

Sen *z* House File 1503
Human Resources
Sovern, Chairperson
Miller of Des Moines
Plymat

5/7, Pass per 5802 5/14

Place On Calendar

HOUSE FILE 1503

BY COMMITTEE ON STATE GOVERNMENT

Passed House, Date 5-4-76 (p. 211) Passed Senate, Date 5-19-76 (p. 2077)

Vote: Ayes 85 Nays 0 Vote: Ayes 44 Nays 0

Approved 6-23-76

*Repassed House per Senate amendment
5-20-76 (p. 2955)
93-0*

A BILL FOR

1 An Act relating to the practice of nursing and providing for
2 disciplinary procedures.

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

3 1. The "practice of nursing" means the practice of a
4 registered nurse or a licensed practical nurse. It does not
5 mean any of the following:

6 a. The practice of medicine and surgery, as defined in
7 section one hundred forty-eight (148) of the Code, the
8 osteopathic practice, as defined in chapter one hundred fifty
9 (150) of the Code, or the practice of osteopathic medicine
10 and surgery, as defined in chapter one hundred fifty A (150A)
11 of the Code, except practices which are recognized by the
12 medical and nursing professions and approved by the board
13 as proper to be performed by a registered nurse.

14 b. The performance of nursing services by a student
15 enrolled in an approved program of nursing if the performance
16 is incidental to a course of study under this program.

17 c. The performance of services by employed workers in
18 offices, hospitals, or health care facilities, as defined
19 in section one hundred thirty-five C point one (135C.1) of
20 the Code, under the supervision of a physician or a nurse
21 licensed under this Act, or in the office of a psychologist,
22 podiatrist, optometrist, chiropractor, speech pathologist,
23 audiologist, or physical therapist licensed to practice in
24 this state, if these workers do not hold themselves out or
25 accept employment as a nurse licensed under this Act.

26 d. The practice of a nurse licensed in another state and
27 employed in this state by the federal government if the
28 practice is in discharge of official employment duties.

29 2. The "practice of the profession of a registered nurse"
30 means the practice of a natural person who is licensed by
31 the board to do all of the following:

32 a. Formulate nursing diagnosis and conduct nursing
33 treatment of human responses to actual or potential health
34 problems through services, such as case finding, referral,
35 health teaching, health counseling, and care provision which

1 is supportive to or restorative of life and well-being.

2 b. Execute regimen prescribed by a physician.

3 c. Supervise and teach other personnel in the performance
4 of activities relating to nursing care.

5 d. Perform additional acts or nursing specialties which
6 require education and training under emergency or other
7 conditions which are recognized by the medical and nursing
8 professions and are approved by the board as being proper
9 to be performed by a registered nurse.

10 e. Apply to the abilities enumerated in paragraphs a
11 through d of this subsection scientific principles, including
12 the principles of nursing skills and of biological, physical,
13 and psychosocial sciences.

14 3. The "practice of a licensed practical nurse" means
15 the practice of a natural person who is licensed by the board
16 to do all of the following:

17 a. Perform services in the provision of supportive or
18 restorative care under the supervision of a registered nurse
19 or a physician, if employed by a physician, hospital, or
20 health care facility, as defined in section one hundred thirty-
21 five C point one (135C.1) of the Code, while acting within
22 the scope of the person's employment, or under the direct
23 supervision of a physician.

24 b. Perform additional acts under emergency or other
25 conditions which require education and training and which
26 are recognized by the board, pursuant to a promulgated rule,
27 as being proper to be performed in this practice.

28 4. As used in this section, "nursing diagnosis" means
29 to identify and use discriminatory judgment concerning physical
30 and psychosocial signs and symptoms essential to determining
31 effective nursing intervention.

32 5. "Board" means the board of nursing, created under
33 chapter one hundred forty-seven (147) of the Code.

34 6. "Physician" means a person licensed in this state to
35 practice medicine and surgery, osteopathy and surgery, or

1 osteopathy, or a person licensed in this state to practice
2 dentistry when acting within the scope of the license.

3 Sec. 2. NEW SECTION. EXECUTIVE DIRECTOR--ASSISTANTS.

4 The board shall appoint a full-time executive director. The
5 executive director shall be a registered nurse and shall not
6 be a member of the board. The governor, with the approval
7 of the executive council pursuant to subsection two (2) of
8 section nineteen A point nine (19A.9) of the Code under the
9 pay plan for exempt positions in the executive branch of
10 government, shall set the salary of the executive director.

11 Sec. 3. NEW SECTION. DIRECTOR'S DUTIES. The duties of
12 the executive director shall be as follows:

13 1. To receive all applications to be licensed for the
14 practice of nursing.

15 2. Notwithstanding section one hundred forty-seven point
16 eighty-two (147.82) of the Code, to collect and receive all
17 fees.

18 3. To deposit all fees collected in the general fund of
19 the state and, at the same time, to render to the state
20 comptroller an itemized and verified report which indicates
21 the source of the collected fees.

22 4. To keep all records pertaining to the licensing of
23 nurses, including a record of all board proceedings.

24 5. To perform such other duties as may be prescribed by
25 the board.

26 6. To appoint such assistants to the director and persons
27 as may be necessary to administer the provisions of this Act.
28 Any appointments shall be merit appointments made pursuant
29 to chapter nineteen (19) of the Code. Any person appointed
30 to serve as an assistant to the director shall be a registered
31 nurse.

32 Sec. 4. NEW SECTION. APPROPRIATIONS. The board may apply
33 appropriated funds to:

34 1. The administration and enforcement of the provisions
35 of this Act and of chapter one hundred forty-seven (147) of

1 the Code.

2 2. The elevation of the standards of the schools of
3 nursing.

4 3. The promotion of educational and professional standards
5 of nurses in this state.

6 Sec. 5. NEW SECTION. EDUCATION PROGRAMS.

7 1. All programs preparing a person to be a registered
8 nurse or a licensed practical nurse shall be approved by the
9 board. The board shall not recognize a program unless it:

10 a. Is of recognized standing.

11 b. Has provisions for adequate physical and clinical
12 facilities and other resources with which to conduct a sound
13 education program.

14 c. Requires, for graduation of a registered nurse
15 applicant, the completion of at least a two academic year
16 course of study or its equivalent which is integrated in
17 theory and practice as prescribed by the board.

18 d. Requires, for graduation of a licensed practical nurse
19 applicant, the completion of at least an academic year course
20 of study or its equivalent in theory and practice as prescribed
21 by the board.

22 2. All advanced formal academic nursing education programs
23 shall also be approved by the board.

24 Sec. 6. NEW SECTION. LICENSES--PROFESSIONAL ABBREVIATIONS.

25 The board may license a natural person to practice as a
26 registered nurse or as a licensed practical nurse. However,
27 only a person currently licensed as a registered nurse in
28 this state may use that title and the abbreviation "RN" after
29 the person's name and only a person currently licensed as
30 a licensed practical nurse in this state may use that title
31 and the abbreviation "LPN" after the person's name.

32 Sec. 7. NEW SECTION. APPLICANT QUALIFICATIONS. In
33 addition to the provisions of section one hundred forty-seven
34 point three (147.3) of the Code, an applicant to be licensed
35 for the practice of nursing shall have the following

1 qualifications:

2 1. Be a graduate of an accredited high school or the
3 equivalent.

4 2. Pass an examination as prescribed by the board.

5 3. If to practice as a registered nurse, holds a diploma
6 or degree resulting from the completion of a course of study
7 in a program approved pursuant to paragraph c of subsection
8 one (1) of section five (5) of this Act.

9 4. If to practice as a licensed practical nurse, holds
10 a diploma resulting from the completion of a course of study
11 in a program approved pursuant to paragraph d of subsection
12 one (1) of section five (5) of this Act or has successfully
13 completed at least one academic year of a course of study
14 in a program approved pursuant to paragraph c of subsection
15 one (1) of section five (5) of this Act and has successfully
16 completed all theoretical and clinical training as is required
17 for a licensed practical nurse.

18 Sec. 8. NEW SECTION. LICENSE ENDORSEMENT. Notwithstanding
19 the provisions of sections one hundred forty-seven point
20 forty-four (147.44) through one hundred forty-seven point
21 fifty-four (147.54) of the Code, the board shall decide whether
22 to recognize a foreign license to practice nursing under
23 conditions specified which indicate that the licensee meets
24 all the qualifications required under section seven (7) of
25 this Act. If a foreign license is recognized the board may
26 issue a license by endorsement without an examination being
27 required. Recognition shall be based on whether the foreign
28 licensee is qualified to practice nursing.

29 Sec. 9. NEW SECTION. TEMPORARY LICENSE. The board may
30 issue a temporary license to a natural person who has completed
31 the requirements of and applied for licensure, either by
32 examination or endorsement. A temporary license shall not
33 remain effective longer than the time between application
34 and the next issuance of licenses. A temporary license issued
35 to a person not holding a foreign license to practice nursing

1 shall be valid only when the temporary licensee is under the
2 supervision of a registered nurse.

3 Sec. 10. NEW SECTION. LICENSE REVOCATION OR SUSPENSION.

4 1. Notwithstanding sections one hundred forty-seven point
5 eighty-seven (147.87) through one hundred forty-seven point
6 eighty-nine (147.89) of the Code and in addition to the
7 provisions of sections one hundred forty-seven point fifty-
8 eight (147.58) through one hundred forty-seven point seventy-
9 one (147.71) of the Code, the board may restrict, suspend,
10 or revoke a license to practice nursing or place the licensee
11 on probation. The board may also prescribe by rule conditions
12 of license reinstatement. The board shall prescribe rules
13 of procedure by which to restrict, suspend, or revoke a
14 license. These procedures shall conform to the provisions
15 of chapter seventeen A (17A) of the Code.

16 2. In addition to the grounds stated in section one hundred
17 forty-seven point fifty-five (147.55) of the Code, the
18 following are grounds for suspension or revocation under
19 subsection one (1) of this section:

20 a. Willful violation of the rules of the board.

21 b. Continued practice while knowingly having an infectious
22 or contagious disease which could be harmful to a patient's
23 welfare.

24 c. Conviction for a felony in the courts of this state
25 or another state, territory, or country if the felony relates
26 to the practice of nursing. Conviction shall include only
27 a conviction for an offense which if committed in this state
28 would be deemed a felony without regard to its designation
29 elsewhere. A certified copy of the final order or judgment
30 of conviction or plea of guilty in this state or in another
31 jurisdiction shall be conclusive evidence of conviction.

32 d. Having a license to practice nursing as a registered
33 nurse or licensed practical nurse revoked or suspended, or
34 having other disciplinary action taken by a licensing authority
35 of another state, territory, or country. A certified copy

1 of the record or order of suspension, revocation, or
2 disciplinary action is prima facie evidence of such fact.

3 e. Knowingly aiding, assisting, procuring, advising, or
4 allowing a person to unlawfully practice nursing.

5 f. Being adjudicated mentally incompetent by a court of
6 competent jurisdiction. Such adjudication shall automatically
7 suspend a license for the duration of the license, unless
8 the board orders otherwise.

9 g. Being guilty of willful or repeated departure from
10 or the failure to conform to the minimum standard of acceptable
11 and prevailing practice of nursing; however, actual injury
12 to a patient need not be established.

13 h. (1) Inability to practice nursing with reasonable
14 skill and safety by reason of illness, excessive use of
15 alcohol, drugs, narcotics, chemicals, or other type of material
16 or as a result of a mental or physical condition.

17 (2) The board may, upon probable cause, request a licensee
18 to submit to an appropriate medical examination by a designated
19 physician. If requested by the licensee, the licensee may
20 also designate a physician for an independent medical
21 examination. The reasonable costs of such examinations and
22 medical reports to the board shall be paid by the board.
23 Refusal or failure of a licensee to complete such examinations
24 shall constitute an admission of any allegations relating
25 to such condition. All objections shall be waived as to the
26 admissibility of the examining physicians' testimony or
27 examination reports on the grounds that they constitute
28 privileged communication. The medical testimony or examination
29 reports shall not be used against a registered nurse or
30 licensed practical nurse in another proceeding and shall be
31 confidential. At reasonable intervals, a registered nurse
32 or licensed practical nurse shall be afforded an opportunity
33 to demonstrate that the registered nurse or licensed practical
34 nurse can resume the competent practice of nursing with
35 reasonable skill and safety to patients.

H-6395

1 Amend House File 1503 as follows:

2 1. Page 1, line 9, by striking the word
3 "or".

4 2. Page 1, line 11, by inserting after the
5 word "Code," the following "or the practice of
6 pharmacy as defined in chapter one hundred fifty
7 five (155) of the Code,".

8 3. Page 1, by inserting in line 21 after
9 the word "or" the word "employed".

10 4. Page 1, by striking lines 24 and 25 and
11 inserting in lieu thereof the following "this state,
12 and when acting while within the scope of the em-
13 ployer's license."

14 5. Page 1, by inserting after line 28 the
15 following new subsection:

16 "e. The care of the sick rendered in
17 connection with the practice of the religious
18 tenets of any church or order by the adherents
19 thereof which is not performed for hire, or if
20 performed for hire by those who depend upon prayer
21 or spiritual means for healing in the practice of
22 the religion of their church or denomination, so
23 long as they do not otherwise engage in the practice
24 of nursing as practical nurses."

25 6. Page 2, by striking lines 19 through 23,
26 and inserting in lieu thereof the following "or a
27 physician."

28 7. Page 2, by striking lines 26 and 27, and
29 inserting in lieu thereof the following, "are re-
30 cognized by the medical and nursing professions and
31 are approved by the board, as being proper to be per-
32 formed by a licensed practical nurse."

33 8. Page 3, line 2 by inserting after the word
34 "dentistry" the following "or podiatry".

H-6395 FILED - *Adopted 5/4(2411)* BY CRAWFORD of Story

APRIL 23, 1976

MONROE of Des Moines

SENATE AMENDMENT TO HOUSE FILE 1503

H-6780

1 Amend House File 1503, as amended and passed by
2 the House, page 4, by striking lines 3 through 5 and
3 inserting in lieu thereof the following: "to chapter
4 nineteen (19) of the Code."

H-6780 FILED, ADOPTED

RECEIVED FROM SENATE

MAY 20, 1976

House concurred 5/20 (2954)

HOUSE FILE 1503

S-5802

1 Amend House File 1503, as amended and passed by
2 the House, page 4, by striking lines 3 through 5 and
3 inserting in lieu thereof the following: "to
4 chapter nineteen (19) of the Code."

S-5802 FILED - *Adopted 5/19/76*
MAY 14, 1976

BY COMMITTEE ON HUMAN RESOURCES
WILLIAM E. GLUBA, CHAIRPERSON

HOUSE FILE 1503

AN ACT

RELATING TO THE PRACTICE OF NURSING AND PROVIDING FOR DISCIPLINARY PROCEDURES.

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

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

1. The "practice of nursing" means the practice of a registered nurse or a licensed practical nurse. It does not mean any of the following:

a. The practice of medicine and surgery, as defined in section one hundred forty-eight (148) of the Code, the osteopathic practice, as defined in chapter one hundred fifty (150) of the Code, the practice of osteopathic medicine and surgery, as defined in chapter one hundred fifty A (150A) of the Code, or the practice of pharmacy as defined in chapter one hundred fifty-five (155) of the Code, except practices which are recognized by the medical and nursing professions and approved by the board as proper to be performed by a registered nurse.

b. The performance of nursing services by a student enrolled in an approved program of nursing if the performance is incidental to a course of study under this program.

c. The performance of services by employed workers in offices, hospitals, or health care facilities, as defined in section one hundred thirty-five C point one (135C.1) of the Code, under the supervision of a physician or a nurse licensed under this Act, or employed in the office of a psychologist, podiatrist, optometrist, chiropractor, speech pathologist, audiologist, or physical therapist licensed to practice in this state, and when acting while within the scope of the employer's license.

d. The practice of a nurse licensed in another state and employed in this state by the federal government if the

practice is in discharge of official employment duties.

e. The care of the sick rendered in connection with the practice of the religious tenets of any church or order by the adherents thereof which is not performed for hire, or if performed for hire by those who depend upon prayer or spiritual means for healing in the practice of the religion of their church or denomination, so long as they do not otherwise engage in the practice of nursing as practical nurses.

2. The "practice of the profession of a registered nurse" means the practice of a natural person who is licensed by the board to do all of the following:

a. Formulate nursing diagnosis and conduct nursing treatment of human responses to actual or potential health problems through services, such as case finding, referral, health teaching, health counseling, and care provision which is supportive to or restorative of life and well-being.

b. Execute regimen prescribed by a physician.

c. Supervise and teach other personnel in the performance of activities relating to nursing care.

d. Perform additional acts or nursing specialties which require education and training under emergency or other conditions which are recognized by the medical and nursing professions and are approved by the board as being proper to be performed by a registered nurse.

e. Apply to the abilities enumerated in paragraphs a through d of this subsection scientific principles, including the principles of nursing skills and of biological, physical, and psychosocial sciences.

3. The "practice of a licensed practical nurse" means the practice of a natural person who is licensed by the board to do all of the following:

a. Perform services in the provision of supportive or restorative care under the supervision of a registered nurse or a physician.

b. Perform additional acts under emergency or other conditions which require education and training and which

are recognized by the medical and nursing professions and are approved by the board, as being proper to be performed by a licensed practical nurse.

4. As used in this section, "nursing diagnosis" means to identify and use discriminatory judgment concerning physical and psychosocial signs and symptoms essential to determining effective nursing intervention.

5. "Board" means the board of nursing, created under chapter one hundred forty-seven (147) of the Code.

6. "Physician" means a person licensed in this state to practice medicine and surgery, osteopathy and surgery, or osteopathy, or a person licensed in this state to practice dentistry or podiatry when acting within the scope of the license.

Sec. 2. NEW SECTION. EXECUTIVE DIRECTOR--ASSISTANTS. The board shall appoint a full-time executive director. The executive director shall be a registered nurse and shall not be a member of the board. The governor, with the approval of the executive council pursuant to subsection two (2) of section nineteen A point nine (19A.9) of the Code under the pay plan for exempt positions in the executive branch of government, shall set the salary of the executive director.

Sec. 3. NEW SECTION. DIRECTOR'S DUTIES. The duties of the executive director shall be as follows:

1. To receive all applications to be licensed for the practice of nursing.
2. Notwithstanding section one hundred forty-seven point eighty-two (147.82) of the Code, to collect and receive all fees.
3. To deposit all fees collected in the general fund of the state and, at the same time, to render to the state comptroller an itemized and verified report which indicates the source of the collected fees.
4. To keep all records pertaining to the licensing of nurses, including a record of all board proceedings.
5. To perform such other duties as may be prescribed by the board.

6. To appoint such assistants to the director and persons as may be necessary to administer the provisions of this Act. Any appointments shall be merit appointments made pursuant to chapter nineteen (19) of the Code.

Sec. 4. NEW SECTION. APPROPRIATIONS. The board may apply appropriated funds to:

1. The administration and enforcement of the provisions of this Act and of chapter one hundred forty-seven (147) of the Code.
2. The elevation of the standards of the schools of nursing.
3. The promotion of educational and professional standards of nurses in this state.

Sec. 5. NEW SECTION. EDUCATION PROGRAMS.

1. All programs preparing a person to be a registered nurse or a licensed practical nurse shall be approved by the board. The board shall not recognize a program unless it:
 - a. Is of recognized standing.
 - b. Has provisions for adequate physical and clinical facilities and other resources with which to conduct a sound education program.
 - c. Requires, for graduation of a registered nurse applicant, the completion of at least a two academic year course of study or its equivalent which is integrated in theory and practice as prescribed by the board.
 - d. Requires, for graduation of a licensed practical nurse applicant, the completion of at least an academic year course of study or its equivalent in theory and practice as prescribed by the board.
 2. All advanced formal academic nursing education programs shall also be approved by the board.
- Sec. 6. NEW SECTION. LICENSES--PROFESSIONAL ABBREVIATIONS. The board may license a natural person to practice as a registered nurse or as a licensed practical nurse. However, only a person currently licensed as a registered nurse in this state may use that title and the abbreviation "RN" after the person's name and only a person currently licensed as

a licensed practical nurse in this state may use that title and the abbreviation "LPN" after the person's name.

Sec. 7. NEW SECTION. APPLICANT QUALIFICATIONS. In addition to the provisions of section one hundred forty-seven point three (147.3) of the Code, an applicant to be licensed for the practice of nursing shall have the following qualifications:

1. Be a graduate of an accredited high school or the equivalent.
2. Pass an examination as prescribed by the board.
3. If to practice as a registered nurse, holds a diploma or degree resulting from the completion of a course of study in a program approved pursuant to paragraph c of subsection one (1) of section five (5) of this Act.
4. If to practice as a licensed practical nurse, holds a diploma resulting from the completion of a course of study in a program approved pursuant to paragraph d of subsection one (1) of section five (5) of this Act or has successfully completed at least one academic year of a course of study in a program approved pursuant to paragraph c of subsection one (1) of section five (5) of this Act and has successfully completed all theoretical and clinical training as is required for a licensed practical nurse.

Sec. 8. NEW SECTION. LICENSE ENDORSEMENT. Notwithstanding the provisions of sections one hundred forty-seven point forty-four (147.44) through one hundred forty-seven point fifty-four (147.54) of the Code, the board shall decide whether to recognize a foreign license to practice nursing under conditions specified which indicate that the licensee meets all the qualifications required under section seven (7) of this Act. If a foreign license is recognized the board may issue a license by endorsement without an examination being required. Recognition shall be based on whether the foreign licensee is qualified to practice nursing.

Sec. 9. NEW SECTION. TEMPORARY LICENSE. The board may issue a temporary license to a natural person who has completed the requirements of and applied for licensure, either by

examination or endorsement. A temporary license shall not remain effective longer than the time between application and the next issuance of licenses. A temporary license issued to a person not holding a foreign license to practice nursing shall be valid only when the temporary licensee is under the supervision of a registered nurse.

Sec. 10. NEW SECTION. LICENSE REVOCATION OR SUSPENSION.

1. Notwithstanding sections one hundred forty-seven point eighty-seven (147.87) through one hundred forty-seven point eighty-nine (147.89) of the Code and in addition to the provisions of sections one hundred forty-seven point fifty-eight (147.58) through one hundred forty-seven point seventy-one (147.71) of the Code, the board may restrict, suspend, or revoke a license to practice nursing or place the licensee on probation. The board may also prescribe by rule conditions of license reinstatement. The board shall prescribe rules of procedure by which to restrict, suspend, or revoke a license. These procedures shall conform to the provisions of chapter seventeen A (17A) of the Code.

2. In addition to the grounds stated in section one hundred forty-seven point fifty-five (147.55) of the Code, the following are grounds for suspension or revocation under subsection one (1) of this section:

- a. Willful violation of the rules of the board.
- b. Continued practice while knowingly having an infectious or contagious disease which could be harmful to a patient's welfare.
- c. Conviction for a felony in the courts of this state or another state, territory, or country if the felony relates to the practice of nursing. Conviction shall include only a conviction for an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another jurisdiction shall be conclusive evidence of conviction.
- d. Having a license to practice nursing as a registered nurse or licensed practical nurse revoked or suspended, or

having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is prima facie evidence of such fact.

e. Knowingly aiding, assisting, procuring, advising, or allowing a person to unlawfully practice nursing.

f. Being adjudicated mentally incompetent by a court of competent jurisdiction. Such adjudication shall automatically suspend a license for the duration of the license, unless the board orders otherwise.

g. Being guilty of willful or repeated departure from or the failure to conform to the minimum standard of acceptable and prevailing practice of nursing; however, actual injury to a patient need not be established.

h. (1) Inability to practice nursing with reasonable skill and safety by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition.

(2) The board may, upon probable cause, request a licensee to submit to an appropriate medical examination by a designated physician. If requested by the licensee, the licensee may also designate a physician for an independent medical examination. The reasonable costs of such examinations and medical reports to the board shall be paid by the board. Refusal or failure of a licensee to complete such examinations shall constitute an admission of any allegations relating to such condition. All objections shall be waived as to the admissibility of the examining physicians' testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a registered nurse or licensed practical nurse in another proceeding and shall be confidential. At reasonable intervals, a registered nurse or licensed practical nurse shall be afforded an opportunity to demonstrate that the registered nurse or licensed practical nurse can resume the competent practice of nursing with reasonable skill and safety to patients.

Sec. 11. Sections one hundred forty-seven point one hundred five (147.105) through one hundred forty-seven point one hundred ten (147.110) and chapter one hundred fifty-two (152), Code 1975, are repealed.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1503, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved _____, 1976

ROBERT D. RAY
Governor

a licensed practical nurse in this state may use that title and the abbreviation "LPN" after the person's name.

Sec. 7. NEW SECTION. APPLICANT QUALIFICATIONS. In addition to the provisions of section one hundred forty-seven point three (147.3) of the Code, an applicant to be licensed for the practice of nursing shall have the following qualifications:

1. Be a graduate of an accredited high school or the equivalent.
2. Pass an examination as prescribed by the board.
3. If to practice as a registered nurse, holds a diploma or degree resulting from the completion of a course of study in a program approved pursuant to paragraph c of subsection one (1) of section five (5) of this Act.
4. If to practice as a licensed practical nurse, holds a diploma resulting from the completion of a course of study in a program approved pursuant to paragraph d of subsection one (1) of section five (5) of this Act or has successfully completed at least one academic year of a course of study in a program approved pursuant to paragraph c of subsection one (1) of section five (5) of this Act and has successfully completed all theoretical and clinical training as is required for a licensed practical nurse.

Sec. 8. NEW SECTION. LICENSE ENDORSEMENT. Notwithstanding the provisions of sections one hundred forty-seven point forty-four (147.44) through one hundred forty-seven point fifty-four (147.54) of the Code, the board shall decide whether to recognize a foreign license to practice nursing under conditions specified which indicate that the licensee meets all the qualifications required under section seven (7) of this Act. If a foreign license is recognized the board may issue a license by endorsement without an examination being required. Recognition shall be based on whether the foreign licensee is qualified to practice nursing.

Sec. 9. NEW SECTION. TEMPORARY LICENSE. The board may issue a temporary license to a natural person who has completed the requirements of and applied for licensure, either by

examination or endorsement. A temporary license shall not remain effective longer than the time between application and the next issuance of licenses. A temporary license issued to a person not holding a foreign license to practice nursing shall be valid only when the temporary licensee is under the supervision of a registered nurse.

Sec. 10. NEW SECTION. LICENSE REVOCATION OR SUSPENSION.

1. Notwithstanding sections one hundred forty-seven point eighty-seven (147.87) through one hundred forty-seven point eighty-nine (147.89) of the Code and in addition to the provisions of sections one hundred forty-seven point fifty-eight (147.58) through one hundred forty-seven point seventy-one (147.71) of the Code, the board may restrict, suspend, or revoke a license to practice nursing or place the licensee on probation. The board may also prescribe by rule conditions of license reinstatement. The board shall prescribe rules of procedure by which to restrict, suspend, or revoke a license. These procedures shall conform to the provisions of chapter seventeen A (17A) of the Code.

2. In addition to the grounds stated in section one hundred forty-seven point fifty-five (147.55) of the Code, the following are grounds for suspension or revocation under subsection one (1) of this section:

- a. Willful violation of the rules of the board.
- b. Continued practice while knowingly having an infectious or contagious disease which could be harmful to a patient's welfare.
- c. Conviction for a felony in the courts of this state or another state, territory, or country if the felony relates to the practice of nursing. Conviction shall include only a conviction for an offense which if committed in this state would be deemed a felony without regard to its designation elsewhere. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another jurisdiction shall be conclusive evidence of conviction.
- d. Having a license to practice nursing as a registered nurse or licensed practical nurse revoked or suspended, or

having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is prima facie evidence of such fact.

e. Knowingly aiding, assisting, procuring, advising, or allowing a person to unlawfully practice nursing.

f. Being adjudicated mentally incompetent by a court of competent jurisdiction. Such adjudication shall automatically suspend a license for the duration of the license, unless the board orders otherwise.

g. Being guilty of willful or repeated departure from or the failure to conform to the minimum standard of acceptable and prevailing practice of nursing; however, actual injury to a patient need not be established.

h. (1) Inability to practice nursing with reasonable skill and safety by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition.

(2) The board may, upon probable cause, request a licensee to submit to an appropriate medical examination by a designated physician. If requested by the licensee, the licensee may also designate a physician for an independent medical examination. The reasonable costs of such examinations and medical reports to the board shall be paid by the board. Refusal or failure of a licensee to complete such examinations shall constitute an admission of any allegations relating to such condition. All objections shall be waived as to the admissibility of the examining physicians' testimony or examination reports on the grounds that they constitute privileged communication. The medical testimony or examination reports shall not be used against a registered nurse or licensed practical nurse in another proceeding and shall be confidential. At reasonable intervals, a registered nurse or licensed practical nurse shall be afforded an opportunity to demonstrate that the registered nurse or licensed practical nurse can resume the competent practice of nursing with reasonable skill and safety to patients.

Sec. 11. Sections one hundred forty-seven point one hundred five (147.105) through one hundred forty-seven point one hundred ten (147.110) and chapter one hundred fifty-two (152), Code 1975, are repealed.

DALE M. COCHRAN
Speaker of the House

ARTHUR A. NEU
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 1503, Sixty-sixth General Assembly.

DAVID L. WRAY
Chief Clerk of the House

Approved June 23, 1976

ROBERT D. RAY
Governor