

Senate File 2385

H-8333

1 Amend the amendment, H-8325, to Senate File 2385, as
2 amended, passed, and reprinted by the Senate, as follows:

3 1. Page 151, line 23, by striking <153.33A,>

4 2. Page 229, after line 8 by inserting:

5 <DIVISION ____

6 BOARD OF BEHAVIORAL HEALTH PROFESSIONALS

7 Sec. ____ . Section 135.24, subsection 2, paragraph a, Code
8 2024, is amended to read as follows:

9 a. Procedures for registration of health care providers
10 deemed qualified by the board of medicine, the board of
11 physician assistants, the dental board, the board of nursing,
12 the board of chiropractic, the board of ~~psychology~~, the
13 ~~board of social work~~, the board of behavioral science health
14 professionals, the board of pharmacy, the board of optometry,
15 the board of podiatry, the board of physical and occupational
16 therapy, the board of respiratory care and polysomnography,
17 and the department of inspections, appeals, and licensing, as
18 applicable.

19 Sec. ____ . Section 147.13, subsection 3, Code 2024, is
20 amended to read as follows:

21 3. For psychology, social work, applied behavior analysis,
22 marital and family therapy, and mental health counseling, the
23 board of ~~psychology~~ behavioral health professionals.

24 Sec. ____ . Section 147.13, subsections 14 and 15, Code 2024,
25 are amended by striking the subsections.

26 Sec. ____ . Section 147.14, subsection 1, paragraph f, Code
27 2024, is amended to read as follows:

28 f. (1) For psychology behavioral health professionals,
29 five two members who are licensed to practice psychology, two
30 members who are licensed to practice social work as a master
31 social worker or independent social worker, one member licensed
32 to practice marital and family therapy, one member licensed
33 to practice mental health counseling, one member licensed as
34 a behavior analyst, and ~~two members~~ one member not licensed
35 to practice psychology, practice psychology, social work,

1 marital and family therapy, or mental health counseling, or as
2 a behavior analyst, and who shall represent the general public.
3 ~~Of the five members who are licensed to practice psychology,~~
4 ~~one member shall be primarily engaged in graduate teaching in~~
5 ~~psychology or primarily engaged in research psychology, three~~
6 ~~members shall be persons who render services in psychology,~~
7 ~~and one member shall represent areas of applied psychology and~~
8 ~~may be affiliated with training institutions and shall devote~~
9 ~~a major part of the member's time to rendering service in~~
10 ~~psychology.~~

11 (2) The board of behavioral health professionals shall
12 establish an advisory committee of psychology, an advisory
13 committee of social workers, and an advisory committee of
14 mental health counselors, marital and family therapists,
15 and behavior analysts to provide recommendations to the
16 board on license reviews and implementation of state laws
17 and administrative rules. Each advisory committee shall
18 be comprised of at least five individuals licensed in the
19 profession or professions about which the advisory committee
20 provides recommendations.

21 Sec. _____. Section 147.14, subsection 1, paragraphs 1 and r,
22 Code 2024, are amended by striking the paragraphs.

23 Sec. _____. Section 147.107, subsection 2, paragraph a, Code
24 2024, is amended to read as follows:

25 a. A prescriber who dispenses prescription drugs, including
26 but not limited to controlled substances, for human use, may
27 delegate nonjudgmental dispensing functions to staff assistants
28 only when verification of the accuracy and completeness
29 of the dispensing is determined by the practitioner in the
30 practitioner's physical presence. However, the physical
31 presence requirement does not apply when a practitioner is
32 utilizing an automated dispensing system. When using an
33 automated dispensing system, the practitioner shall utilize an
34 internal quality control assurance plan that ensures accuracy
35 for dispensing. Verification of automated dispensing accuracy

1 and completeness remains the responsibility of the practitioner
2 and shall be determined in accordance with rules adopted by the
3 board of medicine, the dental board, the board of podiatry, and
4 the board of ~~psychology~~ behavioral health professionals for
5 their respective licensees.

6 Sec. _____. Section 147.161, subsection 1, paragraph b,
7 subparagraph (2), Code 2024, is amended to read as follows:

8 (2) Licensed master social workers with a current and
9 active supervision plan on file with the board of ~~social work~~
10 behavioral health professionals.

11 Sec. _____. Section 148.13A, unnumbered paragraph 1, Code
12 2024, is amended to read as follows:

13 The board of medicine shall, in consultation with the board
14 of ~~psychology~~ behavioral health professionals, establish by
15 rule all of the following:

16 Sec. _____. Section 148.13B, subsection 1, unnumbered
17 paragraph 1, Code 2024, is amended to read as follows:

18 The board of medicine and the board of ~~psychology~~ behavioral
19 health professionals shall adopt joint rules in regard to the
20 following:

21 Sec. _____. Section 148.13B, subsection 3, Code 2024, is
22 amended to read as follows:

23 3. The joint rules, and any amendments thereto, adopted by
24 the board of medicine and the board of ~~psychology~~ behavioral
25 health professionals pursuant to [this section](#) and section
26 154B.14 shall only be adopted by agreement of both boards
27 through a joint rule-making process.

28 Sec. _____. Section 154B.1, subsections 1 and 5, Code 2024,
29 are amended to read as follows:

30 1. "*Board*" means the board of ~~psychology~~ behavioral health
31 professionals created under [chapter 147](#).

32 5. "*Physician*" means a person licensed to practice medicine
33 and surgery or osteopathic medicine and surgery in this state
34 in family medicine, internal medicine, pediatrics, psychiatry,
35 or another specialty who prescribes medications for the

1 treatment of a mental disorder to patients in the normal course
2 of the person's clinical medical practice pursuant to joint
3 rules adopted by the board of ~~psychology~~ behavioral health
4 professionals and the board of medicine.

5 Sec. _____. Section 154B.9, subsection 3, Code 2024, is
6 amended to read as follows:

7 3. A prescribing psychologist may prescribe psychotropic
8 medication pursuant to joint rules adopted by the board of
9 ~~psychology~~ behavioral health professionals and the board of
10 medicine and the provisions of this chapter.

11 Sec. _____. Section 154B.10, subsection 1, paragraphs b, c, d,
12 e, and g, Code 2024, are amended to read as follows:

13 *b.* Completed pharmacological training from an institution
14 approved by the board of psychology and the board of medicine
15 or from a provider of continuing education approved by the
16 board of ~~psychology~~ behavioral health professionals and the
17 board of medicine pursuant to joint rules adopted by both
18 boards.

19 *c.* Passed a national certification examination approved by
20 the board of ~~psychology~~ behavioral health professionals and
21 the board of medicine that tested the applicant's knowledge of
22 pharmacology in the diagnosis, care, and treatment of mental
23 disorders.

24 *d.* Successfully completed a postdoctoral master of science
25 degree in clinical psychopharmacology approved by the board of
26 ~~psychology~~ behavioral health professionals and the board of
27 medicine pursuant to joint rules adopted by both boards. The
28 program shall at a minimum include coursework in neuroscience,
29 pharmacology, psychopharmacology, physiology, and appropriate
30 and relevant physical and laboratory assessments.

31 *e.* Has been certified by the applicant's supervising
32 physician as having successfully completed a supervised
33 and relevant clinical experience in clinical assessment and
34 pathophysiology and an additional supervised practicum treating
35 patients with mental disorders. The practica shall have been

1 supervised by a trained physician. The board of ~~psychology~~
2 behavioral health professionals and the board of medicine,
3 pursuant to joint rules adopted by the boards, shall determine
4 sufficient practica to competently train the applicant in the
5 treatment of a diverse patient population.

6 *g.* Meets all other requirements, as determined by joint
7 rules adopted by the board of ~~psychology~~ behavioral health
8 professionals and the board of medicine, for obtaining a
9 conditional prescription certificate.

10 Sec. _____. Section 154B.10, subsection 3, paragraph d, Code
11 2024, is amended to read as follows:

12 *d.* Any other rules adopted jointly by the board of
13 ~~psychology~~ behavioral health professionals and the board of
14 medicine.

15 Sec. _____. Section 154B.11, subsection 1, paragraph d, Code
16 2024, is amended to read as follows:

17 *d.* Meets all other requirements, as determined by rules
18 adopted by the board, for obtaining a prescription certificate,
19 including joint rules adopted by the board of ~~psychology~~
20 behavioral health professionals and the board of medicine.

21 Sec. _____. Section 154B.11, subsection 2, paragraph d, Code
22 2024, is amended to read as follows:

23 *d.* Any other rules adopted jointly by the board of
24 ~~psychology~~ behavioral health professionals and the board of
25 medicine.

26 Sec. _____. Section 154B.12, subsection 1, Code 2024, is
27 amended to read as follows:

28 1. A prescribing psychologist or a psychologist with
29 a conditional prescription certificate may administer and
30 prescribe psychotropic medication within the scope of the
31 psychologist's profession, including the ordering and review
32 of laboratory tests in conjunction with the prescription, for
33 the treatment of mental disorders. Such prescribing practices
34 shall be governed by joint rules adopted by the board of
35 ~~psychology~~ behavioral health professionals and the board of

1 medicine.

2 Sec. _____. Section 154B.14, subsection 1, unnumbered
3 paragraph 1, Code 2024, is amended to read as follows:

4 The board of ~~psychology~~ behavioral health professionals and
5 the board of medicine shall adopt joint rules in regard to the
6 following:

7 Sec. _____. Section 154B.14, subsections 2 and 3, Code 2024,
8 are amended to read as follows:

9 2. The board of ~~psychology~~ behavioral health professionals
10 shall consult with the university of Iowa Carver college of
11 medicine and clinical and counseling psychology doctoral
12 programs at regents institutions in the development of the
13 rules pertaining to education and training requirements in
14 sections 154B.10 and 154B.11.

15 3. The joint rules, and any amendments thereto, adopted by
16 the board of ~~psychology~~ behavioral health professionals and the
17 board of medicine pursuant to [this section](#) and [section 148.13B](#)
18 shall only be adopted by agreement of both boards through a
19 joint rule-making process.

20 Sec. _____. Section 154C.1, subsection 1, Code 2024, is
21 amended to read as follows:

22 1. "Board" means the board of ~~social work~~ behavioral health
23 professionals established in [chapter 147](#).

24 Sec. _____. Section 154D.1, subsection 1, Code 2024, is
25 amended to read as follows:

26 1. "Board" means the board of behavioral ~~science~~ health
27 professionals established in [chapter 147](#).

28 Sec. _____. Section 228.1, subsection 7, paragraph b, Code
29 2024, is amended to read as follows:

30 b. The individual holds a current Iowa license if
31 practicing in a field covered by an Iowa licensure law and
32 is a psychiatrist, an advanced registered nurse practitioner
33 who holds a national certification in psychiatric mental
34 health care and is licensed by the board of nursing, a
35 physician assistant practicing under the supervision of or in

1 collaboration with a psychiatrist, a qualified mental health
2 professional physician assistant, a psychiatric advanced
3 registered nurse practitioner as defined in [section 125.2](#), or
4 an individual who holds a doctorate degree in psychology and
5 is licensed by the board of behavioral health professionals
6 to practice psychology. For the purposes of this paragraph,
7 "*collaboration*" means the same as defined in [section 148C.1](#).

8 Sec. _____. Section 249A.15, Code 2024, is amended to read as
9 follows:

10 **249A.15 Licensed psychologists eligible for payment —**
11 **provisional licensees.**

12 1. The department shall adopt rules pursuant to chapter
13 17A entitling psychologists who are licensed pursuant to
14 chapter 154B and psychologists who are licensed in the state
15 where the services are provided and have a doctorate degree
16 in psychology, have had at least two years of clinical
17 experience in a recognized health setting, or have met the
18 standards of a national register of health service providers
19 in psychology, to payment for services provided to recipients
20 of medical assistance, subject to limitations and exclusions
21 the department finds necessary on the basis of federal laws and
22 regulations and of funds available for the medical assistance
23 program. The rules shall also provide that an individual, who
24 holds a provisional license to practice psychology pursuant
25 to [section 154B.6](#), is entitled to payment under [this section](#)
26 for services provided to recipients of medical assistance,
27 when such services are provided under the supervision of a
28 supervisor who meets the qualifications determined by the
29 board of ~~psychology~~ behavioral health professionals by rule,
30 and claims for payment for such services are submitted by the
31 supervisor.

32 2. Entitlement to payment under [this section](#) is applicable
33 to services provided to recipients of medical assistance
34 under both the fee-for-service and managed care payment and
35 delivery systems. Neither the fee-for-service nor the managed

1 care payment and delivery system shall impose a practice
2 or supervision restriction which is inconsistent with or
3 more restrictive than the authority already granted by law,
4 including the authority to provide supervision in person or
5 remotely through electronic means as specified by rule of the
6 board of ~~psychology~~ behavioral health professionals.

7 Sec. _____. Section 249A.15A, subsections 1, 2, and 3, Code
8 2024, are amended to read as follows:

9 1. The department shall adopt rules pursuant to chapter
10 17A entitling marital and family therapists who are licensed
11 pursuant to [chapter 154D](#) to payment for behavioral health
12 services provided to recipients of medical assistance, subject
13 to limitations and exclusions the department finds necessary
14 on the basis of federal laws and regulations. The rules shall
15 also provide that a marital and family therapist, who holds
16 a temporary license to practice marital and family therapy
17 pursuant to [section 154D.7](#), is entitled to payment under this
18 section for behavioral health services provided to recipients
19 of medical assistance, when such services are provided under
20 the supervision of a qualified supervisor as determined by
21 the board of behavioral ~~science~~ health professionals by rule,
22 and claims for payment for such services are submitted by the
23 qualified supervisor.

24 2. The department shall adopt rules pursuant to chapter
25 17A entitling master social workers who hold a master's
26 degree approved by the board of ~~social work~~ behavioral health
27 professionals, are licensed as a master social worker pursuant
28 to [section 154C.3, subsection 1](#), paragraph "b", and provide
29 treatment services under the supervision of an independent
30 social worker licensed pursuant to [section 154C.3, subsection](#)
31 [1, paragraph "c"](#), to payment for behavioral health services
32 provided to recipients of medical assistance, subject to
33 limitations and exclusions the department finds necessary on
34 the basis of federal laws and regulations.

35 3. The department shall adopt rules pursuant to [chapter 17A](#)

1 entitling mental health counselors who are licensed pursuant
2 to [chapter 154D](#) to payment for behavioral health services
3 provided to recipients of medical assistance, subject to
4 limitations and exclusions the department finds necessary
5 on the basis of federal laws and regulations. The rules
6 shall also provide that a mental health counselor, who holds
7 a temporary license to practice mental health counseling
8 pursuant to [section 154D.7](#), is entitled to payment under this
9 section for behavioral health services provided to recipients
10 of medical assistance, when such services are provided under
11 the supervision of a qualified supervisor as determined by
12 the board of behavioral ~~science~~ health professionals by rule,
13 and claims for payment for such services are submitted by the
14 qualified supervisor.

15 Sec. _____. Section 272C.1, subsection 6, paragraph s, Code
16 2024, is amended to read as follows:

17 s. The board of ~~psychology~~ behavioral health professionals,
18 created pursuant to [chapter 147](#).

19 Sec. _____. Section 514C.32, subsection 1, paragraphs a and b,
20 Code 2024, are amended to read as follows:

21 a. A licensed master social worker who is licensed by the
22 board of ~~social work~~ behavioral health professionals as a
23 master social worker pursuant to [section 154C.3, subsection 1](#),
24 paragraph "b", and who provides services under the supervision
25 of an independent social worker licensed pursuant to section
26 154C.3, subsection 1, paragraph "c".

27 b. A licensed mental health counselor or a licensed
28 marital and family therapist who holds a temporary license to
29 practice mental health counseling or marital and family therapy
30 pursuant to [section 154D.7](#), and who provides services under
31 the supervision of a qualified supervisor as determined by the
32 board of behavioral ~~science~~ health professionals by rule.

33 Sec. _____. Section 514C.33, subsections 1 and 2, Code 2024,
34 are amended to read as follows:

35 1. Notwithstanding [section 514C.6](#), a policy or contract

1 providing for third-party payment or prepayment of health or
2 medical expenses shall include a provision for the payment of
3 necessary behavioral health services provided by a person who
4 holds a provisional license to practice psychology pursuant to
5 section 154B.6, and who practices under the supervision of a
6 supervisor who meets the qualifications determined by the board
7 of ~~psychology~~ behavioral health professionals by rule.

8 2. A policy or contract subject to [this section](#) shall
9 not impose a practice or supervision restriction which is
10 inconsistent with or more restrictive than the authority
11 already granted by law, including the authority to provide
12 supervision in person or remotely through electronic means as
13 specified by rule of the board of ~~psychology~~ behavioral health
14 professionals.

15 Sec. _____. Section 622.10, subsection 7, Code 2024, is
16 amended to read as follows:

17 7. For the purposes of [this section](#), “*mental health*
18 *professional*” means a psychologist licensed under [chapter 154B](#),
19 a registered nurse licensed under [chapter 152](#), a social worker
20 licensed under [chapter 154C](#), a marital and family therapist
21 licensed under [chapter 154D](#), a mental health counselor licensed
22 under [chapter 154D](#), or an individual holding at least a
23 master’s degree in a related field as deemed appropriate by the
24 board of behavioral ~~science~~ health professionals.>

25 3. Page 229, line 20, after <board,> by inserting <board of
26 behavioral health professionals,>

27 4. Page 231, after line 14 by inserting:

28 <m. Any moneys in any account or fund of, and all client
29 and organizational files in the possession of, the boards
30 of behavioral science, psychology, or social work shall be
31 transferred to the control of the board of behavioral health
32 professionals.>

33 5. Page 233, after line 9 by inserting:

34 <m. Any cause of action, statute of limitation, or
35 administrative action relating to or initiated by the boards

1 of behavioral science, psychology, or social work shall not be
2 affected as a result of this Act and shall apply to the board of
3 behavioral health professionals.>
4 6. By renumbering as necessary.

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