

House File 2551

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1 3 AN ACT
1 4 RELATING TO PROGRAMS UNDER THE AUTHORITY OF THE DEPARTMENT OF
1 5 PUBLIC HEALTH.

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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 8
1 9 Section 1. Section 135.11, Code Supplement 2003, is
1 10 amended by adding the following new subsection:
1 11 NEW SUBSECTION. 29. Administer annual grants to county
1 12 boards of health for the purpose of conducting programs for
1 13 the testing of private water supply wells, the closing of
1 14 abandoned private water supply wells, and the renovation or
1 15 rehabilitation of private water supply wells. Grants shall be
1 16 funded through moneys transferred to the department from the
1 17 agriculture management account of the groundwater protection
1 18 fund pursuant to section 455E.11, subsection 2, paragraph "b",
1 19 subparagraph (3), subparagraph subdivision (b). The
1 20 department shall adopt rules relating to the awarding of the
1 21 grants.

1 22 Sec. 2. Section 135.105A, Code 2003, is amended to read as
1 23 follows:

1 24 135.105A LEAD INSPECTOR AND LEAD ABATER TRAINING AND
1 25 CERTIFICATION ESTABLISHED == CIVIL PENALTY.

1 26 1. The department shall establish a program for the
1 27 training and certification of lead inspectors and lead
1 28 abaters. The department shall maintain a listing, available
1 29 to the public and to city and county health departments, of
1 30 lead inspector and lead abater training programs that have

1 31 been approved by the department, and of lead inspectors and
1 32 lead abaters who have successfully completed the training
1 33 program and have been certified by the department. A person
1 34 may be certified as both a lead inspector and a lead abater.
1 35 However, a person who is certified as both a lead inspector
2 1 and a lead abater shall not provide both inspection and
2 2 abatement services at the same site unless a written consent
2 3 or waiver, following full disclosure by the person, is
2 4 obtained from the owner or manager of the site.

2 5 2. The department shall also establish a program for the
2 6 training of painting, demolition, and remodeling contractors
2 7 and those who provide mitigation control services conduct
2 8 interim controls of lead-based paint hazards. The training
2 9 shall be completed on a voluntary basis.

2 10 3. A person who owns real property which includes a
2 11 residential dwelling and who performs lead inspection or lead
2 12 abatement of the residential dwelling is not required to
2 13 obtain certification to perform these measures, unless the
2 14 residential dwelling is occupied by a person other than the
2 15 owner or a member of the owner's immediate family while the
2 16 measures are being performed. However, the department shall
2 17 encourage property owners who are not required to be certified
2 18 to complete the training course to ensure the use of
2 19 appropriate and safe mitigation inspection and abatement
2 20 procedures.

2 21 4. Except as otherwise provided in this section, a person
2 22 shall not perform lead abatement or lead inspections unless
2 23 the person has completed a training program approved by the
2 24 department and has obtained certification. All lead abatement
2 25 and lead inspections, and lead inspector and lead abater
2 26 training programs, shall be performed and conducted in
2 27 accordance with work practice standards established by the
2 28 department. A person shall not conduct a training program for
2 29 lead inspectors or lead abaters unless the program has been
2 30 submitted to and approved by the department. A person who
2 31 violates this section is subject to a civil penalty not to
2 32 exceed five thousand dollars for each offense.

2 33 5. The department shall adopt rules regarding minimum
2 34 requirements for training programs, certification, work
2 35 practice standards, and suspension and revocation
3 1 requirements, and shall implement the training and
3 2 certification programs. The department shall seek federal
3 3 funding and shall establish fees in amounts sufficient to
3 4 defray the cost of the programs. Fees received shall be
3 5 considered repayment receipts as defined in section 8.2.

3 6 Sec. 3. Section 136C.10, Code 2003, is amended by adding
3 7 the following new unnumbered paragraph:
3 8 NEW UNNUMBERED PARAGRAPH. The department may establish and
3 9 collect a fee related to transporting radioactive material if
3 10 the fee is used for a purpose related to transporting
3 11 radioactive material, including enforcement and planning,
3 12 developing, and maintaining a capability for emergency
3 13 response. The fees shall be established by rules adopted
3 14 pursuant to chapter 17A, and shall be deposited into a special
3 15 fund within the state treasury under the exclusive authority
3 16 of the department. Amounts deposited in the special fund
3 17 shall be considered repayment receipts as defined in section
3 18 8.2, and shall not be transferred, used, obligated,
3 19 appropriated, or otherwise encumbered except as provided in
3 20 this section. Repayment receipts collected and deposited
3 21 pursuant to this section that remain unencumbered or
3 22 unobligated at the close of the fiscal year shall not revert
3 23 but shall remain available for expenditure for the purposes
3 24 designated in future fiscal years.

3 25 Sec. 4. Section 147.153, subsection 2, Code 2003, is
3 26 amended to read as follows:

3 27 2. For a license as an audiologist:

3 28 a. Possess a master's degree or its equivalent from an
3 29 accredited school, college or university with a major in
3 30 audiology.

3 31 b. Show evidence of completion of not less than three
3 32 hundred hours of supervised clinical training in audiology as
3 33 a student in an accredited school, college or university.

3 34 c. Show evidence of completion of not less than nine
3 35 months clinical experience under the supervision of a licensed
4 1 audiologist following the receipt of the master's degree.

4 2 d. In lieu of paragraphs "a" through "c", hold a doctoral
4 3 degree in audiology, or its equivalent, from an accredited
4 4 school, college, or university which incorporates the academic
4 5 coursework and the minimum hours of supervised training
4 6 required by rules adopted by the board.

4 7 Sec. 5. Section 148.10, unnumbered paragraphs 2 and 3,
4 8 Code 2003, are amended by striking the unnumbered paragraphs
4 9 and inserting in lieu thereof the following:

4 10 The temporary certificate shall be issued for a period not
4 11 to exceed one year and may be renewed, but a person shall not
4 12 practice medicine and surgery or osteopathic medicine and
4 13 surgery in excess of three years while holding a temporary
4 14 certificate. The fee for this license and the fee for renewal
4 15 of this license shall be set by the medical examiners. The
4 16 fees shall be based on the administrative costs of issuing and
4 17 renewing the licenses.

4 18 Sec. 6. Section 148B.5, subsection 3, Code 2003, is
4 19 amended by striking the subsection and inserting in lieu
4 20 thereof the following:

4 21 3. Pass an examination, either in electronic or written
4 22 form, satisfactory to the board and in accordance with rules.

4 23 Sec. 7. Section 153.19, subsection 2, Code 2003, is
4 24 amended to read as follows:

4 25 2. A temporary permit shall be issued for a period
4 26 determined by the board and may be renewed at the discretion
4 27 of the board. The fee for a temporary permit and the fee for
4 28 renewal shall be set by the board. The fees shall be based on
4 29 the administrative costs of issuing and renewing the permits.
4 30 ~~The board may revoke a temporary permit at any time, without a~~
4 31 ~~hearing, for reasons deemed sufficient by the board.~~

4 32 Sec. 8. Section 153.19, subsection 3, Code 2003, is
4 33 amended by striking the subsection.

4 34 Sec. 9. Section 155A.3, Code 2003, is amended by adding
4 35 the following new subsection:

5 1 NEW SUBSECTION. 15A. "Electronic signature" means a
5 2 confidential personalized digital key, code, or number used
5 3 for secure electronic transmissions which identifies and
5 4 authenticates the signatory.

5 5 Sec. 10. Section 155A.37, subsection 4, Code 2003, is
5 6 amended to read as follows:

5 7 4. The board shall establish a procedure for receiving and
5 8 investigating complaints of violations of this code. The
5 9 board shall investigate all complaints of violations. ~~The~~
5 10 ~~results of an investigation shall be forwarded to the~~
5 11 ~~complainant.~~

5 12 Sec. 11. Section 455B.172, subsection 5, Code 2003, is
5 13 amended to read as follows:

5 14 5. The department shall maintain jurisdiction over and
5 15 regulate the direct discharge to a water of the state. The
5 16 department shall retain concurrent authority to enforce state

5 17 standards for private water supply and private sewage disposal
5 18 facilities within a county, and exercise departmental
5 19 authority if the county board of health fails to fulfill board
5 20 responsibilities pursuant to this section.

5 21 The department shall by rule adopt standards for the
5 22 commercial cleaning of private sewage disposal facilities,
5 23 including but not limited to septic tanks and pits used to
5 24 collect waste in livestock confinement structures, and for the
5 25 disposal of waste from the facilities. The standards shall
5 26 not be in conflict with the state building code. A person
5 27 shall not commercially clean such facilities or dispose of
5 28 waste from such facilities unless the person has been issued a
5 29 license by the department. The department shall be
5 30 exclusively responsible for adopting the standards and issuing
5 31 licenses. However, county boards of health shall enforce the
5 32 standards and licensing requirements established by the
5 33 department. Application for the license shall be made in the
5 34 manner provided by the department. Licenses expire one year
5 35 from the date of issue unless revoked and may be renewed in
6 1 the manner provided by the department. The license or license
6 2 renewal fee is twenty-five dollars. A person violating this
6 3 section or the rules adopted pursuant to this section, is
6 4 subject to a civil penalty of not more than twenty-five
6 5 dollars. Each day that a violation continues constitutes a
6 6 separate offense. However, the total civil penalty shall not
6 7 exceed five hundred dollars per year. The penalty shall be
6 8 assessed for a violation occurring ten days following written
6 9 notice of the violation delivered to the person by the
6 10 department or a county board of health. Moneys collected by
6 11 the department or a county board of health from the imposition
6 12 of civil penalties shall be deposited in the general fund of
6 13 the state.

~~6 14 The commission shall make grants to counties for the
6 15 purpose of conducting programs for the testing of private,
6 16 rural water supply wells and for the proper closing of
6 17 abandoned, rural, private water supply wells within the
6 18 jurisdiction of the county. Grants shall be funded through
6 19 allocation of the agriculture management account of the
6 20 groundwater protection fund. Grants awarded, continued, or
6 21 renewed shall be subject to the following conditions:~~

~~6 22 a. An application for a grant shall be in a form and shall
6 23 contain information as prescribed by rule of the commission.~~

~~6 24 b. Nothing in this section shall be construed to prohibit
6 25 the department from making grants to one or more counties to
6 26 carry out the purpose of the grant on a joint, multicounty
6 27 basis.~~

~~6 28 c. A grant shall be awarded on an annual basis to cover a
6 29 fiscal year from July 1 to June 30 of the following calendar
6 30 year.~~

~~6 31 d. The continuation or renewal of a grant shall be
6 32 contingent upon the county's acceptable performance in
6 33 carrying out its responsibilities, as determined by the
6 34 director. The director, subject to approval by the
6 35 commission, may deny the awarding of a grant or withdraw a
7 1 grant awarded if, by determination of the director, the county
7 2 has not carried out the responsibilities for which the grant
7 3 was awarded, or cannot reasonably be expected to carry out the
7 4 responsibilities for which the grant would be awarded.~~

7 5 Sec. 12. Section 455B.173, subsection 10, Code 2003, is
7 6 amended by striking the subsection.

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CHRISTOPHER C. RANTS
Speaker of the House

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JEFFREY M. LAMBERTI
President of the Senate

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7 18 I hereby certify that this bill originated in the House and
7 19 is known as House File 2551, Eightieth General Assembly.

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MARGARET THOMSON
Chief Clerk of the House

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7 25 Approved _____, 2004

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7 28 _____
7 29 THOMAS J. VILSACK
7 30 Governor