

FEB 28 1973

HOUSE FILE 325

HUMAN RESOURCES, *Pass 3/27*

House File 325  
Butler, Chairman  
Crawford  
Schroeder  
Higgins  
Caffrey  
Rinas

*Bill 1/4/74, Pass 1/6*

BY EDELEN, MILLEN, McCORMICK  
MENDENHALL, FISHER of Greene,  
CUSACK and NIELSEN

Passed House, Date 6-11-73 (1838) Passed Senate, Date 1-21-74 (111)  
Vote: Ayes 87 Nays 1 Vote: Ayes 35 Nays 0  
Approved 2-20-74

## A BILL FOR

1 An Act to clarify the authority of podiatrists to continue  
2 to prescribe and dispense prescription drugs including  
3 controlled substances.

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

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1 Section 1. Section one hundred fifty-five point one  
2 (155.1), subsection two (2), Code 1973, is amended to read  
3 as follows:

4 2. Persons who compound or dispense drugs and medicines  
5 or fill the prescriptions of licensed physicians and surgeons,  
6 dentists, podiatrists, or veterinarians.

7 Sec. 2. Section one hundred fifty-five point two (155.2),  
8 subsection two (2), Code 1973, is amended to read as follows:

9 2. Persons licensed to practice medicine, dentistry,  
10 podiatry, or veterinary medicine who dispense drugs and  
11 medicines as an incident to the practice of their professions.

12 Sec. 3. Section one hundred fifty-five point three (155.3),  
13 subsection eleven (11), Code 1973, is amended to read as  
14 follows:

15 11. "Medical practitioner" means a physician, dentist,  
16 podiatrist, veterinarian, or any other person authorized by  
17 law to treat sick and injured humans or animals and to use  
18 prescription drugs in such treatment.

19 Sec. 4. Section one hundred fifty-five point six (155.6),  
20 Code 1973, is amended to read as follows:

21 155.6 SALES BY UNLICENSED PERSON. No unlicensed person  
22 or licensed pharmacist shall allow anyone who is not a licensed  
23 pharmacist to fill the prescriptions of licensed physicians,  
24 dentists, podiatrists, or veterinarians, except a person who  
25 is registered with the board of pharmacy examiners pursuant  
26 to the practical experience requirements of this chapter and  
27 unless the same be done under the immediate personal  
28 supervision of a licensed pharmacist. All drugs and medi-  
29 cines requiring a prescription which are sold, exposed or  
30 offered for sale shall be under the immediate personal super-  
31 vision of a licensed pharmacist at all times except for tempo-  
32 rary absences. However, during a period of temporary absence  
33 of a ~~license~~ licensed pharmacist no drugs or medicines  
34 requiring a prescription shall be sold or offered for sale  
35 in the pharmacy except proprietary medicines or domestic

1 remedies.

2 Sec. 5. Section one hundred fifty-five point thirteen  
3 (155.13), subsection six (6), Code 1973, is amended to read  
4 as follows:

5 6. Substitution of a drug, substance, or brand other than  
6 the drug, substance or brand ordered in the prescription of  
7 a physician, dentist, podiatrist, or veterinarian licensed  
8 by law.

9 Sec. 6. Section one hundred fifty-five point twenty-two  
10 (155.22), Code 1973, is amended to read as follows:

11 155.22 EXCEPTIONS. Sections 155.20 and 155.21 do not  
12 apply to sales by wholesalers of drugs and medicines to  
13 licensed physicians, dentists, podiatrists, or veterinarians.

14 Sec. 7. Section one hundred fifty-five point twenty-six  
15 (155.26), Code 1973, is amended to read as follows:

16 155.26 POSSESSION OF PRESCRIPTION DRUGS. Any person found  
17 in possession of a drug or medicine limited by law to dispen-  
18 sation by a prescription, unless such drug or medicine was  
19 so lawfully dispensed, shall be deemed guilty of violating  
20 the provisions of this section, and upon conviction thereof,  
21 shall be fined not more than one thousand dollars or be  
22 imprisoned in the county jail for not more than one year,  
23 or both. This section shall not apply to a licensed pharmacy,  
24 licensed wholesaler, physician, veterinarian, dentist,  
25 podiatrist, or nurse acting under the direction of a physician  
26 or the board of pharmacy examiners, its officers, agents,  
27 inspectors, and representatives, nor to a common carrier or  
28 messenger when transporting such drug or medicine in the same  
29 unbroken package in which the drug or medicine was delivered  
30 to him for transportation.

31 Sec. 8. Section one hundred fifty-five point twenty-nine  
32 (155.29), subsection three (3), Code 1973, is amended to read  
33 as follows:

34 3. For the purpose of obtaining a prescription drug,  
35 falsely assume the title of or represent himself to be a

1 manufacturer, wholesaler, pharmacist, pharmacy owner,  
2 physician, dentist, podiatrist, veterinarian, or other  
3 authorized person.

4 Sec. 9. Section one hundred fifty-five point thirty  
5 (155.30), unnumbered paragraph four (4), Code 1973, is amended  
6 to read as follows:

7 Nothing in this section shall be construed to prevent a  
8 licensed practitioner of medicine, dentistry, podiatry,  
9 nursing, veterinary medicine, or pharmacy from such acts  
10 necessary in the ethical and legal performance of his  
11 profession.

12 Sec. 10. Section one hundred fifty-five point thirty-five  
13 (155.35), Code 1973, is amended to read as follows:

14 155.35 NAME AND STRENGTH OF DRUG ON PRESCRIPTION LABEL.  
15 Unless the prescription indicates to the contrary, the label  
16 of any drug sold and dispensed on the prescription of a  
17 licensed physician ~~or~~, dentist, or podiatrist shall include  
18 the name and strength of the drug.

19 Sec. 11. Section two hundred four point one hundred one  
20 (204.101), subsection one (1), the unnumbered paragraph follow-  
21 ing paragraph b, Code 1973, is amended to read as follows:

22 Nothing contained in this chapter shall be construed to  
23 prevent a physician, dentist, podiatrist, or veterinarian  
24 from delegating the administration of controlled substances  
25 under this chapter to a nurse or intern, or, as to veterinar-  
26 ians, to an orderly or assistant, under his direction and  
27 supervision; all pursuant to rules and regulations adopted  
28 by the board.

29 Sec. 12. Section two hundred four point one hundred one  
30 (204.101), subsection twenty-two (22), paragraph a, Code 1973,  
31 is amended to read as follows:

32 a. A physician, dentist, podiatrist, veterinarian,  
33 scientific investigator, or other person licensed, registered  
34 or otherwise permitted to distribute, dispense, conduct  
35 research with respect to or to administer a controlled

1 substance in the course of professional practice or research  
2 in this state.

3 EXPLANATION

4 This bill clarifies the authority of Doctors of Podiatry  
5 to continue to prescribe and dispense prescription drugs  
6 including controlled substances. This has been the universal  
7 practice by Doctors of Podiatry since the practice of podiatry  
8 was authorized by the Code. However, the practice has been  
9 questioned because no specific reference to podiatrists has  
10 previously been included in the Code.

H--249

1 Amend House File 325 as follows:  
2 1. Page 2, before line 1, by inserting the follow-  
3 ing as section one (1) of the bill and renumbering the  
4 following sections of the bill accordingly:  
5 Section 1. Section one hundred forty-nine point  
6 five (149.5), Code 1973, is amended to read as follows:  
7 149.5 AMPUTATIONS--GENERAL ANESTHETICS. A license  
8 to practice podiatry shall not authorize the licensee  
9 to amputate the human foot or perform any surgery on  
10 the human body at or above the ankle, or use any  
11 anesthetics other than local.  
12 However, the licensee shall have the right, if  
13 exercised in the proper practice of podiatry, to  
14 prescribe and administer a drug or a medicine.

H--249 Filed - *w.d. 6/11*  
April 2, 1973

By MONROE of Des Moines

H--256

1 Amend the Monroe amendment, H-249, to House File  
2 325 by striking lines 12 through 14 and inserting in  
3 lieu thereof the following:  
4 "A registered podiatrist may prescribe and dis-  
5 pende drugs for the treatment of human foot ailments  
6 as provided in section one hundred forty-nine point  
7 (149.1)."

H--256 Filed - *withdrawn 6/11*  
April 4, 1973

By LIPSKY of Linn

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LSB 350  
db/cc/1

H—335

1 Amend House File 325 as follows:  
2 Page 5, by adding the following after line 2:  
3 Sec. 13. Section one hundred forty-nine point  
4 five (149.5) is amended to read as follows:  
5 149.5 AMPUTATIONS--GENERAL ANESTHETICS. A  
6 license to practice podiatry shall not authorize the  
7 licensee to amputate the human foot or perform any  
8 surgery on the human body at or above the ankle, or  
9 use any anesthetics other than local, or treat  
10 systemic diseases of any part of the body.

H—335 Filed *w.d. 6/11*  
April 18, 1973

By BITTLE of Polk

H—658

1 Amend House File 325 as follows:  
2 1. Page 2, before line 1, by inserting the  
3 following as section one (1) of the bill and renumber-  
4 ing the following sections of the bill accordingly:  
5 Section 1. Section one hundred forty-nine point  
6 five (149.5), Code 1973, is amended to read as follows:  
7 149.5 AMPUTATIONS--GENERAL ANESTHETICS. A license  
8 to practice podiatry shall not authorize the licensee  
9 to amputate the human foot or perform any surgery on  
10 the human body at or above the ankle, or use any  
11 anesthetics other than local.  
12 A registered podiatrist may prescribe and administer  
13 drugs for the treatment of human foot ailments as pro-  
14 vided in section one hundred forty-nine point one  
15 (149.1) of the Code.

H—658 Filed *Adopted 6/11*  
June 1, 1973

By MONROE of Des Moines  
LIPSKY of Linn

S—979

1 Amend House File 325 as passed by the House, page 2,  
2 by striking line 10 and inserting in lieu thereof the following:  
3 "drugs necessary for the treatment of human foot ailments,  
4 including narcotics, antibiotics and analgesics, as pro-".

S—979 Filed *w.d. 1/21*  
June 21, 1973

By SHAW

S—922

1 Amend House File 325 as amended and passed by the House,  
2 page 2, line 12 by inserting after the word "Code" the words  
3 ", but in no event shall this include the general medical  
4 treatment of any systemic disease causing manifestations in the  
5 foot".

S—922 Filed *w.d. 1/21*  
June 15, 1973

By SHAW