

**641—154.2(124E) Health care practitioner certification—duties and prohibitions.**

**154.2(1)** Prior to a patient's submission of an application for a medical cannabidiol registration card pursuant to this rule, a health care practitioner shall do all of the following:

*a.* Determine, in the health care practitioner's medical judgment, whether the patient whom the health care practitioner has examined and treated suffers from a debilitating medical condition that qualifies for the use of medical cannabidiol as defined by this chapter, and if so determined, provide the patient with a written certification of that diagnosis by completing the health care practitioner section of the application form provided for this purpose on the department's website ([www.idph.iowa.gov](http://www.idph.iowa.gov)).

*b.* Provide explanatory information to the patient as provided on the department's website ([www.idph.iowa.gov](http://www.idph.iowa.gov)) about the therapeutic use of medical cannabidiol and the possible risks, benefits, and side effects of the proposed treatment.

**154.2(2)** Subsequently, the health care practitioner shall do the following:

*a.* Determine, on an annual basis, if the patient continues to suffer from a debilitating medical condition and, if so, issue the patient a new certification of that diagnosis.

*b.* Otherwise comply with all requirements in this chapter and requests from the department for more information.

**154.2(3)** A health care practitioner may provide, but has no duty to provide, a written certification pursuant to this rule.

**154.2(4)** Health care practitioner prohibitions.

*a.* A health care practitioner shall not accept, solicit, or offer any form of remuneration from or to any individual, including but not limited to a patient, a primary caregiver, or an employee, investor, or owner of a medical cannabidiol manufacturer or dispensary, to certify a patient's condition, other than accepting a fee for a patient consultation to determine if the patient should be issued a certification of a qualifying debilitating medical condition.

*b.* A health care practitioner shall not accept, solicit, or offer any form of remuneration from or to any individual, including but not limited to a patient, a primary caregiver, or an employee, investor, or owner of a medical cannabidiol manufacturer or dispensary, to certify an individual as a primary caregiver for a patient with respect to the use of medical cannabidiol, other than accepting a fee for a consultation to determine if the individual is a necessary caretaker taking responsibility for managing the well-being of the patient with respect to the use of medical cannabidiol.

*c.* A health care practitioner shall not advertise certifying a qualifying debilitating medical condition as one of the health care practitioner's services.

*d.* A health care practitioner shall not certify a qualifying debilitating medical condition for a patient who is the health care practitioner or a family or household member of the health care practitioner.

*e.* A health care practitioner shall not be designated to act as a primary caregiver for a patient for whom the health care practitioner has certified a qualifying debilitating medical condition.

*f.* A health care practitioner shall not receive or provide medical cannabidiol product samples.

[ARC 1640C, IAB 10/1/14, effective 1/30/15; ARC 3150C, IAB 7/5/17, effective 6/13/17; ARC 4489C, IAB 6/5/19, effective 7/10/19; see Delay note at end of chapter]