

# Senate File 74 - Enrolled

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SENATE FILE 74

AN ACT

RENAMING HEALTH-RELATED EXAMINING BOARDS AS LICENSING BOARDS.

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

Section 1. Section 3.20, subsection 2, Code 2007, is amended to read as follows:

2. The ~~examining licensing~~ board shall pursue a meaningful examination and enforcement procedure which upholds the level of competency of the licensee to insure that the public interest is protected.

Sec. 2. Section 7E.4, subsection 2, Code 2007, is amended to read as follows:

2. a. "Board" means a policymaking or rulemaking body that has the power to hear contested cases.

~~b. A policymaking body that has powers for both rulemaking and hearing contested cases shall be termed a "board".~~

"Board" includes a professional licensing board which sets standards of professional competence and conduct for the profession or occupation under its supervision, which may prepare and grade the examinations of prospective new practitioners when authorized by law, which may issue licenses when authorized by law, which investigates complaints of alleged unprofessional conduct, and which performs other functions assigned to it by law.

Sec. 3. Section 7E.4, subsection 8, Code 2007, is amended by striking the subsection.

Sec. 4. Section 8A.101, subsection 1, unnumbered paragraph 1, Code 2007, is amended to read as follows:

"Agency" or "state agency" means a unit of state government, which is an authority, board, commission, committee, council, department, examining or licensing board, or independent agency as defined in section 7E.4, including but not limited to each principal central department enumerated in section 7E.5. However, "agency" or "state agency" does not mean any of the following:

Sec. 5. Section 8F.2, subsection 1, Code 2007, is amended to read as follows:

1. "Agency" means a unit of state government, which is an authority, board, commission, committee, council, department, examining or licensing board, or independent agency as defined in section 7E.4, including but not limited to each principal central department enumerated in section 7E.5. However, "agency" does not mean the Iowa public employees' retirement system created under chapter 97B, the public broadcasting division of the department of education created under section 256.81, the statewide fire and police retirement system created under chapter 411, or an agricultural commodity promotion board subject to a producer referendum.

Sec. 6. Section 10A.402, subsection 1, Code 2007, is amended to read as follows:

1. Investigations relative to the practice of regulated professions and occupations, except those within the jurisdiction of the board of ~~medical examiners~~ medicine, the board of pharmacy ~~examiners~~, the board of ~~dental examiners~~ dentistry, and the board of nursing.

Sec. 7. Section 80.33, Code 2007, is amended to read as follows:

80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

A person required by law to keep records, and a carrier maintaining records with respect to any shipment containing any controlled or counterfeit substances shall, upon request of an authorized peace officer of the department, designated by the commissioner, permit such peace officer at reasonable times to have access to and copy such records. For the purpose of examining and verifying such records, an authorized peace officer of the department, designated by the commissioner, may enter at reasonable times any place or vehicle in which any controlled or counterfeit substance is held, manufactured, dispensed, compounded, processed, sold, delivered, or otherwise disposed of and inspect such place or

3 4 vehicle and the contents of such place or vehicle. For the  
3 5 purpose of enforcing laws relating to controlled or  
3 6 counterfeit substances, and upon good cause shown, a peace  
3 7 officer of the department shall be allowed to inspect audits  
3 8 and records in the possession of the ~~state~~ board of pharmacy  
3 9 ~~examiners~~.

3 10 Sec. 8. Section 124.101, subsection 3, Code 2007, is  
3 11 amended to read as follows:

3 12 3. "Board" means the ~~state~~ board of pharmacy ~~examiners~~.

3 13 Sec. 9. Section 124.204, subsection 4, paragraph m, Code  
3 14 2007, is amended to read as follows:

3 15 m. Marijuana, except as otherwise provided by rules of the  
3 16 board of ~~pharmacy examiners~~ for medicinal purposes.

3 17 Sec. 10. Section 124.204, subsection 4, paragraph u,  
3 18 unnumbered paragraph 1, Code 2007, is amended to read as  
3 19 follows:

3 20 Tetrahydrocannabinols, except as otherwise provided by  
3 21 rules of the board of ~~pharmacy examiners~~ for medicinal  
3 22 purposes. Synthetic equivalents of the substances contained  
3 23 in the plant, or in the resinous extractives of Cannabis sp.,  
3 24 and synthetic substances, derivatives, and their isomers with  
3 25 similar chemical structure and pharmacological activity such  
3 26 as the following:

3 27 Sec. 11. Section 124.204, subsection 7, Code 2007, is  
3 28 amended to read as follows:

3 29 7. EXCLUSIONS. This section does not apply to marijuana,  
3 30 tetrahydrocannabinols or chemical derivatives of  
3 31 tetrahydrocannabinol when utilized for medicinal purposes  
3 32 pursuant to rules of the ~~state~~ board of ~~pharmacy examiners~~.

3 33 Sec. 12. Section 124.206, subsection 7, paragraph a, Code  
3 34 2007, is amended to read as follows:

3 35 a. Marijuana when used for medicinal purposes pursuant to  
4 1 rules of the board of ~~pharmacy examiners~~.

4 2 Sec. 13. Section 124.206, subsection 8, Code 2007, is  
4 3 amended to read as follows:

4 4 8. The board of ~~pharmacy examiners~~, by rule, may except  
4 5 any compound, mixture, or preparation containing any stimulant  
4 6 listed in subsection 4 from the application of all or any part  
4 7 of this chapter if the compound, mixture, or preparation  
4 8 contains one or more active medicinal ingredients not having a  
4 9 stimulant effect on the central nervous system, and if the  
4 10 admixtures are included in such combinations, quantity,  
4 11 proportion, or concentration as to vitiate the potential for  
4 12 abuse of the substances which have a stimulant or depressant  
4 13 effect on the central nervous system.

4 14 Sec. 14. Section 124A.2, subsection 4, Code 2007, is  
4 15 amended to read as follows:

4 16 4. "Imitation controlled substance" means a substance  
4 17 which is not a controlled substance but which by color, shape,  
4 18 size, markings, and other aspects of dosage unit appearance,  
4 19 and packaging or other factors, appears to be or resembles a  
4 20 controlled substance.

4 21 The ~~state~~ board of pharmacy ~~examiners~~ may designate a  
4 22 substance as an imitation controlled substance pursuant to the  
4 23 board's rulemaking authority and in accordance with chapter  
4 24 17A.

4 25 Sec. 15. Section 124A.3, unnumbered paragraph 1, Code  
4 26 2007, is amended to read as follows:

4 27 When a substance has not been designated as an imitation  
4 28 controlled substance by the ~~state~~ board of pharmacy ~~examiners~~  
4 29 and when dosage unit appearance alone does not establish that  
4 30 a substance is an imitation controlled substance the following  
4 31 factors may be considered in determining whether the substance  
4 32 is an imitation controlled substance:

4 33 Sec. 16. Section 124B.1, Code 2007, subsection 1, is  
4 34 amended to read as follows:

4 35 1. "Board" means the board of pharmacy ~~examiners~~.

5 1 Sec. 17. Section 126.2, subsection 3, Code 2007, is  
5 2 amended to read as follows:

5 3 3. "Board" means the board of pharmacy ~~examiners~~.

5 4 Sec. 18. Section 135.11, subsection 9, Code 2007, is  
5 5 amended to read as follows:

5 6 9. Exercise sole jurisdiction over the disposal and  
5 7 transportation of the dead bodies of human beings and  
5 8 prescribe the methods to be used in preparing such bodies for  
5 9 disposal and transportation. However, the department may  
5 10 approve a request for an exception to the application of  
5 11 specific embalming and disposition rules adopted pursuant to  
5 12 this subsection if such rules would otherwise conflict with  
5 13 tenets and practices of a recognized religious denomination to  
5 14 which the deceased individual adhered or of which denomination

5 15 the deceased individual was a member. The department shall  
5 16 inform the board of mortuary science ~~examiners~~ of any such  
5 17 approved exception which may affect services provided by a  
5 18 funeral director licensed pursuant to chapter 156.

5 19 Sec. 19. Section 135.11A, Code 2007, is amended to read as  
5 20 follows:

5 21 135.11A PROFESSIONAL LICENSURE DIVISION == OTHER LICENSING  
5 22 BOARDS == EXPENSES == FEES.

5 23 There shall be a professional licensure division within the  
5 24 department of public health. Each board of ~~examiners~~  
5 25 ~~specified~~ under chapter 147 or under the administrative  
5 26 authority of the department, except the ~~state~~ board of  
5 27 nursing, ~~state~~ board of ~~medical-examiners~~ medicine, ~~state~~  
5 28 board of ~~dental-examiners~~ dentistry, and ~~state~~ board of  
5 29 pharmacy ~~examiners~~, shall receive administrative and clerical  
5 30 support from the division and may not employ its own support  
5 31 staff for administrative and clerical duties.

5 32 The professional licensure division and the licensing  
5 33 boards may expend funds in addition to amounts budgeted, if  
5 34 those additional expenditures are directly the result of  
5 35 actual examination and exceed funds budgeted for examinations.  
6 1 Before the division or a licensing board expends or encumbers  
6 2 an amount in excess of the funds budgeted for examinations,  
6 3 the director of the department of management shall approve the  
6 4 expenditure or encumbrance. Before approval is given, the  
6 5 department of management shall determine that the examination  
6 6 expenses exceed the funds budgeted by the general assembly to  
6 7 the division or board and the division or board does not have  
6 8 other funds from which examination expenses can be paid. Upon  
6 9 approval of the department of management, the division or  
6 10 licensing board may expend and encumber funds for excess  
6 11 examination expenses. The amounts necessary to fund the  
6 12 excess examination expenses shall be collected as fees from  
6 13 additional examination applicants and shall be treated as  
6 14 repayment receipts as defined in section 8.2.

6 15 Sec. 20. Section 135.24, subsection 2, paragraph a, Code  
6 16 2007, is amended to read as follows:

6 17 a. Procedures for registration of health care providers  
6 18 deemed qualified by the board of ~~medical-examiners~~ medicine,  
6 19 the board of physician ~~assistant-examiners~~ assistants, the  
6 20 board of ~~dental-examiners~~ dentistry, the board of nursing, the  
6 21 board of chiropractic ~~examiners~~, the board of psychology  
6 22 ~~examiners~~, the board of social work ~~examiners~~, the board of  
6 23 behavioral science ~~examiners~~, the board of pharmacy ~~examiners~~,  
6 24 the board of optometry ~~examiners~~, the board of podiatry  
6 25 ~~examiners~~, the board of physical and occupational therapy  
6 26 ~~examiners~~, the ~~state~~ board for respiratory care, and the Iowa  
6 27 department of public health, as applicable.

6 28 Sec. 21. Section 135.31, Code 2007, is amended to read as  
6 29 follows:

6 30 135.31 LOCATION OF BOARDS == RULEMAKING.

6 31 The offices for the ~~state~~ board of ~~medical-examiners~~  
6 32 medicine, the ~~state~~ board of pharmacy ~~examiners~~, the ~~state~~  
6 33 board of nursing, and the ~~state~~ board of ~~dental-examiners~~  
6 34 dentistry shall be located within the department of public  
6 35 health. The individual boards shall have policymaking and  
7 1 rulemaking authority.

7 2 Sec. 22. Section 135M.3, subsection 1, Code 2007, is  
7 3 amended to read as follows:

7 4 1. The department, in cooperation with the board of  
7 5 pharmacy ~~examiners~~, may establish and maintain a prescription  
7 6 drug donation repository program under which any person may  
7 7 donate prescription drugs and supplies for use by an  
7 8 individual who meets eligibility criteria specified by the  
7 9 department by rule. The department may contract with a third  
7 10 party to implement and administer the program.

7 11 Sec. 23. Section 136C.3, subsection 2, unnumbered  
7 12 paragraph 1, Code 2007, is amended to read as follows:

7 13 Establish minimum training standards including continuing  
7 14 education requirements, and administer examinations and  
7 15 disciplinary procedures for operators of radiation machines  
7 16 and users of radioactive materials. A state of Iowa license  
7 17 to practice medicine, osteopathy, chiropractic, podiatry,  
7 18 dentistry, dental hygiene, or veterinary medicine, or  
7 19 licensure as a physician assistant pursuant to chapter 148C,  
7 20 or certification by the board of ~~dental-examiners~~ dentistry in  
7 21 dental radiography, or by the board of podiatry ~~examiners~~ in  
7 22 podiatric radiography, or enrollment in a program or course of  
7 23 study approved by the Iowa department of public health which  
7 24 includes the application of radiation to humans satisfies the  
7 25 minimum training standards for operation of radiation machines

7 26 only.

7 27 Sec. 24. Section 139A.8, subsection 4, paragraph a, Code  
7 28 2007, is amended to read as follows:

7 29 a. The applicant, or if the applicant is a minor, the  
7 30 applicant's parent or legal guardian, submits to the admitting  
7 31 official a statement signed by a physician, advanced  
7 32 registered nurse practitioner, or physician assistant who is  
7 33 licensed by the board of ~~medical examiners~~ medicine, board of  
7 34 nursing, or board of physician ~~assistant examiners~~ assistants  
7 35 that the immunizations required would be injurious to the  
8 1 health and well-being of the applicant or any member of the  
8 2 applicant's family.

8 3 Sec. 25. Section 139A.22, subsections 1, 3, 6, and 7, Code  
8 4 2007, are amended to read as follows:

8 5 1. A hospital shall adopt procedures requiring the  
8 6 establishment of protocols applicable on a case-by-case basis  
8 7 to a health care provider determined to be infected with HIV  
8 8 or HBV who ordinarily performs exposure-prone procedures as  
8 9 determined by an expert review panel, within the hospital  
8 10 setting. The protocols established shall be in accordance  
8 11 with the recommendations issued by the centers for disease  
8 12 control and prevention of the United States department of  
8 13 health and human services. The expert review panel may be an  
8 14 established committee of the hospital. The procedures may  
8 15 provide for referral of the health care provider to the expert  
8 16 review panel established by the department pursuant to  
8 17 subsection 3 for establishment of the protocols. The  
8 18 procedures shall require reporting noncompliance with the  
8 19 protocols by a health care provider to the ~~examining~~ licensing  
8 20 board with jurisdiction over the relevant health care  
8 21 providers.

8 22 3. The department shall establish an expert review panel  
8 23 to determine on a case-by-case basis under what circumstances,  
8 24 if any, a health care provider determined to be infected with  
8 25 HIV or HBV practicing outside the hospital setting or referred  
8 26 to the panel by a hospital or health care facility may perform  
8 27 exposure-prone procedures. If a health care provider  
8 28 determined to be infected with HIV or HBV does not comply with  
8 29 the determination of the expert review panel, the panel shall  
8 30 report the noncompliance to the ~~examining~~ licensing board with  
8 31 jurisdiction over the health care provider. A determination  
8 32 of an expert review panel pursuant to this section is a final  
8 33 agency action appealable pursuant to section 17A.19.

8 34 6. The board of ~~medical examiners~~ medicine, the board of  
8 35 physician ~~assistant examiners~~ assistants, the board of  
9 1 podiatry ~~examiners~~, the board of nursing, the board of ~~dental~~  
9 2 ~~examiners~~ dentistry, and the board of optometry ~~examiners~~  
9 3 shall require that licensees comply with the recommendations  
9 4 issued by the centers for disease control and prevention of  
9 5 the United States department of health and human services for  
9 6 preventing transmission of human immunodeficiency virus and  
9 7 hepatitis B virus to patients during exposure-prone invasive  
9 8 procedures, with the recommendations of the expert review  
9 9 panel established pursuant to subsection 3, with hospital  
9 10 protocols established pursuant to subsection 1, and with  
9 11 health care facility procedures established pursuant to  
9 12 subsection 2, as applicable.

9 13 7. Information relating to the HIV status of a health care  
9 14 provider is confidential and subject to the provisions of  
9 15 section 141A.9. A person who intentionally or recklessly  
9 16 makes an unauthorized disclosure of such information is  
9 17 subject to a civil penalty of one thousand dollars. The  
9 18 attorney general or the attorney general's designee may  
9 19 maintain a civil action to enforce this section. Proceedings  
9 20 maintained under this section shall provide for the anonymity  
9 21 of the health care provider and all documentation shall be  
9 22 maintained in a confidential manner. Information relating to  
9 23 the HBV status of a health care provider is confidential and  
9 24 shall not be accessible to the public. Information regulated  
9 25 by this section, however, may be disclosed to members of the  
9 26 expert review panel established by the department or a panel  
9 27 established by hospital protocol under this section. The  
9 28 information may also be disclosed to the appropriate ~~examining~~  
9 29 licensing board by filing a report as required by this  
9 30 section. The ~~examining~~ licensing board shall consider the  
9 31 report a complaint subject to the confidentiality provisions  
9 32 of section 272C.6. A licensee, upon the filing of a formal  
9 33 charge or notice of hearing by the ~~examining~~ licensing board  
9 34 based on such a complaint, may seek a protective order from  
9 35 the board.

10 1 Sec. 26. Section 147.1, subsection 2, paragraphs b, c, and

10 2 f, Code 2007, are amended to read as follows:

10 3 b. ~~"Examining board"~~ "Board" shall mean one of the boards  
10 4 ~~enumerated in section 147.13 or any other board established in~~  
10 5 ~~this subtitle which is appointed by the governor to give~~  
10 6 ~~examinations to license applicants for licenses and impose~~  
10 7 ~~licensee discipline as authorized by law.~~

10 8 c. "Licensed" or "certified" when applied to a physician  
10 9 and surgeon, podiatric physician, osteopath, osteopathic  
10 10 physician and surgeon, physician assistant, psychologist or  
10 11 associate psychologist, chiropractor, nurse, dentist, dental  
10 12 hygienist, optometrist, speech pathologist, audiologist,  
10 13 pharmacist, physical therapist, occupational therapist,  
10 14 respiratory care practitioner, practitioner of cosmetology  
10 15 arts and sciences, practitioner of barbering, funeral  
10 16 director, dietitian, marital and family therapist, mental  
10 17 health counselor, social worker, massage therapist, athletic  
10 18 trainer, acupuncturist, or ~~interpreter for the hearing~~  
10 19 ~~impaired sign language interpreter or transliterator~~ means a  
10 20 person licensed under this subtitle.

10 21 f. "Profession" means medicine and surgery, podiatry,  
10 22 osteopathy, osteopathic medicine and surgery, practice as a  
10 23 physician assistant, psychology, chiropractic, nursing,  
10 24 dentistry, dental hygiene, optometry, speech pathology,  
10 25 audiology, pharmacy, physical therapy, occupational therapy,  
10 26 respiratory care, cosmetology arts and sciences, barbering,  
10 27 mortuary science, marital and family therapy, mental health  
10 28 counseling, social work, dietetics, massage therapy, athletic  
10 29 training, acupuncture, or ~~interpreting for the hearing~~  
10 30 ~~impaired sign language interpreting or transliterating.~~

10 31 Sec. 27. Section 147.1, subsection 2, paragraph e,  
10 32 subparagraph (4), Code 2007, is amended to read as follows:

10 33 (4) ~~An examining~~ A board ~~enumerated in section 147.13 or~~  
10 34 ~~any other board established in this subtitle which is~~  
10 35 ~~appointed by the governor to license applicants and impose~~  
11 1 ~~licensee discipline as authorized by law.~~

11 2 Sec. 28. Section 147.2, unnumbered paragraph 1, Code 2007,  
11 3 is amended to read as follows:

11 4 A person shall not engage in the practice of medicine and  
11 5 surgery, podiatry, osteopathy, osteopathic medicine and  
11 6 surgery, psychology, chiropractic, physical therapy, nursing,  
11 7 dentistry, dental hygiene, optometry, speech pathology,  
11 8 audiology, occupational therapy, respiratory care, pharmacy,  
11 9 cosmetology, barbering, social work, dietetics, marital and  
11 10 family therapy or mental health counseling, massage therapy,  
11 11 mortuary science, athletic training, acupuncture, or  
11 12 ~~interpreting for the hearing~~ impaired sign language  
11 13 ~~interpreting or transliterating~~, or shall not practice as a

11 14 physician assistant as defined in the following chapters of  
11 15 this subtitle, unless the person has obtained from the  
11 16 department a license for that purpose.

11 17 Sec. 29. Section 147.5, unnumbered paragraph 1, Code 2007,  
11 18 is amended to read as follows:

11 19 Every license to practice a profession shall be in the form  
11 20 of a certificate under the seal of the department, signed by  
11 21 the director of public health. Such license shall be issued  
11 22 in the name of the ~~examining~~ licensing board which conducts  
11 23 examinations for that particular profession.

11 24 Sec. 30. Section 147.11, Code 2007, is amended to read as  
11 25 follows:

11 26 147.11 REINSTATEMENT.

11 27 Any licensee who allows the license to lapse by failing to  
11 28 renew the same, as provided in section 147.10, may be  
11 29 reinstated without examination upon recommendation of the  
11 30 ~~examining~~ licensing board for the licensee's profession and  
11 31 upon payment of the renewal fees then due.

11 32 Sec. 31. Section 147.12, Code 2007, is amended to read as  
11 33 follows:

11 34 147.12 ~~EXAMINING~~ HEALTH PROFESSION BOARDS.

11 35 For the purpose of giving examinations to applicants for  
12 1 licenses to practice the professions for which licenses are  
12 2 required by this subtitle, the governor shall appoint, subject  
12 3 to confirmation by the senate, a board ~~of examiners~~  
12 4 of the professions. The board members shall not be required  
12 5 to be members of professional societies or associations  
12 6 composed of members of their professions.

12 7 If a person who has been appointed by the governor to serve  
12 8 on ~~an examining~~ a board has ever been disciplined in a  
12 9 contested case by the board to which the person has been  
12 10 appointed, all board complaints and statements of charges,  
12 11 settlement agreements, findings of fact, and orders pertaining  
12 12 to the disciplinary action shall be made available to the

12 13 senate committee to which the appointment is referred at the  
12 14 committee's request before the full senate votes on the  
12 15 person's appointment.

12 16 Sec. 32. Section 147.13, Code 2007, is amended to read as  
12 17 follows:

12 18 147.13 DESIGNATION OF BOARDS.

12 19 The ~~examining~~ boards provided in section 147.12 shall be  
12 20 designated as follows:

12 21 1. For medicine and surgery, osteopathy, osteopathic  
12 22 medicine and surgery, and acupuncture, ~~medical examiners the~~  
12 23 ~~board of medicine.~~

12 24 2. For physician assistants, the board of physician  
12 25 ~~assistant examiners assistants.~~

12 26 3. For psychology, the board of psychology ~~examiners.~~

12 27 4. For podiatry, the board of podiatry ~~examiners.~~

12 28 5. For chiropractic, the board of chiropractic ~~examiners.~~

12 29 6. For physical therapists and occupational therapists,  
12 30 the board of physical and occupational therapy ~~examiners.~~

12 31 7. For nursing, the board of nursing.

12 32 8. For dentistry, dental hygiene, and dental assisting,  
12 33 ~~dental examiners the board of dentistry.~~

12 34 9. For optometry, the board of optometry ~~examiners.~~

12 35 10. For speech pathology and audiology, the board of  
13 1 speech pathology and audiology ~~examiners.~~

13 2 11. For cosmetology arts and sciences, the board of  
13 3 cosmetology arts and sciences ~~examiners.~~

13 4 12. For barbering, ~~barber examiners the board of~~  
13 5 ~~barbering.~~

13 6 13. For pharmacy, the board of pharmacy ~~examiners.~~

13 7 14. For mortuary science, the board of mortuary science  
13 8 ~~examiners.~~

13 9 15. For social workers, the board of social work  
13 10 ~~examiners.~~

13 11 16. For marital and family therapists and mental health  
13 12 counselors, the board of behavioral science ~~examiners.~~

13 13 17. For dietetics, ~~dietetic examiners the board of~~  
13 14 ~~dietetics.~~

13 15 18. For respiratory care therapists, the board of  
13 16 respiratory care ~~examiners.~~

13 17 19. For massage therapists, the board of massage therapy  
13 18 ~~examiners.~~

13 19 20. For athletic trainers, the board of athletic training  
13 20 ~~examiners.~~

13 21 21. For interpreters, ~~interpreter for the hearing impaired~~  
13 22 ~~examiners the board of sign language interpreters and~~  
13 23 ~~translitterators.~~

13 24 22. For hearing aids, the board of hearing aid ~~dispenser~~  
13 25 ~~examiners dispensers.~~

13 26 23. For nursing home administrators, the board of nursing  
13 27 home administrators ~~examiners.~~

13 28 Sec. 33. Section 147.14, Code 2007, is amended to read as  
13 29 follows:

13 30 147.14 COMPOSITION OF BOARDS.

13 31 The ~~boards of examiners~~ board members shall consist of the  
13 32 following:

13 33 1. For barbering, three members licensed to practice  
13 34 barbering, and two members who are not licensed to practice  
13 35 barbering and who shall represent the general public. A  
14 1 quorum shall consist of a majority of the members of the  
14 2 board.

14 3 2. For ~~medical examiners~~ medicine, five members licensed  
14 4 to practice medicine and surgery, two members licensed to  
14 5 practice osteopathic medicine and surgery, and three members  
14 6 not licensed to practice either medicine and surgery or  
14 7 osteopathic medicine and surgery, and who shall represent the  
14 8 general public. A majority of members of the board  
14 9 constitutes a quorum.

14 10 3. For ~~the board of~~ nursing, four registered nurses, two  
14 11 of whom shall be actively engaged in practice, two of whom  
14 12 shall be nurse educators from nursing education programs; of  
14 13 these, one in higher education and one in area community and  
14 14 vocational=technical registered nurse education; one licensed  
14 15 practical nurse actively engaged in practice; and two members  
14 16 not registered nurses or licensed practical nurses and who  
14 17 shall represent the general public. The representatives of  
14 18 the general public shall not be members of health care  
14 19 delivery systems. A majority of the members of the board  
14 20 constitutes a quorum.

14 21 4. For ~~dental examiners~~ dentistry, five members ~~shall be~~  
14 22 licensed to practice dentistry, two members ~~shall be~~ licensed  
14 23 to practice dental hygiene, and two members not licensed to

14 24 practice dentistry or dental hygiene and who shall represent  
14 25 the general public. A majority of the members of the board  
14 26 shall constitute a quorum. No member of the dental faculty of  
14 27 the school of dentistry at the state university of Iowa shall  
14 28 be eligible to be appointed. ~~Beginning January 1, 2000,~~  
~~14 29 persons~~ Persons appointed to the board as dental hygienist  
14 30 members shall not be employed by or receive any form of  
14 31 remuneration from a dental or dental hygiene educational  
14 32 institution. The two dental hygienist board members and one  
14 33 dentist board member shall constitute a dental hygiene  
14 34 committee of the board as provided in section 153.33A.

14 35 5. For pharmacy ~~examiners~~, five members licensed to  
15 1 practice pharmacy and two members who are not licensed to  
15 2 practice pharmacy and who shall represent the general public.  
15 3 A majority of the members of the board shall constitute a  
15 4 quorum.

15 5 6. For optometry ~~examiners~~, five members licensed to  
15 6 practice optometry and two members who are not licensed to  
15 7 practice optometry and who shall represent the general public.  
15 8 A majority of the members of the board shall constitute a  
15 9 quorum.

15 10 7. For psychology ~~examiners~~, five members who are licensed  
15 11 to practice psychology and two members not licensed to  
15 12 practice psychology and who shall represent the general  
15 13 public. Of the five members who are licensed to practice  
15 14 psychology, one member shall be primarily engaged in graduate  
15 15 teaching in psychology, two members shall be persons who  
15 16 render services in psychology, one member shall represent  
15 17 areas of applied psychology and may be affiliated with  
15 18 training institutions and shall devote a major part of the  
15 19 member's time to rendering service in psychology, and one  
15 20 member shall be primarily engaged in research psychology. A  
15 21 majority of the members of the board constitutes a quorum.

15 22 8. For chiropractic ~~examiners~~, five members licensed to  
15 23 practice chiropractic and two members who are not licensed to  
15 24 practice chiropractic and who shall represent the general  
15 25 public. A majority of the members of the board shall  
15 26 constitute a quorum.

15 27 9. For speech pathology and audiology ~~examiners~~, five  
15 28 members licensed to practice speech pathology or audiology at  
15 29 least two of which shall be licensed to practice speech  
15 30 pathology and at least two of which shall be licensed to  
15 31 practice audiology, and two members who are not licensed to  
15 32 practice speech pathology or audiology and who shall represent  
15 33 the general public. A majority of the members of the board  
15 34 shall constitute a quorum.

15 35 10. For physical therapy and occupational therapy, three  
16 1 members licensed to practice physical therapy, two members  
16 2 licensed to practice occupational therapy, and two members who  
16 3 are not licensed to practice physical therapy or occupational  
16 4 therapy and who shall represent the general public. A quorum  
16 5 shall consist of a majority of the members of the board.

16 6 11. For ~~dietetic examiners~~ dietetics, one licensed  
16 7 dietitian representing the approved or accredited dietetic  
16 8 education programs, one licensed dietitian representing  
16 9 clinical dietetics in hospitals, one licensed dietitian  
16 10 representing community nutrition services and two members who  
16 11 are not licensed dietitians and who shall represent the  
16 12 general public. A majority of the members of the board  
16 13 constitutes a quorum.

16 14 12. For the board of physician ~~assistant-examiners~~  
16 15 assistants, three members licensed to practice as physician  
16 16 assistants, at least two of whom practice in counties with a  
16 17 population of less than fifty thousand, one member licensed to  
16 18 practice medicine and surgery who supervises a physician  
16 19 assistant, one member licensed to practice osteopathic  
16 20 medicine and surgery who supervises a physician assistant, and  
16 21 two members who are not licensed to practice either medicine  
16 22 and surgery or osteopathic medicine and surgery or licensed as  
16 23 a physician assistant and who shall represent the general  
16 24 public. At least one of the physician members shall be in  
16 25 practice in a county with a population of less than fifty  
16 26 thousand. A majority of members of the board constitutes a  
16 27 quorum.

16 28 13. For behavioral science ~~examiners~~, three members  
16 29 licensed to practice marital and family therapy, one of whom  
16 30 shall be employed in graduate teaching, training, or research  
16 31 in marital and family therapy and two of whom shall be  
16 32 practicing marital and family therapists; three members  
16 33 licensed to practice mental health counseling, one of whom  
16 34 shall be employed in graduate teaching, training, or research

16 35 in mental health counseling and two of whom shall be  
17 1 practicing mental health counselors; and three members who are  
17 2 not licensed to practice marital and family therapy or mental  
17 3 health counseling and who shall represent the general public.  
17 4 A majority of the members of the board constitutes a quorum.  
17 5 14. For cosmetology arts and sciences ~~examiners~~, a total  
17 6 of seven members, three who are licensed cosmetologists, one  
17 7 who is a licensed electrologist, esthetician, or nail  
17 8 technologist, one who is a licensed instructor of cosmetology  
17 9 arts and sciences at a public or private school and who does  
17 10 not own a school of cosmetology arts and sciences, and two who  
17 11 are not licensed in a practice of cosmetology arts and  
17 12 sciences and who shall represent the general public.

17 13 15. For respiratory care, one licensed physician with  
17 14 training in respiratory care, three respiratory care  
17 15 practitioners who have practiced respiratory care for a  
17 16 minimum of six years immediately preceding their appointment  
17 17 to the board and who are recommended by the society for  
17 18 respiratory care, and one member not licensed to practice  
17 19 medicine or respiratory care who shall represent the general  
17 20 public. A majority of members of the board constitutes a  
17 21 quorum.

17 22 16. For mortuary science ~~examiners~~, four members licensed  
17 23 to practice mortuary science, one member owning, operating, or  
17 24 employed by a crematory, and two members not licensed to  
17 25 practice mortuary science and not a crematory owner, operator,  
17 26 or employee who shall represent the general public. A  
17 27 majority of the members of the board constitutes a quorum.

17 28 17. For massage therapists, four members licensed to  
17 29 practice massage therapy and three members who are not  
17 30 licensed to practice massage therapy and who shall represent  
17 31 the general public. A majority of the members of the board  
17 32 constitutes a quorum.

17 33 18. For athletic trainers, three members licensed to  
17 34 practice athletic training, three members licensed to practice  
17 35 medicine and surgery, and one member not licensed to practice  
18 1 athletic training or medicine and surgery and who shall  
18 2 represent the general public. A majority of the members of  
18 3 the board constitutes a quorum.

18 4 19. For podiatry ~~examiners~~, five members licensed to  
18 5 practice podiatry and two members who are not licensed to  
18 6 practice podiatry and who shall represent the general public.  
18 7 A majority of the members of the board shall constitute a  
18 8 quorum.

18 9 20. For social work ~~examiners~~, a total of seven members,  
18 10 five who are licensed to practice social work, with at least  
18 11 one from each of three levels of licensure described in  
18 12 section 154C.3, subsection 1, two employed by a licensee under  
18 13 chapter 237, and two who are not licensed social workers and  
18 14 who shall represent the general public.

18 15 21. For sign language interpreting for the hearing  
~~18 16 impaired and transliterating~~, four members licensed to  
18 17 practice interpreting and transliterating, three of whom shall  
18 18 be practicing interpreters and transliterators at the time of  
18 19 appointment to the board and at least one of whom is employed  
18 20 in an educational setting; and three members who are consumers  
18 21 of interpreting or transliterating services as defined in  
18 22 section 154E.1, each of whom shall be deaf. A majority of  
18 23 members of the board constitutes a quorum.

18 24 22. For hearing aid dispensers, three licensed hearing aid  
18 25 dispensers and two members who are not licensed hearing aid  
18 26 dispensers who shall represent the general public. A majority  
18 27 of the members of the board constitutes a quorum.

18 28 23. For nursing home administrators, a total of nine  
18 29 members: Four licensed nursing home administrators, one of  
18 30 whom is the administrator of a nonproprietary nursing home;  
18 31 three licensed members of any profession concerned with the  
18 32 care and treatment of chronically ill or elderly patients who  
18 33 are not nursing home administrators or nursing home owners;  
18 34 and two members of the general public who are not licensed  
18 35 under chapter 147, have no financial interest in any nursing  
19 1 home, and who shall represent the general public. A majority  
19 2 of the members of the board constitutes a quorum.

19 3 Sec. 34. Section 147.16, Code 2007, is amended to read as  
19 4 follows:

19 5 147.16 ~~EXAMINERS~~ BOARD MEMBERS.

19 6 Each licensed ~~examiner~~ board member shall be actively  
19 7 engaged in the practice or the instruction of the ~~examiner's~~  
19 8 board member's profession and shall have been so engaged for a  
19 9 period of five years just preceding the ~~examiner's~~ board  
19 10 member's appointment, the last two of which shall be in this



19 11 state.

19 12 However, each licensed physician assistant member of the  
19 13 board of physician ~~assistant-examiners~~ assistants shall be  
19 14 actively engaged in practice as a physician assistant and  
19 15 shall have been so engaged for a period of three years just  
19 16 preceding the member's appointment, the last year of which  
19 17 shall be in this state.

19 18 Sec. 35. Section 147.18, Code 2007, is amended to read as  
19 19 follows:

19 20 147.18 DISQUALIFICATIONS.

19 21 ~~No-examiner~~ A board member shall not be connected in any  
19 22 manner with any wholesale or jobbing house dealing in supplies  
19 23 or have a financial interest in or be an instructor at a  
19 24 proprietary school.

19 25 Sec. 36. Section 147.19, Code 2007, is amended to read as  
19 26 follows:

19 27 147.19 TERMS OF OFFICE.

19 28 The board members shall serve three-year terms, which shall  
19 29 commence and end as provided by section 69.19. Any vacancy in  
19 30 the membership of ~~an-examining~~ a board shall be filled by  
19 31 appointment of the governor subject to senate confirmation. A  
19 32 member shall serve no more than three terms or nine years.

19 33 Sec. 37. Section 147.20, Code 2007, is amended to read as  
19 34 follows:

19 35 147.20 NOMINATION OF ~~EXAMINERS~~ BOARD MEMBERS.

20 1 The regular state association or society for each  
20 2 profession may recommend the names of potential board members  
20 3 to the governor, but the governor shall not be bound by the  
20 4 recommendations.

20 5 Sec. 38. Section 147.22, Code 2007, is amended to read as  
20 6 follows:

20 7 147.22 OFFICERS.

20 8 Each ~~examining~~ board shall organize annually and shall  
20 9 select a chairperson and a secretary from its own membership.

20 10 Sec. 39. Section 147.24, Code 2007, is amended to read as  
20 11 follows:

20 12 147.24 COMPENSATION.

20 13 Members of ~~an-examining~~ a board shall receive actual  
20 14 expenses for their duties as a member of the ~~examining~~ board.  
20 15 Each member of each board may also be eligible to receive  
20 16 compensation as provided in section 7E.6. The funds shall be  
20 17 appropriated to the department and allocated to each ~~examining~~  
20 18 board within the limits of funds.

20 19 Sec. 40. Section 147.25, unnumbered paragraphs 3 and 4,  
20 20 Code 2007, are amended to read as follows:

20 21 ~~Examining boards~~ Boards collecting information necessary  
20 22 for the division for records and statistics to carry out the  
20 23 provisions of this section shall provide the department with  
20 24 the information which may be gathered by means including, but  
20 25 not limited to, questionnaires forwarded to applicants for a  
20 26 license or renewal of a license.

20 27 In addition to any other fee provided by law, a fee may be  
20 28 set by the respective ~~examining~~ boards for each license and  
20 29 renewal of a license to practice a profession, which fee shall  
20 30 be based on the annual cost of collecting information for use  
20 31 by the department in the administration of the system of  
20 32 health personnel statistics established by this section. The  
20 33 fee shall be collected, transmitted to the treasurer of state,  
20 34 and deposited in the general fund of the state in the manner  
20 35 in which license and renewal fees of the respective  
21 1 professions are collected, transmitted, and deposited in the  
21 2 general fund.

21 3 Sec. 41. Section 147.26, Code 2007, is amended to read as  
21 4 follows:

21 5 147.26 SUPPLIES AND EXAMINATION QUARTERS.

21 6 The department shall furnish each ~~examining~~ board with all  
21 7 articles and supplies required for the public use and  
21 8 necessary to enable ~~said~~ the board to perform the duties  
21 9 imposed upon it by law. Such articles and supplies shall be  
21 10 obtained by the department in the same manner in which the  
21 11 regular supplies for the department are obtained and the cost  
21 12 shall be assessed to the ~~examining~~ board. The director of the  
21 13 department of administrative services shall furnish each  
21 14 ~~examining~~ board with suitable quarters in which to conduct the  
21 15 examination and the cost of the quarters shall be assessed to  
21 16 the ~~examining~~ board.

21 17 Sec. 42. Section 147.28, Code 2007, is amended to read as  
21 18 follows:

21 19 147.28 NATIONAL ORGANIZATION.

21 20 Each ~~examining~~ board may maintain a membership in the  
21 21 national organization of the ~~state-examining~~ regulatory boards

21 22 of its profession to be paid from funds appropriated to the  
21 23 board.

21 24 Sec. 43. Section 147.28A, Code 2007, is amended to read as  
21 25 follows:

21 26 147.28A SCOPE OF PRACTICE REVIEW COMMITTEES == FUTURE  
21 27 REPEAL.

21 28 1. The department shall utilize scope of practice review  
21 29 committees to evaluate and make recommendations to the general  
21 30 assembly and to the appropriate ~~examining~~ boards regarding all  
21 31 of the following issues:

21 32 a. Requests from practitioners seeking to become newly  
21 33 licensed health professionals or to establish their own  
21 34 ~~examining~~ boards.

21 35 b. Requests from health professionals seeking to expand or  
22 1 narrow the scope of practice of a health profession.

22 2 c. Unresolved administrative rulemaking disputes between  
22 3 ~~examining~~ boards.

22 4 2. A scope of practice review committee established under  
22 5 this section shall evaluate the issues specified in subsection  
22 6 1 and make recommendations regarding proposed changes to the  
22 7 general assembly based on the following standards and  
22 8 guidelines:

22 9 a. The proposed change does not pose a significant new  
22 10 danger to the public.

22 11 b. Enacting the proposed change will benefit the health,  
22 12 safety, or welfare of the public.

22 13 c. The public cannot be effectively protected by other  
22 14 more cost-effective means.

22 15 3. A scope of practice review committee shall be limited  
22 16 to five members as follows:

22 17 a. One member representing the profession seeking  
22 18 licensure, a new ~~examining~~ board, or a change in scope of  
22 19 practice.

22 20 b. One member of the health profession directly impacted  
22 21 by, or opposed to, the proposed change.

22 22 c. One impartial health professional who is not directly  
22 23 or indirectly affected by the proposed change.

22 24 d. Two impartial members of the general public.

22 25 4. The department may contract with a school or college of  
22 26 public health to assist in ~~implementing~~ administering this  
22 27 section.

22 28 5. The department shall submit an annual progress report  
22 29 to the governor and the general assembly by January 15 and  
22 30 shall include any recommendations for legislative action as a  
22 31 result of review committee activities.

22 32 6. The department shall adopt rules in accordance with  
22 33 chapter 17A to ~~implement~~ administer this section.

22 34 7. This section is repealed July 1, 2007.

22 35 Sec. 44. Section 147.33, Code 2007, is amended to read as  
23 1 follows:

23 2 147.33 PROFESSIONAL SCHOOLS.

23 3 As a basis for such action on the part of the ~~examining~~  
23 4 board, the registrar of the state university of Iowa and the  
23 5 dean of the professional school of ~~said institution~~ which  
23 6 teaches the profession for which ~~said the~~ board gives license  
23 7 examinations, shall supply such data relative to any such  
23 8 professional school as ~~said the~~ board may request.

23 9 Sec. 45. Section 147.34, Code 2007, is amended to read as  
23 10 follows:

23 11 147.34 EXAMINATIONS.

23 12 Examinations for each profession licensed under this  
23 13 subtitle shall be conducted at least one time per year at such  
23 14 time as the department may fix in cooperation with each  
23 15 ~~examining~~ board. Examinations may be given at the state  
23 16 university of Iowa at the close of each school year for  
23 17 professions regulated by this subtitle and examinations may be  
23 18 given at other schools located in the state at which any of  
23 19 the professions regulated by this subtitle are taught. At  
23 20 least one session of each ~~examining~~ board shall be held  
23 21 annually at the seat of government and the locations of other  
23 22 sessions shall be determined by the ~~examining~~ board, unless  
23 23 otherwise ordered by the department. Applicants who fail to  
23 24 pass the examination once shall be allowed to take the  
23 25 examination at the next scheduled time. Thereafter,  
23 26 applicants shall be allowed to take the examination at the  
23 27 discretion of the board. Examinations may be given by ~~an~~  
23 28 ~~examining~~ a board which are prepared and scored by persons  
23 29 outside the state, and ~~examining~~ boards may contract for such  
23 30 services. ~~An examining~~ A board may make an agreement with  
23 31 ~~examining~~ boards in other states for administering a uniform  
23 32 examination. An applicant who has failed an examination may

23 33 request in writing information from the ~~examining~~ board  
23 34 concerning the examination grade and subject areas or  
23 35 questions which the applicant failed to answer correctly,  
24 1 except that if the ~~examining~~ board administers a uniform,  
24 2 standardized examination, the ~~examining~~ board shall only be  
24 3 required to provide the examination grade and such other  
24 4 information concerning the applicant's examination results  
24 5 which are available to the ~~examining~~ board.

24 6 Sec. 46. Section 147.35, Code 2007, is amended to read as  
24 7 follows:

24 8 147.35 NAMES OF ELIGIBLE CANDIDATES.

24 9 Prior to each examination the department shall transmit to  
24 10 each ~~examining~~ board the list of candidates who are eligible  
24 11 to take the examination given by such board. In making up  
24 12 such list the department may call upon any ~~examining~~ board, or  
24 13 any member thereof, for information relative to the  
24 14 eligibility of any applicant.

24 15 Sec. 47. Section 147.36, unnumbered paragraph 1, Code  
24 16 2007, is amended to read as follows:

24 17 Each ~~examining~~ board shall establish rules for:

24 18 Sec. 48. Section 147.37, Code 2007, is amended to read as  
24 19 follows:

24 20 147.37 IDENTITY OF CANDIDATE CONCEALED.

24 21 All examinations in theory shall be in writing, and the  
24 22 identity of the person taking the same shall not be disclosed  
24 23 upon the examination papers in such a way as to enable the  
24 24 members of the ~~examining~~ board to know by whom written until  
24 25 after the papers have been passed upon. In examinations in  
24 26 practice the identity of the candidate shall also be concealed  
24 27 as far as possible.

24 28 Sec. 49. Section 147.39, Code 2007, is amended to read as  
24 29 follows:

24 30 147.39 CLERK.

24 31 Upon the request of any ~~examining~~ board, the department  
24 32 shall detail some employee to act as clerk of any examination  
24 33 given by ~~said examining~~ the board. Such clerk shall have  
24 34 charge of the candidates during the examination and perform  
24 35 such other duties as the ~~examining~~ board may direct. If the  
25 1 duties of such clerk are performed away from the seat of  
25 2 government, the clerk shall receive necessary travel and  
25 3 expenses, which shall be paid from the appropriations to the  
25 4 ~~examining~~ board in the same manner in which other similar  
25 5 expenses are paid. The department shall be reimbursed by the  
25 6 ~~examining~~ board for costs incurred.

25 7 Sec. 50. Section 147.40, Code 2007, is amended to read as  
25 8 follows:

25 9 147.40 CERTIFICATION OF APPLICANTS.

25 10 Every examination shall be passed upon in accordance with  
25 11 the established rules of the ~~examining~~ board and shall be  
25 12 satisfactory to at least a majority of the professional  
25 13 members of the board. In the case of the board of ~~dental~~  
25 14 ~~examiners dentistry~~, only licensed dentist members of the  
25 15 board shall determine whether an applicant has passed the  
25 16 examination to practice as a licensed dentist. After each  
25 17 examination, the ~~examining~~ board shall certify the names of  
25 18 the successful applicants to the department in the manner  
25 19 prescribed by it. The department shall then issue the proper  
25 20 license.

25 21 Sec. 51. Section 147.41, unnumbered paragraph 1, Code  
25 22 2007, is amended to read as follows:

25 23 Any ~~examining~~ board may provide for a partial examination  
25 24 for a license to practice a profession to any applicant who  
25 25 has completed a portion of the professional course. For such  
25 26 purpose ~~said the~~ board shall establish by rule:

25 27 Sec. 52. Section 147.42, Code 2007, is amended to read as  
25 28 follows:

25 29 147.42 RULES RELATIVE TO PARTIAL EXAMINATIONS.

25 30 ~~In case any examining~~ If a board ~~shall provide~~ provides for  
25 31 partial examinations under section 147.41, the department  
25 32 shall adopt rules establishing:

25 33 1. The portion of the license fee fixed in this chapter  
25 34 which shall be paid for a partial examination.

25 35 2. The credentials which shall be presented to the  
26 1 department by an applicant showing the applicant's  
26 2 qualifications to take such examination.

26 3 3. The method of certifying the list of the eligible  
26 4 applicants for such examination to the ~~proper examining~~  
26 5 appropriate board.

26 6 4. The method of certifying back to the department the  
26 7 list of applicants who successfully pass such examination.

26 8 5. The method of keeping the records of such applicants

26 9 for use at the time of completing the examination for a  
26 10 license.

26 11 6. The credentials which shall be presented to the  
26 12 department by such an applicant upon the completion of the  
26 13 professional course.

26 14 7. The method of certifying such applicant to the proper  
26 15 ~~examining~~ board for the remainder of the examination.

26 16 8. Such other matters of procedure as are necessary to  
26 17 carry into effect section 147.41.

26 18 Sec. 53. Section 147.44, Code 2007, is amended to read as  
26 19 follows:

26 20 147.44 AGREEMENTS.

26 21 For the purpose of recognizing licenses which have been  
26 22 issued in other states to practice any profession for which a  
26 23 license is required by this subtitle, the department shall  
26 24 enter into a reciprocal agreement with every state which is  
26 25 certified to ~~it~~ the department by the ~~proper examining~~  
26 26 appropriate board under the provisions of section 147.45 and  
26 27 with which this state does not have an existing agreement at  
26 28 the time of such certification.

26 29 Sec. 54. Section 147.45, Code 2007, is amended to read as  
26 30 follows:

26 31 147.45 STATES ENTITLED TO RECIPROCAL RELATIONS.

26 32 The department shall at least once each year lay before the  
26 33 ~~proper examining appropriate~~ board the requirements of the  
26 34 several states for a license to practice the profession for  
26 35 which ~~such examining the~~ board conducts examinations for  
27 1 licenses in this state. ~~Said examining The~~ board shall  
27 2 immediately examine such requirements and after making such  
27 3 other inquiries as it deems necessary, shall certify to the  
27 4 department the states having substantially equivalent  
27 5 requirements to those existing in this state for that  
27 6 particular profession and with which ~~said examining the~~ board  
27 7 desires this state to enter into reciprocal relations.

27 8 Sec. 55. Section 147.46, subsection 2, Code 2007, is  
27 9 amended to read as follows:

27 10 2. SPECIAL CONDITIONS. When any ~~examining~~ board has  
27 11 established by rule any special condition upon which  
27 12 reciprocal agreements shall be entered into, as provided in  
27 13 section 147.47, such condition shall be incorporated into the  
27 14 reciprocal agreements negotiated with reference to licenses to  
27 15 practice the professions for which ~~such examining the~~ board  
27 16 conducts examinations.

27 17 Sec. 56. Section 147.47, Code 2007, is amended to read as  
27 18 follows:

27 19 147.47 SPECIAL CONDITIONS.

27 20 ~~An examining A~~ board shall have power to provide by rule  
27 21 that no reciprocal relation shall be entered into by the  
27 22 department with any state with reference to licenses to  
27 23 practice the profession for which ~~such examining the~~ board  
27 24 conducts examinations, unless every person licensed in another  
27 25 state when applying for a license to practice in this state  
27 26 shall comply with one or both of the following conditions:

27 27 1. Furnish satisfactory proof to the department that the  
27 28 person has been actively engaged in the practice of the  
27 29 profession for a certain period of years to be fixed by ~~such~~  
27 30 ~~examining the~~ board.

27 31 2. Pass a practical examination in the practice of the  
27 32 person's particular profession as prescribed by ~~such examining~~  
27 33 the board.

27 34 Sec. 57. Section 147.48, Code 2007, is amended to read as  
27 35 follows:

28 1 147.48 TERMINATION OF AGREEMENTS.

28 2 ~~When If~~ the requirements for a license in any state with  
28 3 which this state has a reciprocal agreement are changed by any  
28 4 law or rule of the authorities ~~therein in that state~~ so that  
28 5 such requirements are no longer substantially as high as those  
28 6 existing in this state, ~~then such the~~ agreement shall be  
28 7 deemed terminated and licenses issued in ~~such that~~ state shall  
28 8 not be recognized as a basis of granting a license in this  
28 9 state until a new agreement has been negotiated. The fact of  
28 10 such change shall be determined by the ~~proper examining~~  
28 11 appropriate board and certified to the department for its  
28 12 guidance in enforcing the provisions of this section.

28 13 Sec. 58. Section 147.49, Code 2007, is amended to read as  
28 14 follows:

28 15 147.49 LICENSE OF ANOTHER STATE.

28 16 The department shall, upon presentation of a license to  
28 17 practice a profession issued by the duly constituted authority  
28 18 of another state, with which this state has established  
28 19 reciprocal relations, and subject to the rules of the

28 20 ~~examining~~ board for such profession, license ~~said the~~  
28 21 applicant to practice in this state, unless under the rules of  
28 22 ~~said examining the~~ board a practical examination is required  
28 23 ~~in such cases~~. The department may, upon the recommendation of  
28 24 the ~~medical examiners board of medicine~~, accept in lieu of the  
28 25 examination prescribed in section 148.3 or section 150A.3 a  
28 26 license to practice medicine and surgery or osteopathic  
28 27 medicine and surgery, issued by the duly constituted authority  
28 28 of another state, territory, or foreign country. Endorsement  
28 29 may be accepted by the department in lieu of further written  
28 30 examination without regard to the existence or nonexistence of  
28 31 a reciprocal agreement, but shall not be in lieu of the  
28 32 standards and qualifications prescribed by section 148.3 or  
28 33 section 150A.3.

28 34 Sec. 59. Section 147.50, Code 2007, is amended to read as  
28 35 follows:

29 1 147.50 PRACTICAL EXAMINATIONS.

29 2 If the rules of any ~~examining~~ board require an applicant  
29 3 for a license under a reciprocal agreement to pass a practical  
29 4 examination in the practice of the applicant's profession,  
29 5 ~~then such the~~ applicant shall make application ~~therefore for~~  
29 6 ~~the license~~ to the department upon a form provided by ~~it the~~  
29 7 ~~department~~.

29 8 Sec. 60. Section 147.53, Code 2007, is amended to read as  
29 9 follows:

29 10 147.53 POWER TO ADOPT RULES.

29 11 The department and each ~~examining~~ board shall ~~have power to~~  
29 12 ~~establish the adopt~~ necessary rules, not inconsistent with  
29 13 law, for carrying out the reciprocal relations with other  
29 14 states which are authorized by this chapter.

29 15 Sec. 61. Section 147.74, subsections 7, 15, and 22, Code  
29 16 2007, are amended to read as follows:

29 17 7. A graduate of a school accredited ~~on by~~ the board of  
29 18 ~~optometric examiners optometry~~ may use the prefix "Doctor",  
29 19 but shall add after the person's name the letters "O. D."

29 20 15. A pharmacist who possesses a doctoral degree  
29 21 recognized by the American council of pharmaceutical education  
29 22 from a college of pharmacy approved by the board of pharmacy  
29 23 ~~examiners~~ or a doctor of philosophy degree in an area related  
29 24 to pharmacy may use the prefix "Doctor" or "Dr." but shall add  
29 25 after the person's name the word "pharmacist" or "Pharm. D."

29 26 22. ~~An A sign language~~ interpreter licensed under chapter  
29 27 154E and this chapter may use the title "licensed ~~sign~~  
29 28 ~~language~~ interpreter" or the letters "L. I." after the  
29 29 person's name.

29 30 Sec. 62. Section 147.76, Code 2007, is amended to read as  
29 31 follows:

29 32 147.76 RULES.

29 33 The ~~examining~~ boards for the various professions shall  
29 34 adopt all necessary and proper rules to ~~implement administer~~  
29 35 and interpret this chapter and chapters 147A through 158,  
30 1 except chapter 148D.

30 2 Sec. 63. Section 147.80, Code 2007, is amended to read as  
30 3 follows:

30 4 147.80 LICENSE == EXAMINATION == FEES.

30 5 ~~An examining Each~~ board shall set the fees for the  
30 6 examination of applicants, which fees shall be based upon the  
30 7 cost of administering the examinations. ~~An examining A~~ board  
30 8 shall set the license fees and renewal fees required for any  
30 9 of the following based upon the cost of sustaining the board  
30 10 and the actual costs of licensing:

30 11 1. License to practice dentistry issued upon the basis of  
30 12 an examination given by the board of ~~dental examiners~~  
30 13 ~~dentistry~~, license to practice dentistry issued under a  
30 14 reciprocal agreement, resident dentist's license, renewal of a  
30 15 license to practice dentistry.

30 16 2. License to practice pharmacy issued upon the basis of  
30 17 an examination given by the board of pharmacy ~~examiners~~,  
30 18 license to practice pharmacy issued under a reciprocal  
30 19 agreement, renewal of a license to practice pharmacy.

30 20 3. License to practice medicine and surgery, osteopathic  
30 21 medicine and surgery, or osteopathy and renewal of a license  
30 22 to practice medicine and surgery, osteopathic medicine and  
30 23 surgery, or osteopathy.

30 24 4. Certificate to practice psychology or associate  
30 25 psychology issued on the basis of an examination given by the  
30 26 board of psychology ~~examiners~~, or certificate to practice  
30 27 psychology or associate psychology issued under a reciprocity  
30 28 agreement or by endorsement, renewal of a certificate to  
30 29 practice psychology or associate psychology.

30 30 5. Application for a license to practice as a physician

30 31 assistant, issuance of a license to practice as a physician  
30 32 assistant issued upon the basis of an examination given or  
30 33 approved by the board of physician ~~assistant examiners~~  
30 34 assistants, issuance of a license to practice as a physician  
30 35 assistant issued under a reciprocal agreement, renewal of a  
31 1 license to practice as a physician assistant, temporary  
31 2 license to practice as a physician assistant.  
31 3 6. License to practice chiropractic issued on the basis of  
31 4 an examination given by the board of chiropractic ~~examiners~~.  
31 5 License to practice chiropractic issued by endorsement or  
31 6 under a reciprocal agreement, renewal of a license to practice  
31 7 chiropractic.  
31 8 7. License to practice podiatry issued upon the basis of  
31 9 an examination given by the board of podiatry ~~examiners~~,  
31 10 license to practice podiatry issued under a reciprocal  
31 11 agreement, renewal of a license to practice podiatry.  
31 12 8. License to practice physical therapy issued upon the  
31 13 basis of an examination given by the board of physical and  
31 14 occupational therapy ~~examiners~~, license to practice physical  
31 15 therapy issued under a reciprocal agreement, renewal of a  
31 16 license to practice physical therapy.  
31 17 9. License to practice as a physical therapist assistant  
31 18 issued on the basis of an examination given by the board of  
31 19 physical and occupational therapy ~~examiners~~, license to  
31 20 practice as a physical therapist assistant issued under a  
31 21 reciprocal agreement, renewal of a license to practice as a  
31 22 physical therapist assistant.  
31 23 10. For a license to practice optometry issued upon the  
31 24 basis of an examination given by the board of optometry  
31 25 ~~examiners~~, license to practice optometry issued under a  
31 26 reciprocal agreement, renewal of a license to practice  
31 27 optometry.  
31 28 11. License to practice dental hygiene issued upon the  
31 29 basis of an examination given by the board of ~~dental examiners~~  
31 30 dentistry, license to practice dental hygiene issued under a  
31 31 reciprocal agreement, renewal of a license to practice dental  
31 32 hygiene.  
31 33 12. License to practice mortuary science issued upon the  
31 34 basis of an examination given by the board of mortuary science  
31 35 ~~examiners~~, license to practice mortuary science issued under a  
32 1 reciprocal agreement, renewal of a license to practice  
32 2 mortuary science.  
32 3 13. License to practice nursing issued upon the basis of  
32 4 an examination given by the board of nursing; license to  
32 5 practice nursing based on an endorsement from another state,  
32 6 territory, or foreign country; renewal of a license to  
32 7 practice nursing.  
32 8 14. A nurse who does not engage in nursing during the year  
32 9 succeeding the expiration of the license shall notify the  
32 10 board to place the nurse upon the inactive list and the nurse  
32 11 shall not be required to pay the renewal fee so long as the  
32 12 nurse remains inactive and so notifies the board. To resume  
32 13 nursing, the nurse shall notify the board and remit the  
32 14 renewal fee for the current period.  
32 15 15. License to practice cosmetology arts and sciences  
32 16 issued upon the basis of an examination given by the board of  
32 17 cosmetology arts and sciences ~~examiners~~, license to practice  
32 18 cosmetology arts and sciences under a reciprocal agreement,  
32 19 renewal of a license to practice cosmetology arts and  
32 20 sciences, temporary permit to practice as a cosmetology arts  
32 21 and sciences trainee, original license to conduct a school of  
32 22 cosmetology arts and sciences, renewal of license to conduct a  
32 23 school of cosmetology arts and sciences, original license to  
32 24 operate a salon, renewal of a license to operate a salon,  
32 25 original license to practice manicuring and pedicuring,  
32 26 renewal of a license to practice manicuring and pedicuring,  
32 27 annual inspection of a school of cosmetology arts and  
32 28 sciences, annual inspection of a salon, original cosmetology  
32 29 arts and sciences school instructor's license, and renewal of  
32 30 cosmetology arts and sciences school instructor's license.  
32 31 16. License to practice barbering on the basis of an  
32 32 examination given by the board of ~~barber examiners~~ barbering,  
32 33 license to practice barbering under a reciprocal agreement,  
32 34 renewal of a license to practice barbering, annual inspection  
32 35 by the department of inspections and appeals of barber school  
33 1 and annual inspection of barber shop, an original barber  
33 2 school license, renewal of a barber school license, transfer  
33 3 of license upon change of ownership of a barber shop or barber  
33 4 school, inspection by the department of inspections and  
33 5 appeals and an original barber shop license, renewal of a  
33 6 barber shop license, original barber school instructor's

33 7 license, renewal of a barber school instructor's license.  
33 8 17. License to practice speech pathology or audiology  
33 9 issued on the basis of an examination given by the board of  
33 10 speech pathology and audiology, or license to practice speech  
33 11 pathology or audiology issued under a reciprocity agreement,  
33 12 renewal of a license to practice speech pathology or  
33 13 audiology.  
33 14 18. License to practice occupational therapy issued upon  
33 15 the basis of an examination given by the board of physical and  
33 16 occupational therapy ~~examiners~~, license to practice  
33 17 occupational therapy issued under a reciprocal agreement,  
33 18 renewal of a license to practice occupational therapy.  
33 19 19. License to assist in the practice of occupational  
33 20 therapy issued upon the basis of an examination given by the  
33 21 board of physical and occupational therapy ~~examiners~~, license  
33 22 to assist in the practice of occupational therapy issued under  
33 23 a reciprocal agreement, renewal of a license to assist in the  
33 24 practice of occupational therapy.  
33 25 20. License to practice social work issued on the basis of  
33 26 an examination by the board of social work ~~examiners~~, or  
33 27 license to practice social work issued under a reciprocity  
33 28 agreement, or renewal of a license to practice social work.  
33 29 21. License to practice marital and family therapy issued  
33 30 upon the basis of an examination given by the board of  
33 31 behavioral science ~~examiners~~, license to practice marital and  
33 32 family therapy issued under a reciprocal agreement, or renewal  
33 33 of a license to practice marital and family therapy.  
33 34 22. License to practice mental health counseling issued  
33 35 upon the basis of an examination given by the board of  
34 1 behavioral science ~~examiners~~, license to practice mental  
34 2 health counseling issued under a reciprocal agreement, or  
34 3 renewal of a license to practice mental health counseling.  
34 4 23. License to practice dietetics issued upon the basis of  
34 5 an examination given by the board of ~~dietetic examiners~~  
34 6 dietetics, license to practice dietetics issued under a  
34 7 reciprocal agreement, or renewal of a license to practice  
34 8 dietetics.  
34 9 24. License to practice acupuncture, license to practice  
34 10 acupuncture under a reciprocal agreement, or renewal of a  
34 11 license to practice acupuncture.  
34 12 25. License to practice respiratory care, license to  
34 13 practice respiratory care under a reciprocal license, or  
34 14 renewal of a license to practice respiratory care.  
34 15 26. License to practice massage therapy, license to  
34 16 practice massage therapy under a reciprocal license, or  
34 17 renewal of a license to practice massage therapy.  
34 18 27. License to practice athletic training, license to  
34 19 practice athletic training under a reciprocal license, or  
34 20 renewal of a license to practice athletic training.  
34 21 28. Registration to practice as a dental assistant,  
34 22 registration to practice as a dental assistant under a  
34 23 reciprocal agreement, or renewal of registration to practice  
34 24 as a dental assistant.  
34 25 29. License to practice sign language interpreting and  
34 26 transliterating, license to practice sign language  
34 27 interpreting and transliterating under a reciprocal license,  
34 28 or renewal of a license to practice sign language interpreting  
34 29 and transliterating.  
34 30 30. License to practice hearing aid dispensing, license to  
34 31 practice hearing aid dispensing under a reciprocal license, or  
34 32 renewal of a license to practice hearing aid dispensing.  
34 33 31. License to practice nursing home administration,  
34 34 license to practice nursing home administration under a  
34 35 reciprocal license, or renewal of a license to practice  
35 1 nursing home administration.  
35 2 32. For a certified statement that a licensee is licensed  
35 3 in this state.  
35 4 33. Duplicate license, which shall be so designated on its  
35 5 face, upon satisfactory proof the original license issued by  
35 6 the department has been destroyed or lost.  
35 7 The licensing and certification division shall prepare  
35 8 estimates of projected revenues to be generated by the  
35 9 licensing, certification, and examination fees of each board  
35 10 as well as a projection of the fairly apportioned  
35 11 administrative costs and rental expenses attributable to each  
35 12 board. Each board shall annually review and adjust its  
35 13 schedule of fees so that, as nearly as possible, projected  
35 14 revenues equal projected costs and any imbalance in revenues  
35 15 and costs in a fiscal year is offset in a subsequent fiscal  
35 16 year.  
35 17 The board of ~~medical examiners~~ medicine, the board of

35 18 pharmacy ~~examiners~~, the board of ~~dental-examiners dentistry~~,  
35 19 and the board of nursing shall retain individual executive  
35 20 officers, but shall make every effort to share administrative,  
35 21 clerical, and investigative staffs to the greatest extent  
35 22 possible. The department shall annually submit a status  
35 23 report to the general assembly in December regarding the  
35 24 sharing of staff during the previous fiscal year.

35 25 Sec. 64. Section 147.87, Code 2007, is amended to read as  
35 26 follows:

35 27 147.87 ENFORCEMENT.

35 28 The department shall enforce the provisions of this and the  
35 29 following chapters of this subtitle and for that purpose may  
35 30 request the department of inspections and appeals to make  
35 31 necessary investigations. Every licensee and member of ~~an~~  
35 32 ~~examining a~~ board shall furnish the department or the  
35 33 department of inspections and appeals such evidence as the  
35 34 member or licensee may have relative to any alleged violation  
35 35 which is being investigated.

36 1 Sec. 65. Section 147.88, Code 2007, is amended to read as  
36 2 follows:

36 3 147.88 INSPECTIONS.

36 4 The department of inspections and appeals may perform  
36 5 inspections as required by this subtitle, except for the board  
36 6 of ~~medical-examiners medicine~~, board of pharmacy ~~examiners~~,  
36 7 board of nursing, and the board of ~~dental-examiners dentistry~~.  
36 8 The department of inspections and appeals shall employ  
36 9 personnel related to the inspection functions.

36 10 Sec. 66. Section 147.89, unnumbered paragraph 1, Code  
36 11 2007, is amended to read as follows:

36 12 Every licensee and member of ~~an-examining a~~ board shall  
36 13 report, also, to the department the name of every person,  
36 14 without a license, that the member or licensee has reason to  
36 15 believe is engaged in:

36 16 Sec. 67. Section 147.91, subsection 3, Code 2007, is  
36 17 amended to read as follows:

36 18 3. The rules of the ~~examining~~ board relative to  
36 19 examinations.

36 20 Sec. 68. Section 147.94, subsections 1, 2, 3, and 4, Code  
36 21 2007, are amended to read as follows:

36 22 1. Every application for a license to practice pharmacy  
36 23 shall be made to the ~~secretary executive director~~ of the board  
36 24 of pharmacy ~~examiners~~.

36 25 2. A license and all renewals of a license shall be issued  
36 26 by the board of pharmacy ~~examiners~~.

36 27 3. Every reciprocal agreement for the recognition of any  
36 28 license issued in another state shall be negotiated by the  
36 29 board of pharmacy ~~examiners~~.

36 30 4. All records in connection with the licensing of  
36 31 pharmacists shall be kept by the ~~secretary executive director~~  
36 32 of the board of pharmacy ~~examiners~~.

36 33 Sec. 69. Section 147.95, Code 2007, is amended to read as  
36 34 follows:

36 35 147.95 ENFORCEMENT == AGENTS AS PEACE OFFICERS.

37 1 The provisions of this subtitle insofar as they affect the  
37 2 practice of pharmacy shall be enforced by the board of  
37 3 pharmacy ~~examiners~~ and the provisions of sections 147.87,  
37 4 147.88, and 147.89 shall not apply to said profession.  
37 5 Officers, agents, inspectors, and representatives of the board  
37 6 of pharmacy ~~examiners~~ shall have the powers and status of  
37 7 peace officers when enforcing the provisions of this subtitle.

37 8 Sec. 70. Section 147.96, Code 2007, is amended to read as  
37 9 follows:

37 10 147.96 BOARD OF PHARMACY EXAMINERS.

37 11 In discharging the duties and exercising the powers  
37 12 provided for in sections 147.94 and 147.95, the board of  
37 13 pharmacy ~~examiners~~ and ~~their secretary the executive director~~  
37 14 ~~of the board~~ shall be governed by all the provisions of this  
37 15 chapter which govern the department when discharging a similar  
37 16 duty or exercising a similar power with reference to any of  
37 17 the professions regulated by this subtitle.

37 18 Sec. 71. Section 147.98, Code 2007, is amended to read as  
37 19 follows:

37 20 147.98 SECRETARY OF PHARMACY EXAMINERS EXECUTIVE DIRECTOR  
37 21 OF THE BOARD OF PHARMACY.

37 22 The board of pharmacy ~~examiners~~ shall have the right to may  
37 23 employ a full-time secretary executive director, who shall not  
37 24 be a member of the examining board, at such compensation as  
37 25 may be fixed pursuant to chapter 8A, subchapter IV, but the  
37 26 provisions of section 147.22 providing for a secretary for  
37 27 each examining board shall not apply to the board of pharmacy  
37 28 ~~examiners~~.



37 29 Sec. 72. Section 147.99, Code 2007, is amended to read as  
37 30 follows:

37 31 147.99 DUTIES OF ~~SECRETARY~~ EXECUTIVE DIRECTOR.

37 32 The ~~secretary~~ executive director of the board of pharmacy  
37 33 ~~examiners~~ shall, upon the direction of the board, make  
37 34 inspections of alleged violations of the provisions of this  
37 35 subtitle relative to the practice of pharmacy and of chapters  
38 1 124, 126, and 205. The ~~secretary~~ executive director shall be  
38 2 allowed necessary traveling and hotel expenses in making such  
38 3 inspections.

38 4 Sec. 73. Section 147.100, Code 2007, is amended to read as  
38 5 follows:

38 6 147.100 EXPIRATIONS AND RENEWALS.

38 7 Licenses shall expire in multiyear intervals as determined  
38 8 by ~~the examining~~ each board. A person who fails to renew a  
38 9 license by the expiration date shall be allowed to do so  
38 10 within thirty days following its expiration, but the ~~examining~~  
38 11 board may assess a reasonable penalty.

38 12 Sec. 74. Section 147.102, Code 2007, is amended to read as  
38 13 follows:

38 14 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

38 15 Notwithstanding the provisions of this subtitle, every  
38 16 application for a license to practice psychology,  
38 17 chiropractic, or dentistry shall be made directly to the  
38 18 chairperson, executive director, or secretary of the ~~examining~~  
38 19 board of such profession, and every reciprocal agreement for  
38 20 the recognition of any such license issued in another state  
38 21 shall be negotiated by the ~~examining~~ board for such  
38 22 profession. All examination, license, and renewal fees  
38 23 received from persons licensed to practice any of such  
38 24 professions shall be paid to and collected by the chairperson,  
38 25 executive director, or secretary of the ~~examining~~ board of  
38 26 such profession. The salary of the secretary shall be  
38 27 established by the governor with the approval of the executive  
38 28 council pursuant to section 8A.413, subsection 2, under the  
38 29 pay plan for exempt positions in the executive branch of  
38 30 government.

38 31 Sec. 75. Section 147.103, Code 2007, is amended to read as  
38 32 follows:

38 33 147.103 INVESTIGATORS FOR PHYSICIAN ASSISTANTS.

38 34 The board of physician ~~assistant-examiners~~ assistants may  
38 35 appoint investigators, who shall not be members of the  
39 1 ~~examining~~ board, to administer and aid in the enforcement of  
39 2 the provisions of law relating to physician assistants. The  
39 3 amount of compensation for the investigators shall be  
39 4 determined pursuant to chapter 8A, subchapter IV.

39 5 Investigators authorized by the board of physician  
39 6 ~~assistant-examiners~~ assistants have the powers and status of  
39 7 peace officers when enforcing this chapter and chapters 148C  
39 8 and 272C.

39 9 Sec. 76. Section 147.103A, unnumbered paragraph 1, Code  
39 10 2007, is amended to read as follows:

39 11 This chapter shall apply to the licensing of persons to  
39 12 practice as physicians and surgeons, osteopaths, and  
39 13 osteopathic physicians and surgeons by the board of ~~medical~~  
39 14 ~~examiners~~ medicine subject to the following provisions:

39 15 Sec. 77. Section 147.103A, subsection 3, Code 2007, is  
39 16 amended to read as follows:

39 17 3. The board may appoint investigators, who shall not be  
39 18 members of the ~~examining~~ board, and whose compensation shall  
39 19 be determined pursuant to chapter 8A, subchapter IV.  
39 20 Investigators appointed by the board have the powers and  
39 21 status of peace officers when enforcing this chapter and  
39 22 chapters 148, 150, 150A, and 272C.

39 23 Sec. 78. Section 147.107, subsections 2, 4, 5, and 8, Code  
39 24 2007, are amended to read as follows:

39 25 2. A pharmacist, physician, dentist, or podiatric  
39 26 physician who dispenses prescription drugs, including but not  
39 27 limited to controlled substances, for human use, may delegate  
39 28 nonjudgmental dispensing functions to staff assistants only  
39 29 when verification of the accuracy and completeness of the  
39 30 prescription is determined by the pharmacist or practitioner  
39 31 in the pharmacist's or practitioner's physical presence.  
39 32 However, the physical presence requirement does not apply when  
39 33 a pharmacist or practitioner is utilizing an automated  
39 34 dispensing system. When using an automated dispensing system  
39 35 the pharmacist or practitioner shall utilize an internal  
40 1 quality control assurance plan that ensures accuracy for  
40 2 dispensing. Verification of automated dispensing accuracy and  
40 3 completeness remains the responsibility of the pharmacist or  
40 4 practitioner and shall be determined in accordance with rules

40 5 adopted by the ~~state board of pharmacy examiners~~, the ~~state~~  
40 6 board of ~~medical examiners medicine~~, the ~~state board of dental~~  
40 7 ~~examiners dentistry~~, and the ~~state board of podiatry examiners~~  
40 8 for their respective licensees.

40 9 A dentist, physician, or podiatric physician who dispenses  
40 10 prescription drugs, other than drug samples, pursuant to this  
40 11 subsection, shall register the fact that they dispense  
40 12 prescription drugs with the practitioner's respective  
40 13 ~~examining~~ board at least biennially.

40 14 A physician, dentist, or podiatric physician who dispenses  
40 15 prescription drugs, other than drug samples, pursuant to this  
40 16 subsection, shall offer to provide the patient with a written  
40 17 prescription that may be dispensed from a pharmacy of the  
40 18 patient's choice or offer to transmit the prescription orally,  
40 19 electronically, or by facsimile in accordance with section  
40 20 155A.27 to a pharmacy of the patient's choice.

40 21 4. Notwithstanding subsection 3, a physician assistant  
40 22 shall not dispense prescription drugs as an incident to the  
40 23 practice of the supervising physician or the physician  
40 24 assistant, but may supply, when pharmacist services are not  
40 25 reasonably available, or when it is in the best interests of  
40 26 the patient, a quantity of properly packaged and labeled  
40 27 prescription drugs, controlled substances, or medical devices  
40 28 necessary to complete a course of therapy. However, a remote  
40 29 clinic, staffed by a physician assistant, where pharmacy  
40 30 services are not reasonably available, shall secure the  
40 31 regular advice and consultation of a pharmacist regarding the  
40 32 distribution, storage, and appropriate use of such drugs,  
40 33 substances, and devices. Prescription drugs supplied under  
40 34 the provisions of this subsection shall be supplied for the  
40 35 purpose of accommodating the patient and shall not be sold for  
41 1 more than the cost of the drug and reasonable overhead costs,  
41 2 as they relate to supplying prescription drugs to the patient,  
41 3 and not at a profit to the physician or the physician  
41 4 assistant. If prescription drug supplying authority is  
41 5 delegated by a supervising physician to a physician assistant,  
41 6 a nurse or staff assistant may assist the physician assistant  
41 7 in providing that service. Rules shall be adopted by the  
41 8 board of physician ~~assistant examiners assistants~~, after  
41 9 consultation with the board of pharmacy ~~examiners~~, to  
41 10 implement this subsection.

41 11 5. Notwithstanding subsection 1 and any other provision of  
41 12 this section to the contrary, a physician may delegate the  
41 13 function of prescribing drugs, controlled substances, and  
41 14 medical devices to a physician assistant licensed pursuant to  
41 15 chapter 148C. When delegated prescribing occurs, the  
41 16 supervising physician's name shall be used, recorded, or  
41 17 otherwise indicated in connection with each individual  
41 18 prescription so that the individual who dispenses or  
41 19 administers the prescription knows under whose delegated  
41 20 authority the physician assistant is prescribing. Rules  
41 21 relating to the authority of physician assistants to prescribe  
41 22 drugs, controlled substances, and medical devices pursuant to  
41 23 this subsection shall be adopted by the board of physician  
41 24 ~~assistant examiners assistants~~, after consultation with the  
41 25 board of ~~medical examiners medicine~~ and the board of pharmacy  
41 26 ~~examiners~~. However, the rules shall prohibit the prescribing  
41 27 of schedule II controlled substances which are listed as  
41 28 depressants pursuant to chapter 124.

41 29 8. Notwithstanding subsection 1, but subject to the  
41 30 limitations contained in subsections 2 and 3, a registered  
41 31 nurse who is licensed and registered as an advanced registered  
41 32 nurse practitioner and who qualifies for and is registered in  
41 33 a recognized nursing specialty may prescribe substances or  
41 34 devices, including controlled substances or devices, if the  
41 35 nurse is engaged in the practice of a nursing specialty  
42 1 regulated under rules adopted by the board of nursing in  
42 2 consultation with the board of ~~medical examiners medicine~~ and  
42 3 the board of pharmacy ~~examiners~~.

42 4 Sec. 79. Section 147.108, subsection 1, Code 2007, is  
42 5 amended to read as follows:

42 6 1. A person shall not dispense or adapt contact lenses  
42 7 without first receiving authorization to do so by a written,  
42 8 electronic, or facsimile prescription, except when authorized  
42 9 orally under subsection 2, from a person licensed under  
42 10 chapter 148, 150, 150A, or 154. The board of optometry  
42 11 ~~examiners~~ shall adopt rules relating to electronic or  
42 12 facsimile transmission of a prescription under this section.

42 13 Sec. 80. Section 147.109, subsection 1, Code 2007, is  
42 14 amended to read as follows:

42 15 1. A person shall not dispense or adapt an ophthalmic

42 16 spectacle lens or lenses without first receiving authorization  
42 17 to do so by a written, electronic, or facsimile prescription  
42 18 from a person licensed under chapter 148, 150, 150A, or 154.  
42 19 For the purpose of this section, "ophthalmic spectacle lens"  
42 20 means one which has been fabricated to fill the requirements  
42 21 of a particular spectacle lens prescription. The board of  
42 22 optometry ~~examiners~~ shall adopt rules relating to electronic  
42 23 or facsimile transmission of a prescription under this  
42 24 section.

42 25 Sec. 81. Section 147.114, Code 2007, is amended to read as  
42 26 follows:

42 27 147.114 INSPECTOR.

42 28 An inspector may be appointed by the board of ~~dental~~  
42 29 ~~examiners dentistry~~ pursuant to the provisions of chapter 8A,  
42 30 subchapter IV.

42 31 Sec. 82. Section 147.135, subsections 2 and 3, Code 2007,  
42 32 are amended to read as follows:

42 33 2. As used in this subsection, "peer review records" means  
42 34 all complaint files, investigation files, reports, and other  
42 35 investigative information relating to licensee discipline or  
43 1 professional competence in the possession of a peer review  
43 2 committee or an employee of a peer review committee. As used  
43 3 in this subsection, "peer review committee" does not include  
43 4 ~~examining licensing~~ boards. Peer review records are  
43 5 privileged and confidential, are not subject to discovery,  
43 6 subpoena, or other means of legal compulsion for release to a  
43 7 person other than an affected licensee or a peer review  
43 8 committee and are not admissible in evidence in a judicial or  
43 9 administrative proceeding other than a proceeding involving  
43 10 licensee discipline or a proceeding brought by a licensee who  
43 11 is the subject of a peer review record and whose competence is  
43 12 at issue. A person shall not be liable as a result of filing  
43 13 a report or complaint with a peer review committee or  
43 14 providing information to such a committee, or for disclosure  
43 15 of privileged matter to a peer review committee. A person  
43 16 present at a meeting of a peer review committee shall not be  
43 17 permitted to testify as to the findings, recommendations,  
43 18 evaluations, or opinions of the peer review committee in any  
43 19 judicial or administrative proceeding other than a proceeding  
43 20 involving licensee discipline or a proceeding brought by a  
43 21 licensee who is the subject of a peer review committee meeting  
43 22 and whose competence is at issue. Information or documents  
43 23 discoverable from sources other than the peer review committee  
43 24 do not become nondiscoverable from the other sources merely  
43 25 because they are made available to or are in the possession of  
43 26 a peer review committee. However, such information relating  
43 27 to licensee discipline may be disclosed to an appropriate  
43 28 licensing authority in any jurisdiction in which the licensee  
43 29 is licensed or has applied for a license. If such information  
43 30 indicates a crime has been committed, the information shall be  
43 31 reported to the proper law enforcement agency. This  
43 32 subsection shall not preclude the discovery of the  
43 33 identification of witnesses or documents known to a peer  
43 34 review committee. Any final written decision and finding of  
43 35 fact by a licensing board in a disciplinary proceeding is a  
44 1 public record. Upon appeal by a licensee of a decision of a  
44 2 ~~licensing~~ board, the entire case record shall be submitted to  
44 3 the reviewing court. In all cases where privileged and  
44 4 confidential information under this subsection becomes  
44 5 discoverable, admissible, or part of a court record the  
44 6 identity of an individual whose privilege has been  
44 7 involuntarily waived shall be withheld.

44 8 3. A full and confidential report concerning any final  
44 9 hospital disciplinary action approved by a hospital board of  
44 10 trustees that results in a limitation, suspension, or  
44 11 revocation of a physician's privilege to practice for reasons  
44 12 relating to the physician's professional competence or  
44 13 concerning any voluntary surrender or limitation of privileges  
44 14 for reasons relating to professional competence shall be made  
44 15 to the board of ~~medical examiners~~ medicine by the hospital  
44 16 administrator or chief of medical staff within ten days of  
44 17 such action. The board of ~~medical examiners~~ medicine shall  
44 18 investigate the report and take appropriate action. These  
44 19 reports shall be privileged and confidential as though  
44 20 included in and subject to the requirements for peer review  
44 21 committee information in subsection 2. Persons making these  
44 22 reports and persons participating in resulting proceedings  
44 23 related to these reports shall be immune from civil liability  
44 24 with respect to the making of the report or participation in  
44 25 resulting proceedings. As used in this subsection,  
44 26 "physician" means a person licensed pursuant to chapter 148,

44 27 chapter 150, or chapter 150A.

44 28 Notwithstanding subsection 2, if the board of ~~medical~~  
~~44 29 examiners medicine~~ conducts an investigation based on a  
44 30 complaint received or upon its own motion, a hospital pursuant  
44 31 to subpoena shall make available information and documents  
44 32 requested by the board, specifically including reports or  
44 33 descriptions of any complaints or incidents concerning an  
44 34 individual who is the subject of the board's investigation,  
44 35 even though the information and documents are also kept for,  
45 1 are the subject of, or are being used in peer review by the  
45 2 hospital. However, the deliberations, testimony, decisions,  
45 3 conclusions, findings, recommendations, evaluations, work  
45 4 product, or opinions of a peer review committee or its members  
45 5 and those portions of any documents or records containing or  
45 6 revealing information relating thereto shall not be subject to  
45 7 the board's request for information, subpoena, or other legal  
45 8 compulsion. All information and documents received by the  
45 9 board from a hospital under this section shall be confidential  
45 10 pursuant to section 272C.6, subsection 4.

45 11 Sec. 83. Section 147.151, subsection 2, Code 2007, is  
45 12 amended to read as follows:

45 13 2. "Board" means the ~~Iowa~~ board of speech pathology and  
45 14 audiology ~~examiners~~ established pursuant to section 147.14,  
45 15 subsection 9.

45 16 Sec. 84. Section 147.152, subsection 1, Code 2007, is  
45 17 amended to read as follows:

45 18 1. Licensed physicians and surgeons, licensed osteopathic  
45 19 physicians and surgeons, licensed osteopaths, approved  
45 20 physician assistants and registered nurses acting under the  
45 21 supervision of a physician, persons conducting hearing tests  
45 22 under the direct supervision of a licensed physician and  
45 23 surgeon, licensed osteopathic physician and surgeon, or  
45 24 licensed osteopath, or students of medicine or surgery or  
45 25 osteopathic medicine and surgery pursuing a course of study in  
45 26 a medical school or college of osteopathic medicine and  
45 27 surgery approved by the ~~medical examiners~~ board of medicine  
45 28 while performing functions incidental to their course of  
45 29 study.

45 30 Sec. 85. Section 147A.13, subsection 1, Code 2007, is  
45 31 amended to read as follows:

45 32 1. Documentation has been reviewed and approved at the  
45 33 local level by the medical director of the ambulance, rescue,  
45 34 or first response service in accordance with the rules of the  
45 35 board of physician ~~assistant examiners~~ assistants developed  
46 1 after consultation with the department.

46 2 Sec. 86. Section 148.2, subsections 3 and 6, Code 2007,  
46 3 are amended to read as follows:

46 4 3. Students of medicine or surgery who have completed at  
46 5 least two years' study in a medical school, approved by the  
46 6 ~~medical examiners board~~, and who prescribe medicine under the  
46 7 supervision of a licensed physician and surgeon, or who render  
46 8 gratuitous service to persons in case of emergency.

46 9 6. A graduate of a medical school who is continuing  
46 10 training and performing the duties of an intern, or who is  
46 11 engaged in postgraduate training deemed the equivalent of an  
46 12 internship in a hospital approved for training by the ~~medical~~  
~~46 13 examiners board~~.

46 14 Sec. 87. Section 148.2A, Code 2007, is amended to read as  
46 15 follows:

46 16 148.2A BOARD OF ~~MEDICAL EXAMINERS~~ MEDICINE.

46 17 As used in this chapter, "board" and "~~medical examiners~~"  
~~46 18 mean means~~ the board of ~~medical examiners~~ medicine established  
46 19 in chapter 147.

46 20 Sec. 88. Section 148.3, Code 2007, is amended to read as  
46 21 follows:

46 22 148.3 REQUIREMENTS FOR LICENSE.

46 23 An applicant for a license to practice medicine and surgery  
46 24 shall:

46 25 1. Present a diploma issued by a medical college approved  
46 26 by the ~~medical examiners board~~, or present other evidence of  
46 27 equivalent medical education approved by the ~~medical examiners~~  
46 28 board. The ~~medical examiners board~~ may accept, in lieu of a  
46 29 diploma from a medical college approved by them, all of the  
46 30 following:

46 31 a. A diploma issued by a medical college which has been  
46 32 neither approved nor disapproved by the ~~medical examiners; and~~  
46 33 board.

46 34 b. A valid standard certificate issued by the educational  
46 35 commission for foreign medical graduates or similar  
47 1 accrediting agency.

47 2 2. Pass an examination prescribed by the ~~medical examiners~~

47 3 board which shall include subjects which determine the  
47 4 applicant's qualifications to practice medicine and surgery  
47 5 and which shall be given according to the methods deemed by  
47 6 the ~~medical examiners board~~ to be the most appropriate and  
47 7 practicable. However, the federation licensing examination  
47 8 (~~FLEX~~) or any other national standardized examination which  
47 9 the ~~medical examiners shall approve~~ board approves may be  
47 10 administered to any or all applicants in lieu of or in  
47 11 conjunction with other examinations which the ~~medical~~  
47 12 ~~examiners shall prescribe~~ board prescribes. The ~~medical~~  
47 13 ~~examiners board~~ may establish necessary achievement levels on  
47 14 all examinations for a passing grade and adopt rules relating  
47 15 to examinations.

47 16 3. Present to the ~~medical examiners board~~ satisfactory  
47 17 evidence that the applicant has successfully completed one  
47 18 year of postgraduate internship or resident training in a  
47 19 hospital approved for such training by the ~~medical examiners~~  
47 20 board. Beginning July 1, 2006, an applicant who holds a valid  
47 21 certificate issued by the educational commission for foreign  
47 22 medical graduates shall submit satisfactory evidence of  
47 23 successful completion of two years of such training.

47 24 Sec. 89. Section 148.4, Code 2007, is amended to read as  
47 25 follows:

47 26 148.4 CERTIFICATES OF NATIONAL BOARD.

47 27 The ~~medical examiners board of medicine~~ may accept in lieu  
47 28 of the examination prescribed in section 148.3 a certificate  
47 29 of examination issued by the national board of medical  
47 30 examiners of the United States of America, but every applicant  
47 31 for a license upon the basis of such certificate shall be  
47 32 required to pay the fee prescribed by the ~~medical examiners~~  
47 33 board of medicine for licenses.

47 34 Sec. 90. Section 148.5, Code 2007, is amended to read as  
47 35 follows:

48 1 148.5 RESIDENT PHYSICIAN LICENSE.

48 2 A physician, who is a graduate of a medical school and is  
48 3 serving as a resident physician who is not otherwise licensed  
48 4 to practice medicine and surgery in this state, shall be  
48 5 required to obtain from the ~~medical examiners board~~ a license  
48 6 to practice as a resident physician. The license shall be  
48 7 designated "Resident Physician License" and shall authorize  
48 8 the licensee to serve as a resident physician only, under the  
48 9 supervision of a licensed practitioner of medicine and surgery  
48 10 or osteopathic medicine and surgery, in an institution  
48 11 approved for such training by the ~~medical examiners board~~. A  
48 12 license shall be valid for a duration as determined by the  
48 13 board. The fee for each license shall be set by the ~~medical~~  
48 14 ~~examiners board~~ to cover the administrative costs of issuing  
48 15 the license. The ~~medical examiners board~~ shall determine in  
48 16 each instance those eligible for a license, whether or not  
48 17 examinations shall be given, and the type of examinations.  
48 18 Requirements of the law pertaining to regular permanent  
48 19 licensure shall not be mandatory for a resident physician  
48 20 license except as specifically designated by the ~~medical~~  
48 21 ~~examiners board~~. The granting of a resident physician license  
48 22 does not in any way indicate that the person licensed is  
48 23 necessarily eligible for regular permanent licensure, ~~nor are~~  
48 24 ~~the medical examiners or that the board~~ in any way is  
48 25 obligated to license the individual.

48 26 Sec. 91. Section 148.6, Code 2007, is amended to read as  
48 27 follows:

48 28 148.6 REVOCATION.

48 29 1. The ~~medical examiners board~~, after due notice and  
48 30 hearing in accordance with chapter 17A, may issue an order to  
48 31 discipline a licensee for any of the grounds set forth in  
48 32 section 147.55, chapter 272C, or this subsection.  
48 33 Notwithstanding section 272C.3, licensee discipline may  
48 34 include a civil penalty not to exceed ten thousand dollars.

48 35 2. Pursuant to this section, the ~~board of medical~~  
49 1 ~~examiners~~ may discipline a licensee who is guilty of any of  
49 2 the following acts or offenses:

49 3 a. Knowingly making misleading, deceptive, untrue or  
49 4 fraudulent representation in the practice of the physician's  
49 5 profession.

49 6 b. Being convicted of a felony in the courts of this state  
49 7 or another state, territory, or country. Conviction as used  
49 8 in this paragraph shall include a conviction of an offense  
49 9 which if committed in this state would be deemed a felony  
49 10 without regard to its designation elsewhere, or a criminal  
49 11 proceeding in which a finding or verdict of guilt is made or  
49 12 returned, but the adjudication of guilt is either withheld or  
49 13 not entered. A certified copy of the final order or judgment

49 14 of conviction or plea of guilty in this state or in another  
49 15 state shall be conclusive evidence.

49 16 c. Violating a statute or law of this state, another  
49 17 state, or the United States, without regard to its designation  
49 18 as either felony or misdemeanor, which statute or law relates  
49 19 to the practice of medicine.

49 20 d. Having the license to practice medicine and surgery,  
49 21 osteopathic medicine and surgery, or osteopathy revoked or  
49 22 suspended, or having other disciplinary action taken by a  
49 23 licensing authority of another state, territory, or country.

49 24 A certified copy of the record or order of suspension,  
49 25 revocation, or disciplinary action is prima facie evidence.

49 26 e. Knowingly aiding, assisting, procuring, or advising a  
49 27 person to unlawfully practice medicine and surgery,  
49 28 osteopathic medicine and surgery, or osteopathy.

49 29 f. Being adjudged mentally incompetent by a court of  
49 30 competent jurisdiction. Such adjudication shall automatically  
49 31 suspend a license for the duration of the license unless the  
49 32 board orders otherwise.

49 33 g. Being guilty of a willful or repeated departure from,  
49 34 or the failure to conform to, the minimal standard of  
49 35 acceptable and prevailing practice of medicine and surgery,  
50 1 osteopathic medicine and surgery, or osteopathy in which  
50 2 preceding actual injury to a patient need not be established;  
50 3 or the committing by a physician of an act contrary to  
50 4 honesty, justice, or good morals, whether the same is  
50 5 committed in the course of the physician's practice or  
50 6 otherwise, and whether committed within or without this state.

50 7 h. Inability to practice medicine and surgery, osteopathic  
50 8 medicine and surgery, or osteopathy with reasonable skill and  
50 9 safety by reason of illness, drunkenness, excessive use of  
50 10 drugs, narcotics, chemicals, or other type of material or as a  
50 11 result of a mental or physical condition. The ~~medical~~

~~50 12 examiners board~~ may, upon probable cause, compel a physician  
50 13 to submit to a mental or physical examination by designated  
50 14 physicians or to submit to alcohol or drug screening within a  
50 15 time specified by the ~~medical examiners board~~. Failure of a  
50 16 physician to submit to an examination or to submit to alcohol  
50 17 or drug screening shall constitute admission to the  
50 18 allegations made against the physician and the finding of fact  
50 19 and decision of the ~~medical examiners board~~ may be entered  
50 20 without the taking of testimony or presentation of evidence.  
50 21 At reasonable intervals, a physician shall be afforded an  
50 22 opportunity to demonstrate that the physician can resume the  
50 23 competent practice of medicine with reasonable skill and  
50 24 safety to patients.

50 25 A person licensed to practice medicine and surgery,  
50 26 osteopathic medicine and surgery, or osteopathy who makes  
50 27 application for the renewal of a license, as required by  
50 28 section 147.10, gives consent to submit to a mental or  
50 29 physical examination as provided by this paragraph when  
50 30 directed in writing by the ~~medical examiners board~~. All  
50 31 objections shall be waived as to the admissibility of the  
50 32 examining physicians' testimony or examination reports on the  
50 33 grounds that they constitute privileged communication. The  
50 34 medical testimony or examination reports shall not be used  
50 35 against a physician in another proceeding and shall be  
51 1 confidential, except for other actions filed against a  
51 2 physician to revoke or suspend a license.

51 3 i. Willful or repeated violation of lawful rule or  
51 4 regulation adopted by the board or violating a lawful order of  
51 5 the board, previously entered by the board in a disciplinary  
51 6 or licensure hearing, or violating the terms and provisions of  
51 7 a consent agreement or informal settlement between a licensee  
51 8 and the board.

51 9 Sec. 92. Section 148.7, subsections 1, 2, 3, 7, and 9,  
51 10 Code 2007, are amended to read as follows:

51 11 1. The ~~medical examiners board~~ may, upon ~~their~~ its own  
51 12 motion or upon verified complaint in writing, and shall, if  
51 13 such complaint is filed by the director of public health,  
51 14 issue an order fixing the time and place for hearing. A  
51 15 written notice of the time and place of the hearing together  
51 16 with a statement of the charges shall be served upon the  
51 17 licensee at least ten days before the hearing in the manner  
51 18 required for the service of notice of the commencement of an  
51 19 ordinary action or by restricted certified mail.

51 20 2. If the licensee has left the state, the notice and  
51 21 statement of the charges shall be so served at least twenty  
51 22 days before the date of the hearing, wherever the licensee may  
51 23 be found. If the whereabouts of the licensee is unknown,  
51 24 service may be had by publication as provided in the rules of

51 25 civil procedure upon filing the affidavit required by ~~said the~~  
51 26 rules. In case the licensee fails to appear, either in person  
51 27 or by counsel at the time and place designated in ~~said the~~  
51 28 notice, the ~~medical examiners board~~ shall proceed with the  
51 29 hearing as hereinafter provided.

51 30 3. The hearing shall be before a member or members  
51 31 designated by the board or before an administrative law judge  
51 32 appointed by the board according to the requirements of  
51 33 section 17A.11, subsection 1. The presiding board member or  
51 34 administrative law judge may issue subpoenas, administer  
51 35 oaths, and take or cause depositions to be taken in connection  
52 1 with the hearing. The presiding board member or  
52 2 administrative law judge shall issue subpoenas at the request  
52 3 and on behalf of the licensee. The hearing shall be open to  
52 4 the public.

52 5 The administrative law judge shall be an attorney vested  
52 6 with full authority of the board to schedule and conduct  
52 7 hearings. The administrative law judge shall prepare and file  
52 8 with the ~~medical examiners board~~ the administrative law  
52 9 judge's findings of fact and conclusions of law, together with  
52 10 a complete written transcript of all testimony and evidence  
52 11 introduced at the hearing and all exhibits, pleas, motions,  
52 12 objections, and rulings of the administrative law judge.

52 13 7. If a majority of the members of the board vote in favor  
52 14 of finding the licensee guilty of an act or offense specified  
52 15 in section 147.55 or 148.6, the board shall prepare written  
52 16 findings of fact and its decision imposing one or more of the  
52 17 following disciplinary measures:

52 18 a. Suspend the licensee's license to practice the  
52 19 profession for a period to be determined by the board.

52 20 b. Revoke the licensee's license to practice the  
52 21 profession.

52 22 c. Suspend imposition of judgment and penalty or impose  
52 23 the judgment and penalty, but suspend enforcement and place  
52 24 the physician on probation. The probation ordered may be  
52 25 vacated upon noncompliance. The ~~medical examiners board~~ may  
52 26 restore and reissue a license to practice medicine and  
52 27 surgery, osteopathic medicine and surgery, or osteopathy, but  
52 28 may impose a disciplinary or corrective measure which ~~it the~~  
52 29 ~~board~~ might originally have imposed. A copy of the ~~medical~~

~~52 30 examiners' board's~~ order, findings of fact, and decision,  
52 31 shall be served on the licensee in the manner of service of an  
52 32 original notice or by certified mail return receipt requested.

52 33 9. The ~~medical examiners' board's~~ order revoking or  
52 34 suspending a license to practice medicine and surgery,  
52 35 osteopathic medicine and surgery, or osteopathy or to  
53 1 discipline a licensee shall remain in force and effect until  
53 2 the appeal is finally determined and disposed of upon its  
53 3 merit.

53 4 Sec. 93. Section 148.8, Code 2007, is amended to read as  
53 5 follows:

53 6 148.8 VOLUNTARY SURRENDER OF LICENSE.

53 7 The ~~medical examiners board~~ may accept the voluntary  
53 8 surrender of a license if accompanied by a written statement  
53 9 of intention. A voluntary surrender, when accepted, has the  
53 10 same force and effect as an order of revocation.

53 11 Sec. 94. Section 148.9, Code 2007, is amended to read as  
53 12 follows:

53 13 148.9 REINSTATEMENT.

53 14 Any person whose license has been suspended, revoked, or  
53 15 placed on probation may apply to the board of ~~medical~~  
53 16 ~~examiners~~ for reinstatement at any time and the board may hold  
53 17 hearings on any such petition and may order reinstatement and  
53 18 impose terms and conditions thereof and issue a certificate of  
53 19 reinstatement to the director of public health who shall  
53 20 thereupon issue a license as directed by the board.

53 21 Sec. 95. Section 148.10, Code 2007, is amended to read as  
53 22 follows:

53 23 148.10 TEMPORARY CERTIFICATE.

53 24 The ~~medical examiners board~~ may, in their discretion, issue  
53 25 a temporary certificate authorizing the licensee to practice  
53 26 medicine and surgery or osteopathic medicine and surgery in a  
53 27 specific location or locations and for a specified period of  
53 28 time if, in the opinion of the ~~medical examiners board~~, a need  
53 29 exists and the person possesses the qualifications prescribed  
53 30 by the ~~medical examiners board~~ for the license, which shall be  
53 31 substantially equivalent to those required for licensure under  
53 32 this chapter or chapter 150A, as the case may be. The ~~medical~~  
53 33 ~~examiners board~~ shall determine in each instance those  
53 34 eligible for this license, whether or not examinations shall  
53 35 be given, and the type of examinations. No requirements of

54 1 the law pertaining to regular permanent licensure are  
54 2 mandatory for this temporary license except as specifically  
54 3 designated by the ~~medical-examiners board~~. The granting of a  
54 4 temporary license does not in any way indicate that the person  
54 5 so licensed is necessarily eligible for regular licensure, ~~nor~~  
~~54 6 are the medical-examiners or that the board in any way is~~  
54 7 obligated to so license the person.

54 8 The temporary certificate shall be issued for a period not  
54 9 to exceed one year and may be renewed, but a person shall not  
54 10 practice medicine and surgery or osteopathic medicine and  
54 11 surgery in excess of three years while holding a temporary  
54 12 certificate. The fee for this license and the fee for renewal  
54 13 of this license shall be set by the ~~medical-examiners board~~.  
54 14 The fees shall be based on the administrative costs of issuing  
54 15 and renewing the licenses.

54 16 Sec. 96. Section 148.11, subsection 1, Code 2007, is  
54 17 amended to read as follows:

54 18 1. Whenever the need exists, the board of ~~medical~~  
~~54 19 examiners~~ may issue a special license. The special license  
54 20 shall authorize the licensee to practice medicine and surgery  
54 21 under the policies and standards applicable to the health care  
54 22 services of a medical school academic staff member or as  
54 23 otherwise specified in the special license.

54 24 Sec. 97. Section 148.12, Code 2007, is amended to read as  
54 25 follows:

54 26 148.12 VOLUNTARY AGREEMENTS.

54 27 The ~~medical-examiners board~~, after due notice and hearing,  
54 28 may issue an order to revoke, suspend, or restrict a license  
54 29 to practice medicine and surgery, osteopathic medicine and  
54 30 surgery, or osteopathy, or to issue a restricted license on  
54 31 application if the ~~medical-examiners determine board~~

~~54 32 determines~~ that a physician licensed to practice medicine and  
54 33 surgery, osteopathic medicine and surgery, or osteopathy, or  
54 34 an applicant for licensure has entered into a voluntary  
54 35 agreement to restrict the practice of medicine and surgery,  
55 1 osteopathic medicine and surgery, or osteopathy in another  
55 2 state, district, territory, country, or an agency of the  
55 3 federal government. A certified copy of the voluntary  
55 4 agreement shall be considered prima facie evidence.

55 5 Sec. 98. Section 148.13, Code 2007, is amended to read as  
55 6 follows:

55 7 148.13 AUTHORITY OF BOARD AS TO SUPERVISING PHYSICIANS AND  
55 8 REVIEW OF CONTESTED CASES UNDER CHAPTER 148C == RULES.

55 9 1. The board of ~~medical-examiners medicine~~ shall adopt  
55 10 rules setting forth in detail its criteria and procedures for  
55 11 determining the ineligibility of a physician to serve as a  
55 12 supervising physician under chapter 148C. The rules shall  
55 13 provide that a physician may serve as a supervising physician  
55 14 under chapter 148C until such time as the board of of medicine  
55 15 determines, following normal disciplinary procedures, that the  
55 16 physician is ineligible to serve in that capacity.

55 17 2. The board of ~~medical-examiners medicine~~ shall establish  
55 18 by rule specific procedures for consulting with and  
55 19 considering the advice of the board of physician ~~assistant~~  
~~55 20 examiners assistants~~ in determining whether to initiate a  
55 21 disciplinary proceeding under chapter 17A against a licensed  
55 22 physician in a matter involving the supervision of a physician  
55 23 assistant.

55 24 3. In exercising their respective authorities, the board  
55 25 of ~~medical-examiners medicine~~ and the board of physician  
55 26 ~~assistant-examiners assistants~~ shall cooperate with the goal  
55 27 of encouraging the utilization of physician assistants in a  
55 28 manner that is consistent with the provision of quality health  
55 29 care and medical services for the citizens of Iowa.

55 30 4. The board of ~~medical-examiners medicine~~ shall adopt  
55 31 rules requiring a physician serving as a supervising physician  
55 32 to notify the board of of medicine of the identity of a physician  
55 33 assistant the physician is supervising, and of any change in  
55 34 the status of the supervisory relationship.

55 35 Sec. 99. Section 148A.1, Code 2007, is amended by adding  
56 1 the following new unnumbered paragraph:

56 2 NEW UNNUMBERED PARAGRAPH. As used in this chapter, "board"  
56 3 means the board of physical and occupational therapy, created  
56 4 under chapter 147.

56 5 Sec. 100. Section 148A.4, Code 2007, is amended to read as  
56 6 follows:

56 7 148A.4 REQUIREMENTS TO PRACTICE.

56 8 Each applicant for a license to practice physical therapy  
56 9 shall:

56 10 1. Complete a course of study in, and hold a diploma or  
56 11 certificate issued by, a school of physical therapy accredited



56 12 by the American physical therapy association or another  
56 13 appropriate accrediting body, and meet requirements as  
56 14 established by rules of the board of ~~physical and occupational~~  
~~56 15 therapy examiners.~~  
56 16 2. Have passed an examination administered by the board of  
~~56 17 physical and occupational therapy examiners.~~  
56 18 Sec. 101. Section 148A.6, Code 2007, is amended to read as  
56 19 follows:  
56 20 148A.6 PHYSICAL THERAPIST ASSISTANT.  
56 21 1. A licensed physical therapist assistant is required to  
56 22 function under the direction and supervision of a licensed  
56 23 physical therapist to perform physical therapy procedures  
56 24 delegated and supervised by the licensed physical therapist in  
56 25 a manner consistent with the rules adopted by the board of  
~~56 26 physical and occupational therapy examiners.~~ Selected and  
56 27 delegated tasks of physical therapist assistants may include,  
56 28 but are not limited to, therapeutic procedures and related  
56 29 tasks, routine operational functions, documentation of  
56 30 treatment progress, and the use of selected physical agents.  
56 31 The ability of the licensed physical therapist assistant to  
56 32 perform the selected and delegated tasks shall be assessed on  
56 33 an ongoing basis by the supervising physical therapist. The  
56 34 licensed physical therapist assistant shall not interpret  
56 35 referrals, perform initial evaluation or reevaluations,  
57 1 initiate physical therapy treatment programs, change specified  
57 2 treatment programs, or discharge a patient from physical  
57 3 therapy services.  
57 4 2. Each applicant for a license to practice as a physical  
57 5 therapist assistant shall:  
57 6 a. Successfully complete a course of study for the  
57 7 physical therapist assistant accredited by the commission on  
57 8 accreditation in education of the American physical therapy  
57 9 association, or another appropriate accrediting body, and meet  
57 10 other requirements established by the rules of the board of  
~~57 11 physical and occupational therapy examiners.~~  
57 12 b. Have passed an examination administered by the board of  
~~57 13 physical and occupational therapy examiners.~~  
57 14 3. This section does not prevent a person not licensed as  
57 15 a physical therapist assistant from performing services  
57 16 ordinarily performed by a physical therapy aide, assistant, or  
57 17 technician, provided that the person does not represent to the  
57 18 public that the person is a licensed physical therapist  
57 19 assistant, or use the title "physical therapist assistant" or  
57 20 the letters "P.T.A.", and provided that the person performs  
57 21 services consistent with the supervision requirements of the  
57 22 board of ~~physical and occupational therapy examiners~~ for  
57 23 persons not licensed as physical therapist assistants.  
57 24 Sec. 102. Section 148B.2, subsection 1, Code 2007, is  
57 25 amended to read as follows:  
57 26 1. "Board" means the board of physical and occupational  
57 27 therapy ~~examiners, created under chapter 147.~~  
57 28 Sec. 103. Section 148B.7, Code 2007, is amended to read as  
57 29 follows:  
57 30 148B.7 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY  
57 31 ~~EXAMINERS == POWERS AND DUTIES.~~  
57 32 The board shall adopt rules relating to professional  
57 33 conduct to carry out the policy of this chapter, including but  
57 34 not limited to rules relating to professional licensing and to  
57 35 the establishment of ethical standards of practice for persons  
58 1 holding a license to practice occupational therapy in this  
58 2 state.  
58 3 Sec. 104. Section 148B.8, Code 2007, is amended to read as  
58 4 follows:  
58 5 148B.8 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY  
58 6 ~~EXAMINERS == ADMINISTRATIVE PROVISIONS.~~  
58 7 The board may employ an executive secretary and officers  
58 8 and employees as necessary, and shall determine their duties  
58 9 and fix their compensation.  
58 10 Sec. 105. Section 148C.1, subsection 2, Code 2007, is  
58 11 amended to read as follows:  
58 12 2. "Board" means the board of ~~physician assistant~~  
~~58 13 examiners assistants, created under chapter 147.~~  
58 14 Sec. 106. Section 148C.3, subsection 6, Code 2007, is  
58 15 amended to read as follows:  
58 16 6. The board shall adopt rules pursuant to this section  
58 17 after consultation with the board of ~~medical examiners~~  
58 18 medicine.  
58 19 Sec. 107. Section 148E.1, subsection 3, Code 2007, is  
58 20 amended to read as follows:  
58 21 3. "Board" means the board of ~~medical examiners~~ medicine,  
58 22 established in chapter 147.

58 23 Sec. 108. Section 149.1, Code 2007, is amended by adding  
58 24 the following new subsection:

58 25 NEW SUBSECTION. 1A. As used in this chapter, "board"  
58 26 means the board of podiatry, created under chapter 147.

58 27 Sec. 109. Section 149.3, subsection 2, Code 2007, is  
58 28 amended to read as follows:

58 29 2. Present an official transcript issued by a school of  
58 30 podiatry approved by the board of ~~podiatry examiners~~.

58 31 Sec. 110. Section 149.4, Code 2007, is amended to read as  
58 32 follows:

58 33 149.4 APPROVED SCHOOL.

58 34 A school of podiatry shall not be approved by the board of  
~~58 35 podiatry examiners~~ as a school of recognized standing unless  
59 1 the school:

59 2 1. Requires for graduation or the receipt of any podiatric  
59 3 degree the completion of a course of study covering a period  
59 4 of at least eight months in each of four calendar years.

59 5 2. ~~After January 1, 1962, a~~ A school of podiatry shall not  
59 6 be approved by the board of ~~podiatry examiners~~ which does not  
59 7 have as an additional entrance requirement two years study in  
59 8 a recognized college, university, or academy.

59 9 Sec. 111. Section 149.7, Code 2007, is amended to read as  
59 10 follows:

59 11 149.7 TEMPORARY CERTIFICATE.

59 12 The ~~podiatry examiners board~~ may issue a temporary  
59 13 certificate authorizing the licensee named in the certificate  
59 14 to practice podiatry if, in the opinion of the ~~podiatry~~  
~~59 15 examiners board~~, a need exists and the person possesses the  
59 16 qualifications prescribed by the ~~podiatry examiners board~~ for  
59 17 the certificate, which shall be substantially equivalent to  
59 18 those required for regular licensure under this chapter. The  
59 19 ~~podiatry examiners board~~ shall determine in each instance the  
59 20 applicant's eligibility for the certificate, whether or not an  
59 21 examination shall be given, and the type of examination. The  
59 22 requirements of the law pertaining to regular permanent  
59 23 licensure shall not be mandatory for this temporary  
59 24 certificate except as specifically designated by the ~~podiatry~~  
~~59 25 examiners board~~. The granting of a temporary certificate does  
59 26 not in any way indicate that the person licensed is  
59 27 necessarily eligible for regular licensure, and the ~~podiatry~~  
~~59 28 examiners are board~~ is not obligated to license the person.

59 29 The temporary certificate shall be issued for one year and  
59 30 may be renewed, but a person shall not be entitled to practice  
59 31 podiatry in excess of three years while holding a temporary  
59 32 certificate. The fee for this certificate shall be set by the  
59 33 ~~podiatry examiners board~~, and if extended beyond one year, a  
59 34 renewal fee per year shall be set by the ~~podiatry examiners~~  
59 35 ~~board~~. The fees shall be based on the administrative costs of  
60 1 issuing and renewing the certificates.

60 2 Sec. 112. Section 150.11, Code 2007, is amended to read as  
60 3 follows:

60 4 150.11 OSTEOPATHY DISCONTINUED.

60 5 After May 10, 1963, no license to practice osteopathy shall  
60 6 be issued, provided that the Iowa department of public health  
60 7 shall issue renewal licenses to practice osteopathy as  
60 8 provided in chapter 147 and the department, upon  
60 9 recommendation of the ~~medical examiners board of medicine~~, may  
60 10 grant a license to practice osteopathy by reciprocity or  
60 11 endorsement if the applicant holds a valid license to practice  
60 12 osteopathy or osteopathic medicine and surgery issued by  
60 13 another state prior to May 10, 1963.

60 14 Sec. 113. NEW SECTION. 150A.1A DEFINITION.

60 15 As used in this chapter, "board" means the board of  
60 16 medicine, created under chapter 147.

60 17 Sec. 114. Section 150A.2, subsection 3, Code 2007, is  
60 18 amended to read as follows:

60 19 3. Students of medicine or surgery or osteopathic medicine  
60 20 and surgery, who have completed at least two years study in a  
60 21 medical school or college of osteopathic medicine and surgery  
60 22 approved by the ~~medical examiners board~~, and who prescribe  
60 23 medicine under the supervision of a licensed physician and  
60 24 surgeon or osteopathic physician and surgeon, or who render  
60 25 gratuitous service to persons in case of emergency.

60 26 Sec. 115. Section 150A.3, Code 2007, is amended to read as  
60 27 follows:

60 28 150A.3 REQUIREMENTS TO PRACTICE.

60 29 Each applicant for a license to practice osteopathic  
60 30 medicine and surgery shall:

60 31 1. Either comply with all of the following:

60 32 a. Present a diploma issued, after May 10, 1963, by a  
60 33 college of osteopathic medicine and surgery approved by the

60 34 ~~medical examiners board~~ or present other evidence of  
60 35 equivalent medical education approved by the ~~medical examiners~~  
61 1 ~~board~~.

61 2 b. Pass an examination prescribed by the ~~medical examiners~~  
61 3 ~~board~~ in subjects including anatomy, chemistry, physiology,  
61 4 materia medica and therapeutics, obstetrics, pathology,  
61 5 medicine, public health and hygiene, and surgery. The board  
61 6 of ~~medical examiners~~ may require written, oral, and practical  
61 7 examinations of the applicant.

61 8 c. Present to the Iowa department of public health  
61 9 satisfactory evidence that the applicant has completed one  
61 10 year of internship or resident training in a hospital approved  
61 11 for such training by the medical examiners.

61 12 2. Or comply with the following:

61 13 a. Present a valid license to practice osteopathy in this  
61 14 state together with satisfactory evidence that the applicant  
61 15 has completed either: (1) a two-year postgraduate course, of  
61 16 nine months each, in an accredited college of osteopathy,  
61 17 osteopathic medicine and surgery or medicine approved by the  
61 18 board of ~~medical examiners of Iowa~~, involving a thorough and  
61 19 intensive study of the subject of surgery as prescribed by  
61 20 ~~such medical examiners the board~~, or (2) a one-year  
61 21 postgraduate course of nine months in such accredited college,  
61 22 and in addition thereto, has completed a one-year course of  
61 23 training as a surgical assistant in a hospital having at least  
61 24 twenty-five beds for patients and equipped for doing surgical  
61 25 work.

61 26 b. Pass an examination as prescribed by the ~~medical~~  
61 27 ~~examiners board~~ in the subject of surgery, which shall be of  
61 28 such character as to thoroughly test the qualifications of the  
61 29 applicant as a practitioner of major surgery.

61 30 Sec. 116. Section 150A.4, Code 2007, is amended to read as  
61 31 follows:

61 32 150A.4 APPROVED COLLEGES.

61 33 Any college of osteopathic medicine and surgery which does  
61 34 not permit the ~~medical examiners board~~ to make such reasonable  
61 35 annual inspection as ~~they desire the board desires~~ shall not  
62 1 be approved by the ~~medical examiners board~~. Until July 1,  
62 2 1968, any college of osteopathic medicine and surgery which is  
62 3 accredited by the American ~~Osteopathic Association osteopathic~~  
62 4 ~~association~~ shall, by virtue thereof, stand as provisionally  
62 5 approved by the ~~medical examiners board~~ unless the ~~medical~~  
62 6 ~~examiners board~~, by majority action including the osteopathic  
62 7 physician and surgeon member, shall disapprove.

62 8 Sec. 117. Section 150A.7, Code 2007, is amended to read as  
62 9 follows:

62 10 150A.7 NATIONAL BOARD CERTIFICATE.

62 11 The Iowa department of public health may, with the approval  
62 12 of the ~~medical examiners board~~, accept in lieu of the  
62 13 examination prescribed in section 150A.3 a certificate of  
62 14 examination issued by the ~~National Board national board of~~  
62 15 ~~Osteopathic Examiners osteopathic examiners of the United~~  
62 16 States of America, but every applicant for a license upon the  
62 17 basis of such certificate shall be required to pay the fee  
62 18 prescribed for license issued under reciprocal agreements.

62 19 Sec. 118. Section 150A.9, Code 2007, is amended to read as  
62 20 follows:

62 21 150A.9 RESIDENT LICENSE.

62 22 An osteopathic physician and surgeon, who is a graduate of  
62 23 a college of osteopathic medicine and surgery and is serving  
62 24 as a resident physician and who is not licensed to practice  
62 25 osteopathic medicine and surgery in this state, shall be  
62 26 required to obtain from the ~~medical examiners board~~ a license  
62 27 to practice as a resident osteopathic physician and surgeon.  
62 28 The license shall be designated "Resident Osteopathic  
62 29 Physician and Surgeon License", and shall authorize the  
62 30 licensee to serve as a resident physician only, under the  
62 31 supervision of a licensed practitioner of osteopathic medicine  
62 32 and surgery or licensed practitioner of medicine and surgery,  
62 33 in an institution approved for such training by the ~~medical~~  
62 34 ~~examiners board~~. A license shall be valid for a duration as

62 35 determined by the board. The fee for each license shall be  
63 1 set by the ~~medical examiners board~~ and based on the  
63 2 administrative cost of issuing the license. The ~~medical~~  
63 3 ~~examiners board~~ shall determine in each instance those  
63 4 eligible for a license, whether or not examinations shall be  
63 5 given, and the type of examinations. Requirements of the law  
63 6 pertaining to regular permanent licensure shall not be  
63 7 mandatory for a resident osteopathic physician and surgeon's  
63 8 license except as specifically designated by the ~~medical~~  
63 9 ~~examiners board~~. The granting of a resident osteopathic

63 10 physician and surgeon's license does not in any way indicate  
63 11 that the person licensed is necessarily eligible for regular  
63 12 permanent licensure, ~~nor are or that the medical examiners in~~  
~~63 13 any way board is obligated to license the individual person.~~

63 14 Sec. 119. NEW SECTION. 151.1A BOARD DEFINED.

63 15 As used in this chapter, "board" means the board of  
63 16 chiropractic, created under chapter 147.

63 17 Sec. 120. Section 151.2, subsection 3, Code 2007, is  
63 18 amended to read as follows:

63 19 3. Students of chiropractic who have entered upon a  
63 20 regular course of study in a chiropractic college approved by  
63 21 the ~~chiropractic examiners board~~, who practice chiropractic  
63 22 under the direction of a licensed chiropractor and in  
63 23 accordance with the rules of ~~said examiners the board~~.

63 24 Sec. 121. Section 151.3, subsections 2 and 3, Code 2007,  
63 25 are amended to read as follows:

63 26 2. Present a diploma issued by a college of chiropractic  
63 27 approved by the ~~chiropractic examiners board~~.

~~63 28 3. Pass an examination prescribed by the chiropractic~~  
~~63 29 examiners board~~ in the subjects of anatomy, physiology,  
63 30 nutrition and dietetics, symptomatology and diagnosis, hygiene  
63 31 and sanitation, chemistry, histology, pathology, and  
63 32 principles and practice of chiropractic, including a clinical  
63 33 demonstration of vertebral palpation, nerve tracing, and  
63 34 adjusting.

63 35 Sec. 122. Section 151.4, unnumbered paragraph 1, Code  
64 1 2007, is amended to read as follows:

64 2 ~~No~~ A college of chiropractic shall not be approved by the  
64 3 ~~chiropractic examiners board~~ as a college of recognized  
64 4 standing unless ~~said the~~ college:

64 5 Sec. 123. Section 151.8, Code 2007, is amended to read as  
64 6 follows:

64 7 151.8 TRAINING IN PROCEDURES USED IN PRACTICE.

64 8 A chiropractor shall not use in the chiropractor's practice  
64 9 the procedures otherwise authorized by law unless the  
64 10 chiropractor has received training in their use by a college  
64 11 of chiropractic offering courses of instructions approved by  
64 12 the board of ~~chiropractic examiners~~.

64 13 Any chiropractor licensed as of July 1, 1974, may use the  
64 14 procedures authorized by law if the chiropractor files with  
64 15 the board of ~~chiropractic examiners~~ an affidavit that the  
64 16 chiropractor has completed the necessary training and is fully  
64 17 qualified in these procedures and possesses that degree of  
64 18 proficiency and will exercise that care which is common to  
64 19 physicians in this state.

64 20 A chiropractor using the additional procedures and  
64 21 practices authorized by this ~~Act~~ chapter shall be held to the  
64 22 standard of care applicable to any other health care  
64 23 practitioner in this state.

64 24 Sec. 124. Section 151.11, Code 2007, is amended to read as  
64 25 follows:

64 26 151.11 RULES.

64 27 The board of ~~chiropractic examiners~~ shall adopt rules  
64 28 necessary to administer section 151.1, to protect the health,  
64 29 safety, and welfare of the public, including rules governing  
64 30 the practice of chiropractic and defining any terms, whether  
64 31 or not specified in section 151.1, subsection 3. Such rules  
64 32 shall not be inconsistent with the practice of chiropractic  
64 33 and shall not expand the scope of practice of chiropractic or  
64 34 authorize the use of procedures not authorized by this  
64 35 chapter. These rules shall conform with chapter 17A.

65 1 Sec. 125. Section 151.12, Code 2007, is amended to read as  
65 2 follows:

65 3 151.12 TEMPORARY CERTIFICATE.

65 4 The ~~chiropractic examiners board~~ may, in ~~their its~~  
65 5 discretion, issue a temporary certificate authorizing the  
65 6 licensee to practice chiropractic if, in the opinion of the  
65 7 chiropractic examiners, a need exists and the person possesses  
65 8 the qualifications prescribed by the ~~chiropractic examiners~~  
65 9 board for the license, which shall be substantially equivalent  
65 10 to those required for licensure under this chapter. The  
65 11 ~~chiropractic examiners board~~ shall determine in each instance  
65 12 those eligible for this license, whether or not examinations  
65 13 shall be given, the type of examinations, and the duration of  
65 14 the license. No requirements of the law pertaining to regular  
65 15 permanent licensure are mandatory for this temporary license  
65 16 except as specifically designated by the ~~chiropractic~~

~~65 17 examiners board~~. The granting of a temporary license does not  
65 18 in any way indicate that the person so licensed is eligible  
65 19 for regular licensure, ~~nor are or that the chiropractic~~  
~~65 20 examiners in any way board is obligated to so license the~~

65 21 person.

65 22 The temporary certificate shall be issued for one year and  
65 23 at the discretion of the ~~chiropractic examiners board~~ may be  
65 24 renewed, but a person shall not practice chiropractic in  
65 25 excess of three years while holding a temporary certificate.  
65 26 The fee for this license shall be set by the ~~chiropractic~~  
65 27 ~~examiners board~~, and if extended beyond one year, a renewal  
65 28 fee per year shall be set by the ~~chiropractic examiners board~~.  
65 29 The fee for the temporary license shall be based on the  
65 30 administrative costs of issuing the licenses.

65 31 Sec. 126. Section 152.1, subsection 3, Code 2007, is  
65 32 amended to read as follows:

65 33 3. "Physician" means a person licensed in this state to  
65 34 practice medicine and surgery, osteopathy and surgery, or  
65 35 osteopathy, or a person licensed in this state to practice  
66 1 dentistry or podiatry when acting within the scope of the  
66 2 license. A physician licensed to practice medicine and  
66 3 surgery, osteopathic medicine and surgery, or osteopathy in a  
66 4 state bordering this state shall be considered a physician for  
66 5 purposes of this chapter unless previously determined to be  
66 6 ineligible for such consideration by the ~~Iowa board of medical~~  
66 7 ~~examiners medicine~~.

66 8 Sec. 127. Section 152A.1, subsection 1, Code 2007, is  
66 9 amended to read as follows:

66 10 1. "Board" means the board of ~~dietetic examiners~~  
66 11 ~~dietetics, created under chapter 147~~.

66 12 Sec. 128. Section 152B.1, subsection 1, Code 2007, is  
66 13 amended to read as follows:

66 14 1. "Board" means the ~~state~~ board for respiratory care,  
66 15 ~~created under chapter 147~~.

66 16 Sec. 129. Section 152B.13, subsection 1, unnumbered  
66 17 paragraph 1, Code 2007, is amended to read as follows:

66 18 ~~A state~~ The board for respiratory care is established to  
66 19 administer this chapter. Membership of the board shall be  
66 20 established pursuant to section 147.14, subsection 15.

66 21 Sec. 130. Section 152C.1, subsection 1, Code 2007, is  
66 22 amended to read as follows:

66 23 1. "Board" means the board of ~~examiners for~~ massage  
66 24 ~~therapy~~, created under chapter 147.

66 25 Sec. 131. Section 152D.1, subsection 5, Code 2007, is  
66 26 amended to read as follows:

66 27 5. "Board" means the board of ~~examiners for~~ athletic  
66 28 ~~training~~, created under chapter 147.

66 29 Sec. 132. NEW SECTION. 153.12 BOARD DEFINED.

66 30 As used in this chapter, "board" means the board of  
66 31 dentistry, created under chapter 147.

66 32 Sec. 133. Section 153.14, subsection 1, Code 2007, is  
66 33 amended to read as follows:

66 34 1. Students of dentistry who practice dentistry upon  
66 35 patients at clinics in connection with their regular course of  
67 1 instruction at the state dental college, students of dental  
67 2 hygiene who practice upon patients at clinics in connection  
67 3 with their regular course of instruction at state-approved  
67 4 schools, and students of dental assisting who practice upon  
67 5 patients at clinics in connection with a regular course of  
67 6 instruction determined by the board of ~~dentistry~~ pursuant to  
67 7 section 153.39.

67 8 Sec. 134. Section 153.15, Code 2007, is amended to read as  
67 9 follows:

67 10 153.15 DENTAL HYGIENISTS == SCOPE OF TERM.

67 11 A licensed dental hygienist may perform those services  
67 12 which are educational, therapeutic, and preventive in nature  
67 13 which attain or maintain optimal oral health as determined by  
67 14 the board of ~~dentistry~~ and may include but are not necessarily  
67 15 limited to complete oral prophylaxis, application of  
67 16 preventive agents to oral structures, exposure and processing  
67 17 of radiographs, administration of medicaments prescribed by a  
67 18 licensed dentist, obtaining and preparing nonsurgical,  
67 19 clinical and oral diagnostic tests for interpretation by the  
67 20 dentist, and preparation of preliminary written records of  
67 21 oral conditions for interpretation by the dentist. Such  
67 22 services shall be performed under supervision of a licensed  
67 23 dentist and in a dental office, a public or private school,  
67 24 public health agencies, hospitals, and the armed forces, but  
67 25 nothing herein shall be construed to authorize a dental  
67 26 hygienist to practice dentistry.

67 27 Sec. 135. Section 153.22, Code 2007, is amended to read as  
67 28 follows:

67 29 153.22 RESIDENT LICENSE.

67 30 A dentist or dental hygienist who is serving only as a  
67 31 resident, intern, or graduate student and who is not licensed

67 32 to practice in this state is required to obtain from the board  
67 33 ~~of dentistry~~ a temporary or special license to practice as a  
67 34 resident, intern, or graduate student. The license shall be  
67 35 designated "Resident License" and shall authorize the licensee  
68 1 to serve as a resident, intern, or graduate student only,  
68 2 under the supervision of a licensed practitioner, in an  
68 3 institution approved for this purpose by the board. Such  
68 4 license shall be renewed at the discretion of the board. The  
68 5 fee for a resident license and the renewal fee shall be set by  
68 6 the board based upon the cost of issuance of the license. The  
68 7 board shall determine in each instance those eligible for a  
68 8 resident license, whether or not examinations shall be given,  
68 9 and the type of examination. None of the requirements for  
68 10 regular permanent licensure are mandatory for resident  
68 11 licensure except as specifically designated by the board. The  
68 12 issuance of a resident license shall not in any way indicate  
68 13 that the person so licensed is necessarily eligible for  
68 14 regular licensure, ~~nor is or that the board in any way is~~  
68 15 obligated to so license ~~such individual the person~~. The board  
68 16 may revoke a resident license at any time it shall determine  
68 17 either that the caliber of work done by a licensee or the type  
68 18 of supervision being given such licensee does not conform to  
68 19 reasonable standards established by the board.

68 20 Sec. 136. Section 153.33, subsection 2, Code 2007, is  
68 21 amended to read as follows:

68 22 2. To appoint investigators, who shall not be members of  
68 23 the ~~examining~~ board, to administer and aid in the enforcement  
68 24 of the provisions of law relating to those persons licensed to  
68 25 practice dentistry and dental hygiene, and persons registered  
68 26 as dental assistants. The amount of compensation for the  
68 27 investigators shall be determined pursuant to chapter 8A,  
68 28 subchapter IV. Investigators authorized by the board ~~of~~  
68 29 ~~dental examiners~~ have the powers and status of peace officers  
68 30 when enforcing this chapter and chapters 147 and 272C.

68 31 Sec. 137. Section 153.33A, subsection 1, Code 2007, is  
68 32 amended to read as follows:

68 33 1. A three-member dental hygiene committee of the board ~~of~~  
68 34 ~~dental examiners~~ is created, consisting of the two dental  
68 35 hygienist members of the board and one dentist member of the  
69 1 board. The dentist member of the committee must have  
69 2 supervised and worked in collaboration with a dental hygienist  
69 3 for a period of at least three years immediately preceding  
69 4 election to the committee. The dentist member shall be  
69 5 elected to the committee annually by a majority vote of board  
69 6 members.

69 7 Sec. 138. Section 153.34, subsection 4, Code 2007, is  
69 8 amended to read as follows:

69 9 4. For willful or repeated violations of this chapter,  
69 10 this subtitle, or the rules of the ~~state board of dentistry~~.

69 11 Sec. 139. Section 153.36, subsections 2 and 3, Code 2007,  
69 12 are amended to read as follows:

69 13 2. In addition to the provisions of section 272C.2,  
69 14 subsection 4, a person licensed by the board ~~of dental~~  
69 15 ~~examiners~~ shall also be deemed to have complied with  
69 16 continuing education requirements of this state if, during  
69 17 periods that the person practiced the profession in another  
69 18 state or district, the person met all of the continuing  
69 19 education and other requirements of that state or district for  
69 20 the practice of the occupation or profession.

69 21 3. Notwithstanding the panel composition provisions in  
69 22 section 272C.6, subsection 1, the ~~board of dental examiners'~~  
69 23 ~~board's~~ disciplinary hearing panels shall be comprised of  
69 24 three board members, at least two of which are licensed in the  
69 25 profession.

69 26 Sec. 140. Section 153.37, Code 2007, is amended to read as  
69 27 follows:

69 28 153.37 DENTAL COLLEGE AND DENTAL HYGIENE PROGRAM FACULTY  
69 29 PERMITS.

69 30 The ~~state board of dental examiners~~ may issue a faculty  
69 31 permit entitling the holder to practice dentistry or dental  
69 32 hygiene within a college of dentistry or a dental hygiene  
69 33 program and affiliated teaching facilities as an adjunct to  
69 34 the faculty member's teaching position, associated  
69 35 responsibilities, and functions. The dean of the college of  
70 1 dentistry or chairperson of a dental hygiene program shall  
70 2 certify to the ~~state board of dental examiners~~ those bona fide  
70 3 members of the college's or a dental hygiene program's faculty  
70 4 who are not licensed and registered to practice dentistry or  
70 5 dental hygiene in Iowa. Any faculty member so certified  
70 6 shall, prior to commencing the member's duties in the college  
70 7 of dentistry or a dental hygiene program, make written

70 8 application to the ~~state board of dental examiners~~ for a  
70 9 permit. The permit shall be for a period determined by the  
70 10 board and may be renewed at the discretion of the ~~state board~~  
70 11 ~~of dental examiners~~. The fee for the faculty permit and the  
70 12 renewal shall be set by the ~~state board of dental examiners~~  
70 13 based upon the administrative cost of issuance of the permit.  
70 14 The fee shall be deposited in the same manner as fees provided  
70 15 for in section 147.82. The faculty permit shall be valid  
70 16 during the time the holder remains a member of the faculty and  
70 17 shall subject the holder to all provisions of this chapter.

70 18 Sec. 141. Section 153.38, Code 2007, is amended to read as  
70 19 follows:

70 20 153.38 DENTAL ASSISTANTS == SCOPE OF PRACTICE.

70 21 A registered dental assistant may perform those services of  
70 22 assistance to a licensed dentist as determined by the board ~~of~~  
70 23 ~~dentistry~~ by rule. Such services shall be performed under  
70 24 supervision of a licensed dentist in a dental office, a public  
70 25 or private school, public health agencies, hospitals, and the  
70 26 armed forces, but shall not be construed to authorize a dental  
70 27 assistant to practice dentistry or dental hygiene. Every  
70 28 licensed dentist who utilizes the services of a registered  
70 29 dental assistant for the purpose of assistance in the practice  
70 30 of dentistry shall be responsible for acts delegated to the  
70 31 registered dental assistant. A dentist shall delegate to a  
70 32 registered dental assistant only those acts which are  
70 33 authorized to be delegated to registered dental assistants by  
70 34 the board ~~of dentistry~~.

70 35 Sec. 142. Section 154.1, Code 2007, is amended to read as  
71 1 follows:

71 2 154.1 BOARD DEFINED == OPTOMETRY == CERTIFIED LICENSED  
71 3 OPTOMETRISTS == THERAPEUTICALLY CERTIFIED OPTOMETRISTS.

71 4 1. As used in this chapter, "board" means the board of  
71 5 optometry, created under chapter 147.

71 6 2. For the purpose of this subtitle, the following classes  
71 7 of persons shall be deemed to be engaged in the practice of  
71 8 optometry:

71 9 1- a. Persons employing any means other than the use of  
71 10 drugs, medicine, or surgery for the measurement of the visual  
71 11 power and visual efficiency of the human eye; the prescribing  
71 12 and adapting of lenses, prisms and contact lenses, and the  
71 13 using or employing of visual training or ocular exercise, for  
71 14 the aid, relief, or correction of vision.

71 15 2- b. Persons who allow the public to use any mechanical  
71 16 device for such purpose.

71 17 3- c. Persons who publicly profess to be optometrists and  
71 18 to assume the duties incident to said profession.

71 19 3. Certified licensed optometrists may employ  
71 20 cycloplegics, mydriatics, and topical anesthetics as  
71 21 diagnostic agents topically applied to determine the condition  
71 22 of the human eye for proper optometric practice or referral  
71 23 for treatment to a person licensed under chapter 148 or 150A.  
71 24 A certified licensed optometrist is an optometrist who is  
71 25 licensed to practice optometry in this state and who is  
71 26 certified by the board ~~of optometry examiners~~ to use  
71 27 diagnostic agents. A certified licensed optometrist shall be  
71 28 provided with a distinctive certificate by the board which  
71 29 shall be displayed for viewing by the patients of the  
71 30 optometrist.

71 31 4. Therapeutically certified optometrists may employ all  
71 32 diagnostic and therapeutic pharmaceutical agents for the  
71 33 purpose of diagnosis and treatment of conditions of the human  
71 34 eye and adnexa pursuant to this paragraph, excluding the use  
71 35 of injections other than to counteract an anaphylactic  
72 1 reaction, and notwithstanding section 147.107, may without  
72 2 charge supply any of the above pharmaceuticals to commence a  
72 3 course of therapy. Therapeutically certified optometrists may  
72 4 prescribe oral steroids for a period not to exceed fourteen  
72 5 days without consultation with a primary care physician.  
72 6 Therapeutically certified optometrists shall not prescribe  
72 7 oral Imuran or oral Methotrexate. Therapeutically certified  
72 8 optometrists may be authorized, where reasonable and  
72 9 appropriate, by rule of the board, to employ new diagnostic  
72 10 and therapeutic pharmaceutical agents approved by the United  
72 11 States food and drug administration on or after July 1, 2002,  
72 12 for the diagnosis and treatment of the human eye and adnexa.  
72 13 The board shall not be required to adopt rules relating to  
72 14 topical pharmaceutical agents, oral antimicrobial agents, oral  
72 15 antihistamines, oral antiglaucoma agents, and oral analgesic  
72 16 agents. Superficial foreign bodies may be removed from the  
72 17 human eye and adnexa. The therapeutic efforts of a  
72 18 therapeutically certified optometrist are intended for the

72 19 purpose of examination, diagnosis, and treatment of visual  
72 20 defects, abnormal conditions, and diseases of the human eye  
72 21 and adnexa, for proper optometric practice or referral for  
72 22 consultation or treatment to persons licensed under chapter  
72 23 148 or 150A. A therapeutically certified optometrist is an  
72 24 optometrist who is licensed to practice optometry in this  
72 25 state and who is certified by the board of ~~optometry examiners~~  
72 26 to use the agents and procedures authorized pursuant to this  
72 27 paragraph. A therapeutically certified optometrist shall be  
72 28 provided with a distinctive certificate by the board which  
72 29 shall be displayed for viewing by the patients of the  
72 30 optometrist.

72 31 Sec. 143. Section 154.3, subsections 3, 4, 5, 6, and 8,  
72 32 Code 2007, are amended to read as follows:

72 33 3. A person licensed as an optometrist prior to January 1,  
72 34 1980, who applies to be a certified licensed optometrist shall  
72 35 first satisfactorily complete a course consisting of at least  
73 1 one hundred contact hours in pharmacology as it applies to  
73 2 optometry including clinical training as it applies to  
73 3 optometry with particular emphasis on the topical application  
73 4 of diagnostic agents to the human eye and possible adverse  
73 5 reactions thereto, for the purpose of examination of the human  
73 6 eye and the diagnosis of conditions of the human eye, provided  
73 7 by an institution accredited by a regional or professional  
73 8 accreditation organization which is recognized or approved by  
73 9 the council on postsecondary accreditation or the United  
73 10 States office of education, and approved by the board of  
~~73 11 optometry examiners.~~

73 12 4. In addition to the examination required by subsection  
73 13 1, paragraph "c", a person applying to be a certified licensed  
73 14 optometrist shall also pass an examination prescribed by the  
73 15 ~~optometry examiners board~~ in the subjects of physiology and  
73 16 pathology appropriate to the use of diagnostic pharmaceutical  
73 17 agents and diagnosis of conditions of the human eye, and  
73 18 pharmacology including systemic effects of ophthalmic  
73 19 diagnostic pharmaceutical agents and the possible adverse  
73 20 reactions thereto, authorized for use by optometrists by  
73 21 section 154.1.

73 22 5. A person applying to be licensed as an optometrist  
73 23 after January 1, 1986, shall also apply to be a  
73 24 therapeutically certified optometrist and shall, in addition  
73 25 to satisfactorily completing all requirements for a license to  
73 26 practice optometry, satisfactorily complete a course as  
73 27 defined by rule of the ~~state board of optometry examiners~~ with  
73 28 particular emphasis on the examination, diagnosis and  
73 29 treatment of conditions of the human eye and adnexa provided  
73 30 by an institution accredited by a regional or professional  
73 31 accreditation organization which is recognized or approved by  
73 32 the council on postsecondary accreditation of the United  
73 33 States office of education, and approved by the board of  
~~73 34 optometry examiners.~~ The ~~rule~~ rules of the board shall

73 35 require a course including a minimum of forty hours of  
74 1 didactic education and sixty hours of approved supervised  
74 2 clinical training in the examination, diagnosis, and treatment  
74 3 of conditions of the human eye and adnexa. The board may  
74 4 also, by rule, provide a procedure by which an applicant who  
74 5 has received didactic education meeting the requirements of  
74 6 rules adopted pursuant to this subsection at an approved  
74 7 school of optometry may apply to the board for a waiver of the  
74 8 didactic education requirements of this subsection.

74 9 6. A person licensed in any state as an optometrist prior  
74 10 to January 1, 1986, who applies to be a therapeutically  
74 11 certified optometrist shall first satisfactorily complete a  
74 12 course as defined by rule of the board of ~~optometry examiners~~  
74 13 with particular emphasis on the examination, diagnosis, and  
74 14 treatment of conditions of the human eye and adnexa provided  
74 15 by an institution accredited by a regional or professional  
74 16 accreditation organization which is recognized or approved by  
74 17 the council on postsecondary accreditation of the United  
74 18 States office of education, and approved by the board of  
~~74 19 optometry examiners.~~ The rule of the board shall require a

74 20 course including a minimum of forty hours of didactic  
74 21 education and sixty hours of approved supervised clinical  
74 22 training in the examination, diagnosis, and treatment of  
74 23 conditions of the human eye and adnexa. Effective July 1,  
74 24 1987, the board shall require that therapeutically certified  
74 25 optometrists prior to the utilization of topical and oral  
74 26 antiglaucoma agents, oral antimicrobial agents, and oral  
74 27 analgesic agents shall complete an additional forty-four hours  
74 28 of education with emphasis on treatment and management of  
74 29 glaucoma and use of oral pharmaceutical agents for treatment



74 30 and management of ocular diseases, provided by an institution  
74 31 accredited by a regional or professional accreditation  
74 32 organization which is recognized or approved by the council on  
74 33 postsecondary accreditation of the United States office of  
74 34 education, and approved by the board of ~~optometry examiners~~.  
74 35 Upon completion of the additional forty-four hours of  
75 1 education, a therapeutically certified optometrist shall also  
75 2 pass an oral or written examination prescribed by the board.  
75 3 The board shall suspend the optometrist's therapeutic  
75 4 certificate for failure to comply with this subsection by July  
75 5 1, 1988.

75 6 The board shall adopt rules requiring an additional twenty  
75 7 hours per biennium of continuing education in the treatment  
75 8 and management of ocular disease for all therapeutically  
75 9 certified optometrists. The department of ophthalmology of  
75 10 the school of medicine of the state university of Iowa shall  
75 11 be one of the providers of this continuing education.

75 12 8. In addition to the examination required by subsection  
75 13 1, paragraph "c", a person applying to be a therapeutically  
75 14 certified optometrist shall also pass an examination  
75 15 prescribed by the board of ~~optometry examiners~~ in the  
75 16 examination, diagnosis, and treatment of diseases of the human  
75 17 eye and adnexa.

75 18 Sec. 144. Section 154.5, unnumbered paragraph 1, Code  
75 19 2007, is amended to read as follows:

75 20 ~~No~~ A school of optometry shall not be approved by the  
75 21 ~~optometry examiners board~~ as a school of recognized standing  
75 22 unless ~~said~~ the school:

75 23 Sec. 145. Section 154A.1, subsection 1, Code 2007, is  
75 24 amended to read as follows:

75 25 1. "Board" means the board of ~~examiners for the licensing~~  
75 26 ~~and regulation of hearing aid dispensers~~.

75 27 Sec. 146. Section 154A.24, subsection 3, paragraph e, Code  
75 28 2007, is amended to read as follows:

75 29 e. Representing that the service or advice of a person  
75 30 licensed to practice medicine, or one who is certificated as a  
75 31 clinical audiologist by the board of ~~examiners~~ of speech  
75 32 pathology and audiology or its equivalent, will be used or  
75 33 made available in the fitting or selection, adjustment,  
75 34 maintenance, or repair of hearing aids when that is not true,  
75 35 or using the words "doctor", "clinic", "clinical audiologist",  
76 1 "state approved", or similar words, abbreviations, or symbols  
76 2 which tend to connote the medical or other professions, except  
76 3 where the title "certified hearing aid audiologist" has been  
76 4 granted by the national hearing aid society, or that the  
76 5 hearing aid dispenser has been recommended by this state or  
76 6 the board when such is not accurate.

76 7 Sec. 147. Section 154C.1, subsection 1, Code 2007, is  
76 8 amended to read as follows:

76 9 1. "Board" means the board of social work, ~~examiners~~  
76 10 established in chapter 147.

76 11 Sec. 148. Section 154C.3, subsection 1, paragraph c,  
76 12 subparagraph (5), Code 2007, is amended to read as follows:

76 13 (5) Supervision shall be provided in any of the following  
76 14 manners:

76 15 (a) By a social worker licensed at least at the level of  
76 16 the social worker being supervised and qualified under this  
76 17 section to practice without supervision.

76 18 (b) By another qualified professional, if the board of  
76 19 ~~social work examiners~~ determines that supervision by a social  
76 20 worker as defined in subparagraph subdivision (a) is  
76 21 unobtainable or in other situations considered appropriate by  
76 22 the board.

76 23 Additional standards for supervision shall be determined by  
76 24 the board of ~~social work examiners~~.

76 25 Sec. 149. Section 154D.1, subsection 1, Code 2007, is  
76 26 amended to read as follows:

76 27 1. "Board" means the board of behavioral science  
76 28 ~~examiners~~, established in ~~section 147.13~~ chapter 147.

76 29 Sec. 150. Section 154E.1, subsection 1, Code 2007, is  
76 30 amended to read as follows:

76 31 1. "Board" means the board of ~~interpreter for the hearing~~  
76 32 ~~impaired examiners sign language interpreters and~~  
76 33 ~~transliterators~~, established in chapter 147.

76 34 Sec. 151. Section 155.1, subsection 1, Code 2007, is  
76 35 amended to read as follows:

77 1 1. "Board" means the ~~Iowa state~~ board of ~~examiners for~~  
77 2 ~~nursing home administrators hereinafter created, established~~  
77 3 ~~in chapter 147~~.

77 4 Sec. 152. Section 155.2, unnumbered paragraph 1, Code  
77 5 2007, is amended to read as follows:

77 6 There is established a ~~state~~ board of ~~examiners for~~ nursing  
77 7 home administrators which shall consist of nine members  
77 8 appointed by the governor subject to confirmation by the  
77 9 senate as follows:

77 10 Sec. 153. Section 155A.3, subsection 3, Code 2007, is  
77 11 amended to read as follows:

77 12 3. "Board" means the board of pharmacy ~~examiners~~.

77 13 Sec. 154. Section 155A.21, subsection 2, Code 2007, is  
77 14 amended to read as follows:

77 15 2. Subsection 1 does not apply to a licensed pharmacy,  
77 16 licensed wholesaler, physician, veterinarian, dentist,  
77 17 podiatric physician, therapeutically certified optometrist,  
77 18 advanced registered nurse practitioner, physician assistant, a  
77 19 nurse acting under the direction of a physician, or the board  
77 20 of pharmacy ~~examiners~~, its officers, agents, inspectors, and  
77 21 representatives, ~~nor~~ ~~or~~ to a common carrier, manufacturer's  
77 22 representative, or messenger when transporting the drug or  
77 23 device in the same unbroken package in which the drug or  
77 24 device was delivered to that person for transportation.

77 25 Sec. 155. Section 155A.26, Code 2007, is amended to read  
77 26 as follows:

77 27 155A.26 ENFORCEMENT == AGENTS AS PEACE OFFICERS.  
77 28 The board of ~~pharmacy examiners~~, its officers, agents,  
77 29 inspectors, and representatives, and all peace officers within  
77 30 the state, and all county attorneys shall enforce all  
77 31 provisions of this chapter, except those specifically  
77 32 delegated, and shall cooperate with all agencies charged with  
77 33 the enforcement of the laws of the United States, of this  
77 34 state, and of all other states relating to prescription drugs.  
77 35 Officers, agents, inspectors, and representatives of the board  
78 1 of ~~pharmacy examiners~~ shall have the powers and status of  
78 2 peace officers when enforcing the provisions of this chapter.

78 3 Sec. 156. Section 156.1, subsection 1, Code 2007, is  
78 4 amended to read as follows:

78 5 1. "Board" means the board of mortuary science ~~examiners~~.

78 6 Sec. 157. Section 157.1, subsection 1, Code 2007, is  
78 7 amended to read as follows:

78 8 1. "Board" means the board of cosmetology arts and  
78 9 sciences ~~examiners~~.

78 10 Sec. 158. Section 157.1, subsection 6, paragraph e, Code  
78 11 2007, is amended to read as follows:

78 12 e. Manicuring and pedicuring.

78 13 Sec. 159. Section 158.1, subsection 5, Code 2007, is  
78 14 amended to read as follows:

78 15 5. "Board" means the board of ~~barber examiners~~ barbering.

78 16 Sec. 160. Section 205.6, Code 2007, is amended to read as  
78 17 follows:

78 18 205.6 POISON REGISTER.  
78 19 It shall be unlawful for any pharmacist to sell at retail  
78 20 any of the poisons enumerated in section 205.5 unless the  
78 21 pharmacist ascertains that the purchaser is aware of the  
78 22 character of the drug and the purchaser represents that it is  
78 23 to be used for a proper purpose and every sale of any poison  
78 24 enumerated in section 205.5 shall be entered in a book kept  
78 25 for that purpose, to be known as a "Poison Register" and the  
78 26 same shall show the date of the sale, the name and address of  
78 27 the purchaser, the name of the poison, the purpose for which  
78 28 it was represented to be purchased, and the name of the  
78 29 natural person making the sale, which book or books shall be  
78 30 open for inspection by the board of pharmacy examiners, or any  
78 31 magistrate or peace officer of this state, and preserved for  
78 32 at least five years after the date of the last sale therein  
78 33 recorded.

78 34 Sec. 161. Section 205.11, Code 2007, is amended to read as  
78 35 follows:

79 1 205.11 ENFORCEMENT.  
79 2 The provisions of this chapter and chapters 124 and 126  
79 3 shall be administered and enforced by the board of pharmacy  
79 4 ~~examiners~~. In discharging any duty or exercising any power  
79 5 under those chapters, the board of pharmacy ~~examiners~~ shall be  
79 6 governed by all the provisions of chapter 189, which govern  
79 7 the department of agriculture and land stewardship when  
79 8 discharging a similar duty or exercising a similar power with  
79 9 reference to any of the articles dealt with in this subtitle,  
79 10 to the extent that chapter 189 is not inconsistent with this  
79 11 chapter and chapters 124 and 126.

79 12 Sec. 162. Section 205.12, Code 2007, is amended to read as  
79 13 follows:

79 14 205.12 CHEMICAL ANALYSIS OF DRUGS.  
79 15 Any chemical analysis deemed necessary by the board of  
79 16 pharmacy ~~examiners~~ in the enforcement of this chapter and

79 17 chapters 124 and 126 shall be made by the department of  
79 18 agriculture and land stewardship when requested by the board  
79 19 of pharmacy ~~examiners~~.

79 20 Sec. 163. Section 205.13, Code 2007, is amended to read as  
79 21 follows:

79 22 205.13 APPLICABILITY OF OTHER STATUTES.

79 23 Insofar as applicable the provisions of chapter 189 shall  
79 24 apply to the articles dealt with in this chapter and chapters  
79 25 124 and 126. The powers vested in the department of  
79 26 agriculture and land stewardship by chapter 189 shall be  
79 27 deemed for the purpose of this chapter and chapters 124 and  
79 28 126 to be vested in the board of pharmacy ~~examiners~~.

79 29 Sec. 164. Section 232.69, subsection 3, paragraph a, Code  
79 30 2007, is amended to read as follows:

79 31 a. For the purposes of this subsection, "licensing board"  
79 32 means ~~an examining~~ a board designated in section 147.13, the  
79 33 board of educational examiners created in section 272.2, or a  
79 34 licensing board as defined in section 272C.1.

79 35 Sec. 165. Section 232.69, subsection 3, paragraph d,  
80 1 subparagraph (1), Code 2007, is amended to read as follows:

80 2 (1) A continuing education program required under chapter  
80 3 272C and approved by the appropriate licensing ~~or examining~~  
80 4 board.

80 5 Sec. 166. Section 235A.15, subsection 2, paragraph d,  
80 6 subparagraph (7), Code 2007, is amended to read as follows:

80 7 (7) Each licensing board ~~of examiners~~ specified under  
80 8 chapter 147 and the Iowa department of public health for the  
80 9 purpose of licensure, certification or registration,  
80 10 disciplinary investigation, or the renewal of licensure,  
80 11 certification or registration, or disciplinary proceedings of  
80 12 health care professionals.

80 13 Sec. 167. Section 235B.6, subsection 2, paragraph b,  
80 14 subparagraph (7), Code 2007, is amended to read as follows:

80 15 (7) Each board ~~of examiners~~ specified under chapter 147  
80 16 and the Iowa department of public health for the purpose of  
80 17 licensure, certification or registration, disciplinary  
80 18 investigation, or the renewal of licensure, certification or  
80 19 registration, or disciplinary proceedings of health care  
80 20 professionals.

80 21 Sec. 168. Section 235B.16, subsection 5, paragraph a, Code  
80 22 2007, is amended to read as follows:

80 23 a. For the purposes of this subsection, "licensing board"  
80 24 means ~~an examining~~ a board designated in section 147.13, the  
80 25 board of educational examiners created in section 272.2, or a  
80 26 licensing board as defined in section 272C.1.

80 27 Sec. 169. Section 235B.16, subsection 5, paragraph d,  
80 28 subparagraph (1), Code 2007, is amended to read as follows:

80 29 (1) A continuing education program required under chapter  
80 30 272C and approved by the appropriate licensing ~~or examining~~  
80 31 board.

80 32 Sec. 170. Section 235B.16, subsection 5, paragraph e, Code  
80 33 2007, is amended to read as follows:

80 34 e. A person required to complete both child abuse and  
80 35 dependent adult abuse mandatory reporter training may complete  
81 1 the training through a program which combines child abuse and  
81 2 dependent adult abuse curricula and thereby meet the training  
81 3 requirements of both this subsection and section 232.69  
81 4 simultaneously. A person who is a mandatory reporter for both  
81 5 child abuse and dependent adult abuse may satisfy the combined  
81 6 training requirements of this subsection and section 232.69  
81 7 through completion of a two-hour training program, if the  
81 8 training program curriculum is approved by the appropriate  
81 9 licensing ~~or examining~~ board or the abuse education review  
81 10 panel established by the director of public health pursuant to  
81 11 section 135.11.

81 12 Sec. 171. Section 272C.1, subsection 6, Code 2007, is  
81 13 amended to read as follows:

81 14 6. "Licensing board" or "board" includes the following  
81 15 boards:

81 16 a. The state board of engineering and land surveying  
81 17 examiners, created pursuant to chapter 542B.

81 18 b. The board of examiners of shorthand reporters created  
81 19 pursuant to article 3 of chapter 602.

81 20 c. The Iowa accountancy examining board, created pursuant  
81 21 to chapter 542.

81 22 d. The Iowa real estate commission, created pursuant to  
81 23 chapter 543B.

81 24 e. The board of architectural examiners, created pursuant  
81 25 to chapter 544A.

81 26 f. The Iowa board of landscape architectural examiners,  
81 27 created pursuant to chapter 544B.

81 28 g. The board of ~~barber examiners~~ barbering, created  
81 29 pursuant to chapter 147.  
81 30 h. The board of chiropractic ~~examiners~~, created pursuant  
81 31 to chapter 147.  
81 32 i. The board of cosmetology arts and sciences ~~examiners~~,  
81 33 created pursuant to chapter 147.  
81 34 j. The board of ~~dental examiners~~ dentistry, created  
81 35 pursuant to chapter 147.  
82 1 k. The board of mortuary science ~~examiners~~, created  
82 2 pursuant to chapter 147.  
82 3 l. The board of ~~medical examiners~~ medicine, created  
82 4 pursuant to chapter 147.  
82 5 m. The board of physician ~~assistant examiners~~ assistants,  
82 6 created pursuant to chapter 148C.  
82 7 n. The board of nursing, created pursuant to chapter 147.  
82 8 o. The board of ~~examiners for~~ nursing home administrators,  
82 9 created pursuant to chapter 155.  
82 10 p. The board of optometry ~~examiners~~, created pursuant to  
82 11 chapter 147.  
82 12 q. The board of pharmacy ~~examiners~~, created pursuant to  
82 13 chapter 147.  
82 14 r. The board of physical and occupational therapy  
82 15 ~~examiners~~, created pursuant to chapter 147.  
82 16 s. The board of podiatry ~~examiners~~, created pursuant to  
82 17 chapter 147.  
82 18 t. The board of psychology ~~examiners~~, created pursuant to  
82 19 chapter 147.  
82 20 u. The board of speech pathology and audiology ~~examiners~~,  
82 21 created pursuant to chapter 147.  
82 22 v. The board ~~for the licensing and regulation~~ of hearing  
82 23 aid dispensers, created pursuant to chapter 154A.  
82 24 w. The board of veterinary medicine, created pursuant to  
82 25 chapter 169.  
82 26 x. The director of the department of natural resources in  
82 27 certifying water treatment operators as provided in sections  
82 28 455B.211 through 455B.224.  
82 29 y. Any professional or occupational licensing board  
82 30 created after January 1, 1978.  
82 31 z. The ~~state~~ board of respiratory care in licensing  
82 32 respiratory care practitioners pursuant to chapter 152B.  
82 33 aa. The board of ~~examiners for~~ athletic training in  
82 34 licensing athletic trainers pursuant to chapter 152D.  
82 35 ab. The board of ~~examiners for~~ massage therapy in  
83 1 licensing massage therapists pursuant to chapter 152C.  
83 2 ac. The board of ~~interpreter for the hearing impaired~~  
83 3 ~~examiners sign language interpreters and transliterators~~,  
83 4 created pursuant to chapter 154E.  
83 5 ad. The director of public health in certifying emergency  
83 6 medical care providers and emergency medical care services  
83 7 pursuant to chapter 147A.  
83 8 Sec. 172. Section 272C.2, subsections 4 and 5, Code 2007,  
83 9 are amended to read as follows:  
83 10 4. A person licensed to practice an occupation or  
83 11 profession in this state shall be deemed to have complied with  
83 12 the continuing education requirements of this state during  
83 13 periods that the person serves honorably on active duty in the  
83 14 military services, or for periods that the person is a  
83 15 resident of another state or district having a continuing  
83 16 education requirement for the occupation or profession and  
83 17 meets all requirements of that state or district for practice  
83 18 therein, or for periods that the person is a government  
83 19 employee working in the person's licensed specialty and  
83 20 assigned to duty outside of the United States, or for other  
83 21 periods of active practice and absence from the state approved  
83 22 by the appropriate licensing board ~~of examiners~~.  
83 23 5. A person licensed to sell real estate in this state  
83 24 shall be deemed to have complied with the continuing education  
83 25 requirements of this state during periods that the person  
83 26 serves honorably on active duty in the military services, or  
83 27 for periods that the person is a resident of another state or  
83 28 district having a continuing education requirement for the  
83 29 occupation or profession and meets all requirements of that  
83 30 state or district for practice therein, if the state or  
83 31 district accords the same privilege to Iowa residents, or for  
83 32 periods that the person is a government employee working in  
83 33 the person's licensed specialty and assigned to duty outside  
83 34 of the United States, or for other periods of active practice  
83 35 and absence from the state approved by the appropriate  
84 1 licensing board ~~of examiners~~.  
84 2 Sec. 173. Section 272C.2A, Code 2007, is amended to read  
84 3 as follows:

84 4 272C.2A CONTINUING EDUCATION MINIMUM REQUIREMENTS ==  
84 5 BARBERING AND COSMETOLOGY ARTS AND SCIENCES.

84 6 The board of ~~barber-examiners~~ barbering and the board of  
84 7 cosmetology arts and sciences ~~examiners~~, created pursuant to  
84 8 chapter 147, shall each require, as a condition of license  
84 9 renewal, a minimum of six hours of continuing education in the  
84 10 two years immediately prior to a licensee's license renewal.  
84 11 The board of cosmetology arts and sciences ~~examiners~~ may  
84 12 notify cosmetology arts and sciences licensees on a quarterly  
84 13 basis regarding continuing education opportunities.

84 14 Sec. 174. Section 321J.2, subsection 7, paragraph a, Code  
84 15 2007, is amended to read as follows:

84 16 a. This section does not apply to a person operating a  
84 17 motor vehicle while under the influence of a drug if the  
84 18 substance was prescribed for the person and was taken under  
84 19 the prescription and in accordance with the directions of a  
84 20 medical practitioner as defined in chapter 155A or if the  
84 21 substance was dispensed by a pharmacist without a prescription  
84 22 pursuant to the rules of the board of pharmacy ~~examiners~~, if  
84 23 there is no evidence of the consumption of alcohol and the  
84 24 medical practitioner or pharmacist had not directed the person  
84 25 to refrain from operating a motor vehicle.

84 26 Sec. 175. Section 331.756, subsection 40, Code 2007, is  
84 27 amended to read as follows:

84 28 40. Prosecute violations of the Iowa drug, device, and  
84 29 cosmetic Act as requested by the board of pharmacy ~~examiners~~  
84 30 as provided in section 126.7.

84 31 Sec. 176. Section 462A.14, subsection 7, paragraph a, Code  
84 32 2007, is amended to read as follows:

84 33 a. This section does not apply to a person operating a  
84 34 motorboat or sailboat while under the influence of a drug if  
84 35 the substance was prescribed for the person and was taken  
85 1 under the prescription and in accordance with the directions  
85 2 of a medical practitioner as defined in chapter 155A or if the  
85 3 substance was dispensed by a pharmacist without a prescription  
85 4 pursuant to the rules of the board of pharmacy ~~examiners~~, if  
85 5 there is no evidence of the consumption of alcohol and the  
85 6 medical practitioner or pharmacist had not directed the person  
85 7 to refrain from operating a motor vehicle, or motorboat or  
85 8 sailboat.

85 9 Sec. 177. Section 514F.1, Code 2007, is amended to read as  
85 10 follows:

85 11 514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.  
85 12 The licensing boards of ~~examiners~~ under chapters 148, 149,  
85 13 150, 150A, 151, and 152 shall establish utilization and cost  
85 14 control review committees of licensees under the respective  
85 15 chapters, selected from licensees who have practiced in Iowa  
85 16 for at least the previous five years, or shall accredit and  
85 17 designate other utilization and cost control organizations as  
85 18 utilization and cost control committees under this section,  
85 19 for the purposes of utilization review of the appropriateness  
85 20 of levels of treatment and of giving opinions as to the  
85 21 reasonableness of charges for diagnostic or treatment services  
85 22 of licensees. Persons governed by the various chapters of  
85 23 Title XIII, subtitle 1, of the Code and self-insurers for  
85 24 health care benefits to employees may utilize the services of  
85 25 the utilization and cost control review committees upon the  
85 26 payment of a reasonable fee for the services, to be determined  
85 27 by the respective boards of ~~examiners~~. The respective boards  
85 28 of ~~examiners~~ under chapters 148, 149, 150, 150A, 151, and 152  
85 29 shall adopt rules necessary and proper for the implementation  
85 30 administration of this section pursuant to chapter 17A. It is  
85 31 the intent of this general assembly that conduct of the  
85 32 utilization and cost control review committees authorized  
85 33 under this section shall be exempt from challenge under  
85 34 federal or state antitrust laws or other similar laws in  
85 35 regulation of trade or commerce.

86 1 Sec. 178. Section 523A.813, Code 2007, is amended to read  
86 2 as follows:

86 3 523A.813 LICENSE REVOCATION == RECOMMENDATION BY  
86 4 COMMISSIONER TO BOARD OF MORTUARY SCIENCE ~~EXAMINERS~~.

86 5 Upon a determination by the commissioner that grounds exist  
86 6 for an administrative license revocation or suspension action  
86 7 by the board of mortuary science ~~examiners~~ under chapter 156,  
86 8 the commissioner may forward to the board the grounds for the  
86 9 determination, including all evidence in the possession of the  
86 10 commissioner, so that the board may proceed with the matter as  
86 11 deemed appropriate.

86 12 Sec. 179. Section 622.10, subsection 5, Code 2007, is  
86 13 amended to read as follows:

86 14 5. For the purposes of this section, "mental health

86 15 professional" means a psychologist licensed under chapter  
86 16 154B, a registered nurse licensed under chapter 152, a social  
86 17 worker licensed under chapter 154C, a marital and family  
86 18 therapist licensed under chapter 154D, a mental health  
86 19 counselor licensed under chapter 154D, or an individual  
86 20 holding at least a master's degree in a related field as  
86 21 deemed appropriate by the board of behavioral science  
86 22 ~~examiners~~.

86 23 Sec. 180. Section 622.31, Code 2007, is amended to read as  
86 24 follows:

86 25 622.31 EVIDENCE OF REGRET OR SORROW.

86 26 In any civil action for professional negligence, personal  
86 27 injury, or wrongful death or in any arbitration proceeding for  
86 28 professional negligence, personal injury, or wrongful death  
86 29 against a person in a profession represented by the ~~examining~~  
86 30 boards listed in section 272C.1 and any other licensed  
86 31 profession recognized in this state, a hospital licensed  
86 32 pursuant to chapter 135B, or a health care facility licensed  
86 33 pursuant to chapter 135C, based upon the alleged negligence in  
86 34 the practice of that profession or occupation, that portion of  
86 35 a statement, affirmation, gesture, or conduct expressing  
87 1 sorrow, sympathy, commiseration, condolence, compassion, or a  
87 2 general sense of benevolence that was made by the person to  
87 3 the plaintiff, relative of the plaintiff, or decision maker  
87 4 for the plaintiff that relates to the discomfort, pain,  
87 5 suffering, injury, or death of the plaintiff as a result of an  
87 6 alleged breach of the applicable standard of care is  
87 7 inadmissible as evidence. Any response by the plaintiff,  
87 8 relative of the plaintiff, or decision maker for the plaintiff  
87 9 to such statement, affirmation, gesture, or conduct is  
87 10 similarly inadmissible as evidence.

87 11 Sec. 181. Section 707.8A, subsection 7, Code 2007, is  
87 12 amended to read as follows:

87 13 7. a. A licensed physician subject to the authority of  
87 14 the ~~state~~ board of ~~medical examiners~~ medicine who is accused  
87 15 of a violation of subsection 2 may seek a hearing before the  
87 16 board on whether the physician's conduct was necessary to save  
87 17 the life of the mother whose life was endangered by a physical  
87 18 disorder, physical illness, or physical injury.

87 19 b. The board's findings concerning the physician's conduct  
87 20 are admissible at the criminal trial of the physician. Upon a  
87 21 motion of the physician, the court shall delay the beginning  
87 22 of the trial for not more than thirty days to permit the  
87 23 hearing before the board of ~~medical examiners~~ medicine to take  
87 24 place.

87 25 Sec. 182. Section 714.25, unnumbered paragraph 2, Code  
87 26 2007, is amended to read as follows:

87 27 A proprietary school shall, prior to the time a student is  
87 28 obligated for payment of any moneys, inform the student, the  
87 29 college student aid commission, and in the case of a school  
87 30 licensed under section 157.8, the board of cosmetology  
87 31 ~~examiners~~ arts and sciences or in the case of a school  
87 32 licensed under section 158.7, the board of ~~barber examiners~~  
87 33 barbering, of all of the following:

87 34 Sec. 183. Section 729.6, subsection 1, paragraph e, Code  
87 35 2007, is amended to read as follows:

88 1 e. "Licensing agency" means a board, commission,  
88 2 committee, council, department, ~~examining board~~, or officer,  
88 3 except a judicial officer, in the state, or in a city, county,  
88 4 township, or local government, authorized to grant, deny,  
88 5 renew, revoke, suspend, annul, withdraw, or amend a license or  
88 6 certificate of registration.

88 7 Sec. 184. CODE EDITOR DIRECTIVE. Wherever the term  
88 8 "examiners" or "examining board" appears in the Code or in the  
88 9 Acts pending codification, in reference to one of the boards  
88 10 enumerated in section 147.13, the Code editor is directed to  
88 11 change the term to the appropriate board designation as  
88 12 enumerated in section 147.13.

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88 16 \_\_\_\_\_  
88 17 JOHN P. KIBBIE  
88 18 President of the Senate

88 19  
88 20 \_\_\_\_\_  
88 21 PATRICK J. MURPHY  
88 22 Speaker of the House  
88 23

88 24 I hereby certify that this bill originated in the Senate and  
88 25 is known as Senate File 74, Eighty=second General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved \_\_\_\_\_, 2007

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CHESTER J. CULVER  
Governor