

# Senate Amendment 5161

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1 1 Amend Senate File 2295 as follows:  
1 2 #1. Page 1, by inserting before line 1 the  
1 3 following:  
1 4 <Section 1. Section 135.2, Code 2005, is amended  
1 5 to read as follows:  
1 6 135.2 APPOINTMENT OF DIRECTOR AND ACTING DIRECTOR.  
1 7 1. a. The governor shall appoint the director of  
1 8 the department, subject to confirmation by the senate.  
1 9 The director shall serve at the pleasure of the  
1 10 governor. The director is exempt from the merit  
1 11 system provisions of chapter 8A, subchapter IV. The  
1 12 governor shall set the salary of the director within  
1 13 the range established by the general assembly.  
1 14 b. The director shall possess education and  
1 15 experience in public health.  
1 16 2. The director may appoint an employee of the  
1 17 department to be acting director, who shall have all  
1 18 the powers and duties possessed by the director. The  
1 19 director may appoint more than one acting director but  
1 20 only one acting director shall exercise the powers and  
1 21 duties of the director at any time.  
1 22 Sec. 2. NEW SECTION. 135.12 OFFICE OF  
1 23 MULTICULTURAL HEALTH == ESTABLISHED == DUTIES.  
1 24 The office of multicultural health is established  
1 25 within the department. The office shall be  
1 26 responsible for all of the following:  
1 27 1. Providing comprehensive management strategies  
1 28 to address culturally and linguistically appropriate  
1 29 services, including strategic goals, plans, policies,  
1 30 and procedures, and designating staff responsible for  
1 31 implementation.  
1 32 2. Requiring and arranging for ongoing education  
1 33 and training for administrative, clinical, and other  
1 34 appropriate staff in culturally and linguistically  
1 35 competent health care and service delivery.  
1 36 3. Utilizing formal mechanisms for community and  
1 37 consumer involvement and coordinating with other state  
1 38 agencies to identify resources and programs that  
1 39 affect the health service delivery systems.>  
1 40 #2. Page 1, by inserting after line 16 the  
1 41 following:  
1 42 <Sec. \_\_\_\_\_. Section 135.63, subsection 2,  
1 43 paragraphs l and o, Code 2005, are amended to read as  
1 44 follows:  
1 45 1. The replacement or modernization of any  
1 46 institutional health facility if the replacement or  
1 47 modernization does not add new health services or  
1 48 additional bed capacity for existing health services,  
1 49 notwithstanding any provision in this division to the  
1 50 contrary. This exclusion is applicable only if the  
2 1 institutional health facility ceases offering the  
2 2 health services simultaneously with the initiation of  
2 3 the offering of the health services by the replacement  
2 4 institutional health facility or the modernized  
2 5 institutional health facility.  
2 6 o. The change in ownership, licensure,  
2 7 organizational structure, or designation of the type  
2 8 of institutional health facility if the health  
2 9 services offered by the successor institutional health  
2 10 facility are unchanged. This exclusion is applicable  
2 11 only if the institutional health facility consents to  
2 12 the change in ownership, licensure, organizational  
2 13 structure, or designation of the type of institutional  
2 14 health facility and ceases offering the health  
2 15 services simultaneously with the initiation of the  
2 16 offering of health services by the successor  
2 17 institutional health facility.  
2 18 Sec. \_\_\_\_\_. NEW SECTION. 135.105D BLOOD LEAD  
2 19 TESTING == PROVIDER EDUCATION == PAYOR OF LAST RESORT.  
2 20 1. For purposes of this section:  
2 21 a. "Blood lead testing" means taking a capillary  
2 22 or venous sample of blood and sending it to a  
2 23 laboratory to determine the level of lead in the  
2 24 blood.

2 25 b. "Capillary" means a blood sample taken from the  
2 26 finger or heel for lead analysis.

2 27 c. "Health care provider" means a physician who is  
2 28 licensed under chapter 148, 150, or 150A, or a person  
2 29 who is licensed as a physician assistant under chapter  
2 30 148C, or as an advanced registered nurse practitioner.

2 31 d. "Venous" means a blood sample taken from a vein  
2 32 in the arm for lead analysis.

2 33 2. The department shall work with health care  
2 34 provider associations to educate health care providers  
2 35 regarding requirements for testing children who are  
2 36 enrolled in certain federally funded programs and  
2 37 regarding department recommendations for testing other  
2 38 children for lead poisoning.

2 39 3. The department shall implement blood lead  
2 40 testing for children under six years of age who are  
2 41 not eligible for the testing services to be paid by a  
2 42 third-party source. The department shall contract  
2 43 with one or more public health laboratories to provide  
2 44 blood lead analysis for such children. The department  
2 45 shall establish by rule the procedures for health care  
2 46 providers to submit samples to the contracted public  
2 47 health laboratories for analysis. The department  
2 48 shall also establish by rule a method to reimburse  
2 49 health care providers for drawing blood samples from  
2 50 such children and the dollar amount that the  
3 1 department will reimburse health care providers for  
3 2 the service. Payment for blood lead analysis and  
3 3 drawing blood samples shall be limited to the amount  
3 4 appropriated for the program in a fiscal year.>

3 5 #3. Page 1, by inserting after line 31 the  
3 6 following:

3 7 <Sec. \_\_\_\_\_. Section 135.140, subsection 6,  
3 8 paragraph a, Code Supplement 2005, is amended by  
3 9 adding the following new subparagraphs:

3 10 NEW SUBPARAGRAPH. (6) A natural occurrence or  
3 11 incident, including but not limited to fire, flood,  
3 12 storm, drought, earthquake, tornado, or windstorm.

3 13 NEW SUBPARAGRAPH. (7) A man-made occurrence or  
3 14 incident, including but not limited to an attack,  
3 15 spill, or explosion.>

3 16 #4. Page 2, by inserting after line 3 the  
3 17 following:

3 18 <Sec. \_\_\_\_\_. NEW SECTION. 139A.13A ISOLATION OR  
3 19 QUARANTINE == EMPLOYMENT PROTECTION.

3 20 1. An employer shall not discharge an employee, or  
3 21 take or fail to take action regarding an employee's  
3 22 promotion or proposed promotion, or take action to  
3 23 reduce an employee's wages or benefits for actual time  
3 24 worked, due to the compliance of an employee with a  
3 25 quarantine or isolation order issued by the department  
3 26 or a local board.

3 27 2. An employee whose employer violates this  
3 28 section may petition the court for imposition of a  
3 29 cease and desist order against the person's employer  
3 30 and for reinstatement to the person's previous  
3 31 position of employment. This section does not create  
3 32 a private cause of action for relief of money damages.

3 33 Sec. \_\_\_\_\_. Section 147.82, subsection 3, Code  
3 34 Supplement 2005, is amended to read as follows:

3 35 3. The department may annually retain and expend  
3 36 not more than one hundred thousand dollars for  
3 37 reduction of the number of days necessary to process  
3 38 medical license requests and for reduction of the  
3 39 number of days needed for consideration of malpractice  
3 40 cases from fees collected pursuant to section 147.80  
3 41 by the board of medical examiners ~~in the fiscal year~~  
~~beginning July 1, 2005, and ending June 30, 2006.~~  
3 43 Fees retained by the department pursuant to this  
3 44 subsection shall be considered repayment receipts as  
3 45 defined in section 8.2 and shall be used for the  
3 46 purposes described in this subsection.

3 47 Sec. \_\_\_\_\_. Section 147.106, subsection 1, paragraph  
3 48 e, Code Supplement 2005, is amended to read as  
3 49 follows:

3 50 e. The referring clinical laboratory, other than  
4 1 the laboratory of a physician's office or group  
4 2 practice, that ordered the services. A laboratory of  
4 3 a physician's office or group practice that ordered  
~~4 4 the services may be presented a claim, bill, or demand~~  
4 5 for payment if a physician in the physician's office

4 6 or group practice is performing the professional  
4 7 component of the anatomic pathology services.  
4 8 Sec. \_\_\_\_\_. Section 147.106, subsection 5, Code  
4 9 Supplement 2005, is amended to read as follows:  
4 10 5. This section does not prohibit claims or  
4 11 charges presented by to a referring clinical  
4 12 laboratory, other than a laboratory of a physician's  
4 13 office or group practice, ~~to unless in accordance with~~  
4 14 ~~subsection 1, paragraph "e", by another clinical~~  
4 15 laboratory when samples are transferred between  
4 16 laboratories for the provision of anatomic pathology  
4 17 services.>

4 18 #5. Page 3, by inserting before line 1 the  
4 19 following:

4 20 <Sec. \_\_\_\_\_. NEW SECTION. 147A.15 AUTOMATED  
4 21 EXTERNAL DEFIBRILLATOR EQUIPMENT == PENALTY.  
4 22 Any person who damages, wrongfully takes or  
4 23 withholds, or removes any component of automated  
4 24 external defibrillator equipment located in a public  
4 25 or privately owned location, including batteries  
4 26 installed to operate the equipment, is guilty of a  
4 27 serious misdemeanor.

4 28 Sec. \_\_\_\_\_. Section 148.2, subsection 5, Code 2005,  
4 29 is amended to read as follows:

4 30 5. Physicians and surgeons of the United States  
4 31 army, navy, ~~or air force marines~~, public health  
4 32 service, ~~or other uniformed service~~ when acting in the  
4 33 line of duty in this state, and holding a current,  
4 34 active permanent license in good standing in another  
4 35 state, district, or territory of the United States, or  
4 36 physicians and surgeons licensed in another state,  
4 37 when incidentally called into this state in  
4 38 consultation with a physician and surgeon licensed in  
4 39 this state.>

4 40 #6. Page 6, by inserting after line 9 the  
4 41 following:

4 42 <Sec. \_\_\_\_\_. NEW SECTION. 154E.3A TEMPORARY  
4 43 LICENSE.

4 44 Beginning July 1, 2007, an individual who does not  
4 45 meet the requirements for licensure by examination  
4 46 pursuant to section 154E.3 may apply for or renew a  
4 47 temporary license. The temporary license shall  
4 48 authorize the licensee to practice as a sign language  
4 49 interpreter or transliterator under the direct  
4 50 supervision of a sign language interpreter or  
5 1 transliterator licensed pursuant to section 154E.3.  
5 2 The temporary license shall be valid for two years and  
5 3 may only be renewed one time in accordance with  
5 4 standards established by rule. An individual shall  
5 5 not practice for more than a total of four years under  
5 6 a temporary license. The board may revoke a temporary  
5 7 license if it determines that the temporary licensee  
5 8 has violated standards established by rule. The board  
5 9 may adopt requirements for temporary licensure to  
5 10 implement this section.

5 11 Sec. \_\_\_\_\_. Section 154E.4, subsection 2, Code  
5 12 Supplement 2005, is amended by adding the following  
5 13 new paragraph:

5 14 NEW PARAGRAPH. e. Students enrolled in a school  
5 15 of interpreting may interpret only under the direct  
5 16 supervision of a permanently licensed interpreter as  
5 17 part of the student's course of study.>

5 18 #7. Page 7, by inserting after line 6 the  
5 19 following:

5 20 <Sec. \_\_\_\_\_. Section 157.13, subsection 1, Code  
5 21 Supplement 2005, is amended by striking the subsection  
5 22 and inserting in lieu thereof the following:

5 23 1. It is unlawful for a person to employ an  
5 24 individual to practice cosmetology arts and sciences  
5 25 unless that individual is licensed or has obtained a  
5 26 temporary permit under this chapter. It is unlawful  
5 27 for a licensee to practice with or without  
5 28 compensation in any place other than a licensed salon,  
5 29 a licensed school of cosmetology arts and sciences, or  
5 30 a licensed barbershop as defined in section 158.1.  
5 31 The following exceptions to this subsection shall  
5 32 apply:

5 33 a. A licensee may practice at a location which is  
5 34 not a licensed salon, school of cosmetology arts and  
5 35 sciences, or licensed barbershop under extenuating  
5 36 circumstances arising from physical or mental

5 37 disability or death of a customer.  
5 38 b. Notwithstanding section 157.12, when the  
5 39 licensee is employed by a physician and provides  
5 40 cosmetology services at the place of practice of a  
5 41 physician and is under the supervision of a physician  
5 42 licensed to practice pursuant to chapter 148, 150, or  
5 43 150A.  
5 44 c. When the practice occurs in a facility licensed  
5 45 pursuant to chapter 135B or 135C.  
5 46 Sec. \_\_\_\_\_. Section 157.13, Code Supplement 2005, is  
5 47 amended by adding the following new subsection:  
5 48 NEW SUBSECTION. 1A. It is unlawful for a licensee  
5 49 to claim to be a licensed barber, however a licensed  
5 50 cosmetologist may work in a licensed barbershop. It  
6 1 is unlawful for a person to employ a licensed  
6 2 cosmetologist, esthetician, or electrologist to  
6 3 perform the services described in section 157.3A if  
6 4 the licensee has not received the additional training  
6 5 and met the other requirements specified in section  
6 6 157.3A.  
6 7 Sec. \_\_\_\_\_. Section 272C.1, subsection 6, Code  
6 8 Supplement 2005, is amended by adding the following  
6 9 new paragraph:  
6 10 NEW PARAGRAPH. ad. The director of public health  
6 11 in certifying emergency medical care providers and  
6 12 emergency medical care services pursuant to chapter  
6 13 147A.  
6 14 Sec. \_\_\_\_\_. Section 691.6, Code Supplement 2005, is  
6 15 amended by adding the following new subsection:  
6 16 NEW SUBSECTION. 8. To retain tissues, organs, and  
6 17 bodily fluids as necessary to determine the cause and  
6 18 manner of death or as deemed advisable by the state  
6 19 medical examiner for medical or public health  
6 20 investigation, teaching, or research. Tissues,  
6 21 organs, and bodily fluids shall be properly disposed  
6 22 of by following procedures and precautions for  
6 23 handling biologic material and blood-borne pathogens  
6 24 as established by rule.  
6 25 Sec. \_\_\_\_\_. Section 714.16, subsection 1, paragraph  
6 26 o, Code 2005, is amended to read as follows:  
6 27 o. "Water treatment system" means a device or  
6 28 assembly for which a claim is made that it will  
6 29 improve the quality of drinking water by reducing one  
6 30 or more contaminants through mechanical, physical,  
6 31 chemical, or biological processes or combinations of  
6 32 the processes. As used in this paragraph and in  
6 33 subsection 2, paragraph "h", each model of a water  
6 34 treatment system shall be deemed a distinct water  
6 35 treatment system. As used in this paragraph and in  
6 36 subsection 2, paragraph "h", a water treatment system  
6 37 does not include a portable filtration system  
6 38 certified as a microbiological water purifier by the  
6 39 United States environmental protection agency. The  
6 40 Iowa department of public health shall establish rules  
6 41 exempting portable filtration systems that meet these  
6 42 standards.  
6 43 Sec. \_\_\_\_\_. 2004 Iowa Acts, chapter 1175, section  
6 44 432, subsection 3, is amended to read as follows:  
6 45 3. Applicants issued a temporary license pursuant  
6 46 to this section shall pass a licensure examination  
6 47 approved by the board on or before July 1, 2007, in  
6 48 order to ~~remain licensed as an interpreter qualify to~~  
6 49 ~~be licensed by examination.~~>  
6 50 #8. Title page, line 2, by striking the word  
7 1 <related> and inserting the following: <other>.  
7 2 #9. By renumbering as necessary.  
7 3  
7 4  
7 5  
7 6 NANCY BOETTGER  
7 7 SF 2295.302 81  
7 8 rn/cf/4348