

House File 2555

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1 3 AN ACT
1 4 PROVIDING FOR SPECIFIED CHANGES REGARDING PROGRAMS UNDER THE
1 5 PURVIEW OF THE DEPARTMENT OF PUBLIC HEALTH, PROVIDING A
1 6 PENALTY, AND MAKING AN APPROPRIATION.
1 7
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9
1 10 Section 1. NEW SECTION. 135.39A GIFTS AND GRANTS FUND ==
1 11 APPROPRIATION.
1 12 The department is authorized to accept gifts, grants, or
1 13 allotments of funds from any source to be used for programs
1 14 authorized by this chapter or any other chapter which the
1 15 department is responsible for administering. A public health
1 16 gifts and grants fund is created as a separate fund in the
1 17 state treasury under the control of the department. The fund
1 18 shall consist of gift or grant moneys obtained from any
1 19 source, including the federal government. The moneys
1 20 collected under this section and deposited in the fund are
1 21 appropriated to the department for the public health purposes
1 22 specified in the gift or grant. Moneys in the fund shall not
1 23 be subject to appropriation or expenditure for any other
1 24 purpose. Notwithstanding section 8.33, moneys in the public
1 25 health gifts and grants fund at the end of each fiscal year
1 26 shall not revert to any other fund but shall remain in the
1 27 public health gifts and grants fund for expenditure for
1 28 subsequent fiscal years.
1 29 Sec. 2. Section 135.103, Code 2003, is amended to read as
1 30 follows:
1 31 135.103 GRANT PROGRAM.
1 32 The department shall implement a childhood lead poisoning
1 33 prevention grant program which provides ~~matching federal,~~
1 34 ~~state, or other~~ funds to local boards of health or cities for
1 35 the program after standards and requirements for the local
2 1 program are developed. ~~The state shall provide funds to~~
2 2 ~~approved programs on the basis of three dollars for each one~~
2 3 ~~dollar designated by the local board of health or city for the~~
2 4 ~~program for the first two years of a program, and funds on the~~
2 5 ~~basis of one dollar for each one dollar designated by the~~
2 6 ~~local board of health or city for the program for the third~~
2 7 ~~and subsequent years of the program if such funding is~~
2 8 ~~determined necessary by the department for such subsequent~~
2 9 ~~years. The department may also use federal, state, or other~~
2 10 funds provided for the childhood lead poisoning prevention
2 11 grant program to purchase environmental and blood testing
2 12 services from a public health laboratory.
2 13 Sec. 3. Section 135.104, unnumbered paragraph 1, Code
2 14 2003, is amended to read as follows:
2 15 The program by a local board of health or city receiving
2 16 ~~matching~~ funding for an approved childhood lead poisoning
2 17 prevention grant program shall include:
2 18 Sec. 4. Section 136B.1, subsection 2, Code 2003, is
2 19 amended to read as follows:
2 20 2. The department shall establish programs and adopt rules
2 21 for the certification of persons who test for the presence of
2 22 radon gas and radon progeny in ~~buildings and for buildings,~~
2 23 the credentialing of persons abating the level of radon in
2 24 buildings, and standards for radon abatement systems.
2 25 Sec. 5. Section 136B.3, Code 2003, is amended to read as
2 26 follows:
2 27 136B.3 TESTING AND REPORTING OF RADON LEVEL.
2 28 The department or its duly authorized agents shall from
2 29 time to time perform inspections and testing of the premises
2 30 of a property to determine the level at which it is
2 31 contaminated with radon gas or radon progeny as a spot-check
2 32 of the validity of measurements or the adequacy of abatement
2 33 measures performed by persons certified or credentialed under
2 34 section 136B.1. Following testing the department shall
2 35 provide the owner of the property with a written report of its
3 1 results including the concentration of radon gas or radon
3 2 progeny contamination present, an interpretation of the
3 3 results, and recommendation of appropriate action. A person
3 4 certified or credentialed under section 136B.1 shall also be
3 5 advised of the department's results, discrepancies revealed by

3 6 the spot-check, actions required of the person, and actions
3 7 the department intends to take with respect to the person's
3 8 continued certification or credentialing.

3 9 Sec. 6. Section 139A.2, subsection 20, Code Supplement
3 10 2003, is amended to read as follows:

3 11 20. "Quarantine" means the limitation of freedom of
3 12 movement of persons or animals that have been exposed to a
3 13 ~~communicable~~ quarantinable disease within specified limits
3 14 marked by placards for a period of time equal to the longest
3 15 usual incubation period of the disease in such manner as to
3 16 prevent the spread of a ~~communicable~~ quarantinable disease
3 17 which affects people.

3 18 Sec. 7. Section 148.3, subsection 3, Code 2003, is amended
3 19 to read as follows:

3 20 3. Present to the medical examiners satisfactory evidence
3 21 that the applicant has successfully completed one year of
3 22 postgraduate internship or resident training in a hospital
3 23 approved for such training by the medical examiners.

3 24 Beginning July 1, 2006, an applicant who holds a valid
3 25 certificate issued by the educational commission for foreign
3 26 medical graduates shall submit satisfactory evidence of
3 27 successful completion of two years of such training.

3 28 Sec. 8. Section 152.1, subsection 6, paragraph b, Code
3 29 Supplement 2003, is amended to read as follows:

3 30 b. Execute regimen prescribed by a physician, an advanced
3 31 registered nurse practitioner, or a physician assistant.

3 32 Sec. 9. Section 154A.18, Code 2003, is amended to read as
3 33 follows:

3 34 154A.18 DISPLAY OF LICENSE.

3 35 A person shall not engage in business as a hearing aid
4 1 dispenser, or display a sign, or in any other way advertise or
4 2 claim to be a hearing aid dispenser after January 1, 1975,
4 3 unless the person holds a valid license issued by the
4 4 department as provided in this chapter. The license shall be
4 5 conspicuously posted in the person's ~~office or place of~~
4 6 ~~business primary location of practice.~~ The department shall
4 7 ~~issue duplicate licenses to valid license holders operating~~
4 8 ~~more than one office.~~ A license confers upon the holder the
4 9 right to ~~operate a business practice~~ as a hearing aid
4 10 dispenser.

4 11 Sec. 10. Section 155.9, subsection 3, unnumbered paragraph
4 12 2, Code 2003, is amended to read as follows:

4 13 The board may also accept the voluntary surrender of such
4 14 license without necessity of a hearing. In the event of the
4 15 inability of the regular administrator of a nursing home to
4 16 perform the administrator's duties or through death or other
4 17 cause the nursing home is without a licensed administrator, a
4 18 provisional administrator may be appointed on a temporary
4 19 basis by the nursing home owner or owners, to perform such
4 20 duties for a period not to exceed ~~six months~~ one year.

4 21 Sec. 11. NEW SECTION. 156.16 UNLICENSED PRACTICE ==
4 22 INJUNCTIONS, CIVIL PENALTIES, CONSENT AGREEMENTS.

4 23 1. If the board has reasonable grounds to believe that a
4 24 person or establishment which is not licensed under this
4 25 chapter has engaged, or is about to engage, in an act or
4 26 practice which requires licensure under this chapter, or
4 27 otherwise violates a provision of this chapter, the board may
4 28 issue an order to require the unlicensed person or
4 29 establishment to comply with the provisions of this chapter,
4 30 and may impose a civil penalty not to exceed one thousand
4 31 dollars for each violation of this chapter by an unlicensed
4 32 person or establishment. Each day of a continued violation
4 33 constitutes a separate offense.

4 34 2. The board may conduct an investigation as needed to
4 35 determine whether probable cause exists to initiate the
5 1 proceedings described in this section. To aid in such an
5 2 investigation or in connection with any other proceeding under
5 3 this section, the board may issue subpoenas to compel
5 4 witnesses to testify or persons to produce evidence consistent
5 5 with the provisions of section 272C.6, subsection 3.

5 6 3. The board, in determining the amount of a civil penalty
5 7 to be imposed, may consider any of the following:

5 8 a. Whether the amount imposed will be a substantial
5 9 economic deterrent to the violation.

5 10 b. The circumstances leading to the violation.

5 11 c. The severity of the violation and the risk of harm to
5 12 the public.

5 13 d. The economic benefits gained by the violator as a
5 14 result of noncompliance.

5 15 e. The interest of the public.

5 16 4. The board, before issuing an order under this section,

5 17 shall provide the person or establishment written notice and
5 18 the opportunity to request a hearing. The hearing must be
5 19 requested within thirty days after receipt of the notice and
5 20 shall be conducted in the same manner as provided for
5 21 disciplinary proceedings involving a licensee under this
5 22 chapter.

5 23 5. The board may request the attorney general to bring an
5 24 action to enforce the subpoena.

5 25 6. A person or establishment aggrieved by the issuance of
5 26 an order or the imposition of a civil penalty under this
5 27 section may seek judicial review pursuant to section 17A.19.

5 28 7. If a person or establishment fails to pay a civil
5 29 penalty within thirty days after entry of an order imposing
5 30 the civil penalty, or, if the order is stayed pending an
5 31 appeal, within ten days after the court enters a final
5 32 judgment in favor of the board, the board shall notify the
5 33 attorney general. The attorney general may commence an action
5 34 to recover the amount of the penalty, including reasonable
5 35 attorney fees and costs.

6 1 8. An action to enforce an order under this section may be
6 2 joined with an action for an injunction pursuant to section
6 3 147.83.

6 4 9. The board, in its discretion and in lieu of issuing or
6 5 enforcing an order or imposing a civil penalty for an initial
6 6 violation under this section, may enter into a consent
6 7 agreement with a violator, or with a person who aided or
6 8 abetted a violator, which acknowledges the violation and the
6 9 violator's agreement to refrain from any further violation.

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6 12 _____
6 13 CHRISTOPHER C. RANTS
6 14 Speaker of the House

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6 17 _____
6 18 JEFFREY M. LAMBERTI
6 19 President of the Senate

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6 21 I hereby certify that this bill originated in the House and
6 22 is known as House File 2555, Eightieth General Assembly.

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6 25 _____
6 26 MARGARET THOMSON
6 27 Chief Clerk of the House

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6 29 Approved _____, 2004

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6 32 _____
6 33 THOMAS J. VILSACK
Governor