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SENATE FILE 122

FILED FEB 1 1973

*State Song 2-2, Passed amended. 2/22/73*  
*H. - Human Resources 3/7,*  
Schwengels, Chairman  
Murray  
Robinson

BY MURRAY and HANSEN  
(Crawford)

Passed Senate, Date 3-1-73 (471) Passed House, Date \_\_\_\_\_  
Vote: Ayes 48 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

### A BILL FOR

1 An Act to establish the Iowa drug abuse authority and define  
2 its powers and duties.

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

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1 Section 1. NEW SECTION. DEFINITIONS. As used in this  
2 Act:

3 1. "Authority" means the Iowa drug abuse authority.

4 2. "Director" means the director of the authority.

5 3. "Advisory council" means the state advisory council  
6 on drug abuse within the authority.

7 4. "Drug abuse prevention function" means any program  
8 or activity relating to drug abuse education, training, treat-  
9 ment, rehabilitation, or research, and includes any such func-  
10 tion even when performed by an organization or agency whose  
11 primary mission is not in the field of drug abuse or drug  
12 traffic prevention, or is unrelated to drugs.

13 5. "Drug program" means any drug abuse prevention func-  
14 tion or any program to assist persons who are or have been  
15 involved in abuse of any controlled substance.

16 6. "Chemical substitutes and antagonists" means any sub-  
17 stance which is used to detoxify from or provide a substitute  
18 for addiction to narcotic substances, or any substance which  
19 opposes, resists, or neutralizes the effects of narcotic sub-  
20 stances, as defined in section two hundred four point one  
21 hundred one (204.101), subsection seventeen (17) of the Code.

22 7. "Controlled substances" has the same meaning as is  
23 assigned that term by section two hundred four point one hun-  
24 dred one (204.101), subsection six (6) of the Code.

25 Sec. 2. NEW SECTION. AUTHORITY ESTABLISHED. There is  
26 established in the office of the governor the Iowa drug abuse  
27 authority, for the purpose of providing overall planning,  
28 policy-making, and implementation of objectives and priori-  
29 ties identified in the comprehensive state drug abuse plan.

30 Sec. 3. NEW SECTION. DIRECTOR APPOINTED. The chief ad-  
31 ministrative officer of the authority shall be the director,  
32 who shall be appointed by the governor with the approval and  
33 confirmation of two-thirds of the members of the senate, and  
34 who shall serve at the pleasure of the governor. An appoint-  
35 ment made to fill a vacancy while the general assembly is

1 not in session shall be reported to the senate for confirma-  
2 tion within thirty days of its convening at its next regular  
3 session.

4 Sec. 4. NEW SECTION. DIRECTOR TO EMPLOY PERSONNEL. The  
5 director shall arrange for the employment of personnel as  
6 are necessary to staff the authority. All personnel shall  
7 be employed through the state merit system, except those in  
8 positions exempt therefrom under section nineteen A point  
9 three (19A.3) of the Code.

10 The director may employ a deputy director, who shall be  
11 exempt from the merit system and shall serve at the pleasure  
12 of the director.

13 Sec. 5. NEW SECTION. POWERS AND DUTIES OF AUTHORITY.  
14 The authority shall:

15 1. Be responsible for the development and implementation  
16 of a comprehensive long-range state plan to identify resources  
17 and provide services to combat abuse of controlled substances  
18 and to assist persons who are or have been involved in abuse  
19 of any controlled substance; in furtherance of this responsi-  
20 bility the authority shall coordinate a network of drug abuse  
21 prevention services in the state.

22 2. Review existing state statutes and proposed legisla-  
23 tion pertaining to treatment or assistance, vocational train-  
24 ing, education, or other rehabilitation services to persons  
25 who are or have been involved in abuse of any controlled sub-  
26 stance, in order to determine whether the statutes or pro-  
27 posed legislation are consistent with the comprehensive state  
28 plan to combat drug abuse.

29 3. Review existing and proposed regulations, policies,  
30 programs and procedures of those operating agencies of the  
31 state and its political subdivisions which provide services  
32 to persons who are or have been involved in abuse of any con-  
33 trolled substance, to determine whether the regulations, pol-  
34 icies, programs, and procedures are consistent with the com-  
35 prehensive state plan to combat drug abuse and, where they

1 are found inconsistent, advise and assist those agencies in  
2 effecting appropriate changes.

3 4. Undertake to coordinate and to eliminate duplication  
4 in drug abuse prevention functions by all departments and  
5 agencies of the state and its political subdivisions, and  
6 by federal departments and agencies operating within the state  
7 of Iowa, by consulting and working in collaboration with the  
8 various planning bodies and communities to encourage and pro-  
9 mote effective use of facilities, resources, and funds in  
10 the development of integrated, comprehensive local programs  
11 for the prevention of drug abuse.

12 5. Provide technical assistance, guidance, consultation,  
13 information, and other relevant services to community groups,  
14 local governments, district or regional bodies, and state  
15 agencies, with respect to the creation and implementation  
16 of programs and procedures for effective drug abuse preven-  
17 tion.

18 6. Establish and apply criteria for evaluation of:

19 a. The effectiveness of drug abuse prevention functions  
20 conducted within the state.

21 b. The accuracy of information contained in and effec-  
22 tiveness of literature and audio-visual aids prepared to com-  
23 bat drug abuse.

24 7. Develop and maintain a centralized drug abuse data  
25 collection and dissemination system, consistent with the con-  
26 fidentiality safeguards of state and federal law, and shall  
27 maintain a continuously updated record of research relevant  
28 to drug abuse which is in progress or has been completed in  
29 the state.

30 8. Establish guidelines for the submission of grant ap-  
31 plications and assist community groups, local governments,  
32 district or regional bodies and state agencies in the prep-  
33 aration and submission of grant applications, all with the  
34 objective of maximizing utilization of available funds to  
35 combat drug abuse.

1 9. Adopt rules to implement this Act, in the manner pre-  
2 scribed by chapter seventeen A (17A) of the Code.

3 Sec. 6. NEW SECTION. POWERS OF DIRECTOR. The director  
4 may:

5 1. Require that a written report, in reasonable detail,  
6 be submitted to him at any time by any agency of this state  
7 or of any of its political subdivisions in respect to any  
8 drug abuse prevention function, or program for the benefit  
9 of persons who are or have been involved in abuse of any con-  
10 trolled substance, which is being conducted by the agency.

11 2. Submit to the governor a written report of the per-  
12 tinent facts at any time the director concludes that any  
13 agency of this state or of any of its political subdivisions  
14 is conducting any drug abuse prevention function, or program  
15 for the benefit of persons who are or have been involved in  
16 abuse of any controlled substance, in a manner not consistent  
17 with or which impairs achievement of the objectives of the  
18 state plan to combat drug abuse, and has failed to effect  
19 appropriate changes in the function or program.

20 3. In furtherance of the objectives of this Act and of  
21 the comprehensive state plan to combat drug abuse:

22 a. Accept and employ voluntary and uncompensated services.

23 b. Accept and expend grants, gifts and legacies of money  
24 and with consent of the executive council pursuant to sec-  
25 tions five hundred sixty-five point three (565.3) through  
26 five hundred sixty-five point five (565.5) of the Code, grants,  
27 gifts and legacies of other property.

28 Sec. 7. NEW SECTION. STATE ADVISORY COUNCIL. There is  
29 established within the authority a state advisory council  
30 to advise the director in administering this Act. The gov-  
31 ernor shall name the appointive members of the advisory coun-  
32 cil, who shall serve at his pleasure, and shall designate  
33 the chairman of the advisory council. The director or his  
34 desionce shall serve as the advisory council's secretary.  
35 The advisory council shall be entirely advisory in character

1 and may not exercise administrative authority.

2     Sec. 8. NEW SECTION. ADVISORY COUNCIL MEMBERSHIP. The  
3 advisory council shall consist of not more than thirty-five  
4 members, as follows:

5     1. Not more than twenty-two members shall be appointed  
6 by the governor to represent:

7     a. Public and private groups and agencies concerned with  
8 drug abuse prevention and control, including representatives  
9 of agencies or individuals whose work is not primarily con-  
10 cerned with drug abuse but does place them in frequent con-  
11 tact with persons who are or have been involved in abuse of  
12 controlled substances.

13     b. City and county government.

14     c. The criminal justice system, including corrections  
15 personnel.

16     d. The general public in each congressional district.

17     2. The following thirteen ex officio members or their  
18 respective designees:

19     a. The commissioner of social services.

20     b. The superintendent of public instruction.

21     c. The commissioner of public safety.

22     d. The attorney general.

23     e. The director of office for planning and programming.

24     f. The executive director of the Iowa crime commission.

25     g. The commissioner of public health.

26     h. The secretary of the state board of pharmacy examiners.

27     i. The executive secretary of the Iowa medical society.

28     j. The executive secretary of the Iowa osteopathic so-  
29 ciety.

30     k. The executive secretary of the Iowa pharmaceutical  
31 association.

32     l. The executive secretary of the Iowa state education  
33 association.

34     m. The director of the Iowa mental health authority.

35     Sec. 9. NEW SECTION. FREQUENCY OF MEETINGS--EXPENSES.

1 The state advisory council shall meet at least quarterly,  
2 and may meet more often, upon the call of the chairman. Ad-  
3 visory council members shall serve without compensation, but  
4 shall be reimbursed for actual and necessary expenses incur-  
5 red by reason of their service upon the advisory council.

6 Sec. 10. NEW SECTION. DISTRICT ADVISORY COUNCILS. The  
7 director may, with advice of the advisory council, establish  
8 district drug abuse advisory councils to perform the same  
9 function, with respect to efforts within the designated dis-  
10 trict to achieve the objective of the comprehensive state  
11 plan to combat drug abuse, as is performed by the advisory  
12 council with respect to the authority and the programs to  
13 which the authority relates.

14 Sec. 11. NEW SECTION. COORDINATION, CONSULTATION, RE-  
15 VIEW BY AUTHORITY.

16 1. Every department or agency of this state which oper-  
17 ates, or administers or subvents state or federal funds for,  
18 any drug abuse prevention program shall annually, before the  
19 beginning of each fiscal year, establish objectives and al-  
20 locate funds for the program in coordination and consultation  
21 with the authority.

22 2. Any department or agency of this state or of any of  
23 its political subdivisions, or any private agency, group or  
24 individual operating a drug abuse prevention program which  
25 proposes to submit to the federal government or to any de-  
26 partment or agency of this state a request for a grant of  
27 federal or state funds or for other federal or state assis-  
28 tance or approval for any drug program, shall submit the re-  
29 quest to the authority for review and comment prior to formal  
30 submission to the federal or state department or agency to  
31 which the request is directed.

32 Sec. 12. NEW SECTION. PROGRAMS LICENSED. Except as  
33 otherwise provided, no person may, without first having ob-  
34 tained a written license therefor from the authority, main-  
35 tain or conduct any chemical substitutes or antagonists pro-

1 gram, halfway house, residential program, outpatient program,  
2 or other program, the purpose of which is the treatment and  
3 rehabilitation of drug dependent persons.

4 Sec. 13. NEW SECTION. EXCEPTIONS. The licensing re-  
5 quirements of this Act, except the requirements imposed by  
6 section twenty-one (21) of this Act, shall not apply to any  
7 of the following:

8 1. Hospitals providing any service of care, treatment,  
9 counseling or rehabilitation to drug dependent persons re-  
10 quired on the effective date of this Act by other provisions  
11 of law to be licensed.

12 2. Any practitioner of medicine and surgery or osteopathic  
13 medicine and surgery, in his private practice. However, no  
14 program shall be exempted from licensing by the authority  
15 by virtue of its utilization of the services of a medical  
16 practitioner in its operation.

17 3. Private institutions conducted by and for persons who  
18 adhere to the faith of any well recognized church or reli-  
19 gious denomination for the purpose of providing care, treat-  
20 ment, counseling, or rehabilitation to drug dependent persons  
21 and who rely solely on prayer or other spiritual means for  
22 healing in the practice of religion of such church or denomi-  
23 nation.

24 4. Facilities, institutions, or programs which, in the  
25 discretion of the authority, provide services which are only  
26 informational or educational in nature.

27 Sec. 14. NEW SECTION. LICENSING BOARD. There is created  
28 within the authority a drug treatment licensing board, of  
29 which the director shall be chairman. The drug treatment  
30 licensing board shall meet to consider all cases involving  
31 issuance, denial, suspension, or revocation of a license.  
32 Upon approval of an application for licensing from the drug  
33 treatment licensing board, a license shall be issued. The  
34 board members, in addition to the director, shall be:

35 1. A representative of the state pharmacy examiners,

1 designated by the pharmacy examiners.

2 2. A representative of the department of health, desig-  
3 nated by the commissioner of public health.

4 3. A representative of the department of social services,  
5 designated by the commissioner of social services.

6 4. A representative of the division of rehabilitation  
7 and education services, department of public instruction,  
8 designated by the director of the division.

9 5. A private physician, appointed by the director.

10 6. Two representatives of community-based drug treatment  
11 programs, appointed by the director.

12 Sec. 15. NEW SECTION. LICENSE RENEWAL--FEES. Licenses  
13 shall expire one year from the date of issuance and shall  
14 be renewed upon timely application made in the same manner  
15 as for original issuance of a license unless notice of non-  
16 renewal is given to the licensee at least thirty days prior  
17 to the expiration of the license. The authority shall charge  
18 a fee for licensing and renewal adequate to cover the cost  
19 of processing each application and conducting inspection and  
20 investigations as required or deemed necessary to properly  
21 enforce this Act. Costs incurred by local agencies or bodies  
22 approved to assist the authority in administering this Act  
23 as permitted by section twenty-one (21), subsection four (4)  
24 of this Act may be reimbursed to the local agencies or bodies  
25 by the authority.

26 Sec. 16. NEW SECTION. INSPECTION OF LICENSEES. The  
27 authority shall at least annually inspect the facilities and  
28 review the procedures utilized by each licensed program.  
29 The examination and review may include case record audits  
30 and interviews with staff and patients, consistent with the  
31 confidentiality safeguards of state and federal law.

32 Sec. 17. NEW SECTION. TRANSFER OF LICENSE OR CHANGE OF  
33 LOCATION PROHIBITED. No license issued under this Act may  
34 be transferred, and the location of the physical facilities  
35 occupied or utilized by any program licensed under this Act

1 shall not be changed without the prior written consent of  
2 the authority.

3 Sec. 18. NEW SECTION. LICENSE SUSPENSION OR REVOCATION.

4 Violation of any of the requirements or restrictions of this  
5 Act or of any of the rules properly established pursuant to  
6 this Act is cause for suspension, revocation or refusal to  
7 renew a license. The director shall at the earliest time  
8 feasible notify a licensee whose license the authority is  
9 considering suspending or revoking and shall inform the li-  
10 censee what changes must be made in his operation to avoid  
11 such action. The licensee shall be given a reasonable time  
12 for compliance, as determined by the director, after receiv-  
13 ing such notice or a notice that the authority does not in-  
14 tend to renew the license. When the licensee believes he  
15 has achieved compliance, or if he considers the proposed sus-  
16 pension, revocation or refusal to renew unjustified, he may  
17 submit pertinent information to the director who shall ex-  
18 peditiously make a decision in the matter and notify the li-  
19 censee of the decision.

20 Sec. 19. NEW SECTION. HEARING BEFORE LICENSING BOARD.

21 If a licensee under this Act makes a written request for a  
22 hearing within thirty days of suspension, revocation or re-  
23 fusal to renew his license, a hearing before the drug treat-  
24 ment licensing board shall be expeditiously arranged. If  
25 the role of a licensing board member is inconsistent with  
26 any member's job role or function, or if any member feels  
27 he is unable for any reason to disinterestedly weigh the  
28 merits of the case before him, a substitute representative  
29 from the agency that member represents on the board shall  
30 be appointed by the director for the hearing on that case.  
31 The board shall, within thirty days after conclusion of the  
32 hearing, issue a written statement of its findings upholding  
33 or reversing the proposed suspension, revocation or refusal  
34 to renew a license. No action involving suspension, revocation  
35 or refusal to renew a license shall be taken by the licensing

1 board unless a quorum of five of the eight members are present  
2 at the meeting. A copy of the decision shall be promptly  
3 transmitted to the affected licensee who may, if he is  
4 aggrieved by the decision, request a second hearing before  
5 the board in the manner provided by this section. If the  
6 second hearing is denied, or its outcome is unsatisfactory  
7 to the licensee, he may appeal to district court which may  
8 hear the matter de novo.

9     Sec. 20. NEW SECTION. REISSUANCE OR REINSTATEMENT. After  
10 suspension, revocation or refusal to renew a license pursuant  
11 to this Act, the affected licensee shall not have his license  
12 reissued or reinstated within one year of the effective date  
13 of the suspension, revocation or expiration upon refusal to  
14 renew, unless by order of the drug treatment licensing board.  
15 After that time, proof of compliance with the requirements  
16 and restrictions of this Act and the rules established pur-  
17 suant to this Act must be presented to the director prior  
18 to reinstatement or reissuance of a license.

19     Sec. 21. NEW SECTION. CHEMICAL SUBSTITUTES AND ANTAGON-  
20 ISTS PROGRAMS. The authority shall have exclusive power in  
21 this state to approve and license chemical substitutes and  
22 antagonists programs, and may:

23     1. Monitor chemical substitutes and antagonists programs  
24 in this state to insure that the programs are operating with-  
25 in the rules established pursuant to this Act.

26     2. Continuously study and evaluate chemical substitutes  
27 and antagonists programs in this state and annually report  
28 to the governor and the general assembly on the effective-  
29 ness and needs of the programs.

30     3. Provide advice, consultation, and technical assistance  
31 to chemical substitutes and antagonists programs.

32     4. In its discretion, approve local agencies or bodies  
33 to assist it in carrying out the provisions of this Act.

34     Sec. 22. NEW SECTION. RULES TO BE ESTABLISHED. The rules  
35 established pursuant to section five (5), subsection nine

1 (9) of this Act shall include rules for chemical substitutes  
2 and antagonists programs in the manner prescribed by chapter  
3 seventeen A (17A) of the Code. The rules shall have as their  
4 objective the assurance that these programs will provide a  
5 means by which the patient may be rehabilitated and eventually  
6 enabled to end his dependence on drugs, and during this pro-  
7 cess will be freed from the necessity to resort to illegal  
8 activities to support his dependence on drugs, and to this  
9 end the rules shall:

10 1. Establish guidelines for the eligibility of patients  
11 to be served by these programs.

12 2. Establish guidelines for operation of these programs  
13 which shall include permissible dosage levels, record keeping  
14 and reporting, urinalysis requirements and permissible take-  
15 home dosages of, and security against redistribution of, con-  
16 trolled substances used in these programs.

17 3. Require that these programs provide a full range of  
18 comprehensive services to patients which shall include indi-  
19 vidual and group therapy, counseling, vocational guidance  
20 and job education counseling.

21 4. Establish a statewide identification system which shall  
22 be used by all these programs to prevent simultaneous regis-  
23 tration of any patient in more than one program and to insure  
24 the proper administration of medication while protecting the  
25 patients rights to confidentiality pursuant to section twenty-  
26 three (23) of this Act; the authority may also participate  
27 in a similar national or interstate identification system  
28 if one is developed by the federal government or otherwise.

29 5. Provide for due notice to operators of these programs  
30 who may be required by the rules to make changes in the man-  
31 ner of operation of the programs.

32 Sec. 23. NEW SECTION. CONFIDENTIALITY OF PATIENT RECORDS.  
33 Records of the identity, diagnosis, prognosis, or treatment  
34 of any patient which are maintained in connection with the  
35 performance of any drug abuse prevention function licensed

1 under this Act shall be confidential and may be disclosed  
2 only for the purposes and under the circumstances expressly  
3 authorized by this section.

4 1. The content of the record shall be disclosed to the  
5 patient at his request.

6 2. If the patient, with respect to whom any given record  
7 referred to above is maintained, gives his specific written  
8 consent the content of the record may be disclosed:

9 a. To medical personnel for the purpose of diagnosis or  
10 treatment of the patient.

11 b. To governmental personnel for the purpose of obtain-  
12 ing benefits to which the patient is entitled.

13 3. If the patient does not give his written consent, the  
14 content of the record may be disclosed only as follows:

15 a. To medical personnel to the extent necessary to meet  
16 a bona fide medical emergency.

17 b. To qualified personnel for the purpose of conducting  
18 scientific research, management, financial audits or program  
19 evaluation, but records so disclosed shall not identify, di-  
20 rectly or indirectly, any individual patient or otherwise  
21 disclose patient identity in any manner.

22 c. If authorized by an appropriate order of a court of  
23 competent jurisdiction granted after application showing good  
24 cause therefor, the burden being on the petitioner. In assess-  
25 ing good cause, the court shall weigh the public interest  
26 and need for disclosure against the injury of the patient,  
27 to the physician-patient relationship, and to the treatment  
28 services. Upon granting of such order, the court in deter-  
29 mining the extent to which any disclosure of all or any part  
30 of the record is necessary shall impose appropriate safe-  
31 guards against unauthorized disclosure. Except as authorized  
32 by an appropriate court order granted under this paragraph,  
33 no record referred to in this section may be used to initiate  
34 or substantiate any criminal charges against a patient or  
35 to conduct any investigation of a patient.

1 4. The prohibitions of this section continue to apply  
2 to records concerning any individual who has been a patient,  
3 irrespective of whether or when he ceases to be a patient.  
4 The arrest and conviction records and the records of any  
5 charges pending against any person seeking admission to a  
6 chemical substitutes or antagonists program or other drug  
7 program shall be furnished to program directors by courts  
8 and law enforcement agencies upon request in writing by the  
9 program director provided such request is accompanied by a  
10 signed release from the person whose records are being  
11 requested, and all aspects of patient record confidentiality  
12 are assured.

13 Sec. 24. NEW SECTION. TERMINATION OF AUTHORITY. Effec-  
14 tive June 30, 1978 the authority and each of the positions  
15 in the authority shall be abolished and this Act shall be  
16 repealed. Not later than June 30, 1977 the director shall  
17 submit to the governor and the general assembly a plan for  
18 the orderly assumption of the functions of the authority by  
19 existing state departments and agencies, or the assimilation  
20 of the authority into a single existing state agency or the  
21 continuation of the authority.

22 Sec. 25. Section two hundred four point five hundred four  
23 (204.504), subsection three (3), Code 1973, is amended to  
24 read as follows:

25 3. A practitioner engaged in medical practice or research  
26 or the Iowa drug abuse authority or any program which is  
27 licensed by the authority shall not be required to furnish  
28 the name or identity of a patient or research subject to the  
29 board or the department, nor shall the practitioner or the  
30 authority or any program which is licensed by the authority  
31 be compelled in any state or local civil, criminal, adminis-  
32 trative, legislative or other proceedings to furnish the name  
33 or identity of an individual that the practitioner or the  
34 authority or any of its licensed programs is obligated to  
35 keep confidential.

## 1 EXPLANATION

2 Public Law 92-255, the Federal Drug Abuse Office and Treat-  
3 ment Act of 1972, represents an attempt by the federal govern-  
4 ment to lend greater impact to the efforts of federal agencies  
5 to deal with drug abuse by focusing and coordinating the drug  
6 abuse prevention functions of those agencies, and mandates  
7 that similar action be taken by state government to effectively  
8 and economically utilize federal, state and local programs  
9 for drug abuse and drug dependence prevention, care, treat-  
10 ment, and rehabilitation services. To achieve this, it is  
11 necessary that:

12 - Existing fragmented, uncoordinated, and duplicatory drug  
13 abuse and drug dependence programs be molded into a compre-  
14 hensive and integrated delivery system for drug abuse preven-  
15 tion.

16 - Responsibility and authority for planning and coordin-  
17 ating programs and activities related to drug abuse preven-  
18 tion be concentrated in one agency.

19 This bill assigns responsibility for planning and coor-  
20 dinating drug abuse prevention functions within the state  
21 to a single state agency, the Iowa Drug Abuse Authority, which  
22 can work collaboratively with community groups, state agencies,  
23 and the federal government, and whose functions are subject  
24 to periodic review by the General Assembly and appropriate  
25 federal agencies.

26 The Authority will be established by statute on July 1,  
27 1973, if this bill is passed by the 1973 Session of the Sixty-  
28 fifth General Assembly. The Authority has been function-  
29 ing by executive order of the Governor since February, 1971.  
30 The bill provides for the director of the Authority to sub-  
31 mit to the Governor and the General Assembly, by June 30,  
32 1977, a plan for assimilation of the Authority by one or more  
33 state agencies during the succeeding year, or for extension  
34 of the life of the Authority. Under the terms of this bill,  
35 unless contrary action is taken later, the Authority will

1 go out of existence and this bill will stand repealed as of  
2 June 30, 1978.

3  
4 SENATE FILE 122  
5 FISCAL NOTE

6 Date prepared February 2, 1973

7 Requested by Senators Murray and Hansen.

8 Prepared in regard to S.F. 122 - An Act to establish the  
9 Iowa Drug Abuse Authority and define its power and duties.  
10 Following is the fiscal effect in dollars of the legislative  
11 proposal as required by Senate Rule 31.

12 The financial requirements that would be necessary for  
13 the Drug Abuse Authority to fulfill the requirements of  
14 this Act were taken into consideration when their budget  
15 request was prepared.

16 Federal formula grant moneys are available for the  
17 majority of the planning functions described in this Act,  
18 therefore not requiring any significant amount of State money  
19 in this area.

20 The area of licensing can be arranged with the State  
21 Department of Health reducing the cost substantially and will  
22 not result in any increase in the Department's budget request.

23 Source: Drug Abuse Authority.

24 Filed  
25 February 22, 1973

GERRY D. RANKIN  
Legislative Fiscal Director

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SENATE FILE 122

S-135

1 Amend Senate File 122 as follows:  
2 Page 13, by striking lines 22 through 35.

3 Filed. *Adopted 3/1*  
4 February 22, 1973

By GLENN and SCHWIEGER

S--68

1 Amend Senate File 122 as follows:

2 1. By inserting in line 17 on page 2, before the word  
3 "which", the words ", including but not limited to  
methadone

4 or any other similar substance,".

5 2. By inserting after the period in line 1 on page 6  
6 the following:

7 "The governor may designate any five members of the  
advisory

8 council as an executive committee who may meet with the  
9 director at his request or the request of the chairman of  
10 the advisory council without prior notice to other members  
11 of the advisory council, and may exercise the functions of  
12 the advisory council in the interval between meetings of

13 advisory council. The chairman of the advisory council  
the  
may

14 form committees composed of members of the advisory  
council,

15 and designate one of the members as chairman of each such  
16 committee."

17 3. By inserting after line 34 on page 6 the following:

18 "n. The associate superintendent of the vocational  
19 rehabilitation education and services branch of the depart-  
20 ment of public instruction."

Filed - *Adopted 2/1*  
February 12, 1973

By MURRAY and HANSEN

S--139

1 Amend Senate File 122 as follows:

2 1. Page 6, lines 3 and 4 by striking "not more than  
3 thirty-five members," and inserting in lieu thereof the  
4 word "members".

5 2. Page 6, line 5 by striking "twenty-two" and inserting } *Law*  
6 in lieu thereof the word "seven".

7 3. Page 6, line 16 by striking "in each congressional  
8 district".

9 4. Page 6, line 17, by striking "thirteen ex officio".

10 5. Page 8, line 1, by inserting after the word "house"  
11 the word "program".

12 6. Page 11, lines 22 and 23 by striking "may: 1.  
Monitor"

13 and insert in lieu thereof the word "monitor".

14 7. Page 11, by inserting after line 25 the following:  
15 "The authority may:".

16 8. Page 11, line 26, by striking the numeral "2" and  
inserting

17 in lieu thereof the numeral "1".

18 9. Page 11, line 30, by striking the numeral "3" and  
inserting

19 in lieu thereof the numeral "2".

20 10. Page 11, line 32, by striking the numeral "4" and  
inserting

21 in lieu thereof the numeral "3".

Filed *2/2 Law, remainder adopted 2/1* By COMMITTEE ON STATE GOVERNMENT  
February 22, 1973

S-188

- 1 Amend Senate File 122 as follows:  
2 1. Page 6, line 27, by striking the words  
3 "executive secretary" and inserting in lieu thereof  
4 the word "president".  
5 2. Page 6, line 28, by striking the words  
6 "executive secretary" and inserting in lieu thereof  
7 the word "president".  
8 3. Page 6, line 30, by striking the words  
9 "executive secretary" and inserting in lieu thereof  
10 the word "president".  
11 4. Page 6, line 32, by striking the words  
12 "executive secretary" and inserting in lieu thereof  
13 the word "president".

Filed and adopted  
March 1, 1973

By DODERER

S-180

- 1 Amend Senate File 122, Page 8, by striking lines 12  
2 and 13 and inserting in lieu thereof the following:  
3 "2. Any practitioner of medicine and surgery,  
4 medicine and surgery, dentistry, or podiatry, in his osteopathic  
5 practice. However, no". private

Filed - *Withdrawn* 3/  
February 28, 1973

By MURRAY and HANSEN

S-189

- 1 Amend Senate File 122 as follows:  
2 Page 13, line 5, by inserting after the word "request"  
3 words ", except for patient records prepared by a the  
4 psychologist or psychiatrist".

Filed and lost  
March 1, 1973

By ORR

April 27, 1973

SENATE FILE 122

*The Human Resources. Pass per 395*

By MURRAY AND HANSEN (Crawford)

Senate File 122  
Butler, Chairman  
Crawford  
Schroeder  
Higgins  
Caffrey  
Rinas

**SENATE AMENDMENTS  
SHOWN IN BOLD FACE**

**(AS PASSED BY THE SENATE)**

Passed Senate, Date 3-1-73 (471) Passed House, Date 6-3-73 (1812)

Vote: Ayes 48 Nays 0 Vote: Ayes 67 Nays 17

Approved 7-17-73

*Passed Senate as amended by House  
6-12-73 (1641)  
48-0*

## A BILL FOR

- 1 An Act to establish the Iowa drug abuse authority and define
- 2 its powers and duties.
- 3 *Be It Enacted by the General Assembly of the State of Iowa:*

1 Section 1. *NEW SECTION. DEFINITIONS.* As used in this  
2 Act:

3 1. "Authority" means the Iowa drug abuse authority.

4 2. "Director" means the director of the authority.

5 3. "Advisory council" means the state advisory council  
6 on drug abuse within the authority.

7 4. "Drug abuse prevention function" means any program  
8 or activity relating to drug abuse education, training, treat-  
9 ment, rehabilitation, or research, and includes any such func-  
10 tion even when performed by an organization or agency whose  
11 primary mission is not in the field of drug abuse or drug  
12 traffic prevention, or is unrelated to drugs.

13 5. "Drug program" means any drug abuse prevention func-  
14 tion or any program to assist persons who are or have been  
15 involved in abuse of any controlled substance.

16 6. "Chemical substitutes and antagonists" means any sub-  
17 stance, including but not limited to methadone or any other  
18 similar substance,

19 which is used to detoxify from or provide a substitute  
20 for addiction to narcotic substances, or any substance which  
21 opposes, resists, or neutralizes the effects of narcotic sub-  
22 stances, as defined in section two hundred four point one  
23 hundred one (204.101), subsection seventeen (17) of the Code.

24 7. "Controlled substances" has the same meaning as is  
25 assigned that term by section two hundred four point one hun-  
26 dred one (204.101), subsection six (6) of the Code.

27 Sec. 2. *NEW SECTION. AUTHORITY ESTABLISHED.* There is  
28 established in the office of the governor the Iowa drug abuse  
29 authority, for the purpose of providing overall planning,  
30 policy-making, and implementation of objectives and priori-  
31 ties identified in the comprehensive state drug abuse plan.

32 Sec. 3. *NEW SECTION. DIRECTOR APPOINTED.* The chief ad-  
33 ministrative officer of the authority shall be the director,  
34 who shall be appointed by the governor with the approval and  
35 confirmation of two-thirds of the members of the senate, and

36 who shall serve at the pleasure of the governor. An appoint-  
37 ment made to fill a vacancy while the general assembly is

1 not in session shall be reported to the senate for confirma-  
2 tion within thirty days of its convening at its next regular  
3 session.

4 Sec. 4. *NEW SECTION. DIRECTOR TO EMPLOY PERSONNEL.*  
The  
5 director shall arrange for the employment of personnel as  
6 are necessary to staff the authority. All personnel shall  
7 be employed through the state merit system, except those in  
8 positions exempt therefrom under section nineteen A point  
9 three (19A.3) of the Code.

10 The director may employ a deputy director, who shall be  
11 exempt from the merit system and shall serve at the pleasure  
12 of the director.

13 Sec. 5. *NEW SECTION. POWERS AND DUTIES OF AUTHOR-*  
ITY.

14 The authority shall:

15 1. Be responsible for the development and implementation  
16 of a comprehensive long-range state plan to identify resources  
17 and provide services to combat abuse of controlled substances  
18 and to assist persons who are or have been involved in abuse  
19 of any controlled substance; in furtherance of this responsi-  
20 bility the authority shall coordinate a network of drug abuse  
21 prevention services in the state.

22 2. Review existing state statutes and proposed legisla-  
23 tion pertaining to treatment or assistance, vocational train-  
24 ing, education, or other rehabilitation services to persons  
25 who are or have been involved in abuse of any controlled sub-  
26 stance, in order to determine whether the statutes or pro-  
27 posed legislation are consistent with the comprehensive state  
28 plan to combat drug abuse.

29 3. Review existing and proposed regulations, policies,  
30 programs and procedures of those operating agencies of the  
31 state and its political subdivisions which provide services  
32 to persons who are or have been involved in abuse of any con-  
33 trolled substance, to determine whether the regulations, pol-  
34 icies, programs, and procedures are consistent with the com-  
35 prehensive state plan to combat drug abuse and, where they

1 are found inconsistent, advise and assist those agencies in  
2 effecting appropriate changes.

3 4. Undertake to coordinate and to eliminate duplication  
4 in drug abuse prevention functions by all departments and  
5 agencies of the state and its political subdivisions, and  
6 by federal departments and agencies operating within the state  
7 of Iowa, by consulting and working in collaboration with the  
8 various planning bodies and communities to encourage and pro-  
9 mote effective use of facilities, resources, and funds in  
10 the development of integrated, comprehensive local programs  
11 for the prevention of drug abuse.

12 5. Provide technical assistance, guidance, consultation,  
13 information, and other relevant services to community groups,  
14 local governments, district or regional bodies, and state  
15 agencies, with respect to the creation and implementation  
16 of programs and procedures for effective drug abuse preven-  
17 tion.

18 6. Establish and apply criteria for evaluation of:

19 a. The effectiveness of drug abuse prevention functions  
20 conducted within the state.

21 b. The accuracy of information contained in and effec-  
22 tiveness of literature and audio-visual aids prepared to com-  
23 bat drug abuse.

24 7. Develop and maintain a centralized drug abuse data  
25 collection and dissemination system, consistent with the con-  
26 fidentiality safeguards of state and federal law, and shall  
27 maintain a continuously updated record of research relevant  
28 to drug abuse which is in progress or has been completed in  
29 the state.

30 8. Establish guidelines for the submission of grant ap-  
31 plications and assist community groups, local governments,  
32 district or regional bodies and state agencies in the prep-  
33 aration and submission of grant applications, all with the  
34 objective of maximizing utilization of available funds to  
35 combat drug abuse.

1 9. Adopt rules to implement this Act, in the manner pre-  
2 scribed by chapter seventeen A (17A) of the Code.

3 Sec. 6. *NEW SECTION.* POWERS OF DIRECTOR. The director  
4 may :

5 1. Require that a written report, in reasonable detail,  
6 be submitted to him at any time by any agency of this state  
7 or of any of its political subdivisions in respect to any  
8 drug abuse prevention function, or program for the benefit  
9 of persons who are or have been involved in abuse of any con-  
10 trolled substance, which is being conducted by the agency.

11 2. Submit to the governor a written report of the per-  
12 tinent facts at any time the director concludes that any  
13 agency of this state or of any of its political subdivisions  
14 is conducting any drug abuse prevention function, or program  
15 for the benefit of persons who are or have been involved in  
16 abuse of any controlled substance, in a manner not consistent  
17 with or which impairs achievement of the objectives of the  
18 state plan to combat drug abuse, and has failed to effect  
19 appropriate changes in the function or program.

20 3. In furtherance of the objectives of this Act and of  
21 the comprehensive state plan to combat drug abuse :

22 a. Accept and employ voluntary and uncompensated services.

23 b. Accept and expend grants, gifts and legacies of money  
24 and with consent of the executive council pursuant to sec-  
25 tions five hundred sixty-five point three (565.3) through  
26 five hundred sixty-five point five (565.5) of the Code, grants,  
27 gifts and legacies of other property.

28 Sec. 7. *NEW SECTION.* STATE ADVISORY COUNCIL. There  
29 established within the authority a state advisory council is  
30 to advise the director in administering this Act. The gov-  
31 ernor shall name the appointive members of the advisory coun-  
32 cil, who shall serve at his pleasure, and shall designate  
33 the chairman of the advisory council. The director or his  
34 designee shall serve as the advisory council's secretary.  
35 The advisory council shall be entirely advisory in character

1 and may not exercise administrative authority.

2 The governor may designate any five members of the advis-  
3 ory council as an executive committee who may meet with the  
4 director at his request or the request of the chairman of  
5 the advisory council without prior notice to other members  
6 of the advisory council, and may exercise the functions of  
7 the advisory council in the interval between meetings of the  
8 advisory council. The chairman of the advisory council may  
9 form committees composed of members of the advisory council,  
10 and designate one of the members as chairman of each such  
11 committee.

12 Sec. 8. *NEW SECTION.* ADVISORY COUNCIL MEMBER-  
SHIP. The

13 advisory council shall consist of  
14 members as follows:

15 1. Not more than twenty-two members shall be appointed  
16 by the governor to represent:

17 a. Public and private groups and agencies concerned with  
18 drug abuse prevention and control, including representatives  
19 of agencies or individuals whose work is not primarily con-  
20 cerned with drug abuse but does place them in frequent con-  
21 tact with persons who are or have been involved in abuse of  
22 controlled substances.

23 b. City and county government.

24 c. The criminal justice system, including corrections  
25 personnel.

26 d. The general public

27 2. The following members or their  
28 respective designees:

29 a. The commissioner of social services.

30 b. The superintendent of public instruction.

31 c. The commissioner of public safety.

32 d. The attorney general.

33 e. The director of office for planning and programming.

34 f. The executive director of the Iowa crime commission.

35 g. The commissioner of public health.

36 h. The secretary of the state board of pharmacy examiners.

37 i. The president of the Iowa medical society.

38 j. The president of the Iowa osteopathic so-  
39 ciety.

40 k. The president of the Iowa pharmaceutical  
41 association.

42 l. The president of the Iowa state education  
43 association.

44 m. The director of the Iowa mental health authority.

45 n. The associate superintendent of the vocational  
46 rehabilitation education and services branch of the depart-  
47 ment of public instruction.

48 Sec. 9. *NEW SECTION.* FREQUENCY OF MEETINGS—EX-  
PENSES.

1 The state advisory council shall meet at least quarterly,  
2 and may meet more often, upon the call of the chairman. Ad-  
3 visory council members shall serve without compensation, but  
4 shall be reimbursed for actual and necessary expenses incur-  
5 red by reason of their service upon the advisory council.

6 Sec. 10. *NEW SECTION.* DISTRICT ADVISORY COUNCILS. <sup>The</sup>

7 director may, with advice of the advisory council, establish  
8 district drug abuse advisory councils to perform the same  
9 function, with respect to efforts within the designated dis-  
10 trict to achieve the objective of the comprehensive state  
11 plan to combat drug abuse, as is performed by the advisory  
12 council with respect to the authority and the programs to  
13 which the authority relates.

14 Sec. 11. *NEW SECTION.* COORDINATION, CONSULTATION, <sup>RE-</sup>  
15 VIEW BY AUTHORITY.

16 1. Every department or agency of this state which oper-  
17 ates, or administers or subvents state or federal funds for,  
18 any drug abuse prevention program shall annually, before the  
19 beginning of each fiscal year, establish objectives and al-  
20 locate funds for the program in coordination and consultation  
21 with the authority.

22 2. Any department or agency of this state or of any of  
23 its political subdivisions, or any private agency, group or  
24 individual operating a drug abuse prevention program which  
25 proposes to submit to the federal government or to any de-  
26 partment or agency of this state a request for a grant of  
27 federal or state funds or for other federal or state assis-  
28 tance or approval for any drug program, shall submit the re-  
29 quest to the authority for review and comment prior to formal  
30 submission to the federal or state department or agency to  
31 which the request is directed.

32 Sec. 12. *NEW SECTION.* PROGRAMS LICENSED. Except as  
33 otherwise provided, no person may, without first having ob-  
34 tained a written license therefor from the authority, main-  
35 tain or conduct any chemical substitutes or antagonists pro-

1 gram, halfway house program, residential program, outpatient pro-  
gram,  
2 or other program, the purpose of which is the treatment and  
3 rehabilitation of drug dependent persons.

4 Sec. 13. *NEW SECTION. EXCEPTIONS.* The licensing re-  
5 quirements of this Act, except the requirements imposed by  
6 section twenty-one (21) of this Act, shall not apply to any  
7 of the following:

8 1. Hospitals providing any service of care, treatment,  
9 counseling or rehabilitation to drug dependent persons re-  
10 quired on the effective date of this Act by other provisions  
11 of law to be licensed.

12 2. Any practitioner of medicine and surgery or osteopathic  
13 medicine and surgery, in his private practice. However, no  
14 program shall be exempted from licensing by the authority  
15 by virtue of its utilization of the services of a medical  
16 practitioner in its operation.

17 3. Private institutions conducted by and for persons who  
18 adhere to the faith of any well recognized church or reli-  
19 gious denomination for the purpose of providing care, treat-  
20 ment, counseling, or rehabilitation to drug dependent persons  
21 and who rely solely on prayer or other spiritual means for  
22 healing in the practice of religion of such church or denomi-  
23 nation.

24 4. Facilities, institutions, or programs which, in the  
25 discretion of the authority, provide services which are only  
26 informational or educational in nature.

27 Sec. 14. *NEW SECTION. LICENSING BOARD.* There is created  
28 within the authority a drug treatment licensing board, of  
29 which the director shall be chairman. The drug treatment  
30 licensing board shall meet to consider all cases involving  
31 issuance, denial, suspension, or revocation of a license.  
32 Upon approval of an application for licensing from the drug  
33 treatment licensing board, a license shall be issued. The  
34 board members, in addition to the director, shall be:

35 1. A representative of the state pharmacy examiners,

1 designated by the pharmacy examiners.

2 2. A representative of the department of health, desig-  
3 nated by the commissioner of public health.

4 3. A representative of the department of social services,  
5 designated by the commissioner of social services.

6 4. A representative of the division of rehabilitation  
7 and education services, department of public instruction,  
8 designated by the director of the division.

9 5. A private physician, appointed by the director.

10 6. Two representatives of community-based drug treatment  
11 programs, appointed by the director.

12 Sec. 15. *NEW SECTION.* LICENSE RENEWAL—FEES. Li-  
censes

13 shall expire one year from the date of issuance and shall  
14 be renewed upon timely application made in the same manner  
15 as for original issuance of a license unless notice of non-  
16 renewal is given to the licensee at least thirty days prior  
17 to the expiration of the license. The authority shall charge  
18 a fee for licensing and renewal adequate to cover the cost  
19 of processing each application and conducting inspection and  
20 investigations as required or deemed necessary to properly  
21 enforce this Act. Costs incurred by local agencies or bodies  
22 approved to assist the authority in administering this Act  
23 as permitted by section twenty-one (21), subsection four (4)  
24 of this Act may be reimbursed to the local agencies or bodies  
25 by the authority.

26 Sec. 16. *NEW SECTION.* INSPECTION OF LICENSES. The  
27 authority shall at least annually inspect the facilities and  
28 review the procedures utilized by each licensed program.  
29 The examination and review may include case record audits  
30 and interviews with staff and patients, consistent with the  
31 confidentiality safeguards of state and federal law.

32 Sec. 17. *NEW SECTION.* TRANSFER OF LICENSE OR  
CHANGE OF  
33 LOCATION PROHIBITED. No license issued under this Act may  
34 be transferred, and the location of the physical facilities  
35 occupied or utilized by any program licensed under this Act

1 shall not be changed without the prior written consent of  
2 the authority.

3 Sec. 18. *NEW SECTION. LICENSE SUSPENSION OR REVO-*  
4 *CATION.*

4 Violation of any of the requirements or restrictions of this  
5 Act or of any of the rules properly established pursuant to  
6 this Act is cause for suspension, revocation or refusal to  
7 renew a license. The director shall at the earliest time  
8 feasible notify a licensee whose license the authority is  
9 considering suspending or revoking and shall inform the li-  
10 censee what changes must be made in his operation to avoid  
11 such action. The licensee shall be given a reasonable time  
12 for compliance, as determined by the director, after receiv-  
13 ing such notice or a notice that the authority does not in-  
14 tend to renew the license. When the licensee believes he  
15 has achieved compliance, or if he considers the proposed sus-  
16 pension, revocation or refusal to renew unjustified, he may  
17 submit pertinent information to the director who shall ex-  
18 peditiously make a decision in the matter and notify the li-  
19 censee of the decision.

20 Sec. 19. *NEW SECTION. HEARING BEFORE LICENSING*  
21 *BOARD.*

21 If a licensee under this Act makes a written request for a  
22 hearing within thirty days of suspension, revocation or re-  
23 fusal to renew his license, a hearing before the drug treat-  
24 ment licensing board shall be expeditiously arranged. If  
25 the role of a licensing board member is inconsistent with  
26 any member's job role or function, or if any member feels  
27 he is unable for any reason to disinterestedly weigh the  
28 merits of the case before him, a substitute representative  
29 from the agency that member represents on the board shall  
30 be appointed by the director for the hearing on that case.  
31 The board shall, within thirty days after conclusion of the  
32 hearing, issue a written statement of its findings upholding  
33 or reversing the proposed suspension, revocation or refusal  
34 to renew a license. No action involving suspension, revocation  
35 or refusal to renew a license shall be taken by the licensing

1 board unless a quorum of five of the eight members are present  
2 at the meeting. A copy of the decision shall be promptly  
3 transmitted to the affected licensee who may, if he is  
4 aggrieved by the decision, request a second hearing before  
5 the board in the manner provided by this section. If the  
6 second hearing is denied, or its outcome is unsatisfactory  
7 to the licensee, he may appeal to district court which may  
8 hear the matter de novo.

9 Sec. 20. *NEW SECTION.* REISSUANCE OR REINSTATE-  
MENT. After  
10 suspension, revocation or refusal to renew a license pursuant  
11 to this Act, the affected licensee shall not have his license  
12 reissued or reinstated within one year of the effective date  
13 of the suspension, revocation or expiration upon refusal to  
14 renew, unless by order of the drug treatment licensing board.  
15 After that time, proof of compliance with the requirements  
16 and restrictions of this Act and the rules established pur-  
17 suant to this Act must be presented to the director prior  
18 to reinstatement or reissuance of a license.

19 Sec. 21. *NEW SECTION.* CHEMICAL SUBSTITUTES AND  
ANTAGON-  
20 ISTS PROGRAMS. The authority shall have exclusive power in  
21 this state to approve and license chemical substitutes and  
22 antagonists programs, and monitor  
23 chemical substitutes and antagonists programs  
24 in this state to insure that the programs are operating with-  
25 in the rules established pursuant to this Act.

26 The authority may:

27 1. Continuously study and evaluate chemical substitutes  
28 and antagonists programs in this state and annually report  
29 to the governor and the general assembly on the effective-  
30 ness and needs of the programs.

31 2. Provide advice, consultation, and technical assistance  
32 to chemical substitutes and antagonists programs.

33 3. In its discretion, approve local agencies or bodies  
34 to assist it in carrying out the provisions of this Act.

35 Sec. 22. *NEW SECTION.* RULES TO BE ESTABLISHED. The  
rules

S. F. 122

—11B—

36 established pursuant to section five (5), subsection nine

1 (9) of this Act shall include rules for chemical substitutes  
2 and antagonists programs in the manner prescribed by chapter  
3 seventeen A (17A) of the Code. The rules shall have as their  
4 objective the assurance that these programs will provide a  
5 means by which the patient may be rehabilitated and eventually  
6 enabled to end his dependence on drugs, and during this pro-  
7 cess will be freed from the necessity to resort to illegal  
8 activities to support his dependence on drugs, and to this  
9 end the rules shall:

10 1. Establish guidelines for the eligibility of patients  
11 to be served by these programs.

12 2. Establish guidelines for operation of these programs  
13 which shall include permissible dosage levels, record keeping  
14 and reporting, urinalysis requirements and permissible take-  
15 home dosages of, and security against redistribution of, con-  
16 trolled substances used in these programs.

17 3. Require that these programs provide a full range of  
18 comprehensive services to patients which shall include indi-  
19 vidual and group therapy, counseling, vocational guidance  
20 and job education counseling.

21 4. Establish a statewide identification system which shall  
22 be used by all these programs to prevent simultaneous regis-  
23 tration of any patient in more than one program and to insure  
24 the proper administration of medication while protecting the  
25 patients rights to confidentiality pursuant to section twenty-  
26 three (23) of this Act; the authority may also participate  
27 in a similar national or interstate identification system  
28 if one is developed by the federal government or otherwise.

29 5. Provide for due notice to operators of these programs  
30 who may be required by the rules to make changes in the man-  
31 ner of operation of the programs.

32 Sec. 23. *NEW SECTION.* CONFIDENTIALITY OF PATIENT  
RECORDS.

33 Records of the identity, diagnosis, prognosis, or treatment  
34 of any patient which are maintained in connection with the  
35 performance of any drug abuse prevention function licensed

1 under this Act shall be confidential and may be disclosed  
2 only for the purposes and under the circumstances expressly  
3 authorized by this section.

4 1. The content of the record shall be disclosed to the  
5 patient at his request.

6 2. If the patient, with respect to whom any given record  
7 referred to above is maintained, gives his specific written  
8 consent the content of the record may be disclosed:

9 a. To medical personnel for the purpose of diagnosis or  
10 treatment of the patient.

11 b. To governmental personnel for the purpose of obtain-  
12 ing benefits to which the patient is entitled.

13 3. If the patient does not give his written consent, the  
14 content of the record may be disclosed only as follows:

15 a. To medical personnel to the extent necessary to meet  
16 a bona fide medical emergency.

17 b. To qualified personnel for the purpose of conducting  
18 scientific research, management, financial audits or program  
19 evaluation, but records so disclosed shall not identify, di-  
20 rectly or indirectly, any individual patient or otherwise  
21 disclose patient identity in any manner.

1 4. The prohibitions of this section continue to apply  
2 to records concerning any individual who has been a patient,  
3 irrespective of whether or when he ceases to be a patient.  
4 The arrest and conviction records and the records of any  
5 charges pending against any person seeking admission to a  
6 chemical substitutes or antagonists program or other drug  
7 program shall be furnished to program directors by courts  
8 and law enforcement agencies upon request in writing by the  
9 program director provided such request is accompanied by a  
10 signed release from the person whose records are being  
11 requested, and all aspects of patient record confidentiality  
12 are assured.

13 Sec. 24. *NEW SECTION. TERMINATION OF AUTHORITY.* Effec-

14 tive June 30, 1978 the authority and each of the positions  
15 in the authority shall be abolished and this Act shall be  
16 repealed. Not later than June 30, 1977 the director shall  
17 submit to the governor and the general assembly a plan for  
18 the orderly assumption of the functions of the authority by  
19 existing state departments and agencies, or the assimilation  
20 of the authority into a single existing state agency or the  
21 continuation of the authority.

22 Sec. 25. Section two hundred four point five hundred four  
23 (204.504), subsection three (3), Code 1973, is amended to  
24 read as follows:

25 3. A practitioner engaged in medical practice or research  
26 *or the Iowa drug abuse authority or any program which is*  
27 *licensed by the authority* shall not be required to furnish  
28 the name or identity of a patient or research subject to the  
29 board or the department, nor shall the practitioner *or the*  
30 *authority or any program which is licensed by the authority*  
31 be compelled in any state or local civil, criminal, adminis-  
32 trative, legislative or other proceedings to furnish the name  
33 or identity of an individual that the practitioner *or the*  
34 *authority or any of its licensed programs* is obligated to  
35 keep confidential.

1

## EXPLANATION

2 Public Law 92-255, the Federal Drug Abuse Office and Treat-  
3 ment Act of 1972, represents an attempt by the federal govern-  
4 ment to lend greater impact to the efforts of federal agencies  
5 to deal with drug abuse by focusing and coordinating the drug  
6 abuse prevention functions of those agencies, and mandates  
7 that similar action be taken by state government to effectively  
8 and economically utilize federal, state and local programs  
9 for drug abuse and drug dependence prevention, care, treat-  
10 ment, and rehabilitation services. To achieve this, it is  
11 necessary that:

12 —Existing fragmented, uncoordinated, and duplicatory drug  
13 abuse and drug dependence programs be molded into a compre-  
14 hensive and integrated delivery system for drug abuse preven-  
15 tion.

16 —Responsibility and authority for planning and coordin-  
17 ating programs and activities related to drug abuse preven-  
18 tion be concentrated in one agency.

19 This bill assigns responsibility for planning and coor-  
20 dinating drug abuse prevention functions within the state  
21 to a single state agency, the Iowa Drug Abuse Authority, which  
22 can work collaboratively with community groups, state agencies,  
23 and the federal government, and whose functions are subject  
24 to periodic review by the General Assembly and appropriate  
25 federal agencies.

26 The Authority will be established by statute on July 1,  
27 1973, if this bill is passed by the 1973 Session of the Sixty-  
28 fifth General Assembly. The Authority has been function-  
29 ing by executive order of the Governor since February, 1971.  
30 The bill provides for the director of the Authority to sub-  
31 mit to the Governor and the General Assembly, by June 30,  
32 1977, a plan for assimilation of the Authority by one or more  
33 state agencies during the succeeding year, or for extension  
34 of the life of the Authority. Under the terms of this bill,  
35 unless contrary action is taken later, the Authority will

- 1 go out of existence and this bill will stand repealed as of
- 2 June 30, 1978.

H-725

- 1 Amend Senate File 122, as amended and passed by
- 2 the Senate and reprinted, as follows:
- 3 1. Page 6B, after line 47, by adding the follow-
- 4 ing:
- 5 "o. The director of the Iowa commission on
- 6 alcoholism."
- 7 2. Page 11A, line 1, by striking the words
- 8 "five of the eight" and inserting in lieu
- 9 thereof the words "six of the ten".

H-725 Filed and adopted  
June 8, 1973

By BUTLER of Pottawattamie

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1 Amend Senate File 122 as amended, passed and re-  
2 printed by the Senate, as follows:

3 1. Page 3, line 15, by inserting after the word  
4 "implementation" the words ", with advice of the  
5 advisory council,".

6 2. Page 4, line 8, by inserting after the word  
7 "bodies" the words ", local drug abuse programs".

8 3. Page 6A, by striking lines 2 through 11.

9 4. Page 6A, line 15, by striking the word "twenty-  
10 two" and inserting in lieu thereof the words "eleven  
11 voting".

12 5. Page 6A, by striking lines 17 through 22 and  
13 inserting in lieu thereof the following:

14 a. Public and private groups and agencies con-  
15 cerned with drug abuse prevention and control, in-  
16 cluding not less than four representatives of agencies  
17 or programs licensed under section twelve (12) of this  
18 Act.

19 b. Representatives of agencies or individuals  
20 whose work is not primarily concerned with drug abuse  
21 but does place them in frequent contact with persons  
22 who are or have been involved in abuse of controlled  
23 substances.

24 6. Page 6A, line 23, by striking the letter "b"  
25 and inserting in lieu thereof the letter "c".

26 7. Page 6A, line 24, by striking the letter "c"  
27 and inserting in lieu thereof the letter "d".

28 8. Page 6A, line 26, by striking the letter "d"  
29 and inserting in lieu thereof the letter "e".

30 9. Page 6A, line 27, by inserting after the word  
31 "following" the word "nonvoting".

32 10. Page 7, by striking lines 32 through 35, and  
33 page 8, by striking lines 1 through 3, and inserting  
34 in lieu thereof the following:

35 Sec. 12. NEW SECTION. PROGRAMS LICENSED. Except  
36 as otherwise provided, no person or program may, with-  
37 out first having obtained a written license therefor  
38 from the authority, maintain or conduct any chemical  
39 substitutes or antagonists program, residential pro-  
40 gram or nonresidential outpatient program, the primary  
41 purpose of which is the treatment and rehabilitation of  
42 drug dependent individuals.

43 11. Page 9, line 9, by striking the word "director"  
44 and inserting in lieu thereof the word "governor".

45 12. Page 9, line 10, by striking the word "Two"  
46 and inserting in lieu thereof the word "Four".

47 13. Page 9, line 11, by striking the words "director"  
48 and inserting in lieu thereof the word "governor from  
49 lists of nominees, numbering at least twice the num-  
50 ber of positions to be filled, submitted by district  
51 advisory councils established pursuant to section ten  
52 (10) of this Act".

HOUSE AMENDMENT TO SENATE FILE 122

- 1 Amend Senate File 122 as amended, passed by the  
2 Senate and reprinted, as follows:  
3 1. Page 3, line 15, by inserting after the  
4 word "implementation" the words ", with advice of the  
5 advisory council,".  
6 2. Page 4, line 8, by inserting after the word  
7 "bodies" the words ", local drug abuse programs".  
8 3. Page 6A, by striking lines 2 through 11.  
9 4. Page 6A, line 15, by striking the word "twenty-  
10 two" and inserting in lieu thereof the words "eleven  
11 voting".  
12 5. Page 6A, by striking lines 17 through 22 and  
13 inserting in lieu thereof the following:  
14 a. Public and private groups and agencies con-  
15 cerned with drug abuse prevention and control, in-  
16 cluding not less than four representatives of agencies  
17 or programs licensed under section twelve (12) of  
18 this Act.  
19 b. Representatives of agencies or individuals  
20 whose work is not primarily concerned with drug abuse  
21 but does place them in frequent contact with persons  
22 who are or have been involved in abuse of controlled  
23 substances.  
24 6. Page 6A, line 23, by striking the letter "b"  
25 and inserting in lieu thereof the letter "c".

Page 2

- 1 7. Page 6A, line 24, by striking the letter "c"  
2 and inserting in lieu thereof the letter "d".  
3 8. Page 6A, line 26, by striking the letter "d"  
4 and inserting in lieu thereof the letter "e".  
5 9. Page 6A, line 27, by inserting after the word  
6 "following" the word "nonvoting".  
7 10. Page 6B, after line 47, by adding the follow-  
8 ing:  
9 "o. The director of the Iowa commission on  
10 alcoholism."  
11 11. Page 7, by striking lines 32 through 35, and  
12 page 8, by striking lines 1 through 3, and inserting  
13 in lieu thereof the following:  
14 Sec. 12. NEW SECTION. PROGRAMS LICENSED. Except  
15 as otherwise provided, no person or program may, with-  
16 out first having obtained a written license therefor  
17 from the authority, maintain or conduct any chemical  
18 substitutes or antagonists program, residential  
19 program or nonresidential outpatient program, the  
20 primary purpose of which is the treatment and  
21 rehabilitation of drug dependent individuals.  
22 12. Page 9, line 9, by striking the word "director"  
23 and inserting in lieu thereof the word "governor".  
24 13. Page 9, line 10, by striking the word "Two"  
25 and inserting in lieu thereof the word "Four".

- 1 14. Page 9, line 11, by striking the word  
2 "director" and inserting in lieu thereof the  
3 words "governor from lists of nominees, numbering  
4 at least twice the number of positions to be  
5 filled, submitted by district advisory councils  
6 established pursuant to section ten (10) of this Act".  
7 15. Page 11A, line 1, by striking the words  
8 "five of the eight" and inserting in lieu thereof  
9 the words "six of the ten".

Received from the House  
June 11, 1973

*Senate concurred 4/12*

S-32

- 1 Amend Senate File 121, page 4, by adding after line 14  
2 the following:  
3 "The words "qualified disinterested witnesses" mean  
4 persons who are competent by training or occupation to  
5 give evidence of the market value of the property in  
6 question, but do not necessarily have to be professional  
7 appraisers."

Filed - *Adopted 2-7-73*  
February 5, 1973

By POTTER

S-66

- 1 Amend Senate File 121, page 2, line 21, by inserting  
2 word "property" the following: " , including land and  
3 buildings, "

Filed and adopted  
February 9, 1973

By HEYING

S-64

- 1 Amend Senate File 121, page 1, by striking all of lines  
2 22 and 23 and inserting in lieu thereof the following:  
3 "unless it is a bona fide sale. Sale prices of the  
4 property".

Filed and lost  
February 9, 1973

By SCHWIEGER