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About the Author:

This Guide was written by Tim Reilly, J.D., Drake University, 2011. Mr. Reilly has been employed as Legal Counsel with the Legal Services Division of the Legislative Services Agency since 2014. Mr. Reilly staffs the State Government and Administrative Rules Review Committees, and drafts legislation in the areas of professional licensing, natural resources and the environment, civil rights, and landlord-tenant law.

Mr. Reilly can be reached by telephone at: (515)725-7354 or by e-mail at:
tim.reilly@legis.iowa.gov

Iowa Legislative Services Agency
State Capitol
Des Moines, IA 50319

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REGULATION OF HEALTH-RELATED PROFESSIONS

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Regulation of Health-Related Professions



I. Purpose

The purpose of this Legislative Guide is to provide an overview of Iowa Code chapter 147, which sets forth basic provisions relating to the regulation of health-related professions in Iowa. The Guide describes the regulatory issues that apply to all health-related professions, with exceptions mentioned as applicable. The topics covered include the issuance of licenses, board activities and membership, licensing examinations, reciprocal licensure with other jurisdictions, the use of titles and abbreviations by licensed professionals, criminal penalties, enforcement provisions, billing requirements for certain medical procedures, prescribing of drugs and eyewear, requirements for reporting certain information, and internal investigations and related records. This Guide does not provide a detailed analysis of the enabling Iowa Code chapters or administrative rules for every health-related profession board.

Unless otherwise indicated, Iowa Code references in this Legislative Guide are to the 2017 Iowa Code.

II. Issuing of Licenses

Iowa Code chapter 147 provides the framework for the regulation of health-related professions, which include medicine and surgery, podiatry, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, polysomnography, social work, dietetics, massage therapy, athletic training, acupuncture, nursing home administration, practice as a hearing aid specialist, sign language interpreting or transliterating, orthotics, prosthetics, or pedorthics. Generally, each profession is governed by its own board, though some boards regulate multiple professions. Some boards are granted exceptions to the general provisions set forth in this Iowa Code chapter.

Iowa Code chapter 147 requires that a person who wishes to engage in one of these professions first obtain a license from the appropriate board.¹ A person is not ineligible for a license to practice a profession because of the person's age, citizenship, sex, race, religion, marital status, or national origin, though the application form may require citizenship information.² A board may consider the past criminal record of an applicant only if the conviction relates to the practice of the profession for which the applicant requests to be licensed.³ The chapter specifies the appearance and proper display of each license and requires each board to keep a record of the name, address, license number, and license issue date for each licensee.⁴

A licensing board created under Iowa Code chapter 147 may refuse to grant a license to practice a profession to any person otherwise qualified upon any of the grounds for

¹ Iowa Code §147.2(1).

² Iowa Code §147.3.

³ Iowa Code §147.3.

⁴ Iowa Code §§147.5(1), 147.7, 147.8.



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which a license may be revoked or suspended.⁵ A licensee may be suspended, have license revoked, or be otherwise disciplined for any of the following reasons:

- Being found guilty of fraud in the procurement of the person's license.
- Professional incompetence.
- 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.
- Habitual intoxication or drug addiction.
- Conviction of a crime related to the profession or occupation of the licensee or the conviction of any crime that would affect the licensee's ability to practice within a profession.
- Fraud in the representation of the licensee's skill or ability.
- Use of untruthful or improbable statements in advertisements.
- Willful or repeated violations of Iowa Code chapter 147 or 272C, or a board's own enabling statute.⁶

A board may also by administrative rule specify other acts or offenses warranting license suspension, revocation, or other discipline as well as create standards and procedures for application for and reactivation of licenses that have been revoked, suspended, or voluntarily surrendered.⁷

Iowa Code chapter 147 mandates that each professional license granted by a board shall expire in multiyear intervals.⁸ A board must require application for license renewal at least 30 days prior to license expiration.⁹ Each board is required to adopt rules to specify procedures for renewal application, the collection of renewal fees, provision of grace periods, and assessment of penalties.¹⁰ A license that is not renewed prior to expiration or during the grace period becomes inactive or lapsed, meaning the licensee cannot practice the profession until the license is reactivated or reinstated.¹¹ A licensee may reactivate an inactive or lapsed license by paying a fee and meeting other terms prescribed by the board by rule.¹²

⁵ Iowa Code §147.4.

⁶ Iowa Code §147.55.

⁷ Iowa Code §§147.55(9), 147.11(2).

⁸ Iowa Code §147.10(1).

⁹ Iowa Code §147.10(1).

¹⁰ Iowa Code §147.10.

¹¹ Iowa Code §§147.10(2), 147.11(1).

¹² Iowa Code §147.11(1).

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III. Boards

The Governor has the duty to appoint members to each board created in Iowa Code chapter 147.¹³ Members are subject to confirmation by the Senate.¹⁴ In general, boards are composed of a combination of licensed members of that profession and “public,” or nonlicensed, members.¹⁵ For purposes of conducting official business, a quorum is a simple majority of all board members.¹⁶ Board members serve three-year terms and may serve a total of nine years on the same board.¹⁷

Each board selects a chairperson and vice-chairperson annually.¹⁸ Public members are not allowed to determine the content of licensing examinations or grade such exams.¹⁹ A member shall not divulge information relating to exam contents or results except for a final score, unless sharing such information with the person who took the exam. A board member who willfully communicates or seeks to communicate such information is guilty of a simple misdemeanor.²⁰ All members are eligible for reimbursement for their expenses as board members and for compensation when available.²¹

A board may establish a system for collecting, maintaining, and disseminating health personnel statistical data regarding their own licensees.²² Fees collected by each board shall be based on the costs of collecting this information and other administrative tasks.²³ Such fees are to be held by the board or the board’s governing administrative agency.²⁴ A board may use these funds to perform any of the board’s duties or to maintain a membership in the national organization of the regulatory boards of its profession.²⁵

IV. Examinations

Each board must designate the examination or examinations it requires for licensure in its administrative rules and any applicable process for completing the exam requirements.²⁶ Exam administration, including location and frequency of testing, prerequisite qualifications, denial of applicants seeking to take the exam, exam grading, and setting minimum passing scores, is determined by each board.²⁷ All applicants are allowed to take exams a second time, though reexamination beyond that may be determined by each board.²⁸

¹³ Iowa Code §147.12.

¹⁴ Iowa Code §147.12.

¹⁵ Iowa Code §147.14(1).

¹⁶ Iowa Code §147.14(2).

¹⁷ Iowa Code §147.19.

¹⁸ Iowa Code §147.22.

¹⁹ Iowa Code §147.21(1).

²⁰ Iowa Code §147.21(2), (3).

²¹ Iowa Code §147.24.

²² Iowa Code §147.25(1).

²³ Iowa Code §§147.25(2), 147.80.

²⁴ Iowa Code §147.82.

²⁵ Iowa Code §§147.28, 147.82.

²⁶ Iowa Code §147.34(1).

²⁷ Iowa Code §§147.34(2), 147.36.

²⁸ Iowa Code §147.34(3).



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V. Reciprocal Licenses

Iowa Code chapter 147 allows a board to enter into a reciprocal agreement with a licensing authority of another state to recognize licensees of that state in Iowa.²⁹ The licensing requirements of the other state must be “substantially equivalent” to those imposed by the board.³⁰ If such requirements change so that they are no longer “substantially equivalent,” the reciprocal agreement is terminated.³¹ Any board entering into a reciprocal agreement with a licensing authority in another state shall adopt rules to carry out necessary relations with those states.³²

VI. Use of Titles

A person licensed to practice a specific profession may use titles or abbreviations in conjunction with the person’s name.³³ No other person may assume the licensee’s title or abbreviation, and the licensee cannot lead the public to believe the licensee is licensed to practice in any other profession than that for which the licensee is licensed.³⁴ Iowa Code chapter 147 enumerates the titles and abbreviations allowed for each profession.³⁵

VII. Crimes – Punishment

An unlicensed person who engages in a business or practices a profession requiring a license under Iowa Code chapter 147 may be restrained by a permanent injunction.³⁶ A person who submits a false or forged diploma, certificate, or other document to a board shall be guilty of a fraudulent practice.³⁷ A person who presents a diploma or certificate that is not the person’s in an attempt to procure a license or otherwise falsely impersonates a licensee is guilty of a serious misdemeanor.³⁸

VIII. Enforcement Provisions

Generally, a board may request the assistance of the Department of Inspections and Appeals to carry out investigations to enforce the provisions of Iowa Code chapter 147 and the board’s enabling statute.³⁹ The Department of Inspections and Appeals shall not perform inspections or investigations for the Board of Medicine, Board of Pharmacy, Board of Nursing, or Dental Board.⁴⁰ All licensees and board members shall provide any information related to any alleged violation under investigation to either the board or the

²⁹ Iowa Code §147.44.

³⁰ Iowa Code §147.44.

³¹ Iowa Code §147.48.

³² Iowa Code §147.53.

³³ Iowa Code §147.72.

³⁴ Iowa Code §147.72.

³⁵ Iowa Code §§147.73, 147.74.

³⁶ Iowa Code §147.83.

³⁷ Iowa Code §147.84. See Iowa Code §§714.8-714.14 for definition of “fraudulent practice,” different classifications of fraudulent practice, and valuation of property or service for determining the classification of the crime.

³⁸ Iowa Code §147.85.

³⁹ Iowa Code §147.87.

⁴⁰ Iowa Code §147.88.

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Department of Inspections and Appeals and shall report to the board the name of any person suspected of practicing a profession without a license.⁴¹

Each board is required to provide access to the laws and rules governing the board to the public upon request and make such information available online.⁴²

A board may request the Attorney General to institute proceedings in the name of the state against any person charged by the board with violating Iowa Code chapter 147 or the board's enabling statute.⁴³ Prima facie evidence of engaging in the practice of a profession includes opening an office or place of business to practice the profession; announcing to the public an intention to practice the profession; or using a professional degree, professional designation, sign, card, circular, devise, website, or advertisement as a practitioner of the profession.⁴⁴

IX. Billing for Anatomic Pathology Services

Iowa Code chapter 147 provides specific rules regarding who a physician or clinical laboratory can bill for "anatomic pathology services," a term specifically defined in Iowa Code section 147.106, subsection 8. Generally, a physician or clinical laboratory that provides anatomic pathology services to a patient in Iowa shall present a bill for such services only to the patient; an insurer or other third-party payer; the hospital, clinic, physician's office, or laboratory that ordered the services; or a government agency or other organization deemed responsible for the services.⁴⁵ A violation of these provisions by a physician subjects the physician to disciplinary action under Iowa Code section 272C.3, subsection 2.⁴⁶

X. Dispensing, Supplying, and Prescribing of Drugs

No one other than a pharmacist, physician, dentist, podiatric physician, prescribing psychologist, or veterinarian may dispense prescription drugs or controlled substances.⁴⁷ Excluding veterinarians, these practitioners may delegate "nonjudgmental dispensing functions" to other staff only if the dispensing has been verified by the practitioner in person.⁴⁸ Pharmacists may be excepted from this rule depending on the drug dispensing system used.⁴⁹ A dentist, physician, podiatric physician, or prescribing psychologist who dispenses prescription drugs other than samples shall report that fact to the practitioner's board biennially and shall offer to the patient a written prescription to be dispensed by a

⁴¹ Iowa Code §§147.87, 147.89.

⁴² Iowa Code §147.91.

⁴³ Iowa Code §147.92.

⁴⁴ Iowa Code §147.93.

⁴⁵ Iowa Code §147.106(1).

⁴⁶ Iowa Code §147.106(7).

⁴⁷ Iowa Code §147.107(1).

⁴⁸ Iowa Code §147.107(2)(a).

⁴⁹ Iowa Code §147.107(2)(a).



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pharmacist.⁵⁰ Family planning clinics are generally exempt from these restrictions and may dispense birth control drugs and devices as ordered by a physician.⁵¹

A physician assistant or registered nurse may provide prescription drugs, controlled substances, or contraceptive devices as needed if a pharmacist's services are not reasonably available or doing so would otherwise best serve the patient.⁵² If pharmacy services are not reasonably available to a remote clinic staffed by a physician assistant or registered nurse, the clinic shall secure the "regular advice and consultation" of a pharmacist regarding distribution, storage, and use of such items.⁵³ However, a physician assistant shall not dispense prescription drugs as an incident to the practice of the physician assistant or the supervising physician, but may do so if a pharmacist's services are not reasonably available or doing so would otherwise best serve the patient.⁵⁴ Prescription drugs supplied in these situations shall not be sold for more than the cost of the drug plus "reasonable overhead costs" and not at a profit to the physician or physician assistant.⁵⁵ If the authority to supply prescription drugs is delegated by a physician to a physician assistant, a nurse or other staff person may assist the physician assistant in supplying the drugs.⁵⁶

A physician may allow a physician assistant to prescribe drugs, controlled substances except for certain "schedule II" substances, and medical devices.⁵⁷ When a physician assistant prescribes a drug or device for a patient under this provision, the physician's name must be indicated with each prescription.⁵⁸ Other health care professionals shall consider a physician assistant's instructions to be those of the supervising physician when the instructions relate to delegated authority.⁵⁹ An advanced registered nurse practitioner may prescribe controlled substances or devices if the nurse is engaged in the practice of a nursing specialty in accordance with specific Board of Nursing rules.⁶⁰

Any person who violates these provisions is guilty of a simple misdemeanor.⁶¹

XI. Corrective Eyewear Prescribing and Dispensing

A person cannot dispense or fit another person for contact lenses or "ophthalmic spectacle lenses," commonly known as glasses, without receiving a prescription from a physician or optometrist.⁶² A patient can request a copy of the patient's prescription from the physician or optometrist, who may transmit the prescription to another physician or

⁵⁰ Iowa Code §147.107(2)(b), (c).

⁵¹ Iowa Code §147.107(7).

⁵² Iowa Code §147.107(3).

⁵³ Iowa Code §147.107(3).

⁵⁴ Iowa Code §147.107(4).

⁵⁵ Iowa Code §147.107(4).

⁵⁶ Iowa Code §147.107(4).

⁵⁷ Iowa Code §147.107(5).

⁵⁸ Iowa Code §147.107(5).

⁵⁹ Iowa Code §147.107(6).

⁶⁰ Iowa Code §147.107(8).

⁶¹ Iowa Code §147.107(9).

⁶² Iowa Code §§147.108(1), 147.109(1).

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optometrist.⁶³ Such transmission for a contact lens prescription may be done orally and may be sent to a pharmacist.⁶⁴ A prescription must contain an expiration date as determined by the prescriber, limited to no later than 18 months for contact lenses, as well as all necessary requirements for the making of the lens.⁶⁵ The prescription may also contain other guidance related to the lens production as well as specific instructions for the patient.⁶⁶ A person who fills a prescription shall keep a record of the prescription for two years.⁶⁷ A first violation of any of these provisions is a simple misdemeanor and subsequent violations are serious misdemeanors as governed by Iowa Code section 147.86.⁶⁸

XII. Reporting Treatment of Injuries Related to Suspected Crimes or Accidents

A person licensed under Iowa Code chapter 147 who provides any treatment to a person who suffered a gunshot wound, stab wound, serious burn injury, or other serious injury as an apparent result of a crime or vehicle accident must report the incident to law enforcement within 12 hours.⁶⁹ This requirement is optional for emergency medical care providers.⁷⁰ Failure to make such a report is a simple misdemeanor.⁷¹ Information provided to law enforcement in one of these instances cannot be shared except between law enforcement officers in the course of an investigation regarding the alleged crime.⁷²

XIII. Internal Investigations and Related Records

A person who serves on a peer review committee shall be immune from civil liability regarding the person's acts, omissions, or decisions made in the course of the person's service on that committee, unless such action is taken with malice.⁷³ Records collected during a peer review investigation are confidential and not discoverable in a judicial or administrative proceeding unless the proceeding involves licensee discipline or was brought by a licensee who is the subject of a peer review record and whose competence is in dispute.⁷⁴ Such records relating to licensee discipline may be disclosed to licensing authorities in any jurisdiction in which the licensee is licensed or has applied for a license or to law enforcement if a crime may have occurred.⁷⁵ A person filing a complaint or providing

⁶³ Iowa Code §147.109(3).

⁶⁴ Iowa Code §147.108(2).

⁶⁵ Iowa Code §§147.108(2), 147.109(2).

⁶⁶ Iowa Code §147.108(2), 147.109(2).

⁶⁷ Iowa Code §§147.108(3), 147.109(4).

⁶⁸ Iowa Code §§147.108(4), 147.109(5).

⁶⁹ Iowa Code §§147.111(1), 147.113A. See Iowa Code §702.18 for definition of "serious injury."

⁷⁰ Iowa Code §147.111(2).

⁷¹ Iowa Code §147.113.

⁷² Iowa Code §147.112.

⁷³ Iowa Code §147.135(1).

⁷⁴ Iowa Code §147.135(2).

⁷⁵ Iowa Code §147.135(2).



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information to a peer review committee is not civilly liable for doing so.⁷⁶ A final written decision by a licensing board in a disciplinary proceeding is a public record.⁷⁷

A hospital board of trustees must notify the Board of Medicine within 10 days of limiting, suspending, or revoking a physician's privilege to practice in the hospital because of the physician's professional competence.⁷⁸ The Board of Medicine shall investigate the hospital's report and take action as deemed necessary.⁷⁹ Such a report shall be privileged and confidential and any person making the report or participating in subsequent proceedings shall be immune from civil liability relating to those actions.⁸⁰ The Board of Medicine can subpoena documents from hospitals relating to investigations of physicians except for those that describe 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.⁸¹

XIV. Legal Standards — Malpractice Lawsuits and Informed Consent

Damages in a personal injury lawsuit against a physician, dentist, podiatric physician, optometrist, pharmacist, chiropractor, nurse, or hospital licensed to practice or operate in Iowa shall not include actual or future economic losses that are replaced or indemnified by insurance or a benefit program other than those replaced or indemnified by Medicaid benefits or assets of the claimant or the claimant's family.⁸² Courts shall determine the reasonableness of contingent fee arrangements between plaintiffs and plaintiffs' attorneys in personal injury or wrongful death cases.⁸³ If the standard of care provided by a physician or dentist is at issue in a lawsuit, only physicians or dentists whose qualifications are directly related to the issue at hand may testify as expert witnesses.⁸⁴

Written consent to a medical procedure creates a presumption that informed consent was given by the patient as long as the consent sets forth the nature of the procedure and the likelihood of known risks in general terms, states that this information and answers to other questions have been satisfactorily provided, and is signed by the patient or the patient's legal guardian.⁸⁵

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⁷⁶ Iowa Code §147.135(2).

⁷⁷ Iowa Code §147.135(2).

⁷⁸ Iowa Code §147.135(3)(a).

⁷⁹ Iowa Code §147.135(3)(a).

⁸⁰ Iowa Code §147.135(3)(a).

⁸¹ Iowa Code §147.135(3)(b).

⁸² Iowa Code §147.136.

⁸³ Iowa Code §147.138.

⁸⁴ Iowa Code §147.139.

⁸⁵ Iowa Code §147.137.