 71, 73, § 147.80(2, 7); C75, 77, 79, 81, § 147.80(3)]
4. [C75, 77, 79, 81, § 147.80(4)]
6. [C24, 27, 31, 35, 39, § **2516**; C46, 50, 54, 58, 62, 66, 71, 73, § 147.80(3, 4, 7); C75, 77, 79, 81, § 147.80(5)]
7. [C24, 27, 31, 35, 39, § **2516**; C46, 50, 54, 58, 62, 66, 71, 73, § 147.80(3, 4, 7); C75, 77, 79, 81, § 147.80(6)]
8. [C66, 71, 73, § 147.80(3, 4, 7); C75, 77, 79, 81, § 147.80(7)]
10. [S13, § 2583-1, -n; C24, 27, 31, 35, 39, § **2516**; C46, 50, 54, 58, 62, 66, 71, 73, § 147.80(3, 4, 7); C75, 77, 79, 81, § 147.80(8)]
11. [C24, 27, 31, 35, 39, § **2516**; C46, 50, 54, 58, 62, 66, 71, 73, § 147.80(57); C75, 77, 79, 81, § 147.80(9)]
12. [S13, § 2575-a38, -a39; C24, 27, 31, 35, 39, § **2516**; C46, 50, 54, 58, 62, 66, 71, 73, § 147.80(57); C75, 77, 79, 81, § 147.80(10)]
13. [S13, § 2575-a30; C24, 27, 31, 35, 39, § **2516**; C46, 50, 54, 58, 62, § 147.80(57); C66, § 147.80(6, 7, 16, 17); C71, 73, § 147.80(6, 7, 19, 20); C75, 77, 79, 81, § 147.80(11)]
14. [C66, § 147.80(19); C71, 73, § 147.80(22); C75, 77, 79, 81, § 147.80(12)]
15. [C27, § 2516(57); C31, 35, 39, § **2516(57, 11, 13)**; C46, 50, 54, 58, 62, § 147.80(57, 11, 13); C66, 71, 73, § 147.80(57, 10, 11); C75, 77, 79, 81, § 147.80(13)]
16. [C27, 31, 35, 39, § **2516**; C46, 50, 54, § 147.80(57, 12, 13); C58, 62, 66, § 147.80(57, 1214); C71, 73, § 147.80(57, 1217); C75, 77, 79, 81, § 147.80(14)]
17. [C77, 79, 81, § 147.80(15)]
18. [C81, § 147.80(16)]
19. [C81, § 147.80(17)]
24. [S13, § 2600-n; C24, 27, 31, 35, 39, § **2516**; C46, 50, 54, 58, 62, 66, 71, 73, § 147.80(8); C75, § 147.80(15); C77, 79, § 147.80(16); C81, § 147.80(18)]
25. [C66, 71, 73, § 147.80(18); C75, § 147.80(16); C77, 79, § 147.80(17); C81, § 147.80(19)]
- 84 Acts, ch 1075, § 12; 85 Acts, ch 168, § 7; 85 Acts, ch 246, § 1; 88 Acts, ch 1225, § 11; 89 Acts, ch 240, § 1; 91 Acts, ch 228, § 2; 91 Acts, ch 229, § 5; 92 Acts, ch 1183, § 5; 92 Acts, ch 1205, § 17; 93 Acts, ch 86, § 14; 96 Acts, ch 1036, § 22; 98 Acts, ch 1053, §20; 2000 Acts, ch 1002, §2; 2000 Acts, ch 1053, §4; 2001 Acts, ch 24, §31; 2001 Acts, ch 58, §8; 2003 Acts, ch 93, §2, 14; 2004 Acts, ch 1175, §425, 433; 2005 Acts, ch 175, §85; 2006 Acts, ch 1155, §5, 15

**147.81** Repealed by 81 Acts, ch 5, § 10; 82 Acts, ch 1005, § 9.

**147.82 Fees.**

Notwithstanding section 12.10, all fees collected under this chapter by an examining board or the department shall be paid to the treasurer of state and credited to the general fund of the state, except for the following:

1. The department may retain and expend or encumber a portion of fees collected under this chapter for an examining board if the expenditure or encumbrance is directly the result of an unanticipated litigation expense or an expense associated with a scope of practice review committee created pursuant to section 147.28A. Before the department retains, expends, or encumbers funds for an unanticipated litigation expense or a scope of practice review committee, the director of the department of management shall approve the expenditure or encumbrance. The amount of fees retained pursuant to this subsection shall not exceed five percent of the average annual fees generated by the affected examining board for the two previous fiscal years. The amount of fees retained shall be considered repayment receipts as defined in section 8.2.

2. The department may annually retain and expend not more than two hundred ninety-seven thousand nine hundred sixty-one dollars for lease and maintenance expenses from fees collected pursuant to section 147.80 by the board of dental examiners, the board of pharmacy examiners, the board of medical examiners, and the board of nursing. Fees retained by the department pursuant to this subsection shall be considered repayment receipts as defined in section 8.2.

3. The department may annually retain and expend not more than one hundred thousand dollars for reduction of the number of days necessary to process medical license requests and for reduction of the number of days needed for consideration of malpractice cases from fees collected pursuant to section 147.80 by the board of medical examiners. Fees retained by the department pursuant to this subsection shall be considered repayment receipts as defined in section 8.2 and shall be used for the purposes described in this subsection.

4. The board of dental examiners may annually retain and expend not more than one hundred forty-eight thousand sixty dollars from revenues generated pursuant to section 147.80. Fees retained by the board pursuant to this subsection shall be considered repayment receipts as defined in section 8.2 and shall be used for the purposes of regulating dental assistants.

5. The board of nursing may annually retain and expend ninety percent of the revenues generated from an increase in license and renewal fees established pursuant to section 147.80 for the practice of nursing, above the license and renewal fees in effect as of July 1, 2003. The moneys retained shall be used for any of the board's duties, including but not limited to the addition of full-time equivalent positions for program services and investigations. Revenues retained by the board pursuant to this subsection shall be considered repayment receipts as defined in section 8.2, and shall be used for the purposes described in this subsection.

6. The board of pharmacy examiners may annually retain and expend ninety percent of the revenues generated from an increase in license and renewal fees established pursuant to sections 124.301 and 147.80, and chapter 155A, for the practice of pharmacy, above the license and renewal fees in effect as of July 1, 2004. The moneys retained shall be used for any of the board's duties, including but not limited to the addition of full-time equivalent positions for program services and investigations. Revenues retained by the board pursuant to this subsection shall be considered repayment receipts as defined in section 8.2, and shall be used for the purposes described in this subsection.

7. In addition to the amounts authorized in subsections 1 through 6, the examining boards listed in section 147.80 may retain and expend ninety percent of the revenue generated from an increase in license and renewal fees established pursuant to section 147.80 for the practice of the licensed profession for which an examining board conducts examinations above the license and renewal fees in effect as of June 30, 2005. The moneys retained by an examining board shall be used for any of the board's duties, including but not limited to addition of full-time equivalent positions for program services and investigations. Revenues retained by an examining board pursuant to this subsection shall be considered repayment receipts as defined in section 8.2.

C71, 73, § 147.82, 153.4; C75, 77, 79, 81, § 147.82]

2005 Acts, ch 175, §86; 2006 Acts, ch 1184, §86

For future amendment to this section effective July 1, 2007, see 2006 Acts, ch 1155, §6, 15

Nonreversion of unencumbered or unobligated funds appropriated or received as fees or repayment receipts for the fiscal period beginning July 1, 2006, and ending July 1, 2007, until the close of the next succeeding fiscal year; 2006 Acts, ch 1155, §14, 15

### **147.83 Injunction.**

Any person engaging in any business or in the practice of any profession for which a license is required by this subtitle without such license may be restrained by permanent injunction.

[C24, 27, 31, 35, 39, § **2519**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.83]

94 Acts, ch 1132, §24; 96 Acts, ch 1036, § 23; 98 Acts, ch 1053, §21

### **Footnotes**

Injunctions, R.C.P. 1.15011.1511

### **147.84 Forgeries.**

Any person who shall file or attempt to file with the department any false or forged diploma, or certificate or affidavit of identification or qualification, shall be guilty of a fraudulent practice.

[C97, § 2580, 2595; S13, § 2583-d; C24, 27, 31, 35, 39, § **2520**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.84]

### **Footnotes**

See chapter 715A

### **147.85 Fraud.**

Any person who shall present to the department a diploma or certificate of which the person is not the rightful owner, for the purpose of procuring a license, or who shall falsely personate anyone to whom a license has been issued by said department shall be guilty of a serious misdemeanor.

[C97, § 2580, 2581, 2595; S13, § 2575-a45, 2581, 2583-c, -d; C24, 27, 31, 35, 39, § **2521**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.85]

### **147.86 Penalties.**

Any person violating any provision of this or the following chapters of this subtitle, except insofar as the provisions apply or relate to or affect the practice of pharmacy, or where a specific penalty is otherwise provided, shall be guilty of a serious misdemeanor.

[C97, § 2580, 2581, 2588, 2590, 2591, 2595; S13, § 2575-a35, -a45, 2581, 2583-d, -r, 2589-d, 2600-o4; SS15, § 2588; C24, 27, 31, 35, 39, § **2522**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.86]

92 Acts, ch 1183, § 6; 94 Acts, ch 1023, §12; 94 Acts, ch 1132, §25; 96 Acts, ch 1036, § 24; 98 Acts, ch 1053, §22

#### **147.87 Enforcement.**

The department shall enforce the provisions of this and the following chapters of this subtitle and for that purpose may request the department of inspections and appeals to make necessary investigations. Every licensee and member of an examining board shall furnish the department or the department of inspections and appeals such evidence as the member or licensee may have relative to any alleged violation which is being investigated.

[C24, 27, 31, 35, 39, § **2523**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.87]

90 Acts, ch 1204, §19; 94 Acts, ch 1132, §26; 96 Acts, ch 1036, § 25; 98 Acts, ch 1053, §23

#### **Footnotes**

Continuing education and regulation, chapter 272C

#### **147.88 Inspections.**

The department of inspections and appeals may perform inspections as required by this subtitle, except for the board of medical examiners, board of pharmacy examiners, board of nursing, and the board of dental examiners. The department of inspections and appeals shall employ personnel related to the inspection functions.

[C31, 35, § 2523-c1; C39, § **2523.1**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.88]

90 Acts, ch 1204, §20; 94 Acts, ch 1132, §27; 96 Acts, ch 1036, § 26; 98 Acts, ch 1053, §24

#### **147.89 Report of violators.**

Every licensee and member of an examining board shall report, also, to the department the name of every person, without a license, that the member or licensee has reason to believe is engaged in:

1. Practicing any profession for which a license is required.
2. Operating as an itinerant practitioner of such profession.

[C24, 27, 31, 35, 39, § **2524**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.89]

#### **147.90 Rules and forms.**

The Iowa department of public health and the department of inspections and appeals shall each establish the necessary rules and forms for carrying out the duties imposed upon it by this subtitle.

[C24, 27, 31, 35, 39, § **2525**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.90]

90 Acts, ch 1204, §21; 94 Acts, ch 1132, §28; 96 Acts, ch 1036, § 27; 98 Acts, ch 1053, §25

#### **147.91 Publications.**

The department shall have available for each profession the following information:

1. The law regulating the practice of the profession.
2. The rules of the Iowa department of public health and the department of inspections and appeals relative to licenses.
3. The rules of the examining board relative to examinations.

Such information shall be supplied to any person applying for the same. The department may, to the extent feasible, make the information described in this section available by electronic means, including, but not limited to, access to the documents through the internet.

[C24, 27, 31, 35, 39, § **2526**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.91]

90 Acts, ch 1204, §22; 2001 Acts, ch 58, §9

#### **147.92 Attorney general.**

Upon request of the department the attorney general shall institute in the name of the state the proper proceedings against any person charged by the department with violating any provision of this or the following chapters of this subtitle.

[S13, § 2600-o7; C24, 27, 31, 35, 39, § **2527**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.92]

94 Acts, ch 1132, §29; 94 Acts, ch 1173, §8; 96 Acts, ch 1036, § 28; 98 Acts, ch 1053, §26

#### **147.93 Prima facie evidence.**

The opening of an office or place of business for the practice of any profession for which a license is required by this subtitle, the announcing to the public in any way the intention to practice any such profession, the use of any professional degree or designation, or of any sign, card, circular, device, or advertisement, as a practitioner of any such profession, or as a person skilled in the same, shall be prima facie evidence of engaging in the practice of such profession.

[S13, § 2575-a28, -a31, 2600-o; C24, 27, 31, 35, 39, § **2528**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.93]

94 Acts, ch 1132, §30; 96 Acts, ch 1036, § 29; 98 Acts, ch 1053, §27

#### **147.94 Pharmacists.**

The provisions of this chapter relative to the making of application for a license, the issuance of a license, the negotiation of reciprocal agreements for recognition of foreign licenses, and the preservation of records shall not apply to the licensing of persons to practice pharmacy, but such licensing shall be governed by the following:

1. Every application for a license to practice pharmacy shall be made to the secretary of the board of pharmacy examiners.
2. A license and all renewals of a license shall be issued by the board of pharmacy examiners.
3. Every reciprocal agreement for the recognition of any license issued in another state shall be negotiated by the board of pharmacy examiners.

4. All records in connection with the licensing of pharmacists shall be kept by the secretary of the board of pharmacy examiners.

1. [C97, § 2589; S13, § 2589-b; SS15, § 2589-a; C24, 27, 31, 35, 39, § **2529**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.94]

2. [C97, § 2590; S13, § 2589-d; C24, 27, 31, 35, 39, § **2529**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.94]

3. [S13, § 2589-b; C24, 27, 31, 35, 39, § **2529**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.94]

4. [C97, § 2590; S13, § 2589-d; C24, 27, 31, 35, 39, § **2529**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.94]

5. [C97, § 2586, 2595; C24, 27, 31, 35, 39, § **2529**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.94]

2005 Acts, ch 175, §87

#### **147.95 Enforcement agents as peace officers.**

The provisions of this subtitle insofar as they affect the practice of pharmacy shall be enforced by the pharmacy examiners and the provisions of sections 147.87, 147.88, and 147.89 shall not apply to said profession. Officers, agents, inspectors, and representatives of the board of pharmacy examiners shall have the powers and status of peace officers when enforcing the provisions of this subtitle.

[C97, § 2584; S13, § 2596-c; SS15, § 2584; C24, 27, 31, 35, 39, § **2530**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.95]

#### **147.96 Pharmacy examiners.**

In discharging the duties and exercising the powers provided for in sections 147.94 and 147.95, the pharmacy examiners and their secretary shall be governed by all the provisions of this chapter which govern the department when discharging a similar duty or exercising a similar power with reference to any of the professions regulated by this subtitle.

[C24, 27, 31, 35, 39, § **2531**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.96]

**147.97** Repealed by 57 Acts, ch 96, § 3.

#### **147.98 Secretary of pharmacy examiners.**

The pharmacy examiners shall have the right to employ a full-time secretary, who shall not be a member of the examining board, at such compensation as may be fixed pursuant to chapter 8A, subchapter IV, but the provisions of section 147.22 providing for a secretary for each examining board shall not apply to the pharmacy examiners.

[C97, § 2585; S13, § 2585; C24, 27, 31, 35, 39, § **2532**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.98]

2003 Acts, ch 145, §192

#### **147.99 Duties of secretary.**

The secretary of the board of pharmacy examiners shall, upon the direction of the board, make inspections of alleged violations of the provisions of this subtitle relative to the practice of pharmacy and of chapters 124, 126, and 205. The secretary shall be allowed necessary traveling and hotel expenses in making such inspections.

[C97, § 2585; S13, § 2585; C24, 27, 31, 35, 39, § **2533**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.99]

89 Acts, ch 197, §22

#### **147.100 Expirations and renewals.**

Licenses shall expire in multiyear intervals as determined by the examining board. A person who fails to renew a license by the expiration date shall be allowed to do so within thirty days following its expiration, but the examining board may assess a reasonable penalty.

[C75, 77, 79, 81, § 147.100]

**147.101** Repealed by 74 Acts, ch 1086, § 198.

#### **147.102 Psychologists, chiropractors, and dentists.**

Notwithstanding the provisions of this subtitle, every application for a license to practice psychology, chiropractic, or dentistry shall be made directly to the chairperson, executive director, or secretary of the examining board of such profession, and every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated by the examining board for such profession. All examination, license, and renewal fees received from persons licensed to practice any of such professions shall be paid to and collected by the chairperson, executive director, or secretary of the examining board of such profession. The salary of the secretary shall be established by the governor with the approval of the executive council pursuant to section 8A.413, subsection 2, under the pay plan for exempt positions in the executive branch of government.

[S13, § 2583-a; C24, 27, 31, 35, 39, § **2535**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.102]

83 Acts, ch 206, § 9; 90 Acts, ch 1086, § 5; 92 Acts, ch 1183, § 7; 2003 Acts, ch 145, §193; 2005 Acts, ch 175, §88

#### **147.103 Investigators for physician assistants.**

The board of physician assistant examiners may appoint investigators, who shall not be members of the examining board, to administer and aid in the enforcement of the provisions of law relating to physician assistants. The amount of compensation for the investigators shall be determined pursuant to chapter 8A, subchapter IV.

Investigators authorized by the board of physician assistant examiners have the powers and status of peace officers when enforcing this chapter and chapters 148C and 272C.

[C54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.103]

84 Acts, ch 1161, § 1; 88 Acts, ch 1225, § 12, 13; 92 Acts, ch 1183, § 8; 2003 Acts, ch 145, §194

#### **147.103A Physicians and surgeons, osteopaths, and osteopathic physicians and surgeons.**

This chapter shall apply to the licensing of persons to practice as physicians and surgeons, osteopaths, and osteopathic physicians and surgeons by the board of medical examiners subject to the following provisions:

1. A person violating the provisions of section 147.2, 147.84, or 147.85, shall upon conviction be guilty of a class "D" felony.
2. The issuance of reciprocal agreements pursuant to section 147.44 is not required and is subject to the discretion of the board.
3. The board may appoint investigators, who shall not be members of the examining board, and whose compensation shall be determined pursuant to chapter 8A, subchapter IV. Investigators appointed by the board have the powers and status of peace officers when enforcing this chapter and chapters 148, 150, 150A, and 272C.
4. Applications for a license shall be made to the chairperson, executive director, or secretary of the board. All examination, license, and renewal fees shall be paid to and collected by the chairperson, executive director, or secretary of the board, who shall transmit the fees to the treasurer of state for deposit in the general fund of the state. The salary of the executive director of the board shall be established by the governor with approval of the executive council pursuant to section 8A.413, subsection 2, under the pay plan for exempt positions in the executive branch of government.
5. The board shall give priority to the processing of applications for licensure submitted by physicians and surgeons, osteopaths, and osteopathic physicians and surgeons whose practice will primarily involve provision of service to underserved populations, including but not limited to persons who are minorities or low-income, or who live in rural areas.
6. Disciplinary hearings held pursuant to section 272C.6, subsection 1, shall be heard by the board, or by a panel of not less than three board members, at least two of which are licensed in the profession, or by a panel of not less than three members appointed pursuant to section 272C.6, subsection 2. Notwithstanding chapters 17A and 21, a disciplinary hearing shall be open to the public at the discretion of the licensee.

92 Acts, ch 1183, § 9; 99 Acts, ch 141, §20; 2003 Acts, ch 145, §195

For future amendment to subsection 4 effective July 1, 2007, see 2006 Acts, ch 1155, §7, 15

Nonreversion of unencumbered or unobligated funds appropriated or received as fees or repayment receipts for the fiscal period beginning July 1, 2006, and ending July 1, 2007, until the close of the next succeeding fiscal year; 2006 Acts, ch 1155, §14, 15

#### **147.104 Records.**

The chairperson, executive director, or secretary of each of the boards shall keep a correct record of the proceedings of the board, and upon the granting of any license to practice any of said professions the board shall, at the time of granting a license, certify to the department the name of the person to whom the license was issued, and the chairperson, executive director, or secretary shall deposit with the department all records not needed for the current use of the board.

[S13, § 2583-a; C24, 27, 31, 35, 39, § **2537**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.104]

90 Acts, ch 1086, §6

#### **147.105 Reserved.**

## **147.106 Anatomic pathology services billing.**

1. A physician or a clinical laboratory located in this state or in another state that provides anatomic pathology services to a patient in this state shall present or cause to be presented a claim, bill, or demand for payment for such services only to the following persons:

- a. The patient who is the recipient of the services.
- b. The insurer or other third-party payor responsible for payment of the services.
- c. The hospital that ordered the services.
- d. The public health clinic or nonprofit clinic that ordered the services.
- e. The referring clinical laboratory, other than the laboratory of a physician's office or group practice, that ordered the services. A laboratory of a physician's office or group practice that ordered the services may be presented a claim, bill, or demand for payment if a physician in the physician's office or group practice is performing the professional component of the anatomic pathology services.
- f. A governmental agency or a specified public or private agent, agency, or organization that is responsible for payment of the services on behalf of the recipient of the services.

2. Except as provided under subsections 5 and 6, a clinical laboratory or a physician providing anatomic pathology services to patients in this state shall not, directly or indirectly, charge, bill, or otherwise solicit payment for such services unless the services were personally rendered by the clinical laboratory or the physician or under the direct supervision of the clinical laboratory or the physician in accordance with section 353 of the federal Public Health Service Act, 42 U.S.C. § 263a.

3. A person to whom a claim, bill, or demand for payment for anatomic pathology services is submitted is not required to pay the claim, bill, or demand for payment if the claim, bill, or demand for payment is submitted in violation of this section.

4. This section shall not be construed to mandate the assignment of benefits for anatomic pathology services as defined in this section.

5. This section does not prohibit claims or charges presented to a referring clinical laboratory, other than a laboratory of a physician's office or group practice unless in accordance with subsection 1, paragraph "e", by another clinical laboratory when samples are transferred between laboratories for the provision of anatomic pathology services.

6. This section does not prohibit claims or charges for anatomic pathology services presented on behalf of a public health clinic or nonprofit clinic that ordered the services provided that the clinic is identified on the claim or charge presented.

7. A violation of this section by a physician shall subject the physician to the disciplinary provisions of section 272C.3, subsection 2.

8. As used in this section:

a. "*Anatomic pathology services*" includes all of the following:

(1) Histopathology or surgical pathology, meaning the gross and microscopic examination and histologic processing of organ tissue performed by a physician or under the supervision of a physician.

(2) Cytopathology, meaning the examination of cells from fluids, aspirates, washings, brushings, or smears, including the Pap test examination, performed by a physician or under the supervision of a physician.

(3) Hematology, meaning the microscopic evaluation of bone marrow aspirates and biopsies performed by a physician or under the supervision of a physician, and the examination of peripheral blood smears performed by a physician or under the supervision of a physician upon the request of an attending or treating physician or technologist that a blood smear be reviewed by a physician.

(4) Subcellular pathology and molecular pathology services performed by a physician or under the supervision of a physician.

(5) Bloodbanking services performed by a physician or under the supervision of a physician.

*b. "Physician"* means any person licensed to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy in this state or in another state.

2005 Acts, ch 10, §1; 2005 Acts, ch 179, §120; 2006 Acts, ch 1185, §73, 74

### **147.107 Drug dispensing, supplying, and prescribing limitations.**

1. A person, other than a pharmacist, physician, dentist, podiatric physician, or veterinarian who dispenses as an incident to the practice of the practitioner's profession, shall not dispense prescription drugs or controlled substances.

2. A pharmacist, physician, dentist, or podiatric physician who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the prescription is determined by the pharmacist or practitioner in the pharmacist's or practitioner's physical presence. However, the physical presence requirement does not apply when a pharmacist or practitioner is utilizing an automated dispensing system. When using an automated dispensing system the pharmacist or practitioner shall utilize an internal quality control assurance plan that ensures accuracy for dispensing. Verification of automated dispensing accuracy and completeness remains the responsibility of the pharmacist or practitioner and shall be determined in accordance with rules adopted by the state board of pharmacy examiners, the state board of medical examiners, the state board of dental examiners, and the state board of podiatry examiners for their respective licensees.

A dentist, physician, or podiatric physician who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall register the fact that they dispense prescription drugs with the practitioner's respective examining board at least biennially.

A physician, dentist, or podiatric physician who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall offer to provide the patient with a written prescription that may be dispensed from a pharmacy of the patient's choice or offer to transmit the prescription orally, electronically, or by facsimile in accordance with section 155A.27 to a pharmacy of the patient's choice.

3. A physician's assistant or registered nurse may supply when pharmacist services are not reasonably available or when it is in the best interests of the patient, on the direct order of the supervising physician, a quantity of properly packaged and labeled prescription drugs, controlled substances, or contraceptive devices necessary to complete a course of therapy. However, a remote clinic, staffed by a physician's assistant or registered nurse, where pharmacy services are not reasonably available, shall secure the regular advice and consultation of a pharmacist regarding the distribution, storage, and appropriate use of such drugs, substances, and devices.

4. Notwithstanding subsection 3, a physician assistant shall not dispense prescription drugs as an incident to the practice of the supervising physician or the physician assistant, but may supply, when pharmacist services are not reasonably available, or when it is in the best interests of the patient, a quantity of properly packaged and labeled prescription drugs, controlled substances, or medical devices necessary to complete a course of therapy. However, a remote clinic, staffed by a physician assistant, where pharmacy services are not reasonably available, shall secure the regular advice and consultation of a pharmacist regarding the distribution, storage, and appropriate use of such drugs, substances, and devices. Prescription drugs supplied under the provisions of this subsection shall be supplied for the purpose of accommodating the patient and shall not be sold for more than the cost of the drug and reasonable overhead costs, as they relate to supplying prescription drugs to the patient, and not at a profit to the physician or the physician assistant. If prescription drug supplying authority is delegated by a supervising physician to a physician assistant, a nurse or staff assistant may assist the physician assistant in providing that service. Rules shall be adopted by the board of physician assistant examiners, after consultation with the board of pharmacy examiners, to implement this subsection.

5. Notwithstanding subsection 1 and any other provision of this section to the contrary, a physician may delegate the function of prescribing drugs, controlled substances, and medical devices to a physician assistant licensed pursuant to chapter 148C. When delegated prescribing occurs, the supervising physician's name shall be used, recorded, or otherwise indicated in connection with each individual prescription so that the individual who dispenses or administers the prescription knows under whose delegated authority the physician assistant is prescribing. Rules relating to the authority of physician assistants to prescribe drugs, controlled substances, and medical devices pursuant to this subsection shall be adopted by the board of physician assistant examiners, after consultation with the board of medical examiners and the board of pharmacy examiners. However, the rules shall prohibit the prescribing of schedule II controlled substances which are listed as depressants pursuant to chapter 124.

6. Health care providers shall consider the instructions of the physician assistant to be instructions of the supervising physician if the instructions concern duties delegated to the physician assistant by a supervising physician.

7. Notwithstanding subsection 1, a family planning clinic may dispense birth control drugs and devices upon the order of a physician. Subsections 2 and 3 do not apply to a family planning clinic under this subsection.

8. Notwithstanding subsection 1, but subject to the limitations contained in subsections 2 and 3, a registered nurse who is licensed and registered as an advanced registered nurse practitioner and who qualifies for and is registered in a recognized nursing specialty may prescribe substances or devices, including controlled substances or devices, if the nurse is engaged in the practice of a nursing specialty regulated under rules adopted by the board of nursing in consultation with the board of medical examiners and the board of pharmacy examiners.

9. Notwithstanding section 147.86, a person, including a pharmacist, who violates this section is guilty of a simple misdemeanor.

84 Acts, ch 1006, § 1; 88 Acts, ch 1232, § 1; 91 Acts, ch 238, § 1; 91 Acts, ch 239, § 1; 92 Acts, ch 1163, § 37; 92 Acts, ch 1183, § 10; 94 Acts, ch 1134, §1; 95 Acts, ch 108, §5; 2002 Acts, ch 1108, §13; 2003 Acts, ch 93, §3, 14; 2003 Acts, ch 108, §39; 2004 Acts, ch 1036, §8; 2004 Acts, ch 1101, § 22; 2006 Acts, ch 1094, §1

## **Footnotes**

See also § 154.1, 155A.4

## **147.108 Contact lens prescribing and dispensing.**

1. A person shall not dispense or adapt contact lenses without first receiving authorization to do so by a written, electronic, or facsimile prescription, except when authorized orally under subsection 2, from a person licensed under chapter 148, 150, 150A, or 154. The board of optometry examiners shall adopt rules relating to electronic or facsimile transmission of a prescription under this section.

2. After contact lenses have been adequately adapted and the patient released from initial follow-up care by a person licensed under chapter 148, 150, 150A, or 154, the patient may request a copy, at no cost, of the contact lens prescription from that licensed person. A person licensed under chapter 148, 150, 150A, or 154 shall not withhold a contact lens prescription after the requirements of this section have been met. The prescription, at the option of the prescriber, may be given orally only to a person who is actively practicing and licensed under chapter 148, 150, 150A, 154, or 155A. The contact lens prescription shall contain an expiration date, at the discretion of the prescriber, but not to exceed eighteen months. The contact lens prescription shall contain the necessary requirements of the ophthalmic lens, and the prescription validation requirements as defined by rules adopted pursuant to this section. The prescription may contain adapting and material guidelines and may also contain specific instructions for use by the patient. For the purpose of this section, "*ophthalmic lens*" means one which has been fabricated to fill the requirements of a particular contact lens prescription.

3. A person who fills a contact lens prescription shall maintain a file of a valid prescription for a period of two years.

4. Notwithstanding section 147.86, a person who violates this section is guilty of a simple misdemeanor for a first violation. Subsequent violations are governed by section 147.86.

94 Acts, ch 1098, §1; 2004 Acts, ch 1036, §9

#### **147.109 Ophthalmic spectacle lens prescribing and dispensing.**

1. A person shall not dispense or adapt an ophthalmic spectacle lens or lenses without first receiving authorization to do so by a written, electronic, or facsimile prescription from a person licensed under chapter 148, 150, 150A, or 154. For the purpose of this section, "*ophthalmic spectacle lens*" means one which has been fabricated to fill the requirements of a particular spectacle lens prescription. The board of optometry examiners shall adopt rules relating to electronic or facsimile transmission of a prescription under this section.

2. Upon completion of an eye examination, a person licensed under chapter 148, 150, 150A, or 154 shall furnish the patient a copy of their ophthalmic spectacle lens prescription at no cost. The ophthalmic spectacle lens prescription shall contain an expiration date. The ophthalmic spectacle lens prescription shall contain the requirements of the ophthalmic spectacle lens and the prescription validation requirements as defined by rules adopted pursuant to this section. The prescription, at the option of the prescriber, may contain adapting and material guidelines and may also contain specific instructions for use by the patient.

3. Upon request of a patient, a person licensed under chapter 148, 150, 150A, or 154 shall provide the prescription of the patient, if the prescription has not expired, at no cost to another person licensed under chapter 148, 150, 150A, or 154. The person licensed under chapter 148, 150, 150A, or 154 shall accept the prescription and shall not require the patient to undergo an eye examination unless, due to observation or patient history, the licensee has reason to require an examination.

4. A dispenser shall maintain a file of a valid prescription for a period of two years.

5. Notwithstanding section 147.86, a person who violates this section is guilty of a simple misdemeanor for a first violation. Subsequent violations are governed by section 147.86.

94 Acts, ch 1098, §2; 2004 Acts, ch 1036, §10

**147.110** Reserved.

**147.111 Report of treatment of wounds and other injuries.**

Any person licensed under the provisions of this subtitle who shall administer any treatment to any person suffering a gunshot or stab wound or other serious injury, as defined in section 702.18, which appears to have been received in connection with the commission of a criminal offense, or to whom an application is made for treatment of any nature because of any such gunshot or stab wound or other serious injury, as defined in section 702.18, shall at once but not later than twelve hours thereafter, report that fact to the law enforcement agency within whose jurisdiction the treatment was administered or an application therefor was made, or if ascertainable, to the law enforcement agency in whose jurisdiction the gunshot or stab wound or other serious injury occurred, stating the name of such person, the person's residence if ascertainable, and giving a brief description of the gunshot or stab wound or other serious injury. Any provision of law or rule of evidence relative to confidential communications is suspended insofar as the provisions of this section are concerned.

[C31, 35, § 2537-d1; C39, § **2537.7**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.111]

93 Acts, ch 100, § 2; 94 Acts, ch 1132, §31; 96 Acts, ch 1036, § 30; 98 Acts, ch 1053, §28; 99 Acts, ch 114, §8

**147.112 Investigation and report by law enforcement agency.**

The law enforcement agency who has received any report required by this chapter and who has any reason to believe that the person injured was involved in the commission of any crime, either as perpetrator or victim, shall at once commence an investigation into the circumstances of the gunshot or stab wound or other serious injury and make a report of the investigation to the county attorney in whose jurisdiction the gunshot or stab wound or other serious injury occurred. Law enforcement personnel shall not divulge any information received under the provisions of this section and section 147.111 to any person other than a law enforcing officer, and then only in connection with the investigation of the alleged commission of a crime.

[C31, 35, § 2537-d2; C39, § **2537.8**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.112]

93 Acts, ch 100, § 3; 99 Acts, ch 114, §9

**147.113 Violations.**

Any person failing to make the report required herein shall be guilty of a simple misdemeanor.

[C31, 35, § 2537-d3; C39, § **2537.9**; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, § 147.113]

**147.113A Report of burn injuries.**

Any person licensed under the provisions of this subtitle who administers any treatment to a person suffering a burn which appears to be of a suspicious nature on the body, a burn to the upper respiratory tract, a laryngeal edema due to the inhalation of super-heated air, or a burn injury that is likely to result in death, which appears to have been received in connection with the commission of a criminal offense, or to whom an application is made for treatment of any nature because of any such burn or burn injury shall at once but not later than twelve hours after treatment was administered or application was made report the fact to law enforcement. The report shall be made to the law enforcement agency within whose jurisdiction the treatment was administered or application was made, or if ascertainable, to the law enforcement agency in whose jurisdiction the burn or burn injury occurred, stating the name of such person, the person's residence if

ascertainable, and giving a brief description of the burn or burn injury. Any provision of law or rule of evidence relative to confidential communications is suspended insofar as the provisions of this section are concerned.

2003 Acts, ch 134, §1

**147.114 Inspector.**

An inspector may be appointed by the board of dental examiners pursuant to the provisions of chapter 8A, subchapter IV.

[C62, 66, 71, 73, 75, 77, 79, 81, § 147.114]

2003 Acts, ch 145, §196

**147.115** Repealed by 74 Acts, ch 1086, § 198.

**147.116 Inspector.** Repealed by 90 Acts, ch 1204, § 65. See § 147.88.

**147.117** Repealed by 74 Acts, ch 1086, § 198.

**147.118 to 147.134** Transferred to chapter 155.

**147.135 Peer review committees nonliability records and reports privileged and confidential.**

1. A person shall not be civilly liable as a result of acts, omissions, or decisions made in connection with the person's service on a peer review committee. However, such immunity from civil liability shall not apply if an act, omission, or decision is made with malice.

2. As used in this subsection, "*peer review records*" means all complaint files, investigation files, reports, and other investigative information relating to licensee discipline or professional competence in the possession of a peer review committee or an employee of a peer review committee. As used in this subsection, "*peer review committee*" does not include examining boards. Peer review records are privileged and confidential, are not subject to discovery, subpoena, or other means of legal compulsion for release to a person other than an affected licensee or a peer review committee and are not admissible in evidence in a judicial or administrative proceeding other than a proceeding involving licensee discipline or a proceeding brought by a licensee who is the subject of a peer review record and whose competence is at issue. A person shall not be liable as a result of filing a report or complaint with a peer review committee or providing information to such a committee, or for disclosure of privileged matter to a peer review committee. A person present at a meeting of a peer review committee shall not be permitted to testify as to the findings, recommendations, evaluations, or opinions of the peer review committee in any judicial or administrative proceeding other than a proceeding involving licensee discipline or a proceeding brought by a licensee who is the subject of a peer review committee meeting and whose competence is at issue. Information or documents discoverable from sources other than the peer review committee do not become nondiscoverable from the other sources merely because they are made available to or are in the possession of a peer review committee. However, such information relating to licensee discipline may be disclosed to an appropriate licensing authority in any jurisdiction in which the licensee is licensed or has applied for a license. If such information indicates a crime has been committed, the information shall be reported to the proper law enforcement agency. This subsection shall not preclude the discovery of the identification of witnesses or documents known to a peer review committee. Any final written decision and finding of fact by a licensing board in a disciplinary proceeding is a public record. Upon appeal by a licensee of a decision of a licensing board, the entire case record shall be

submitted to the reviewing court. In all cases where privileged and confidential information under this subsection becomes discoverable, admissible, or part of a court record the identity of an individual whose privilege has been involuntarily waived shall be withheld.

3. A full and confidential report concerning any final hospital disciplinary action approved by a hospital board of trustees that results in a limitation, suspension, or revocation of a physician's privilege to practice for reasons relating to the physician's professional competence or concerning any voluntary surrender or limitation of privileges for reasons relating to professional competence shall be made to the board of medical examiners by the hospital administrator or chief of medical staff within ten days of such action. The board of medical examiners shall investigate the report and take appropriate action. These reports shall be privileged and confidential as though included in and subject to the requirements for peer review committee information in subsection 2. Persons making these reports and persons participating in resulting proceedings related to these reports shall be immune from civil liability with respect to the making of the report or participation in resulting proceedings. As used in this subsection, "*physician*" means a person licensed pursuant to chapter 148, chapter 150, or chapter 150A.

Notwithstanding subsection 2, if the board of medical examiners conducts an investigation based on a complaint received or upon its own motion, a hospital pursuant to subpoena shall make available information and documents requested by the board, specifically including reports or descriptions of any complaints or incidents concerning an individual who is the subject of the board's investigation, even though the information and documents are also kept for, are the subject of, or are being used in peer review by the hospital. However, the deliberations, testimony, decisions, conclusions, findings, recommendations, evaluations, work product, or opinions of a peer review committee or its members and those portions of any documents or records containing or revealing information relating thereto shall not be subject to the board's request for information, subpoena, or other legal compulsion. All information and documents received by the board from a hospital under this section shall be confidential pursuant to section 272C.6, subsection 4.

[C77, 79, 81, § 147.135]

86 Acts, ch 1211, § 14; 90 Acts, ch 1086, § 7

#### **147.136 Scope of recovery.**

In an action for damages for personal injury against a physician and surgeon, osteopath, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor, or nurse licensed to practice that profession in this state, or against a hospital licensed for operation in this state, based on the alleged negligence of the practitioner in the practice of the profession or occupation, or upon the alleged negligence of the hospital in patient care, in which liability is admitted or established, the damages awarded shall not include actual economic losses incurred or to be incurred in the future by the claimant by reason of the personal injury, including but not limited to, the cost of reasonable and necessary medical care, rehabilitation services, and custodial care, and the loss of services and loss of earned income, to the extent that those losses are replaced or are indemnified by insurance, or by governmental, employment, or service benefit programs or from any other source except the assets of the claimant or of the members of the claimant's immediate family.

[C77, 79, 81, § 147.136]

95 Acts, ch 108, §6

#### **147.137 Consent in writing.**

A consent in writing to any medical or surgical procedure or course of procedures in patient care which meets the requirements of this section shall create a presumption that informed consent was given. A consent in

writing meets the requirements of this section if it:

1. Sets forth in general terms the nature and purpose of the procedure or procedures, together with the known risks, if any, of death, brain damage, quadriplegia, paraplegia, the loss or loss of function of any organ or limb, or disfiguring scars associated with such procedure or procedures, with the probability of each such risk if reasonably determinable.
2. Acknowledges that the disclosure of that information has been made and that all questions asked about the procedure or procedures have been answered in a satisfactory manner.
3. Is signed by the patient for whom the procedure is to be performed, or if the patient for any reason lacks legal capacity to consent, is signed by a person who has legal authority to consent on behalf of that patient in those circumstances.

[C77, 79, 81, § 147.137]

#### **147.138 Contingent fee of attorney reviewed by court.**

In any action for personal injury or wrongful death against any physician and surgeon, osteopath, osteopathic physician and surgeon, dentist, podiatric physician, optometrist, pharmacist, chiropractor or nurse licensed under this chapter or against any hospital licensed under chapter 135B, based upon the alleged negligence of the licensee in the practice of that profession or occupation, or upon the alleged negligence of the hospital in patient care, the court shall determine the reasonableness of any contingent fee arrangement between the plaintiff and the plaintiff's attorney.

[C77, 79, 81, § 147.138]

95 Acts, ch 108, §7

#### **147.139 Expert witness standards.**

If the standard of care given by a physician and surgeon licensed pursuant to chapter 148, or osteopathic physician and surgeon licensed pursuant to chapter 150A, or a dentist licensed pursuant to chapter 153, is at issue, the court shall only allow a person to qualify as an expert witness and to testify on the issue of the appropriate standard of care if the person's medical or dental qualifications relate directly to the medical problem or problems at issue and the type of treatment administered in the case.

86 Acts, ch 1211, § 16

**147.140 to 147.150** Reserved.

#### **147.151 Definitions.**

As used in this division, unless the context otherwise requires:

1. "*Audiologist*" means a person who engages in the practice of audiology as defined in this section.
2. "*Board*" means the Iowa board of speech pathology and audiology examiners established pursuant to section 147.14, subsection 9.
3. The "*practice of audiology*" means the application of principles, methods, and procedures for measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, rehabilitation, or remediation related to hearing and disorders of hearing and associated communication disorders for the

purpose of nonmedically evaluating, identifying, preventing, ameliorating, modifying, or remediating such disorders and conditions in individuals or groups of individuals, including the determination and use of appropriate amplification.

4. The "*practice of speech pathology*" means the application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, rehabilitation, or remediation related to the development and disorders of speech, fluency, voice, or language for the purposes of nonmedically evaluating, preventing, ameliorating, modifying, or remediating such disorders and conditions in individuals or groups of individuals.

5. "*Speech pathologist*" means a person who engages in the practice of speech pathology as defined in this section.

[C77, 79, 81, § 147.151]

### **147.152 Applicability.**

Nothing contained in this division shall be construed to apply to:

1. Licensed physicians and surgeons, licensed osteopathic physicians and surgeons, licensed osteopaths, approved physician assistants and registered nurses acting under the supervision of a physician, persons conducting hearing tests under the direct supervision of a licensed physician and surgeon, licensed osteopathic physician and surgeon, or licensed osteopath, or students of medicine or surgery or osteopathic medicine and surgery pursuing a course of study in a medical school or college of osteopathic medicine and surgery approved by the medical examiners while performing functions incidental to their course of study.
2. Hearing aid fitting, the dispensing or sale of hearing aids and the providing of hearing aid service and maintenance by a hearing aid dispenser or holder of a temporary permit as defined and licensed under chapter 154A.
3. Students enrolled in an accredited college or university pursuing a course of study leading to a degree in speech pathology or audiology while receiving clinical training as a part of the course of study and acting under the supervision of a licensed speech pathologist or audiologist provided they use the title "trainee" or similar title clearly indicating training status.
4. Nonprofessional aides who perform their services under the supervision of a speech pathologist or audiologist as appropriate and who meet such qualifications as may be established by the board for aides if they use the title "aide", "assistant", "technician", or other similar title clearly indicating their status.
5. Audiometric tests administered pursuant to the United States Occupational Safety and Health Act of 1970 or chapter 88, and in accordance with regulations issued thereunder, by employees of a person engaged in business, including the state of Iowa, its various departments, agencies, and political subdivisions, solely to employees of such employer, while acting within the scope of their employment.
6. Persons certified by the department of education as speech clinicians or hearing clinicians and employed by a school district or area education agency while acting within the scope of their employment.

A person exempted from the provisions of this division by this section shall not use the title speech pathologist or audiologist or any title or device indicating or representing in any manner that the person is a speech pathologist or is an audiologist; provided, a hearing aid dispenser licensed under chapter 154A may use the title "certified hearing aid audiologist" when granted by the national hearing aid society; and provided, persons who meet the requirements of section 147.153, subsection 1, who are certified by the department of education as speech clinicians may use the title speech pathologist and persons who meet the

requirements of section 147.153, subsection 2, who are certified by the department of education as hearing clinicians may use the title audiologist, while acting within the scope of their employment.

[C77, 79, 81, § 147.152]

90 Acts, ch 1086, § 8; 2005 Acts, ch 3, §37, 38

### **147.153 Requirements for license.**

Each applicant for a license as a speech pathologist or audiologist shall meet all of the following requirements:

1. For a license as a speech pathologist:

*a.* Possess a master's degree or its equivalent from an accredited school, college, or university with a major in speech pathology.

*b.* Show evidence of completion of not less than three hundred hours of supervised clinical training in speech pathology as a student in an accredited school, college, or university.

*c.* Show evidence of completion of not less than nine months clinical experience under the supervision of a licensed speech pathologist following the receipt of the master's degree.

2. For a license as an audiologist:

*a.* Possess a master's degree or its equivalent from an accredited school, college, or university with a major in audiology.

*b.* Show evidence of completion of not less than three hundred hours of supervised clinical training in audiology as a student in an accredited school, college, or university.

*c.* Show evidence of completion of not less than nine months' clinical experience under the supervision of a licensed audiologist following the receipt of the master's degree.

*d.* In lieu of paragraphs "a" through "c", hold a doctoral degree in audiology, or its equivalent, from an accredited school, college, or university which incorporates the academic coursework and the minimum hours of supervised training required by rules adopted by the board.

3. Pass an examination as determined by the board by rule.

[C77, 79, 81, § 147.153; 81 Acts, ch 66, § 2, 3]

2004 Acts, ch 1167, §4; 2006 Acts, ch 1184, §87

### **147.154 Examination.**

The examinations required in section 147.153, subsection 3, may be waived by the board for holders by examination of licenses or certificates from states whose requirements are substantially equivalent to those of this division.

[C77, 79, 81, § 147.154; 81 Acts, ch 66, § 4]

### **147.155 Temporary clinical license.**

Any person who has fulfilled all of the requirements for licensure under this division, except for having completed the nine months clinical experience requirement as provided in section 147.153, subsection 1 or 2, and the examination as provided in section 147.153, subsection 3, may apply to the board for a temporary clinical license. The license shall be designated "temporary clinical license in speech pathology" or "temporary clinical license in audiology" and shall authorize the licensee to practice speech pathology or audiology under the supervision of a licensed speech pathologist or licensed audiologist, as appropriate. The license shall be valid for one year and may be renewed once at the discretion of the board. The fee for a temporary clinical license shall be set by the board to cover the administrative costs of issuing the license, and if renewed, a renewal fee as set by the board shall be required. A temporary clinical license shall be issued only upon evidence satisfactory to the board that the applicant will be supervised by a person licensed as a speech pathologist or audiologist, as appropriate.

[C77, 79, 81, § 147.155; 81 Acts, ch 66, § 5]

2006 Acts, ch 1184, §88

#### **147.156 Temporary permit.**

The board may, at its discretion, issue a temporary permit to nonresidents authorizing the permittee to practice speech pathology or audiology in this state for a period of not to exceed three months whenever, in the opinion of the board, a need exists and the permittee, in the opinion of the board, possesses the necessary qualifications which shall be substantially equivalent to those required for licensure by this division.

[C77, 79, 81, § 147.156]

**147.157 through 147.160** Reserved.

**147.161** Repealed by 95 Acts, ch 41, § 27. See chapter 147A.