

Reprinted 3/88

FILED FEB 17 1988

SENATE FILE 2169  
BY COMMITTEE ON STATE  
GOVERNMENT  
*(Approved 5/73)*

Passed Senate, Date 5/12/88 (7.908) Passed House, Date \_\_\_\_\_  
Vote: Ayes 33 Nays 11 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to physician assistants, establishing a joint  
2 board of physician assistant examiners, providing for the  
3 registration and licensure of physician assistants, making  
4 penalties applicable, providing properly related matters, and  
5 providing an effective date.

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

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SF 2169

1 Section 1. Section 136C.3, subsection 2, unnumbered  
2 paragraph 1, Code 1987, is amended to read as follows:

3 Establish minimum training standards including continuing  
4 education requirements, and administer examinations and  
5 disciplinary procedures for operators of radiation machines  
6 and users of radioactive materials. A state of Iowa license  
7 to practice medicine, osteopathy, chiropractic, podiatry,  
8 dentistry, dental hygiene, or veterinary medicine, or  
9 ~~certification-as-a-physician's-assistant-as-defined-in-section~~  
10 ~~148C.17-subsection-6~~ licensure as a physician assistant  
11 pursuant to chapter 148C, or certification by the board of  
12 dental examiners in dental radiography, or enrollment in a  
13 program or course of study approved by the Iowa department of  
14 public health which includes the application of radiation to  
15 humans satisfies the minimum training standards for operation  
16 of radiation machines only.

17 Sec. 2. Section 147.1, subsections 2 and 3, Code  
18 Supplement 1987, are amended to read as follows:

19 2. "Licensed" or "certified" when applied to a physician  
20 and surgeon, podiatrist, osteopath, osteopathic physician and  
21 surgeon, physician assistant, psychologist or associate  
22 psychologist, chiropractor, nurse, dentist, dental hygienist,  
23 optometrist, speech pathologist, audiologist, pharmacist,  
24 physical therapist, occupational therapist, practitioner of  
25 cosmetology, practitioner of barbering, funeral director,  
26 dietitian, or social worker means a person licensed under this  
27 title.

28 3. "Profession" means medicine and surgery, podiatry,  
29 osteopathy, osteopathic medicine and surgery, practice as a  
30 physician assistant, psychology, chiropractic, nursing,  
31 dentistry, dental hygiene, optometry, speech pathology,  
32 audiology, pharmacy, physical therapy, occupational therapy,  
33 cosmetology, barbering, mortuary science, social work or  
34 dietetics.

35 Sec. 3. Section 147.2, Code 1987, is amended to read as

1 follows:

2 147.2 LICENSE REQUIRED.

3 No A person shall not engage in the practice of medicine  
4 and surgery, podiatry, osteopathy, osteopathic medicine and  
5 surgery, psychology, chiropractic, physical therapy, nursing,  
6 dentistry, dental hygiene, optometry, speech pathology,  
7 audiology, occupational therapy, pharmacy, cosmetology,  
8 barbering, dietetics, or mortuary science or shall not  
9 practice as a physician assistant as defined in the following  
10 chapters of this title, unless the person has obtained from  
11 the department a license for that purpose.

12 Sec. 4. Section 147.3, Code 1987, is amended to read as  
13 follows:

14 147.3 QUALIFICATIONS.

15 An applicant for a license to practice a profession under  
16 this title is not ineligible because of age, citizenship, sex,  
17 race, religion, marital status or national origin, although  
18 the application form may require citizenship information. A  
19 board may consider the past felony record of an applicant only  
20 if the felony conviction relates directly to the practice of  
21 ~~medicine, podiatry, osteopathy, osteopathic medicine and~~  
22 ~~surgery, chiropractic, nursing, psychology, optometry, speech~~  
23 ~~pathology, audiology, pharmacy, physical therapy, occupational~~  
24 ~~therapy, cosmetology, barbering, mortuary science, social work~~  
25 ~~or dietetics~~ the profession for which the applicant requests  
26 to be licensed. Character references may be required, but  
27 shall not be obtained from licensed members of the profession.

28 Sec. 5. Section 147.13, Code 1987, is amended to read as  
29 follows:

30 147.13 DESIGNATION OF BOARDS.

31 The examining boards provided in section 147.12 shall be  
32 designated as follows:

33 1. For medicine and surgery, and osteopathy, and  
34 osteopathic medicine and surgery, medical examiners; ~~for.~~

35 2. For physician assistants, joint board of physician

1 assistant examiners.

2 3. For psychology, psychology examiners; -for.

3 4. For podiatry, podiatry examiners; -for.

4 5. For chiropractic, chiropractic examiners; -for.

5 6. For physical therapists and occupational therapists,  
6 physical and occupational therapy examiners; -for.

7 7. For nursing, board of nursing; -for.

8 8. For dentistry and dental hygiene, dental examiners;  
9 for.

10 9. For optometry, optometry examiners; -for.

11 10. For speech pathology and audiology, speech pathology  
12 and audiology examiners; -for.

13 11. For cosmetology, cosmetology examiners; -for.

14 12. For barbering, barber examiners; -for.

15 13. For pharmacy, pharmacy examiners; -for.

16 14. For mortuary science, mortuary science examiners; -for.

17 15. For social workers, social work examiners; -for.

18 16. For dietetics, dietetic examiners.

19 Sec. 6. Section 147.14, subsection 2, Code 1987, is  
20 amended to read as follows:

21 2. For medical examiners, five members licensed to  
22 practice medicine and surgery, two members licensed to  
23 practice osteopathic medicine and surgery, ~~one member approved~~  
24 ~~as a physician's assistant;~~ and two members not licensed to  
25 practice either medicine and surgery or osteopathic medicine  
26 and surgery, ~~or approved as a physician's assistant;~~ and who  
27 shall represent the general public, and one nonvoting member  
28 who is licensed as a physician assistant. The physician's  
29 ~~assistant shall have all the rights and privileges of a board~~  
30 ~~member but may vote only on matters relating to discipline of~~  
31 ~~physicians' assistants, education of physicians' assistants~~  
32 ~~and rules or policies directly affecting physicians'~~  
33 ~~assistants.~~ A majority of the voting members of the board  
34 constitutes a quorum.

35 Sec. 7. Section 147.14, Code 1987, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 12. For the joint board of physician  
3 assistant examiners, three members licensed to practice as  
4 physician assistants, one member licensed to practice medicine  
5 and surgery who supervises a physician assistant, one member  
6 licensed to practice osteopathic medicine and surgery who  
7 supervises a physician assistant, and two members who are not  
8 licensed to practice either medicine and surgery or  
9 osteopathic medicine and surgery or licensed as a physician  
10 assistant and who shall represent the general public. A  
11 majority of members of the board constitutes a quorum.

12 Sec. 8. Section 147.16, Code 1987, is amended by adding  
13 the following new unnumbered paragraph:

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

20 Sec. 9. Section 147.25, unnumbered paragraph 4, Code 1987,  
21 is amended to read as follows:

22 In addition to any other fee provided by law, a fee may be  
23 set by the respective examining boards for each license and  
24 renewal of a license to practice ~~medicine, surgery, podiatry,~~  
25 ~~osteopathy, osteopathic medicine and surgery, chiropractic,~~  
26 ~~nursing, dentistry, dental hygiene, optometry, pharmacy,~~  
27 ~~physical therapy, occupational therapy, social work,~~  
28 ~~veterinary medicine, or dietetics~~ a profession, which fee  
29 shall be based on the annual cost of collecting information  
30 for use by the department in the administration of the system  
31 of health personnel statistics established by this section.  
32 The fee shall be collected, transmitted to the treasurer of  
33 state and deposited in the general fund of the state in the  
34 manner in which license and renewal fees of the respective  
35 professions are collected, transmitted, and deposited in the

1 general fund.

2     Sec. 10. Section 147.74, Code Supplement 1987, is amended  
3 by adding the following new unnumbered paragraph after  
4 unnumbered paragraph 11:

5     NEW UNNUMBERED PARAGRAPH. A physician assistant registered  
6 or licensed under chapter 148C may use the words "physician  
7 assistant" after the person's name or to signify the same by  
8 the use of the letters "P.A." after the person's name.

9     Sec. 11. Section 147.80, Code 1987, is amended by adding  
10 the following new subsection after section 4 and  
11 renumbering the subsequent subsections:

12     NEW SUBSECTION. 5. Application for a license to practice  
13 as a physician assistant, issuance of a license to practice as  
14 a physician assistant issued upon the basis of an examination  
15 given or approved by the joint board of physician assistant  
16 examiners, issuance of a license to practice as a physician  
17 assistant issued under a reciprocal agreement, renewal of a  
18 license to practice as a physician assistant, temporary  
19 license to practice as a physician assistant, registration of  
20 a physician assistant, temporary registration of a physician  
21 assistant, renewal of a registration of a physician assistant.

22     Sec. 12. Section 147.102, Code 1987, is amended to read as  
23 follows:

24     147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS,  
25 CHIROPRACTORS, DENTISTS, AND OSTEOPATHS, AND PHYSICIAN  
26 ASSISTANTS.

27     Notwithstanding the provisions of this title, every  
28 application for a license to practice medicine and surgery,  
29 psychology, chiropractic, dentistry, osteopathy, or  
30 osteopathic medicine and surgery, or to practice as a  
31 physician assistant, shall be made directly to the secretary  
32 of the examining board of such profession, and every  
33 reciprocal agreement for the recognition of any such license  
34 issued in another state shall be negotiated by the examining  
35 board for such profession, and all examination, license, and

1 renewal fees received from such persons licensed to practice  
2 any of such professions shall be paid to and collected by the  
3 secretary of the examining board of such profession, who shall  
4 transmit the fees to the treasurer of state who shall deposit  
5 the fees in the general fund of the state. The salary of the  
6 secretary shall be established by the governor with the  
7 approval of the executive council pursuant to section 19A.9,  
8 subsection 2, under the pay plan for exempt positions in the  
9 executive branch of government.

10 Sec. 13. Section 147.103, Code 1987, is amended by adding  
11 the following new unnumbered paragraph after unnumbered  
12 paragraph 1:

13 NEW UNNUMBERED PARAGRAPH. The joint board of physician  
14 assistant examiners may appoint investigators, who shall not  
15 be members of the examining board, to administer and aid in  
16 the enforcement of the provisions of law relating to physician  
17 assistants. The amount of compensation for the investigators  
18 shall be determined pursuant to chapter 19A.

19 Sec. 14. Section 147.103, unnumbered paragraph 2, Code  
20 1987, is amended to read as follows:

21 Investigators authorized by the board of medical examiners  
22 and the joint board of physician assistant examiners have the  
23 powers and status of peace officers when enforcing this  
24 chapter and chapters 147A, 148, 148C, 150, 150A, and 258A.

25 Sec. 15. Section 148C.1, Code 1987, is amended by striking  
26 the section and inserting in lieu thereof the following:

27 148C.1 DEFINITIONS.

28 1. "Approved program" means a program for the education of  
29 physician assistants which has been formally approved by the  
30 board.

31 2. "Board" means the joint board of physician assistant  
32 examiners.

33 3. "Department" means the Iowa department of public  
34 health.

35 4. "Licensed physician assistant" means a person who is

1 licensed by the board to practice as a physician assistant  
2 under the supervision of one or more physicians specified in  
3 the license. "Supervision" does not require the personal  
4 presence of the supervising physician at the place where  
5 medical services are rendered except insofar as the personal  
6 presence is expressly required by this chapter or required by  
7 rules of the board adopted pursuant to this chapter.

8 5. "Physician" means a person who is currently licensed in  
9 Iowa to practice medicine and surgery, osteopathic medicine  
10 and surgery, or osteopathy.

11 6. "Physician assistant" means a person who has  
12 successfully completed an approved program and passed an  
13 examination approved by the board or is otherwise found by the  
14 board to be qualified to perform medical services under the  
15 supervision of a physician.

16 7. "Trainee" means a person who is currently enrolled in  
17 an approved program.

18 Sec. 16. Section 148C.2, Code 1987, is amended to read as  
19 follows:

20 148C.2 APPROVED PROGRAMS.

21 The department shall issue certificates of approval for  
22 programs for the education and training of ~~physician's~~  
23 physician assistants which meet board standards. In  
24 developing criteria for program approval, the board shall give  
25 consideration to and encourage the utilization of equivalency  
26 and proficiency testing and other mechanisms whereby full  
27 credit is given to trainees for past education and experience  
28 in health fields. The board shall adopt and publish standards  
29 to insure that such programs operate in a manner which does  
30 not endanger the health and welfare of patients who receive  
31 services within the scope of the program. The board shall  
32 review the quality of curriculum, faculty, and the facilities  
33 of such programs and shall issue approve the issuance of  
34 certificates of approval. ~~The board may adopt such~~  
35 ~~regulations as are reasonably necessary to carry out the~~

1 purposes-of-this-chapter:

2 If-the-board-determines-that-a-person-has-sufficient  
3 knowledge-and-experience-to-qualify-as-a-physician's  
4 assistant,-the-board-may-approve-an-application-to-supervise  
5 such-person-as-a-physician's-assistant-without-requiring-the  
6 completion-of-an-approved-program:

7 The board shall establish by rule fees to be charged in  
8 connection with the application for and issuance of  
9 certificates of approval under this section.

10 Sec. 17. Section 148C.3, Code 1987, is amended by striking  
11 the section and inserting in lieu thereof the following:

12 148C.3 REGISTRATION -- LICENSURE.

13 1. The board shall formulate guidelines and adopt rules to  
14 govern the registration of persons who qualify as physician  
15 assistants. An applicant for registration shall submit the  
16 fee prescribed by the board and shall meet the requirements  
17 established by the board with respect to all of the following:

18 a. Academic qualifications, including evidence of  
19 graduation from an approved program. However, if the board  
20 determines that a person has sufficient knowledge and  
21 experience to qualify as a physician assistant, the board may  
22 approve an application for registration without requiring the  
23 completion of an approved program.

24 b. Examination grades and evidence of passing the national  
25 commission on certification of physician assistants  
26 examination or an equivalent examination or an equivalent  
27 examination which the board approves.

28 c. Hours of continuing medical education necessary to  
29 remain licensed or eligible for licensure.

30 2. The board may issue a temporary registration under  
31 special circumstances and upon conditions prescribed by the  
32 board. A temporary registration shall not exceed one year in  
33 duration and shall not be renewed more than once.

34 3. A person who is registered as a physician assistant is  
35 not authorized to practice as a physician assistant unless the

1 person is also a licensed physician assistant.

5340 2 4. The board shall formulate guidelines and adopt rules  
3 for the consideration of applications from persons seeking to  
4 become licensed physician assistants. An applicant for a  
5 license to practice as a physician assistant shall submit the  
6 fee prescribed by the board, evidence of the applicant's  
7 current registration with the board as a physician assistant,  
8 information with respect to the applicant's related work  
9 experience and other qualifications, information with respect  
10 to the professional background and specialty of the physician  
11 or physicians who will provide supervision, as specified in  
12 the license, and a description of how the physician assistant  
13 is to function.

514 14 5. The board may issue a temporary license under special  
15 circumstances and upon conditions prescribed by the board.  
16 The temporary license shall require the licensee to function  
17 in the same facility as the supervising physician. A  
18 temporary license shall not exceed one year in duration and  
19 shall not be renewed more than once.

20 6. The board may modify the proposed functioning of a  
21 physician assistant and then approve the application for  
22 licensure as modified.

23 7. The board shall not approve an application for  
24 licensure which would result in a physician supervising more  
25 than two physician assistants at one time.

26 8. A licensed physician assistant shall perform only those  
27 services for which the licensed physician assistant is  
28 qualified by training, and shall not perform a service that is  
29 not permitted by the board.

30 Sec. 18. Section 148C.4, Code 1987, is amended to read as  
31 follows:

32 148C.4 SERVICES PERFORMED BY ASSISTANTS.

33 A physician's physician assistant may perform medical  
34 service services when such the services are rendered under the  
35 supervision of a ~~licensed~~ the physician or physicians

1 specified in the physician assistant license approved by the  
2 board. A trainee may perform medical services when such the  
3 services are rendered within the scope of an approved program.

4 Sec. 19. Section 148C.7, Code 1987, is amended to read as  
5 follows:

6 148C.7 REGULATIONS RULES.

7 ~~Regulations-adopted-by-the-board-to-implement-the~~  
8 ~~provisions-of-this-chapter~~ The board may adopt rules  
9 reasonably necessary to carry out the purposes of this  
10 chapter. The rules shall be designed to encourage the  
11 utilization of ~~physicians~~<sup>+</sup> physician assistants in a manner  
12 that is consistent with the provision of quality health care  
13 and medical services for the citizens of Iowa through better  
14 utilization of available physicians and the development of  
15 sound programs for the education and training of skilled  
16 ~~physicians~~<sup>+</sup> physician assistants well qualified to assist  
17 physicians in providing health care and medical services.

18 Sec. 20. Section 148C.8, Code 1987, is amended to read as  
19 follows:

20 148C.8 RIGHT TO DELEGATE.

21 Nothing in this chapter ~~shall-affect-or-limit~~ affects or  
22 limits a physician's existing right to delegate various  
23 medical tasks to aides, assistants or others acting under the  
24 physician's supervision or direction. Aides, assistants, or  
25 others who perform only those tasks which can be so delegated  
26 shall not be required to qualify as ~~physicians~~<sup>+</sup> physician  
27 assistants ~~hereunder~~ under this chapter.

28 Sec. 21. Section 148C.9, Code 1987, is amended to read as  
29 follows:

30 148C.9 EYE EXAMINATION RESTRICTED.

31 ~~No-physician's~~ A physician assistant shall not be permitted  
32 to prescribe lenses, prisms, or contact lenses for the aid,  
33 relief, or correction of human vision. ~~No-physician's~~ A  
34 physician assistant shall not be permitted to measure the  
35 visual power and visual efficiency of the human eye, as

1 distinguished from routine visual screening, except in the  
2 personal presence of a supervising physician at the place  
3 where such services are rendered.

4 Sec. 22. Section 148C.11, Code 1987, is amended to read as  
5 follows:

6 148C.11 PROHIBITIONS.

7 A person not ~~certified~~ registered and licensed as required  
8 by this chapter who practices as a ~~physician's~~ physician  
9 assistant without having obtained the appropriate approval  
10 under this chapter, is guilty of a serious misdemeanor.

11 Sec. 23. Section 258A.1, subsection 1, Code Supplement  
12 1987, is amended by adding the following new paragraph after  
13 paragraph 1 and renumbering the subsequent paragraphs:

14 NEW PARAGRAPH. m. The joint board of physician assistant  
15 examiners.

16 Sec. 24. Section 321J.11, unnumbered paragraph 1, Code  
17 1987, is amended to read as follows:

18 Only a licensed physician, ~~physician's~~ licensed physician  
19 assistant as defined in section 148C.1, ~~subsection-6,~~ medical  
20 technologist, or registered nurse, acting at the request of a  
21 peace officer, may withdraw a specimen of blood for the  
22 purpose of determining the alcohol concentration or the  
23 presence of drugs. However, any peace officer, using devices  
24 and methods approved by the commissioner of public safety, may  
25 take a specimen of a person's breath or urine for the purpose  
26 of determining the alcohol concentration or the presence of  
27 drugs. Only new equipment kept under strictly sanitary and  
28 sterile conditions shall be used for drawing blood.

29 Sec. 25. REPEAL. Sections 148C.5 and 148C.6, Code 1987,  
30 are repealed.

31 Sec. 26. TRANSITION -- RULES -- NEW MEMBERS OF BOARD.

32 1. The physician assistant serving as a member of the  
33 board of medical examiners on the effective date of this Act  
34 may continue to serve to the end of the term to which  
35 appointed but shall not be entitled to vote on any matter

1 before the board.

2 2. The rules of the board of medical examiners existing on  
3 the effective date of this Act with respect to physician  
4 assistants shall continue in effect as rules of the joint  
5 board of physician assistant examiners until modified by the  
6 joint board of physician assistant examiners.

7 3. Notwithstanding section 147.19, for the initial terms  
8 of the members of the joint board of physician assistant  
9 examiners, the governor shall appoint two members to serve  
10 terms of one year, two members to serve terms of two years,  
11 and three members to serve terms of three years. The initial  
12 appointees' successors shall be appointed for terms of three  
13 years each, except that a person chosen to fill a vacancy  
14 shall be appointed only for the unexpired term of the board  
15 member replaced.

16 In making the initial appointments to represent physician  
17 assistants on the joint board of physician assistant  
18 examiners, the governor shall appoint persons who have been  
19 engaged in practice as physician assistants with the approval  
20 of the board of medical examiners for a period of three years  
21 just preceding the appointment.

22 Sec. 27. EFFECTIVE DATE. This Act, being deemed of  
23 immediate importance, takes effect upon enactment.

24

#### EXPLANATION

25 This bill establishes a new joint board of physician  
26 assistant examiners which would be responsible for the  
27 registration and licensing of physician assistants and the  
28 approval of programs for the education and training of  
29 physician assistants. The new board would consist of three  
30 physician assistants, two physicians, and two public members.  
31 A physician assistant meeting the education and examination  
32 requirements would register with the board and could then  
33 apply for a license to practice under the supervision of one  
34 or more physicians as specified in the license. A physician  
35 assistant could not practice without a license.

1 Under current law the education, training, and practice of  
2 physician assistants are under the control of the board of  
3 medical examiners. That board includes one physician  
4 assistant and has an advisory committee on physician assistant  
5 programs. Approval to practice as a physician assistant may  
6 be obtained only through an application to the board submitted  
7 by the physician proposing to provide supervision.

8 This bill retains the physician assistant member on the  
9 board of medical examiners but removes all voting rights of  
10 that member. The advisory committee is abolished.

11 The bill takes effect upon enactment.

12 SUCCESSOR TO SSB 2079 (LSB 7735SC)

13 COMPANION TO LSB 7736HC

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SENATE FILE 2169

S-5134

- 1 Amend Senate File 2169 as follows:        =
- 2 1. Page 3, lines 27 and 28, by striking the words
- 3 ", and one nonvoting member who is licensed as a
- 4 physician assistant".
- 5 2. Page 3, line 33, by striking the words "the
- 6 voting".

S-5134

Filed February 24, 1988

*Adopted 3-18 (p 897)*

*Reconsidered, Lost 3-18 (p 898)*

BY RICHARD VARN  
MICHAEL E. GRONSTAL  
RICHARD F. DRAKE  
JOHN W. JENSEN

SENATE FILE 2169

S-5142

- 1 Amend Senate File 2169 as follows:
- 2 1. Page 2, line 35, by striking the word "joint".
- 3 2. Page 4, line 2, by striking the word "joint".
- 4 3. Page 4, line 15, by striking the word "joint".
- 5 4. Page 5, line 15, by striking the word "joint".
- 6 5. Page 6, line 13, by striking the word "joint".
- 7 6. Page 6, line 22, by striking the word "joint".
- 8 7. Page 6, line 31, by striking the word "joint".
- 9 8. Page 11, line 14, by striking the word
- 10 "joint".
- 11 9. Page 12, line 4, by striking the word "joint".
- 12 10. Page 12, line 6, by striking the word
- 13 "joint".
- 14 11. Page 12, line 8, by striking the word
- 15 "joint".
- 16 12. Page 12, line 17, by striking the word
- 17 "joint".
- 18 13. Title page, line 1, by striking the word
- 19 "joint".

S-5142

Filed February 25, 1988

*Adopted 3-18 (p 897)*

BY RICHARD F. DRAKE

SENATE FILE 2169

S-5149

- 1 Amend Senate File 2169 as follows:
- 2 1. Page 12, by striking lines 22 and 23 and
- 3 inserting the following:
- 4 "Sec. 27. EFFECTIVE DATE.
- 5 1. Sections 1 through 3 and 10 through 25 of this
- Act take effect January 1, 1989.
2. All other sections of this Act take effect upon
- 8 enactment."

S-5149

Filed February 26, 1988

*Adopted 3-18 (p 898)*

BY DAVID M. READINGER

SENATE FILE 2169

S-5206

1 Amend Senate File 2169 as follows:

2 1. Page 4, line 4, by inserting after the word  
3 "assistants," the following: "at least two of whom  
4 practice in counties with a population of less than  
5 fifty thousand,".

6 2. Page 4, line 10, by inserting after the word  
7 "public." the following: "At least one of the  
8 physician members shall be in practice in a county  
9 with a population of less than fifty thousand."

S-5206

Filed March 2, 1988

BY LARRY MURPHY

Adopted 3/8 (p 897)

SENATE FILE 2169

S-5340

1 Amend Senate File 2169 as follows:

2 1. Page 9, by striking lines 2 through 13 and  
3 inserting the following:

4 "4. The board shall formulate guidelines and adopt  
5 rules for the consideration of applications from  
6 persons seeking to become licensed physician  
7 assistants. An applicant for a license to practice as  
8 a physician assistant shall submit the fee prescribed  
9 by the board and evidence of the applicant's current  
10 registration with the board as a physician assistant.  
11 In conjunction with the physician assistant  
12 submission, the applicant's supervising physician or  
13 physicians shall submit information with respect to  
14 the supervising physician's professional background  
15 and specialty, and a plan for supervision of the  
16 physician assistant. In addition the physician  
17 assistant applicant and the supervising physician or  
18 physicians shall submit a description of how the  
19 physician assistant is to function."

S-5340

Filed March 11, 1988

BY WILLIAM W. DIELEMAN

Adopted 3/8 (p 898)

*motion to reconsider and by 7-2*

S-5189

1 Amend Senate File 2169 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 136C.3, subsection 2,  
5 unnumbered paragraph 1, Code 1987, is amended to read  
6 as follows:

7 Establish minimum training standards including  
8 continuing education requirements, and administer  
9 examinations and disciplinary procedures for operators  
10 of radiation machines and users of radioactive  
11 materials. A state of Iowa license to practice  
12 medicine, osteopathy, chiropractic, podiatry,  
13 dentistry, dental hygiene, or veterinary medicine, or  
14 ~~certification-as-a-physician's-assistant-as-defined-in~~  
15 ~~section-148C-17-subsection-6~~ licensure as a physician  
16 assistant pursuant to chapter 148C, or certification  
17 by the board of dental examiners in dental  
18 radiography, or enrollment in a program or course of  
19 study approved by the Iowa department of public health  
20 which includes the application of radiation to humans  
21 satisfies the minimum training standards for operation  
22 of radiation machines only.

23 Sec. 2. Section 147.1, subsections 2 and 3, Code  
24 Supplement 1987, are amended to read as follows:

25 2. "Licensed" or "certified" when applied to a  
26 physician and surgeon, podiatrist, osteopath,  
27 osteopathic physician and surgeon, physician  
28 assistant, psychologist or associate psychologist,  
29 chiropractor, nurse, dentist, dental hygienist,  
30 optometrist, speech pathologist, audiologist,  
31 pharmacist, physical therapist, occupational  
32 therapist, practitioner of cosmetology, practitioner  
33 of barbering, funeral director, dietitian, marital and  
34 family therapist, mental health counselor, or social  
35 worker means a person licensed under this title.

36 3. "Profession" means medicine and surgery,  
37 podiatry, osteopathy, osteopathic medicine and  
38 surgery, practice as a physician assistant,  
39 psychology, chiropractic, nursing, dentistry, dental  
40 hygiene, optometry, speech pathology, audiology,  
41 pharmacy, physical therapy, occupational therapy,  
42 cosmetology, barbering, mortuary science, marital and  
43 family therapy, mental health counselor, social work  
44 or dietetics.

45 Sec. 3. Section 147.2, Code 1987, is amended to  
46 read as follows:

47 147.2 LICENSE REQUIRED.

48 No A person shall not engage in the practice of  
49 medicine and surgery, podiatry, osteopathy,  
50 osteopathic medicine and surgery, psychology,

1 chiropractic, physical therapy, nursing, dentistry,  
2 dental hygiene, optometry, speech pathology,  
3 audiology, occupational therapy, pharmacy,  
4 cosmetology, barbering, dietetics, or mortuary science  
5 or shall not practice as a physician assistant as  
6 defined in the following chapters of this title,  
7 unless the person has obtained from the department a  
8 license for that purpose.

9 Sec. 4. Section 147.3, Code 1987, is amended to  
10 read as follows:

11 147.3 QUALIFICATIONS.

12 An applicant for a license to practice a profession  
13 under this title is not ineligible because of age,  
14 citizenship, sex, race, religion, marital status or  
15 national origin, although the application form may  
16 require citizenship information. A board may consider  
17 the past felony record of an applicant only if the  
18 felony conviction relates directly to the practice of  
19 ~~medicine, podiatry, osteopathy, osteopathic medicine~~  
20 ~~and surgery, chiropractic, nursing, psychology,~~  
21 ~~optometry, speech pathology, audiology, pharmacy,~~  
22 ~~physical therapy, occupational therapy, cosmetology,~~  
23 ~~barbering, mortuary science, social work or dietetics~~  
24 the profession for which the applicant requests to be  
25 licensed. Character references may be required, but  
26 shall not be obtained from licensed members of the  
27 profession.

28 Sec. 5. Section 147.13, Code 1987, is amended to  
29 read as follows:

30 147.13 DESIGNATION OF BOARDS.

31 The examining boards provided in section 147.12  
32 shall be designated as follows:

33 1. For medicine and surgery, and osteopathy, and  
34 osteopathic medicine and surgery, medical examiners,  
35 for.

36 2. For physician assistants, joint board of  
37 physician assistant examiners.

38 3. For psychology, psychology examiners, for.

39 4. For podiatry, podiatry examiners, for.

40 5. For chiropractic, chiropractic examiners, for.

41 6. For physical therapists and occupational  
42 therapists, physical and occupational therapy  
43 examiners, for.

44 7. For nursing, board of nursing, for.

45 8. For dentistry and dental hygiene, dental  
46 examiners, for.

47 9. For optometry, optometry examiners, for.

48 10. For speech pathology and audiology, speech  
49 pathology and audiology examiners, for.

50 11. For cosmetology, cosmetology examiners, for.

- 1 12. For barbering, barber examiners; for.  
2 13. For pharmacy, pharmacy examiners; for.  
3 14. For mortuary science, mortuary science  
4 examiners; for.  
5 15. For social workers, social work examiners;  
6 for.  
7 16. For marital and family therapists, marital and  
8 family therapy examiners.  
9 17. For mental health counselors, mental health  
10 counseling examiners.

11 18. For dietetics, dietetic examiners.  
12 Sec. 6. Section 147.14, subsection 2, Code 1987,  
13 is amended to read as follows:

14 2. For medical examiners, five members licensed to  
15 practice medicine and surgery, two members licensed to  
16 practice osteopathic medicine and surgery, one member  
17 approved as a physician's assistant, and two members  
18 not licensed to practice either medicine and surgery  
19 or osteopathic medicine and surgery, or approved as a  
20 physician's assistant, and who shall represent the  
21 general public, and one nonvoting member who is  
22 licensed as a physician assistant. The physician's  
23 assistant shall have all the rights and privileges of  
24 a board member but may vote only on matters relating  
25 to discipline of physicians' assistants, education of  
26 physicians' assistants and rules or policies directly  
27 affecting physicians' assistants. A majority of the  
28 voting members of the board constitutes a quorum.

29 Sec. 7. Section 147.14, Code 1987, is amended by  
30 adding the following new subsections:

31 NEW SUBSECTION. 12. For the joint board of  
32 physician assistant examiners, three members licensed  
33 to practice as physician assistants, one member  
34 licensed to practice medicine and surgery who  
35 supervises a physician assistant, one member licensed  
36 to practice osteopathic medicine and surgery who  
37 supervises a physician assistant, and two members who  
38 are not licensed to practice either medicine and  
39 surgery or osteopathic medicine and surgery or  
40 licensed as a physician assistant and who shall  
41 represent the general public. A majority of members  
42 of the board constitutes a quorum.

43 NEW SUBSECTION. 13. For marital and family  
44 therapy examiners, five members licensed to practice  
45 marital and family therapy, one of whom shall be  
46 employed in the graduate training of marital and  
47 family therapists, three of whom shall be in direct  
48 service or practice, and one of whom shall be in  
49 research; and two members who are not licensed or  
50 certified to practice marital and family therapy and

1 who shall represent the general public. A majority of  
2 the members of the board constitutes a quorum.

3 NEW SUBSECTION. 14. For mental health counseling  
4 examiners, three members licensed to practice mental  
5 health counseling and two members who are not licensed  
6 to practice mental health counseling and who shall  
7 represent the general public. A majority of the  
8 members of the board constitutes a quorum.

9 Sec. 8. Section 147.16, Code 1987, is amended by  
10 adding the following new unnumbered paragraph:

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

18 Sec. 9. Section 147.25, unnumbered paragraph 4,  
19 Code 1987, is amended to read as follows:

20 In addition to any other fee provided by law, a fee  
21 may be set by the respective examining boards for each  
22 license and renewal of a license to practice medicine,  
23 surgery, pediatry, osteopathy, osteopathic medicine  
24 and surgery, chiropractic, nursing, dentistry, dental  
25 hygiene, optometry, pharmacy, physical therapy,  
26 occupational therapy, social work, veterinary  
27 medicine, or dietetics a profession, which fee shall  
28 be based on the annual cost of collecting information  
29 for use by the department in the administration of the  
30 system of health personnel statistics established by  
31 this section. The fee shall be collected, transmitted  
32 to the treasurer of state and deposited in the general  
33 fund of the state in the manner in which license and  
34 renewal fees of the respective professions are  
35 collected, transmitted, and deposited in the general  
36 fund.

37 Sec. 10. Section 147.74, Code Supplement 1987, is  
38 amended by adding the following new unnumbered  
39 paragraphs after unnumbered paragraph 11:

40 NEW UNNUMBERED PARAGRAPH. A physician assistant  
41 registered or licensed under chapter 148C may use the  
42 words "physician assistant" after the person's name or  
43 to signify the same by the use of the letters "P.A."  
44 after the person's name.

45 NEW UNNUMBERED PARAGRAPH. A marital and family  
46 therapist licensed under chapter 154D and this chapter  
47 may use the words "licensed marital and family  
48 therapist" after the person's name or signify the same  
49 by the use of the letters "L.M.F.T." after the  
50 person's name. A marital and family therapist

1 licensed under chapter 154D and this chapter who  
2 possesses a doctoral degree may use the prefix  
3 "Doctor" or "Dr." in conjunction with the person's  
4 name, but shall add after the person's name the words  
5 "Licensed Marital and Family Therapist".

6 NEW UNNUMBERED PARAGRAPH. A mental health  
7 counselor licensed under chapter 154E and this chapter  
8 may use the words "licensed mental health counselor"  
9 after the person's name. A mental health counselor  
10 licensed under chapter 154E and this chapter who  
11 possesses a doctoral degree may use the prefix  
12 "Doctor" or "Dr." in conjunction with the person's  
13 name, but shall add after the person's name the words  
14 "Licensed Mental Health Counselor".

15 Sec. 11. Section 147.76, Code 1987, is amended to  
16 read as follows:

17 147.76 RULES PROMULGATED ADOPTED.

18 The examining boards for the various professions  
19 shall ~~promulgate~~ adopt all necessary and proper rules  
20 to implement and ~~interpret the provisions of~~ this  
21 chapter and chapters 148, 148A, 148C, 149, 150, 150A,  
22 151, 152, 153, 154, 154A, 154B, 154C, 154D, 154E, 155,  
23 and 156.

24 Sec. 12. Section 147.80, Code 1987, is amended by  
25 adding the following new subsection after section 4  
26 and renumbering the subsequent subsections:

27 NEW SUBSECTION. 5. Application for a license to  
28 practice as a physician assistant, issuance of a  
29 license to practice as a physician assistant issued  
30 upon the basis of an examination given or approved by  
31 the joint board of physician assistant examiners,  
32 issuance of a license to practice as a physician  
33 assistant issued under a reciprocal agreement, renewal  
34 of a license to practice as a physician assistant,  
35 temporary license to practice as a physician  
36 assistant, registration of a physician assistant,  
37 temporary registration of a physician assistant,  
38 renewal of a registration of a physician assistant.

39 Sec. 13. Section 147.80, Code 1987, is amended by  
40 adding the following new subsections after subsection  
41 18 and renumbering the subsequent subsections:

42 NEW SUBSECTION. 19. License to practice marital  
43 and family therapy issued upon the basis of an  
44 examination given by the board of marital and family  
45 therapy examiners, license to practice marital and  
46 family therapy issued under a reciprocal agreement, or  
47 renewal of a license to practice marital and family  
48 therapy.

49 NEW SUBSECTION. 20. License to practice mental  
50 health counseling issued upon the basis of an

1 examination given by the board of mental health  
2 counseling examiners, license to practice mental  
3 health counseling issued under a reciprocal agreement,  
4 or renewal of a license to practice mental health  
5 counseling.

6 Sec. 14. Section 147.102, Code 1987, is amended to  
7 read as follows:

8 147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS,  
9 CHIROPRACTORS, DENTISTS, AND OSTEOPATHS, AND PHYSICIAN  
10 ASSISTANTS.

11 Notwithstanding the provisions of this title, every  
12 application for a license to practice medicine and  
13 surgery, psychology, chiropractic, dentistry,  
14 osteopathy, or osteopathic medicine and surgery, or to  
15 practice as a physician assistant, shall be made  
16 directly to the secretary of the examining board of  
17 such profession, and every reciprocal agreement for  
18 the recognition of any such license issued in another  
19 state shall be negotiated by the examining board for  
20 such profession, and all examination, license, and  
21 renewal fees received from such persons licensed to  
22 practice any of such professions shall be paid to and  
23 collected by the secretary of the examining board of  
24 such profession, who shall transmit the fees to the  
25 treasurer of state who shall deposit the fees in the  
26 general fund of the state. The salary of the  
27 secretary shall be established by the governor with  
28 the approval of the executive council pursuant to  
29 section 19A.9, subsection 2, under the pay plan for  
30 exempt positions in the executive branch of  
31 government.

32 Sec. 15. Section 147.103, Code 1987, is amended by  
33 adding the following new unnumbered paragraph after  
34 unnumbered paragraph 1:

35 NEW UNNUMBERED PARAGRAPH. The joint board of  
36 physician assistant examiners may appoint  
37 investigators, who shall not be members of the  
38 examining board, to administer and aid in the  
39 enforcement of the provisions of law relating to  
40 physician assistants. The amount of compensation for  
41 the investigators shall be determined pursuant to  
42 chapter 19A.

43 Sec. 16. Section 147.103, unnumbered paragraph 2,  
44 Code 1987, is amended to read as follows:

45 Investigators authorized by the board of medical  
46 examiners and the joint board of physician assistant  
47 examiners have the powers and status of peace officers  
48 when enforcing this chapter and chapters 147A, 148,  
49 148C, 150, 150A, and 258A.

50 Sec. 17. Section 148C.1, Code 1987, is amended by

1 striking the section and inserting in lieu thereof the  
2 following:

3 148C.1 DEFINITIONS.

4 1. "Approved program" means a program for the  
5 education of physician assistants which has been  
6 formally approved by the board.

7 2. "Board" means the joint board of physician  
8 assistant examiners.

9 3. "Department" means the Iowa department of  
10 public health.

11 4. "Licensed physician assistant" means a person  
12 who is licensed by the board to practice as a  
13 physician assistant under the supervision of one or  
14 more physicians specified in the license.

15 "Supervision" does not require the personal presence  
16 of the supervising physician at the place where  
17 medical services are rendered except insofar as the  
18 personal presence is expressly required by this  
19 chapter or required by rules of the board adopted  
20 pursuant to this chapter.

21 5. "Physician" means a person who is currently  
22 licensed in Iowa to practice medicine and surgery,  
23 osteopathic medicine and surgery, or osteopathy.

24 6. "Physician assistant" means a person who has  
25 successfully completed an approved program and passed  
26 an examination approved by the board or is otherwise  
27 found by the board to be qualified to perform medical  
28 services under the supervision of a physician.

29 7. "Trainee" means a person who is currently  
30 enrolled in an approved program.

31 Sec. 18. Section 148C.2, Code 1987, is amended to  
32 read as follows:

33 148C.2 APPROVED PROGRAMS.

34 The department shall issue certificates of approval  
35 for programs for the education and training of  
36 ~~physician's~~ physician assistants which meet board  
37 standards. In developing criteria for program  
38 approval, the board shall give consideration to and  
39 encourage the utilization of equivalency and  
40 proficiency testing and other mechanisms whereby full  
41 credit is given to trainees for past education and  
42 experience in health fields. The board shall adopt  
43 and publish standards to insure that such programs  
44 operate in a manner which does not endanger the health  
45 and welfare of patients who receive services within  
46 the scope of the program. The board shall review the  
47 quality of curriculum, faculty, and the facilities of  
48 such programs and shall issue approve the issuance of  
49 certificates of approval. ~~The board may adopt such~~  
50 ~~regulations as are reasonably necessary to carry out~~

1 the purposes of this chapter:

2 If the board determines that a person has  
3 sufficient knowledge and experience to qualify as a  
4 physician's assistant, the board may approve an  
5 application to supervise such person as a physician's  
6 assistant without requiring the completion of an  
7 approved program.

8 The board shall establish by rule fees to be  
9 charged in connection with the application for and  
10 issuance of certificates of approval under this  
11 section.

12 Sec. 19. Section 148C.3, Code 1987, is amended by  
13 striking the section and inserting in lieu thereof the  
14 following:

15 148C.3 REGISTRATION -- LICENSURE.

16 1. The board shall formulate guidelines and adopt  
17 rules to govern the registration of persons who  
18 qualify as physician assistants. An applicant for  
19 registration shall submit the fee prescribed by the  
20 board and shall meet the requirements established by  
21 the board with respect to all of the following:

22 a. Academic qualifications, including evidence of  
23 graduation from an approved program. However, if the  
24 board determines that a person has sufficient  
25 knowledge and experience to qualify as a physician  
26 assistant, the board may approve an application for  
27 registration without requiring the completion of an  
28 approved program.

29 b. Examination grades and evidence of passing the  
30 national commission on certification of physician  
31 assistants examination or an equivalent examination or  
32 an equivalent examination which the board approves.

33 c. Hours of continuing medical education necessary  
34 to remain licensed or eligible for licensure.

35 2. The board may issue a temporary registration  
36 under special circumstances and upon conditions  
37 prescribed by the board. A temporary registration  
38 shall not exceed one year in duration and shall not be  
39 renewed more than once.

40 3. A person who is registered as a physician  
41 assistant is not authorized to practice as a physician  
42 assistant unless the person is also a licensed  
43 physician assistant.

44 4. The board shall formulate guidelines and adopt  
45 rules for the consideration of applications from  
46 persons seeking to become licensed physician  
47 assistants. An applicant for a license to practice as  
48 a physician assistant shall submit the fee prescribed  
49 by the board, evidence of the applicant's current  
50 registration with the board as a physician assistant,

1 information with respect to the applicant's related  
2 work experience and other qualifications, information  
3 with respect to the professional background and  
4 specialty of the physician or physicians who will  
5 provide supervision, as specified in the license, and  
6 a description of how the physician assistant is to  
7 function.

8 5. The board may issue a temporary license under  
9 special circumstances and upon conditions prescribed  
10 by the board. The temporary license shall require the  
11 licensee to function in the same facility as the  
12 supervising physician. A temporary license shall not  
13 exceed one year in duration and shall not be renewed  
14 more than once.

15 6. The board may modify the proposed functioning  
16 of a physician assistant and then approve the  
17 application for licensure as modified.

18 7. The board shall not approve an application for  
19 licensure which would result in a physician  
20 supervising more than two physician assistants at one  
21 time.

22 8. A licensed physician assistant shall perform  
23 only those services for which the licensed physician  
24 assistant is qualified by training, and shall not  
25 perform a service that is not permitted by the board.

26 Sec. 20. Section 148C.4, Code 1987, is amended to  
27 read as follows:

28 148C.4 SERVICES PERFORMED BY ASSISTANTS.

29 A physician's physician assistant may perform  
30 medical service services when such the services are  
31 rendered under the supervision of a licensed the  
32 physician or physicians specified in the physician  
33 assistant license approved by the board. A trainee  
34 may perform medical services when such the services  
35 are rendered within the scope of an approved program.

36 Sec. 21. Section 148C.7, Code 1987, is amended to  
37 read as follows:

38 148C.7 REGULATIONS RULES.

39 ~~Regulations-adopted-by-the-board-to-implement-the~~  
40 ~~provisions-of-this-chapter~~ The board may adopt rules  
41 reasonably necessary to carry out the purposes of this  
42 chapter. The rules shall be designed to encourage the  
43 utilization of physicians' physician assistants in a  
44 manner that is consistent with the provision of  
45 quality health care and medical services for the  
46 citizens of Iowa through better utilization of  
47 available physicians and the development of sound  
48 programs for the education and training of skilled  
49 physicians' physician assistants well qualified to  
50 assist physicians in providing health care and medical

1 services.

2 Sec. 22. Section 148C.8, Code 1987, is amended to  
3 read as follows:

4 148C.8 RIGHT TO DELEGATE.

5 Nothing in this chapter ~~shall affect or limit~~  
6 affects or limits a physician's existing right to  
7 delegate various medical tasks to aides, assistants or  
8 others acting under the physician's supervision or  
9 direction. Aides, assistants, or others who perform  
10 only those tasks which can be so delegated shall not  
11 be required to qualify as physicians physician  
12 assistants hereunder under this chapter.

13 Sec. 23. Section 148C.9, Code 1987, is amended to  
14 read as follows:

15 148C.9 EYE EXAMINATION RESTRICTED.

16 ~~No-physician's~~ A physician assistant shall not be  
17 permitted to prescribe lenses, prisms, or contact  
18 lenses for the aid, relief, or correction of human  
19 vision. ~~No-physician's~~ A physician assistant shall  
20 not be permitted to measure the visual power and  
21 visual efficiency of the human eye, as distinguished  
22 from routine visual screening, except in the personal  
23 presence of a supervising physician at the place where  
24 such services are rendered.

25 Sec. 24. Section 148C.11, Code 1987, is amended to  
26 read as follows:

27 148C.11 PROHIBITIONS.

28 A person not certified registered and licensed as  
29 required by this chapter who practices as a  
30 ~~physician's~~ physician assistant without having  
31 obtained the appropriate approval under this chapter,  
32 is guilty of a serious misdemeanor.

33 Sec. 25. NEW SECTION. 154D.1 DEFINITIONS.

34 As used in this chapter, unless the context other-  
35 wise requires:

36 1. "Board" means the board of marital and family  
37 therapy examiners, established in section 147.13.

38 2. "Licensed marital and family therapist" means a  
39 person licensed to practice marital and family therapy  
40 under chapter 147 and this chapter.

41 3. "Marital and family therapy" means the applica-  
42 tion of principles and methods of marital and family  
43 therapy and other therapeutic techniques in the  
44 assessment and resolution of emotional conflict,  
45 modification of perceptions and behavior, and  
46 alteration and establishment of attitudes and patterns  
47 of interaction relative to marriage, family life, and  
48 interpersonal relationships.

49 Sec. 26. NEW SECTION. 154D.2 REQUIREMENTS TO  
50 OBTAIN LICENSE.

1 An applicant for a license to practice marital and  
2 family therapy shall be granted a license by the board  
3 when the applicant satisfies the following  
4 requirements:

5 1. Possesses a master's degree in marital and  
6 family therapy or its equivalent from a nationally  
7 accredited institution or from a program approved by  
8 the board.

9 2. Has at least two years of supervised profes-  
10 sional experience or its equivalent as approved by the  
11 board or the American association for marriage and  
12 family therapy.

13 3. Passes an examination administered by the  
14 board.

15 4. Has not failed the examination required in  
16 subsection 3 within six months of the date of the  
17 current application.

18 Sec. 27. NEW SECTION. 154D.3 EXEMPTIONS.

19 This chapter and chapter 147 do not prevent  
20 qualified members of other professional groups,  
21 including but not limited to nurses, psychologists,  
22 social workers, physicians, attorneys-at-law, and  
23 members of the clergy, from providing or advertising  
24 that they provide services of a marital and family  
25 therapy nature consistent with the accepted standards  
26 of their respective professions, if these persons do  
27 not use a title or description denoting that they are  
28 licensed marital and family therapists.

29 Sec. 28. NEW SECTION. 154E.1 DEFINITIONS.

30 As used in this chapter unless the context  
31 otherwise requires:

32 1. "Board" means the board of mental health  
33 counseling examiners.

34 2. "Licensed mental health counselor" or  
35 "licensee" means a person licensed to practice mental  
36 health counseling.

37 3. "Mental health counseling" means the provision  
38 of counseling services involving assessment, referral,  
39 consultation, and the application of therapy, human  
40 development principles, learning theory, group  
41 dynamics, and the etiology of maladjustment and  
42 dysfunctional behavior to individuals, families, and  
43 groups for the purpose of promoting optimal mental  
44 health.

45 Sec. 29. NEW SECTION. 154E.2 APPLICABILITY.

46 This chapter and chapter 147 do not prevent  
47 individuals not licensed as mental health counselors  
48 from working within their respective professions or  
49 occupations if they do not hold themselves out to the  
50 public as being licensed mental health counselors.

1 Section 147.83 does not apply to persons who are not  
2 licensed as mental health counselors and do not hold  
3 themselves out as licensed mental health counselors.

4 Sec. 30. NEW SECTION. 154E.3 REQUIREMENTS FOR  
5 LICENSE.

6 Each applicant for a license as a licensed mental  
7 health counselor shall meet the following  
8 requirements:

9 1. Possess a master's or doctoral degree from an  
10 accredited college or university approved by the  
11 board. The degree shall be in counseling with courses  
12 in the field of mental health counseling or shall be a  
13 degree in an allied mental health field.

14 2. Pass an examination approved by the board for  
15 the purpose of licensure.

16 3. Have two years experience in the activities of  
17 the practice of mental health counseling.

18 Sec. 31. NEW SECTION. 154E.4 RULEMAKING  
19 AUTHORITY.

20 In addition to duties and responsibilities provided  
21 in chapters 147 and 258A, the board shall adopt rules  
22 relating to:

23 1. Educational, experiential, and examinational  
24 standards for licensure as a mental health counselor.

25 2. Standards for professional conduct of persons  
26 licensed under this chapter.

27 3. The administration of this chapter.

28 4. The status of active and inactive licensure and  
29 guidelines for inactive licensure reentry.

30 5. Educational activities which fulfill continuing  
31 education requirements for renewal of licenses.

32 Sec. 32. NEW SECTION. 154E.5 CONFIDENTIALITY OF  
33 INFORMATION.

34 A licensed mental health counselor or a person  
35 working under supervision of a licensee shall not  
36 disclose or be compelled to disclose information  
37 acquired from persons consulting that person in a  
38 professional capacity except:

39 1. If the information reveals the contemplation or  
40 commission of a crime.

41 2. If the person waives the privilege by bringing  
42 charges against the licensee.

43 3. With the written consent of the client, or in  
44 the case of death or disability with the consent of  
45 the client's personal representative, another person  
46 authorized to sue, or the beneficiary of an insurance  
47 policy on the client's life, health, or physical  
48 condition.

49 4. To testify in a court hearing concerning  
50 matters pertaining to the welfare of children.

1 5. To seek collaboration or consultation with  
2 professional colleagues or administrative superiors on  
3 behalf of the client.

4 Sec. 33. Section 258A.1, subsection 1, Code  
5 Supplement 1987, is amended by adding the following  
6 new paragraph after paragraph 1 and renumbering the  
7 subsequent paragraphs:

8 NEW PARAGRAPH. m. The joint board of physician  
9 assistant examiners.

10 Sec. 34. Section 321J.11, unnumbered paragraph 1,  
11 Code 1987, is amended to read as follows:

12 Only a licensed physician, physician's licensed  
13 physician assistant as defined in section 148C.1,  
14 subsection-6, medical technologist, or registered  
15 nurse, acting at the request of a peace officer, may  
16 withdraw a specimen of blood for the purpose of  
17 determining the alcohol concentration or the presence  
18 of drugs. However, any peace officer, using devices  
19 and methods approved by the commissioner of public  
20 safety, may take a specimen of a person's breath or  
21 urine for the purpose of determining the alcohol  
22 concentration or the presence of drugs. Only new  
23 equipment kept under strictly sanitary and sterile  
24 conditions shall be used for drawing blood.

25 Sec. 35. Section 622.10, unnumbered paragraph 1,  
26 Code 1987, is amended to read as follows:

27 A practicing attorney, counselor, physician,  
28 surgeon, physician's assistant, mental health  
29 professional, or the stenographer or confidential  
30 clerk of any such person, who obtains information by  
31 reason of the person's employment, or a minister of  
32 the gospel or priest of any denomination shall not be  
33 allowed,--in-giving-testimony, to disclose any  
34 confidential communication properly entrusted to the  
35 person in the person's professional capacity, and  
36 necessary and proper to enable the person to discharge  
37 the functions of the person's office according to the  
38 usual course of practice or discipline. The  
39 prohibition does not apply to cases where the person  
40 in whose favor the prohibition is made waives the  
41 rights conferred; nor does the prohibition apply to  
42 physicians or surgeons, physician's assistants, mental  
43 health professionals, or to the stenographer or  
44 confidential clerk of any physicians or surgeons,  
45 physician's assistants, or mental health  
46 professionals, in a civil action in which the  
47 condition of the person in whose favor the prohibition  
48 is made is an element or factor of the claim or  
49 defense of the person or of any party claiming through  
50 or under the person. The evidence is admissible upon

1 trial of the action only as it relates to the  
2 condition alleged.

3 PARAGRAPH DIVIDED. If an adverse party desires the  
4 oral deposition, either discovery or evidentiary, of a  
5 physician or surgeon, physician's assistant, or mental  
6 health professional to which the prohibition would  
7 otherwise apply or the stenographer or confidential  
8 clerk of a physician or surgeon, physician's  
9 assistant, or mental health professional or desires to  
10 call a physician or surgeon, physician's assistant, or  
11 mental health professional to which the prohibition  
12 would otherwise apply or the stenographer or  
13 confidential clerk of a physician or surgeon,  
14 physician's assistant, or mental health professional  
15 as a witness at the trial of the action, the adverse  
16 party shall file an application with the court for  
17 permission to do so. The court upon hearing, which  
18 shall not be ex parte, shall grant permission unless  
19 the court finds that the evidence sought does not  
20 relate to the condition alleged and shall fix a  
21 reasonable fee to be paid to the physician or surgeon,  
22 physician's assistant, or mental health professional  
23 by the party taking the deposition or calling the  
24 witness.

25 PARAGRAPH DIVIDED. For the purposes of this  
26 section, "mental health professional" means  
27 psychologists-certified a psychologist licensed under  
28 chapter 154B, a registered nurses nurse licensed under  
29 chapter 152, a social worker licensed under chapter  
30 154C, a marital and family therapist licensed under  
31 chapter 154D, or individuals an individual holding at  
32 least a master's degree in social work or counseling  
33 and guidance.

34 Sec. 36. REPEAL. Sections 148C.5 and 148C.6, Code  
35 1987, are repealed.

36 Sec. 37. TRANSITION -- RULES -- NEW MEMBERS OF  
37 BOARD -- PHYSICIAN ASSISTANTS.

38 1. The physician assistant serving as a member of  
39 the board of medical examiners on the effective date  
40 of this Act may continue to serve to the end of the  
41 term to which appointed but shall not be entitled to  
42 vote on any matter before the board.

43 2. The rules of the board of medical examiners  
44 existing on the effective date of this Act with  
45 respect to physician assistants shall continue in  
46 effect as rules of the joint board of physician  
47 assistant examiners until modified by the joint board  
48 of physician assistant examiners.

49 3. Notwithstanding section 147.19, for the initial  
50 terms of the members of the joint board of physician

1 assistant examiners, the governor shall appoint two  
2 members to serve terms of one year, two members to  
3 serve terms of two years, and three members to serve  
4 terms of three years. The initial appointees'  
5 successors shall be appointed for terms of three years  
6 each, except that a person chosen to fill a vacancy  
7 shall be appointed only for the unexpired term of the  
8 board member replaced.

9 In making the initial appointments to represent  
10 physician assistants on the joint board of physician  
11 assistant examiners, the governor shall appoint  
12 persons who have been engaged in practice as physician  
13 assistants with the approval of the board of medical  
14 examiners for a period of three years just just  
15 preceding the appointment.

16 Sec. 38. INITIAL APPOINTMENTS -- MARITAL AND  
17 FAMILY THERAPY. Notwithstanding section 147.19, of  
18 the initial appointees to the board, two members shall  
19 be appointed for terms of one year, two members shall  
20 be appointed for terms of two years, and three members  
21 shall be appointed for terms of three years. The  
22 initial appointees' successors shall be appointed for  
23 terms of three years each, except that a person chosen  
24 to fill a vacancy shall be appointed only for the  
25 unexpired term of the board member replaced.

26 For two years after the effective date of this Act,  
27 the board members shall only be required to possess a  
28 master's or doctoral degree in marital and family  
29 therapy, or its equivalent, from an accredited college  
30 or university.

31 Sec. 39. INITIAL APPOINTMENTS -- MENTAL HEALTH  
32 COUNSELING. Notwithstanding section 147.19, of the  
33 initial appointees to the board of mental health  
34 counseling examiners, the governor shall appoint one  
35 member to serve a term of one year, two members to  
36 serve terms of two years, and two members to serve  
37 terms of three years. The initial appointees'  
38 successors shall be appointed for terms of three years  
39 each, except that a person chosen to fill a vacancy  
40 shall be appointed only for the unexpired term of the  
41 board member replaced.

42 In making the initial appointments to represent  
43 mental health counselors on the board of mental health  
44 counseling examiners, the governor shall appoint  
45 persons who meet the requirements of section 154E.3,  
46 subsections 1 and 3, as amended by this Act.

47 Sec. 40. EFFECTIVE DATE. The provisions of this  
48 Act, relating to physician assistants and this  
49 section, being deemed of immediate importance, takes  
50 effect upon enactment.

1 1. The provisions of this Act, relating to marital  
2 and family therapists, being deemed of immediate  
3 importance, takes effect upon enactment for the  
4 purpose of appointment and organization of the board  
5 and the adoption of rules to become effective July 1,  
6 1988. The time from the appointment of the board  
7 members until May 1, 1988, shall not be included in  
8 the computation of their initial term. Board members  
9 may receive compensation and expenses pursuant to  
10 section 147.24 for meetings held prior to July 1,  
11 1988.

12 2. Except as provided in subsections 1 and 2, this  
13 Act takes effect July 1, 1988."

14 2. Title page, by striking lines 1 through 3, and  
15 inserting the following: "An Act relating to the  
16 credentialing and regulation of certain health care  
17 professions, making".

S-5189

Filed February 29, 1988

Withdrawn 3-18 (p 397)

BY EDGAR HOLDEN

JULIA GENTLEMAN

DAVID READINGER

SENATE FILE 2169

1 Amend Senate File 2169 as follows:

2 1. Page 9, by striking lines 16 and 17 and  
3 inserting the following: "A".

S-5178

Filed February 29, 1988

Adopted 3-16 (p 898)

BY WALLY HORN

SENATE FILE 2169

S-5179

1 Amend Senate File 2169 as follows:

2 1. Page 8, by striking line 26 and inserting the  
3 following: "examination or an equivalent".

S-5179

Filed February 29, 1988

Adopted 3-18 (p 898)

BY WALLY HORN

SENATE FILE 2169

5181

1 Amend Senate File 2169 as follows:

2 1. Page 6, after line 24, by inserting the  
3 following:

4 "Sec. \_\_\_\_ . NEW SECTION. 142.13 COORDINATION WITH  
5 JOINT BOARD OF PHYSICIAN ASSISTANT EXAMINERS.

6 The board of medical examiners, in any license  
7 disciplinary procedure involving a physician and the  
8 physician's supervision of a physician assistant,  
9 shall coordinate all aspects of the procedure with the  
10 joint board of physician assistant examiners,  
11 including requesting and considering the advice of the  
12 joint board with respect to the procedures pursued and  
13 the decisions made."

14 2. By numbering and renumbering as necessary.

Adopted 3-18 (p 897)

5181

Filed February 29, 1988

BY WALLY HORN

STATE OF IOWA

FISCAL NOTE

LSB No. 7735S  
Staff ID. RRS

FILED MAR 11 1988  
Q. BY SENATOR READINGER SENATE FILE 2169

In compliance with a written request received March 1, 1988, a fiscal note for SENATE FILE 2169 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2169 establishes the new Board of Physician Assistant Examiners. Under current law the education, training, and practice of physician assistants are monitored by the Board of Medical Examiners. Senate File 2169 makes necessary Code of Iowa changes to reflect this new board and allows the board to establish by rule fees to be charged in connection with the certification of Physician Assistants.

ASSUMPTIONS

1. Since the proposed legislation provides for a totally independent licensing board, the estimates are based upon an examining board type of organization.
2. Three FTE positions would be necessary for support of the board.
3. The seven member board would require nine meetings per year.
4. A fee would be charged to those seeking licensure. This money would be deposited in the general fund and expenditures would be appropriated through the Department of Public Health (DPH). The goal of each board in DPH is to self-supporting.
5. Start-up costs of the new board would be higher in the first year.

FISCAL EFFECT

	Fiscal Year 1989			Fiscal Year 1990		
	Current Law	Proposed Law	Increase (Decrease)	Current Law	Proposed Law	Increase (Decrease)
<u>REVENUE</u>						
General Fund	\$ 8,000	\$ 129,785	\$ 121,785	\$ 8,000	\$ 124,853	\$ 116,853
Total	\$ 8,000	\$ 129,785	\$ 121,785	\$ 8,000	\$ 124,853	\$ 116,853
<u>EXPENDITURES</u>						
Salaries (FTE's)	\$ 14,791 (0.0)	\$ 99,985 (3.0)	\$ 85,194 +(3.0)	\$ 16,122 (0.0)	\$ 108,885 (3.0)	\$ 92,763 +(3.0)
Support	1,200	8,800	7,600	1,400	7,800	6,400
Start Up Costs	0	12,500	12,500	0	0	0
State Provided Services	1,120	8,500	7,380	1,226	8,168	6,942
Total	\$ 17,111	\$ 129,785	\$ 112,674	\$ 18,748	\$ 124,853	\$ 106,105
<b>NET EFFECT</b>	<b>\$ (9,111)</b>	<b>\$ 0</b>	<b>\$ 9,111</b>	<b>\$ (10,748)</b>	<b>\$ 0</b>	<b>\$ 10,748</b>

Source: Department of Public Health, Bd of Medical Examiners (LSB 7735S, RRS)

*Dennis C. Prutey*  
Fiscal Director  
Legislative Fiscal Bureau

Date: 3/10/88

4. State Bond. 3/21  
Amend for 5940 - S. Comm 3/25 (p. 1126)

SENATE FILE 2169  
BY COMMITTEE ON STATE  
GOVERNMENT

(AS AMENDED AND PASSED BY THE SENATE MARCH 18, 1988)

- \_\_\_\_\_ - New Language by the Senate
- \* - Language Stricken by the Senate

Passed Senate, Date 4/14/88 (p. 1542) Passed House, Date 4/12/88 (p. 1747)  
Vote: Ayes 38 Nays 7 Vote: Ayes 83 Nays 12  
Approved May 12, 1988

A BILL FOR

\* 1 An Act relating to physician assistants, establishing a board of  
 2 physician assistant examiners, providing for the registration  
 3 and licensure of physician assistants, making penalties  
 4 applicable, providing properly related matters, and providing  
 5 an effective date.

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

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S.F. 2169

1 Section 1. Section 136C.3, subsection 2, unnumbered  
2 paragraph 1, Code 1987, is amended to read as follows:

3 Establish minimum training standards including continuing  
4 education requirements, and administer examinations and  
5 disciplinary procedures for operators of radiation machines  
6 and users of radioactive materials. A state of Iowa license  
7 to practice medicine, osteopathy, chiropractic, podiatry,  
8 dentistry, dental hygiene, or veterinary medicine, or  
9 ~~certification-as-a-physician's-assistant-as-defined-in-section~~  
10 ~~148E-17-subsection-6~~ licensure as a physician assistant  
11 pursuant to chapter 148C, or certification by the board of  
12 dental examiners in dental radiography, or enrollment in a  
13 program or course of study approved by the Iowa department of  
14 public health which includes the application of radiation to  
15 humans satisfies the minimum training standards for operation  
16 of radiation machines only.

17 Sec. 2. Section 147.1, subsections 2 and 3, Code  
18 Supplement 1987, are amended to read as follows:

19 2. "Licensed" or "certified" when applied to a physician  
20 and surgeon, podiatrist, osteopath, osteopathic physician and  
21 surgeon, physician assistant, psychologist or associate  
22 psychologist, chiropractor, nurse, dentist, dental hygienist,  
23 optometrist, speech pathologist, audiologist, pharmacist,  
24 physical therapist, occupational therapist, practitioner of  
25 cosmetology, practitioner of barbering, funeral director,  
26 dietitian, or social worker means a person licensed under this  
27 title.

28 3. "Profession" means medicine and surgery, podiatry,  
29 osteopathy, osteopathic medicine and surgery, practice as a  
30 physician assistant, psychology, chiropractic, nursing,  
31 dentistry, dental hygiene, optometry, speech pathology,  
32 audiology, pharmacy, physical therapy, occupational therapy,  
33 cosmetology, barbering, mortuary science, social work or  
34 dietetics.

35 Sec. 3. Section 147.2, Code 1987, is amended to read as

1 follows:

2 147.2 LICENSE REQUIRED.

3 No A person shall not engage in the practice of medicine  
4 and surgery, podiatry, osteopathy, osteopathic medicine and  
5 surgery, psychology, chiropractic, physical therapy, nursing,  
6 dentistry, dental hygiene, optometry, speech pathology,  
7 audiology, occupational therapy, pharmacy, cosmetology,  
8 barbering, dietetics, or mortuary science or shall not  
9 practice as a physician assistant as defined in the following  
10 chapters of this title, unless the person has obtained from  
11 the department a license for that purpose.

12 Sec. 4. Section 147.3, Code 1987, is amended to read as  
13 follows:

14 147.3 QUALIFICATIONS.

15 An applicant for a license to practice a profession under  
16 this title is not ineligible because of age, citizenship, sex,  
17 race, religion, marital status or national origin, although  
18 the application form may require citizenship information. A  
19 board may consider the past felony record of an applicant only  
20 if the felony conviction relates directly to the practice of  
21 ~~medicine, podiatry, osteopathy, osteopathic medicine and~~  
22 ~~surgery, chiropractic, nursing, psychology, optometry, speech~~  
23 ~~pathology, audiology, pharmacy, physical therapy, occupational~~  
24 ~~therapy, cosmetology, barbering, mortuary science, social work~~  
25 ~~or dietetics~~ the profession for which the applicant requests  
26 to be licensed. Character references may be required, but  
27 shall not be obtained from licensed members of the profession.

28 Sec. 5. Section 147.13, Code 1987, is amended to read as  
29 follows:

30 147.13 DESIGNATION OF BOARDS.

31 The examining boards provided in section 147.12 shall be  
32 designated as follows:

33 1. For medicine and surgery, and osteopathy, and  
34 osteopathic medicine and surgery, medical examiners, ~~for~~

\* 35 2. For physician assistants, board of physician assistant

1 examiners.

2 3. For psychology, psychology examiners;--for.

3 4. For podiatry, podiatry examiners;--for.

4 5. For chiropractic, chiropractic examiners;--for.

5 6. For physical therapists and occupational therapists,  
6 physical and occupational therapy examiners;--for.

7 7. For nursing, board of nursing;--for.

8 8. For dentistry and dental hygiene, dental examiners;  
9 for.

10 9. For optometry, optometry examiners;--for.

11 10. For speech pathology and audiology, speech pathology  
12 and audiology examiners;--for.

13 11. For cosmetology, cosmetology examiners;--for.

14 12. For barbering, barber examiners;--for.

15 13. For pharmacy, pharmacy examiners;--for.

16 14. For mortuary science, mortuary science examiners;--for.

17 15. For social workers, social work examiners;--for.

18 16. For dietetics, dietetic examiners.

19 Sec. 6. Section 147.14, subsection 2, Code 1987, is  
20 amended to read as follows:

21 2. For medical examiners, five members licensed to  
22 practice medicine and surgery, two members licensed to  
23 practice osteopathic medicine and surgery, ~~one-member-approved~~  
24 ~~as-a-physician's-assistant,~~ and two members not licensed to  
25 practice either medicine and surgery or osteopathic medicine  
26 and surgery, ~~or-approved-as-a-physician's-assistant,~~ and who  
27 shall represent the general public, and one nonvoting member  
28 who is licensed as a physician assistant. The-physician's  
29 ~~assistant-shall-have-all-the-rights-and-privileges-of-a-board~~  
30 ~~member-but-may-vote-only-on-matters-relating-to-discipline-of~~  
31 ~~physicians'-assistants,-education-of-physicians'-assistants~~  
32 ~~and-rules-or-policies-directly-affecting-physicians'~~  
33 ~~assistants.~~ A majority of the voting members of the board  
34 constitutes a quorum.

35 Sec. 7. Section 147.14, Code 1987, is amended by adding

1 the following new subsection:

\* 2 NEW SUBSECTION. 12. For the board of physician assistant  
3 examiners, three members licensed to practice as physician  
4 assistants, at least two of whom practice in counties with a  
5 population of less than fifty thousand, one member licensed to  
6 practice medicine and surgery who supervises a physician  
7 assistant, one member licensed to practice osteopathic  
8 medicine and surgery who supervises a physician assistant, and  
9 two members who are not licensed to practice either medicine  
10 and surgery or osteopathic medicine and surgery or licensed as  
11 a physician assistant and who shall represent the general  
12 public. At least one of the physician members shall be in  
13 practice in a county with a population of less than fifty  
14 thousand. A majority of members of the board constitutes a  
15 quorum.

16 Sec. 8. Section 147.16, Code 1987, is amended by adding  
17 the following new unnumbered paragraph:

18 NEW UNNUMBERED PARAGRAPH. However, each licensed physician  
\* 19 assistant member of the board of physician assistant examiners  
20 shall be actively engaged in practice as a physician assistant  
21 and shall have been so engaged for a period of three years  
22 just preceding the member's appointment, the last year of  
23 which shall be in this state.

24 Sec. 9. Section 147.25, unnumbered paragraph 4, Code 1987,  
25 is amended to read as follows:

26 In addition to any other fee provided by law, a fee may be  
27 set by the respective examining boards for each license and  
28 renewal of a license to practice ~~medicine, surgery, podiatry,~~  
29 ~~osteopathy, osteopathic medicine and surgery, chiropractic,~~  
30 ~~nursing, dentistry, dental hygiene, optometry, pharmacy,~~  
31 ~~physical therapy, occupational therapy, social work,~~  
32 ~~veterinary medicine, or dietetics~~ a profession, which fee  
33 shall be based on the annual cost of collecting information  
34 for use by the department in the administration of the system  
35 of health personnel statistics established by this section.

1 The fee shall be collected, transmitted to the treasurer of  
2 state and deposited in the general fund of the state in the  
3 manner in which license and renewal fees of the respective  
4 professions are collected, transmitted, and deposited in the  
5 general fund.

6 Sec. 10. Section 147.74, Code Supplement 1987, is amended  
7 by adding the following new unnumbered paragraph after  
8 unnumbered paragraph 11:

9 NEW UNNUMBERED PARAGRAPH. A physician assistant registered  
10 or licensed under chapter 148C may use the words "physician  
11 assistant" after the person's name or to signify the same by  
12 the use of the letters "P.A." after the person's name.

13 Sec. 11. Section 147.80, Code 1987, is amended by adding  
14 the following new subsection after section 4 and  
15 renumbering the subsequent subsections:

16 NEW SUBSECTION. 5. Application for a license to practice  
17 as a physician assistant, issuance of a license to practice as  
18 a physician assistant issued upon the basis of an examination  
\* 19 given or approved by the board of physician assistant  
20 examiners, issuance of a license to practice as a physician  
21 assistant issued under a reciprocal agreement, renewal of a  
22 license to practice as a physician assistant, temporary  
23 license to practice as a physician assistant, registration of  
24 a physician assistant, temporary registration of a physician  
25 assistant, renewal of a registration of a physician assistant.

26 Sec. 12. Section 147.102, Code 1987, is amended to read as  
27 follows:

28 147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS,  
29 CHIROPRACTORS, DENTISTS, ~~AND~~ OSTEOPATHS, AND PHYSICIAN  
30 ASSISTANTS.

31 Notwithstanding the provisions of this title, every  
32 application for a license to practice medicine and surgery,  
33 psychology, chiropractic, dentistry, osteopathy, or  
34 osteopathic medicine and surgery, or to practice as a  
35 physician assistant, shall be made directly to the secretary

1 of the examining board of such profession, and every  
 2 reciprocal agreement for the recognition of any such license  
 3 issued in another state shall be negotiated by the examining  
 4 board for such profession, and all examination, license, and  
 5 renewal fees received from such persons licensed to practice  
 6 any of such professions shall be paid to and collected by the  
 7 secretary of the examining board of such profession, who shall  
 8 transmit the fees to the treasurer of state who shall deposit  
 9 the fees in the general fund of the state. The salary of the  
 10 secretary shall be established by the governor with the  
 11 approval of the executive council pursuant to section 19A.9,  
 12 subsection 2, under the pay plan for exempt positions in the  
 13 executive branch of government.

14 Sec. 13. Section 147.103, Code 1987, is amended by adding  
 15 the following new unnumbered paragraph after unnumbered  
 16 paragraph 1:

17 NEW UNNUMBERED PARAGRAPH. The board of physician assistant  
 18 examiners may appoint investigators, who shall not be members  
 19 of the examining board, to administer and aid in the  
 20 enforcement of the provisions of law relating to physician  
 21 assistants. The amount of compensation for the investigators  
 22 shall be determined pursuant to chapter 19A.

23 Sec. 14. Section 147.103, unnumbered paragraph 2, Code  
 24 1987, is amended to read as follows:

25 Investigators authorized by the board of medical examiners  
 \* 26 and the board of physician assistant examiners have the powers  
 27 and status of peace officers when enforcing this chapter and  
 28 chapters 147A, 148, 148C, 150, 150A, and 258A.

29 Sec. 15. NEW SECTION. 148.13 COORDINATION WITH JOINT  
 30 BOARD OF PHYSICIAN ASSISTANT EXAMINERS.

31 The board of medical examiners, in any licensee  
 32 disciplinary procedure involving a physician and the  
 33 physician's supervision of a physician assistant, shall  
 34 coordinate all aspects of the procedure with the joint board  
 35 of physician assistant examiners, including requesting and

1 considering the advice of the joint board with respect to the  
2 procedures pursued and the decisions made.

3 Sec. 16. Section 148C.1, Code 1987, is amended by striking  
4 the section and inserting in lieu thereof the following:

5 148C.1 DEFINITIONS.

6 1. "Approved program" means a program for the education of  
7 physician assistants which has been formally approved by the  
8 board.

\* 9 2. "Board" means the board of physician assistant  
10 examiners.

11 3. "Department" means the Iowa department of public  
12 health.

13 4. "Licensed physician assistant" means a person who is  
14 licensed by the board to practice as a physician assistant  
15 under the supervision of one or more physicians specified in  
16 the license. "Supervision" does not require the personal  
17 presence of the supervising physician at the place where  
18 medical services are rendered except insofar as the personal  
19 presence is expressly required by this chapter or required by  
20 rules of the board adopted pursuant to this chapter.

21 5. "Physician" means a person who is currently licensed in  
22 Iowa to practice medicine and surgery, osteopathic medicine  
23 and surgery, or osteopathy.

24 6. "Physician assistant" means a person who has  
25 successfully completed an approved program and passed an  
26 examination approved by the board or is otherwise found by the  
27 board to be qualified to perform medical services under the  
28 supervision of a physician.

29 7. "Trainee" means a person who is currently enrolled in  
30 an approved program.

31 Sec. 17. Section 148C.2, Code 1987, is amended to read as  
32 follows:

33 148C.2 APPROVED PROGRAMS.

34 The department shall issue certificates of approval for  
35 programs for the education and training of ~~physicians~~

1 physician assistants which meet board standards. In  
2 developing criteria for program approval, the board shall give  
3 consideration to and encourage the utilization of equivalency  
4 and proficiency testing and other mechanisms whereby full  
5 credit is given to trainees for past education and experience  
6 in health fields. The board shall adopt and publish standards  
7 to insure that such programs operate in a manner which does  
8 not endanger the health and welfare of patients who receive  
9 services within the scope of the program. The board shall  
10 review the quality of curriculum, faculty, and the facilities  
11 of such programs and shall approve the issuance of  
12 certificates of approval. ~~The board may adopt such~~  
13 ~~regulations as are reasonably necessary to carry out the~~  
14 ~~purposes of this chapter.~~

15 ~~If the board determines that a person has sufficient~~  
16 ~~knowledge and experience to qualify as a physician's~~  
17 ~~assistant, the board may approve an application to supervise~~  
18 ~~such person as a physician's assistant without requiring the~~  
19 ~~completion of an approved program.~~

20 The board shall establish by rule fees to be charged in  
21 connection with the application for and issuance of  
22 certificates of approval under this section.

23 Sec. 18. Section 148C.3, Code 1987, is amended by striking  
24 the section and inserting in lieu thereof the following:

25 148C.3 REGISTRATION -- LICENSURE.

26 1. The board shall formulate guidelines and adopt rules to  
27 govern the registration of persons who qualify as physician  
28 assistants. An applicant for registration shall submit the  
29 fee prescribed by the board and shall meet the requirements  
30 established by the board with respect to all of the following:

31 a. Academic qualifications, including evidence of  
32 graduation from an approved program. However, if the board  
33 determines that a person has sufficient knowledge and  
34 experience to qualify as a physician assistant, the board may  
35 approve an application for registration without requiring the

1 completion of an approved program.

2 b. Examination grades and evidence of passing the national  
3 commission on certification of physician assistants  
4 examination or an equivalent examination which the board  
5 approves.

6 c. Hours of continuing medical education necessary to  
7 remain licensed or eligible for licensure.

8 2. The board may issue a temporary registration under  
9 special circumstances and upon conditions prescribed by the  
10 board. A temporary registration shall not exceed one year in  
11 duration and shall not be renewed more than once.

12 3. A person who is registered as a physician assistant is  
13 not authorized to practice as a physician assistant unless the  
14 person is also a licensed physician assistant.

15 4. The board shall formulate guidelines and adopt rules  
16 for the consideration of applications from persons seeking to  
17 become licensed physician assistants. An applicant for a  
18 license to practice as a physician assistant shall submit the  
19 fee prescribed by the board and evidence of the applicant's  
20 current registration with the board as a physician assistant.  
21 In conjunction with the physician assistant submission, the  
22 applicant's supervising physician or physicians shall submit  
23 information with respect to the supervising physician's  
24 professional background and specialty, and a plan for  
25 supervision of the physician assistant. In addition the  
26 physician assistant applicant and the supervising physician or  
27 physicians shall submit a description of how the physician  
28 assistant is to function.

29 5. The board may issue a temporary license under special  
30 circumstances and upon conditions prescribed by the board. A  
31 temporary license shall not exceed one year in duration and  
32 shall not be renewed more than once.

33 6. The board may modify the proposed functioning of a  
34 physician assistant and then approve the application for  
35 licensure as modified.

1 7. The board shall not approve an application for  
2 licensure which would result in a physician supervising more  
3 than two physician assistants at one time.

4 8. A licensed physician assistant shall perform only those  
5 services for which the licensed physician assistant is  
6 qualified by training, and shall not perform a service that is  
7 not permitted by the board.

8 Sec. 19. Section 148C.4, Code 1987, is amended to read as  
9 follows:

10 148C.4 SERVICES PERFORMED BY ASSISTANTS.

11 A ~~physician's~~ physician assistant may perform medical  
12 ~~service~~ services when ~~such~~ the services are rendered under the  
13 supervision of ~~a-licensed~~ the physician or physicians  
14 specified in the physician assistant license approved by the  
15 board. A trainee may perform medical services when ~~such~~ the  
16 services are rendered within the scope of an approved program.

17 Sec. 20. Section 148C.7, Code 1987, is amended to read as  
18 follows:

19 148C.7 REGULATIONS RULES.

20 ~~Regulations-adopted-by-the-board-to-implement-the~~  
21 ~~provisions-of-this-chapter~~ The board may adopt rules  
22 reasonably necessary to carry out the purposes of this  
23 chapter. The rules shall be designed to encourage the  
24 utilization of ~~physicians+~~ physician assistants in a manner  
25 that is consistent with the provision of quality health care  
26 and medical services for the citizens of Iowa through better  
27 utilization of available physicians and the development of  
28 sound programs for the education and training of skilled  
29 ~~physicians+~~ physician assistants well qualified to assist  
30 physicians in providing health care and medical services.

31 Sec. 21. Section 148C.8, Code 1987, is amended to read as  
32 follows:

33 148C.8 RIGHT TO DELEGATE.

34 Nothing in this chapter ~~shall-affect-or-limit~~ affects or  
35 limits a physician's existing right to delegate various

1 medical tasks to aides, assistants or others acting under the  
2 physician's supervision or direction. Aides, assistants, or  
3 others who perform only those tasks which can be so delegated  
4 shall not be required to qualify as ~~physicians~~<sup>1</sup> physician  
5 assistants ~~hereunder~~ under this chapter.

6 Sec. 22. Section 148C.9, Code 1987, is amended to read as  
7 follows:

8 148C.9 EYE EXAMINATION RESTRICTED.

9 ~~No-physician's~~ A physician assistant shall not be permitted  
10 to prescribe lenses, prisms, or contact lenses for the aid,  
11 relief, or correction of human vision. ~~No-physician's~~ A  
12 physician assistant shall not be permitted to measure the  
13 visual power and visual efficiency of the human eye, as  
14 distinguished from routine visual screening, except in the  
15 personal presence of a supervising physician at the place  
16 where such services are rendered.

17 Sec. 23. Section 148C.11, Code 1987, is amended to read as  
18 follows:

19 148C.11 PROHIBITIONS.

20 A person not ~~certified~~ registered and licensed as required  
21 by this chapter who practices as a ~~physician's~~ physician  
22 assistant without having obtained the appropriate approval  
23 under this chapter, is guilty of a serious misdemeanor.

24 Sec. 24. Section 258A.1, subsection 1, Code Supplement  
25 1987, is amended by adding the following new paragraph after  
26 paragraph 1 and renumbering the subsequent paragraphs:

\* 27 NEW PARAGRAPH. m. The board of physician assistant  
28 examiners.

29 Sec. 25. Section 321J.11, unnumbered paragraph 1, Code  
30 1987, is amended to read as follows:

31 Only a licensed physician, ~~physician's~~ licensed physician  
32 assistant as defined in section 148C.1, ~~subsection-6,~~ medical  
33 technologist, or registered nurse, acting at the request of a  
34 peace officer, may withdraw a specimen of blood for the  
35 purpose of determining the alcohol concentration or the

1 presence of drugs. However, any peace officer, using devices  
2 and methods approved by the commissioner of public safety, may  
3 take a specimen of a person's breath or urine for the purpose  
4 of determining the alcohol concentration or the presence of  
5 drugs. Only new equipment kept under strictly sanitary and  
6 sterile conditions shall be used for drawing blood.

7 Sec. 26. REPEAL. Sections 148C.5 and 148C.6, Code 1987,  
8 are repealed.

9 Sec. 27. TRANSITION -- RULES -- NEW MEMBERS OF BOARD.

10 1. The physician assistant serving as a member of the  
11 board of medical examiners on the effective date of this Act  
12 may continue to serve to the end of the term to which  
13 appointed but shall not be entitled to vote on any matter  
14 before the board.

15 2. The rules of the board of medical examiners existing on  
16 the effective date of this Act with respect to physician  
17 assistants shall continue in effect as rules of the board of  
18 physician assistant examiners until modified by the board of  
19 physician assistant examiners.

20 3. Notwithstanding section 147.19, for the initial terms  
21 of the members of the board of physician assistant examiners,  
22 the governor shall appoint two members to serve terms of one  
23 year, two members to serve terms of two years, and three  
24 members to serve terms of three years. The initial  
25 appointees' successors shall be appointed for terms of three  
26 years each, except that a person chosen to fill a vacancy  
27 shall be appointed only for the unexpired term of the board  
28 member replaced.

29 In making the initial appointments to represent physician  
30 assistants on the board of physician assistant examiners, the  
31 governor shall appoint persons who have been engaged in  
32 practice as physician assistants with the approval of the  
33 board of medical examiners for a period of three years just  
34 preceding the appointment.

35 Sec. 28. EFFECTIVE DATE. This Act, being deemed of

1 immediate importance, takes effect upon enactment.

2                           SUCCESSOR TO SSB 2079 (LSB 7735SC)

3   COMPANION TO LSB 7736HC

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## SENATE FILE 2169

H-5940

1 Amend Senate File 2169, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 3, by striking lines 21 through 34 and  
4 inserting the following:  
5 "2. For medical examiners, five members licensed  
6 to practice medicine and surgery, two members licensed  
7 to practice osteopathic medicine and surgery, one  
8 member ~~approved~~ licensed as a ~~physician's~~ physician  
9 assistant, and two members not licensed to practice  
10 either medicine and surgery or osteopathic medicine  
11 and surgery, or ~~approved~~ licensed as a ~~physician's~~  
12 physician assistant, and who shall represent the  
13 general public. The ~~physician's~~ physician assistant  
14 shall have all the rights and privileges of a board  
15 member ~~but may vote only on matters relating to~~  
16 ~~discipline of physicians' assistants, education of~~  
17 ~~physicians' assistants and rules or policies directly~~  
18 ~~affecting physicians' assistants.~~ A majority of  
19 members of the board constitutes a quorum."

20 2. By striking page 6, line 29 through page 7,  
21 line 2, and inserting the following:

22 "Sec. \_\_\_\_ . NEW SECTION. 148.13 REVIEW AND  
23 APPROVAL OF ACTIONS OF BOARD OF PHYSICIAN ASSISTANT  
24 EXAMINERS.

25 The board of medical examiners has the right to  
26 review and approve or disapprove the actions of the  
27 board of physician assistant examiners. If the board  
28 of medical examiners has not disapproved an action  
29 prior to the expiration of thirty days following  
30 notice from the board of physician assistant  
31 examiners, the action is deemed approved. Before  
32 disapproving an action, the board of medical examiners  
33 shall review the written submissions of the board of  
34 physician assistant examiners and shall provide an  
35 opportunity for representatives of that board to  
36 present the matter orally. Disapproval of an action  
37 shall be in writing and shall include a statement of  
38 the reasons for the disapproval."

39 3. Page 11, line 23, by inserting after the word  
40 "misdemeanor." the following: "However, a qualified  
41 practicing physician may lawfully supervise a  
42 registered physician assistant at a free medical  
43 clinic on a temporary basis pending approval of the  
44 applications by licensed physicians to supervise  
45 physician assistants."

46 4. Page 11, by inserting after line 23 the fol-  
47 lowing:

48 "Sec. \_\_\_\_ . NEW SECTION. 148C.12 ACTIONS OF BOARD  
49 SUBJECT TO APPROVAL BY BOARD OF MEDICAL EXAMINERS.

50 1. Except as otherwise provided in subsection 3,

H-5940

Page 2

1 actions of the board are subject to approval by the  
2 board of medical examiners and shall not become  
3 effective until approved by that board. If an action  
4 has not been disapproved prior to the expiration of  
5 the thirty-day period prescribed in section 148.13, it  
6 is deemed approved.

7 2. The board shall notify the board of medical  
8 examiners in writing as soon as possible after an  
9 action is taken and shall provide appropriate  
10 background and supporting information if requested by  
11 that board. The board shall cooperate with the board  
12 of medical examiners during that board's process of  
13 review.

14 3. If the board determines in a particular  
15 licensing case that immediate action is necessary, the  
16 board may take temporary action, effective  
17 immediately, pending approval or disapproval by the  
18 board of medical examiners."

19 5. Page 12, by striking lines 10 through 14.

20 6. By striking page 12, line 35 through page 13,  
21 line 1.

22 7. Title page, line 3, by inserting after the  
23 word "assistants," the following: "providing for  
24 review and approval by the board of medical examiners,  
25 revising provisions governing membership on the board  
26 of medical examiners,".

27 8. By renumbering as necessary.

By COMMITTEE ON STATE GOVERNMENT  
BLANSHAN of Greene, Chairperson

H-5940 FILED MARCH 28, 1988

*w/d 4/12 (p. 1763)*

SENATE FILE 2169

H-6025

1 Amend the Committee amendment, H-5940, to Senate  
2 File 2169, as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 1, by inserting after line 38 the fol-  
5 lowing:

6 "The board of medical examiners may adopt rules  
7 pursuant to chapter 17A setting forth guidelines and  
8 procedures for the implementation of this section.

9 The rules may provide that some types of actions by  
10 the board of physician assistant examiners are deemed  
11 approved without necessity for formal review and  
12 approval."

By BEATTY of Warren

H-6025 FILED MARCH 29, 1988

*Placed 4/12 (p. 1763)*

## SENATE FILE 2169

H-6376

- 1 Amend Senate File 2169 as amended, passed, and  
2 reprinted by the Senate, as follows:
- 3 1. Page 3, lines 27 and 28, by striking the words  
4 "and one nonvoting member who is licensed as a  
5 physician assistant".
- 6 2. Page 3, line 33, by striking the words "the  
7 voting".
- 8 3. By striking page 5, line 26 through page 6,  
9 line 13.
- 10 4. By striking page 6, line 29 through page 7,  
11 line 2 and inserting the following:
- 12 "Sec. \_\_\_\_ . NEW SECTION. 148.13 AUTHORITY OF  
13 BOARD AS TO SUPERVISING PHYSICIANS AND REVIEW OF  
14 CONTESTED CASES UNDER CHAPTER 148C.
- 15 1. The board of medical examiners shall adopt  
16 rules setting forth in detail its criteria and  
17 procedures for determining the ineligibility of a  
18 physician to serve as a supervising physician under  
19 chapter 148C. The rules shall be adopted as soon as  
20 possible after the effective date of this Act and in  
21 no event later than December 31, 1988.
- 22 2. The board of medical examiners shall establish  
23 by rule specific procedures for consulting with and  
24 considering the advice of the board of physician  
25 assistant examiners in determining whether to initiate  
26 a disciplinary proceeding under chapter 17A against a  
27 licensed physician in a matter involving the  
28 supervision of a physician assistant.
- 29 3. In exercising their respective authorities, the  
30 board of medical examiners and the board of physician  
31 assistant examiners shall cooperate with the goal of  
32 encouraging the utilization of physician assistants in  
33 a manner that is consistent with the provision of  
34 quality health care and medical services for the  
35 citizens of Iowa.
- 36 4. A decision of the board of physician assistant  
37 examiners in a contested case involving discipline of  
38 a person licensed as a physician assistant under  
39 chapter 148C may be appealed to the board of medical  
40 examiners as provided in section 148C.6A."
- 41 5. Page 7, line 8, by inserting after the word  
42 "board" the following: "in accordance with rules  
43 adopted pursuant to this chapter".
- 44 6. Page 7, by inserting after line 28 the  
45 following:
- 46 "7. "Review group" means the physician assistant  
47 rules review group established in section 148C.7."
- 48 7. Page 7, line 29, by striking the figure "7"  
49 and inserting the following: "8".
- 50 8. Page 8, by striking line 6 and inserting the

H-6376

Page 2

1 following: "in health fields. ~~The board shall adopt~~  
2 ~~and publish~~ Rules shall be adopted pursuant to this  
3 chapter setting forth standards".

4 9. Page 8, by striking line 20 and inserting the  
5 following:

6 "Rules shall be adopted pursuant to this chapter  
7 setting forth the fees to be charged in".

8 10. Page 8, line 26, by inserting after the word  
9 "rules" the following: ", pursuant to section  
10 148C.7,".

11 11. Page 9, line 15, by inserting after the word  
12 "rules" the following: ", pursuant to section  
13 148C.7,".

14 12. Page 9, line 22, by inserting after the word  
15 "submit" the following: "evidence of eligibility, as  
16 determined by the board of medical examiners, to serve  
17 as a supervising physician,".

18 13. Page 9, line 24, by inserting after the word  
19 "specialty," the following: "scope of practice,".

20 14. Page 9, line 28, by inserting after the word  
21 "function" the following: "within the scope of  
22 practice".

23 15. Page 10, by inserting after line 7 the  
24 following:

25 "9. Rules shall be adopted pursuant to this  
26 chapter which will enhance the utilization of  
27 registered physician assistants on a temporary basis  
28 at a free medical clinic where no fees are assessed  
29 for their services."

30 16. Page 10, by inserting after line 16 the fol-  
31 lowing:

32 "Sec. \_\_\_\_ . NEW SECTION. 148C.5A INITIATING  
33 DISCIPLINARY PROCEEDINGS -- ADVICE FROM BOARD OF  
34 MEDICAL EXAMINERS.

35 Rules shall be adopted pursuant to section 148C.7  
36 to establish specific procedures for consulting with  
37 and considering the advice of the board of medical  
38 examiners in determining whether to initiate a disci-  
39 plinary proceeding under chapter 17A against a  
40 licensed physician assistant.

41 Sec. \_\_\_\_ . NEW SECTION. 148C.6A APPEAL TO BOARD  
42 OF MEDICAL EXAMINERS IN CONTESTED CASES INVOLVING  
43 DISCIPLINE.

44 Pursuant to section 17A.15, a decision of the board  
45 in a contested case involving discipline of a person  
46 licensed as a physician assistant may be appealed to  
47 the board of medical examiners."

48 17. Page 10, line 19, by striking the word  
49 "RULES" and inserting the following: "RULES -- REVIEW  
50 GROUP".

H-6376

Page 3

1 18. Page 10, by inserting after line 19 the following:

2 "1. A physician assistant rules review group is  
3 established consisting of one physician assistant  
4 member, one supervising physician member, and one  
5 public member from the board of physician assistant  
6 examiners and two members from the board of medical  
7 examiners who are licensed to practice medicine and  
8 surgery or osteopathic medicine and surgery. The  
9 respective boards shall select their members to serve  
10 on the physician assistant rules review group. The  
11 review group shall select its own chairperson.

12 The review group shall review and approve or  
13 disapprove rules proposed for adoption by the board of  
14 physician assistant examiners. Approval shall be a  
15 simple majority of the members of the group. A rule  
16 shall not become effective without the approval of the  
17 review group."

18  
19 19. Page 10, line 20, by inserting before the  
20 word "Registrations" the following: "2."

21 20. Page 10, line 23, by inserting after the word  
22 "chapter." the following: "Proposed rules must be  
23 submitted to the review group for prior review and  
24 approval."

25 21. Page 11, by striking line 2 and inserting the  
26 following: "physician's supervision or direction,  
27 including orthopedic physician's assistant  
28 technologists. ~~Aides Such aides, assistants, or~~  
29 orthopedic physician's assistant technologists, and".

30 22. Page 12, by striking lines 10 through 14 and  
31 inserting the following:

32 "1. The term of the physician assistant currently  
33 serving as a member of the board of medical examiners  
34 expires on July 1, 1988."

35 23. Page 12, by striking lines 18 and 19 and  
36 inserting the following: "physician assistant  
37 examiners until modified by rules of the board of  
38 physician assistant examiners adopted pursuant to  
39 section 148C.7, as amended by this Act."

40 24. Page 12, by inserting after line 34 the  
41 following:

42 "4. The board of medical examiners and the  
43 professional licensure division of the Iowa department  
44 of public health in conjunction with the board of  
45 physician assistant examiners shall enter into an  
46 agreement with respect to the distribution of funds on  
47 a proportionate basis and other financial arrangements  
48 to facilitate the transition under this Act."

49 25. By striking page 12, line 35 through page 13,  
50 line 1 and inserting the following:

1 "Sec. \_\_\_\_ . EFFECTIVE DATE.

2 1. This section, being deemed of immediate  
3 importance, takes effect upon enactment.

4 2. The other provisions of this Act, being deemed  
5 of immediate importance, take effect upon enactment  
6 for transition purposes, including the appointment of  
7 board members, preliminary work on the development of  
8 rules, and agreements with respect to financial  
9 arrangements, and on July 1, 1988, for all other  
10 purposes."

11 26. By renumbering as necessary.

By BEATTY of Warren

H-6376 FILED APRIL 11, 1988

*Adopted as amended by 6385 4/12 (p. 1761)*

SENATE FILE 2169

H-6031

Amend Senate File 2169, as amended, passed, and re-  
printed by the Senate, as follows:

3 1. Page 11, line 2, by inserting after the word  
4 "assistants," the following: "orthopedic physician's  
5 assistants,".

By BEATTY of Warren

H-6031 FILED MARCH 29, 1988

*Blacked o/c 4/12 (p. 1761)*

SENATE FILE 2169

H-6098

1 Amend the Committee amendment, H-5940, to Senate  
2 File 2169, as amended, passed, and reprinted by the  
3 Senate, as follows:

4 1. Page 1, by striking lines 15 through 19 and  
5 inserting the following: "member but may vote only on  
6 matters relating to discipline of physicians<sup>+</sup>  
7 physician assistants, education of physicians<sup>+</sup>  
8 physician assistants, and rules or policies directly  
9 affecting physicians<sup>+</sup> physician assistants. A  
10 majority of members of the board constitutes a  
11 quorum."

BY BLANSHAN of Greene  
CARPENTER of Polk

H-6098 FILED MARCH 30, 1988

*Blacked o/c 4/12 (p. 1763)*

SENATE FILE 2169

H-6385

1 Amend the amendment, H-6376, to Senate File 2169,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by striking lines 25 through 29 and  
5 inserting the following:

6 "9. Rules shall be adopted pursuant to this  
7 chapter which will permit qualified practicing  
8 physicians to supervise licensed physician assistants  
9 at a free medical clinic on a temporary basis."

By DODERER of Johnson  
BEATTY of Warren

H-6385 FILED APRIL 12, 1988

ADOPTED (7/17/87)

SENATE FILE 2169  
 AMENDMENT H-5940  
 FISCAL NOTE

REQUESTED BY REPRESENTATIVE BEATTY

In compliance with a written request received March 30, 1988, a fiscal note for AMENDMENT H-5940 to SENATE FILE 2169 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2169 establishes the new Board of Physician Assistant Examiners. Under current law the education, training, and practice of physician assistants are monitored by the Board of Medical Examiners. Senate File 2169 makes necessary Code of Iowa changes to reflect this new board and allows the board to establish by rule fees to be charged in connection with the certification of Physician Assistants.

ASSUMPTIONS: Under Amendment H-5940 to Senate File 2169 the following assumptions would be established.

1. The proposed legislation provides for a dependent licensing board, therefore, the estimates are based upon adding this examining board to the Professional Licensure Division of the Department of Public Health (DPH).
2. A .5 FTE position would be necessary for support of the board.
3. The seven member board would require four meetings per year.
4. A fee would be charged to those seeking licensure. This money would be deposited in the General Fund and expenditures would be appropriated through the DPH. The Department estimates that there are 156 physician assistants who would be licensed every other year. The two year fee is \$75. The goal of each board in DPH is to be self-supporting.

FISCAL EFFECT

	<u>FY 1989</u>	<u>FY 1990</u>
<u>REVENUE</u>		
General Fund	\$ 5,850	\$ 5,850
<u>EXPENDITURES</u>		
Salaries	\$ 9,204	\$ 9,204
(FTE's)	(0.5)	(0.5)
Support	1,381	1,381
Central Services	148	148
Total	\$10,733	\$10,733
<u>NET EFFECT</u>	<u>\$(4,883)</u>	<u>\$(4,883)</u>

Source: Department of Public Health

(LSB 77355.2, RRS)

FILED APRIL 4, 1988

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE AMENDMENT TO  
SENATE FILE 2169

S-3995

1 Amend Senate File 2169 as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 3, lines 27 and 28, by striking the words  
4 "and one nonvoting member who is licensed as a  
5 physician assistant".

6 2. Page 3, line 33, by striking the words "the  
7 voting".

8 3. By striking page 5, line 26 through page 6,  
9 line 13.

10 4. By striking page 6, line 29 through page 7,  
11 line 2 and inserting the following:

12 "Sec. \_\_\_\_ . NEW SECTION. 148.13 AUTHORITY OF  
13 BOARD AS TO SUPERVISING PHYSICIANS AND REVIEW OF  
14 CONTESTED CASES UNDER CHAPTER 148C.

15 1. The board of medical examiners shall adopt  
16 rules setting forth in detail its criteria and  
17 procedures for determining the ineligibility of a  
18 physician to serve as a supervising physician under  
19 chapter 148C. The rules shall be adopted as soon as  
20 possible after the effective date of this Act and in  
21 no event later than December 31, 1988.

22 2. The board of medical examiners shall establish  
23 by rule specific procedures for consulting with and  
24 considering the advice of the board of physician  
25 assistant examiners in determining whether to initiate  
26 a disciplinary proceeding under chapter 17A against a  
27 licensed physician in a matter involving the  
28 supervision of a physician assistant.

29 3. In exercising their respective authorities, the  
30 board of medical examiners and the board of physician  
31 assistant examiners shall cooperate with the goal of  
32 encouraging the utilization of physician assistants in  
33 a manner that is consistent with the provision of  
34 quality health care and medical services for the  
35 citizens of Iowa.

36 4. A decision of the board of physician assistant  
37 examiners in a contested case involving discipline of  
38 a person licensed as a physician assistant under  
39 chapter 148C may be appealed to the board of medical  
40 examiners as provided in section 148C.6A."

41 5. Page 7, line 8, by inserting after the word  
42 "board" the following: "in accordance with rules  
43 adopted pursuant to this chapter".

44 6. Page 7, by inserting after line 28 the  
45 following:

46 "7. "Review group" means the physician assistant  
47 rules review group established in section 148C.7."

48 7. Page 7, line 29, by striking the figure "7"  
49 and inserting the following: "8".

50 8. Page 8, by striking line 6 and inserting the

1 following: "in health fields. ~~The-board-shall-adopt~~  
2 ~~and-publish~~ Rules shall be adopted pursuant to this  
3 chapter setting forth standards".

4 9. Page 8, by striking line 20 and inserting the  
5 following:

6 "Rules shall be adopted pursuant to this chapter  
7 setting forth the fees to be charged in".

8 10. Page 8, line 26, by inserting after the word  
9 "rules" the following: ", pursuant to section  
10 148C.7,".

11 11. Page 9, line 15, by inserting after the word  
12 "rules" the following: ", pursuant to section  
13 148C.7,".

14 12. Page 9, line 22, by inserting after the word  
15 "submit" the following: "evidence of eligibility, as  
16 determined by the board of medical examiners, to serve  
17 as a supervising physician,".

18 13. Page 9, line 24, by inserting after the word  
19 "specialty," the following: "scope of practice,".

20 14. Page 9, line 28, by inserting after the word  
21 "function" the following: "within the scope of  
22 practice".

23 15. Page 10, by inserting after line 7 the  
24 following:

25 9. Rules shall be adopted pursuant to this chapter  
26 which will permit qualified practicing physicians to  
27 supervise licensed physician assistants at a free  
28 medical clinic on a temporary basis.

29 16. Page 10, by inserting after line 16 the fol-  
30 lowing:

31 "Sec. \_\_\_\_\_. NEW SECTION. 148C.5A INITIATING  
32 DISCIPLINARY PROCEEDINGS -- ADVICE FROM BOARD OF  
33 MEDICAL EXAMINERS.

34 Rules shall be adopted pursuant to section 148C.7  
35 to establish specific procedures for consulting with  
36 and considering the advice of the board of medical  
37 examiners in determining whether to initiate a disci-  
38 plinary proceeding under chapter 17A against a  
39 licensed physician assistant.

40 Sec. \_\_\_\_\_. NEW SECTION. 148C.6A APPEAL TO BOARD  
41 OF MEDICAL EXAMINERS IN CONTESTED CASES INVOLVING  
42 DISCIPLINE.

43 Pursuant to section 17A.15, a decision of the board  
44 in a contested case involving discipline of a person  
45 licensed as a physician assistant may be appealed to  
46 the board of medical examiners."

47 17. Page 10, line 19, by striking the word  
48 "RULES" and inserting the following: "RULES -- REVIEW  
49 GROUP".

50 18. Page 10, by inserting after line 19 the fol-

S-5995 Page 3

1 lowing:

2 "1. A physician assistant rules review group is  
3 established consisting of one physician assistant  
4 member, one supervising physician member, and one  
5 public member from the board of physician assistant  
6 examiners and two members from the board of medical  
7 examiners who are licensed to practice medicine and  
8 surgery or osteopathic medicine and surgery. The  
9 respective boards shall select their members to serve  
10 on the physician assistant rules review group. The  
11 review group shall select its own chairperson.

12 The review group shall review and approve or  
13 disapprove rules proposed for adoption by the board of  
14 physician assistant examiners. Approval shall be a  
15 simple majority of the members of the group. A rule  
16 shall not become effective without the approval of the  
17 review group."

18 19. Page 10, line 20, by inserting before the  
19 word "Regulations" the following: "2."

20 20. Page 10, line 23, by inserting after the word  
21 "chapter," the following: "Proposed rules must be  
22 submitted to the review group for prior review and  
23 approval."

24 21. Page 11, by striking line 2 and inserting the  
25 following: "physician's supervision or direction,  
26 including orthopedic physician's assistant  
27 technologists. Aides Such aides, assistants, or  
28 orthopedic physician's assistant technologists, and".

29 22. Page 12, by striking lines 10 through 14 and  
30 inserting the following:

31 "1. The term of the physician assistant currently  
32 serving as a member of the board of medical examiners  
33 expires on July 1, 1988."

34 23. Page 12, by striking lines 18 and 19 and  
35 inserting the following: "physician assistant  
36 examiners until modified by rules of the board of  
37 physician assistant examiners adopted pursuant to  
38 section 148C.7, as amended by this Act."

39 24. Page 12, by inserting after line 34 the  
40 following:

41 "4. The board of medical examiners and the  
42 professional licensure division of the Iowa department  
43 of public health in conjunction with the board of  
44 physician assistant examiners shall enter into an  
45 agreement with respect to the distribution of funds on  
46 a proportionate basis and other financial arrangements  
47 to facilitate the transition under this Act."

48 25. By striking page 12, line 35 through page 13,  
49 line 1 and inserting the following:

50 "Sec. \_\_\_\_ . EFFECTIVE DATE.

S-5995 Page 4

1 1. This section, being deemed of immediate  
2 importance, takes effect upon enactment.  
3 2. The other provisions of this Act, being deemed  
4 of immediate importance, take effect upon enactment  
5 for transition purposes, including the appointment of  
6 board members, preliminary work on the development of  
7 rules, and agreements with respect to financial  
8 arrangements, and on July 1, 1988, for all other  
9 purposes."  
10 26. By renumbering as necessary..

S-5995

Filed April 14, 1988 ADOPTED

RECEIVED FROM THE HOUSE

*Senate concurred 4/14 (p. 1595)*

*Howe*

SSB 2079

STATE GOVERNMENT: Horn, Chair: Rife and C. Miller

BE FILE 2169

(PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to physician assistants, establishing a joint  
2 board of physician assistant examiners, providing for the  
3 registration and licensure of physician assistants, making  
4 penalties applicable, providing properly related matters, and  
5 providing an effective date.

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

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1 Section 1. Section 136C.3, subsection 2, unnumbered  
2 paragraph 1, Code 1987, is amended to read as follows:

3 Establish minimum training standards including continuing  
4 education requirements, and administer examinations and  
5 disciplinary procedures for operators of radiation machines  
6 and users of radioactive materials. A state of Iowa license  
7 to practice medicine, osteopathy, chiropractic, podiatry,  
8 dentistry, dental hygiene, or veterinary medicine, or  
9 ~~certification-as-a-physician's-assistant-as-defined-in-section~~  
10 ~~148C-17-subsection-6~~ licensure as a physician assistant  
11 pursuant to chapter 148C, or certification by the board of  
12 dental examiners in dental radiography, or enrollment in a  
13 program or course of study approved by the Iowa department of  
14 public health which includes the application of radiation to  
15 humans satisfies the minimum training standards for operation  
16 of radiation machines only.

17 Sec. 2. Section 147.1, subsections 2 and 3, Code  
18 Supplement 1987, are amended to read as follows:

19 2. "Licensed" or "certified" when applied to a physician  
20 and surgeon, podiatrist, osteopath, osteopathic physician and  
21 surgeon, physician assistant, psychologist or associate  
22 psychologist, chiropractor, nurse, dentist, dental hygienist,  
23 optometrist, speech pathologist, audiologist, pharmacist,  
24 physical therapist, occupational therapist, practitioner of  
25 cosmetology, practitioner of barbering, funeral director,  
26 dietitian, or social worker means a person licensed under this  
27 title.

28 3. "Profession" means medicine and surgery, podiatry,  
29 osteopathy, osteopathic medicine and surgery, practice as a  
30 physician assistant, psychology, chiropractic, nursing,  
31 dentistry, dental hygiene, optometry, speech pathology,  
32 audiology, pharmacy, physical therapy, occupational therapy,  
33 cosmetology, barbering, mortuary science, social work or  
34 dietetics.

35 Sec. 3. Section 147.2, Code 1987, is amended to read as

1 follows:

2 147.2 LICENSE REQUIRED.

3 No A person shall not engage in the practice of medicine  
4 and surgery, podiatry, osteopathy, osteopathic medicine and  
5 surgery, psychology, chiropractic, physical therapy, nursing,  
6 dentistry, dental hygiene, optometry, speech pathology,  
7 audiology, occupational therapy, pharmacy, cosmetology,  
8 barbering, dietetics, or mortuary science or shall not  
9 practice as a physician assistant as defined in the following  
10 chapters of this title, unless the person has obtained from  
11 the department a license for that purpose.

12 Sec. 4. Section 147.3, Code 1987, is amended to read as  
13 follows:

14 147.3 QUALIFICATIONS.

15 An applicant for a license to practice a profession under  
16 this title is not ineligible because of age, citizenship, sex,  
17 race, religion, marital status or national origin, although  
18 the application form may require citizenship information. A  
19 board may consider the past felony record of an applicant only  
20 if the felony conviction relates directly to the practice of  
21 ~~medicine-podiatry-osteopathy-osteopathic-medicine-and~~  
22 ~~surgery-chiropractic-nursing-psychology-optometry-speech~~  
23 ~~pathology-audiology-pharmacy-physical-therapy-occupational~~  
24 ~~therapy-cosmetology-barbering-mortuary-science-social-work~~  
25 ~~or-dietetics~~ the profession for which the applicant requests  
26 to be licensed. Character references may be required, but  
27 shall not be obtained from licensed members of the profession.

28 Sec. 5. Section 147.13, Code 1987, is amended to read as  
29 follows:

30 147.13 DESIGNATION OF BOARDS.

31 The examining boards provided in section 147.12 shall be  
32 designated as follows:

- 33 1. For medicine and surgery, and osteopathy, and
- 34 osteopathic medicine and surgery, medical examiners; ~~for.~~
- 35 2. For physician assistants, joint board of physician

1 assistant examiners.

2 3. For psychology, psychology examiners~~-for.~~

3 4. For podiatry, podiatry examiners~~-for.~~

4 5. For chiropractic, chiropractic examiners~~-for.~~

5 6. For physical therapists and occupational therapists,  
6 physical and occupational therapy examiners~~-for.~~

7 7. For nursing, board of nursing~~-for.~~

8 8. For dentistry and dental hygiene, dental examiners~~-~~  
9 for.

10 9. For optometry, optometry examiners~~-for.~~

11 10. For speech pathology and audiology, speech pathology  
12 and audiology examiners~~-for.~~

13 11. For cosmetology, cosmetology examiners~~-for.~~

14 12. For barbering, barber examiners~~-for.~~

15 13. For pharmacy, pharmacy examiners~~-for.~~

16 14. For mortuary science, mortuary science examiners~~-for.~~

17 15. For social workers, social work examiners~~-for.~~

18 16. For dietetics, dietetic examiners.

19 Sec. 6. Section 147.14, subsection 2, Code 1987, is  
20 amended to read as follows:

21 2. For medical examiners, five members licensed to  
22 practice medicine and surgery, two members licensed to  
23 practice osteopathic medicine and surgery, ~~one-member-approved~~  
24 ~~as-a-physician's-assistant~~, and two members not licensed to  
25 practice either medicine and surgery or osteopathic medicine  
26 and surgery, ~~or-approved-as-a-physician's-assistant~~, and who  
27 shall represent the general public, and one nonvoting member  
28 who is licensed as a physician assistant. The-physician's  
29 ~~assistant-shall-have-all-the-rights-and-privileges-of-a-board~~  
30 ~~member-but-may-vote-only-on-matters-relating-to-discipline-of~~  
31 ~~physicians'-assistants,-education-of-physicians'-assistants~~  
32 ~~and-rules-or-policies-directly-affecting-physicians'~~  
33 ~~assistants.~~ A majority of the voting members of the board  
34 constitutes a quorum.

35 Sec. 7. Section 147.14, Code 1987, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 12. For the joint board of physician  
3 assistant examiners, three members licensed to practice as  
4 physician assistants, one member licensed to practice medicine  
5 and surgery who supervises a physician assistant, one member  
6 licensed to practice osteopathic medicine and surgery who  
7 supervises a physician assistant, and two members who are not  
8 licensed to practice either medicine and surgery or  
9 osteopathic medicine and surgery or licensed as a physician  
10 assistant and who shall represent the general public. A  
11 majority of members of the board constitutes a quorum.

12 Sec. 8. Section 147.16, Code 1987, is amended by adding  
13 the following new unnumbered paragraph:

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

20 Sec. 9. Section 147.25, unnumbered paragraph 4, Code 1987,  
21 is amended to read as follows:

22 In addition to any other fee provided by law, a fee may be  
23 set by the respective examining boards for each license and  
24 renewal of a license to practice ~~medicine-surgery-podiatry~~  
25 ~~osteopathy-osteopathic-medicine-and-surgery-chiropractic~~  
26 ~~nursing-dentistry-dental-hygiene-optometry-pharmacy~~  
27 ~~physical-therapy-occupational-therapy-social-work~~  
28 ~~veterinary-medicine-or-dietetics~~ a profession, which fee  
29 shall be based on the annual cost of collecting information  
30 for use by the department in the administration of the system  
31 of health personnel statistics established by this section.  
32 The fee shall be collected, transmitted to the treasurer of  
33 state and deposited in the general fund of the state in the  
34 manner in which license and renewal fees of the respective  
35 professions are collected, transmitted, and deposited in the

1 general fund.

2 Sec. 10. Section 147.74, Code Supplement 1987, is amended  
3 by adding the following new unnumbered paragraph after  
4 unnumbered paragraph 11:

5 NEW UNNUMBERED PARAGRAPH. A physician assistant registered  
6 or licensed under chapter 148C may use the words "physician  
7 assistant" after the person's name or to signify the same by  
8 the use of the letters "P.A." after the person's name.

9 Sec. 11. Section 147.80, Code 1987, is amended by adding  
10 the following new subsection after section 4 and  
11 renumbering the subsequent subsections:

12 NEW SUBSECTION. 5. Application for a license to practice  
13 as a physician assistant, issuance of a license to practice as  
14 a physician assistant issued upon the basis of an examination  
15 given or approved by the joint board of physician assistant  
16 examiners, issuance of a license to practice as a physician  
17 assistant issued under a reciprocal agreement, renewal of a  
18 license to practice as a physician assistant, temporary  
19 license to practice as a physician assistant, registration of  
20 a physician assistant, temporary registration of a physician  
21 assistant, renewal of a registration of a physician assistant.

22 Sec. 12. Section 147.102, Code 1987, is amended to read as  
23 follows:

24 147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS,  
25 CHIROPRACTORS, DENTISTS, AND OSTEOPATHS, AND PHYSICIAN  
26 ASSISTANTS.

27 Notwithstanding the provisions of this title, every  
28 application for a license to practice medicine and surgery,  
29 psychology, chiropractic, dentistry, osteopathy, or  
30 osteopathic medicine and surgery, or to practice as a  
31 physician assistant, shall be made directly to the secretary  
32 of the examining board of such profession, and every  
33 reciprocal agreement for the recognition of any such license  
34 issued in another state shall be negotiated by the examining  
35 board for such profession, and all examination, license, and

1 renewal fees received from such persons licensed to practice  
2 any of such professions shall be paid to and collected by the  
3 secretary of the examining board of such profession, who shall  
4 transmit the fees to the treasurer of state who shall deposit  
5 the fees in the general fund of the state. The salary of the  
6 secretary shall be established by the governor with the  
7 approval of the executive council pursuant to section 19A.9,  
8 subsection 2, under the pay plan for exempt positions in the  
9 executive branch of government.

10 Sec. 13. Section 147.103, Code 1987, is amended by adding  
11 the following new unnumbered paragraph after unnumbered  
12 paragraph 1:

13 NEW UNNUMBERED PARAGRAPH. The joint board of physician  
14 assistant examiners may appoint investigators, who shall not  
15 be members of the examining board, to administer and aid in  
16 the enforcement of the provisions of law relating to physician  
17 assistants. The amount of compensation for the investigators  
18 shall be determined pursuant to chapter 19A.

19 Sec. 14. Section 147.103, unnumbered paragraph 2, Code  
20 1987, is amended to read as follows:

21 Investigators authorized by the board of medical examiners  
22 and the joint board of physician assistant examiners have the  
23 powers and status of peace officers when enforcing this  
24 chapter and chapters 147A, 148, 148C, 150, 150A, and 258A.

25 Sec. 15. Section 148C.1, Code 1987, is amended by striking  
26 the section and inserting in lieu thereof the following:

27 148C.1 DEFINITIONS.

28 1. "Approved program" means a program for the education of  
29 physician assistants which has been formally approved by the  
30 board.

31 2. "Board" means the joint board of physician assistant  
32 examiners.

33 3. "Department" means the Iowa department of public  
34 health.

35 4. "Licensed physician assistant" means a person who is

1 licensed by the board to practice as a physician assistant  
2 under the supervision of one or more physicians specified in  
3 the license. "Supervision" does not require the personal  
4 presence of the supervising physician at the place where  
5 medical services are rendered except insofar as the personal  
6 presence is expressly required by this chapter or required by  
7 rules of the board adopted pursuant to this chapter.

8 5. "Physician" means a person who is currently licensed in  
9 Iowa to practice medicine and surgery, osteopathic medicine  
10 and surgery, or osteopathy.

11 6. "Physician assistant" means a person who has  
12 successfully completed an approved program and passed an  
13 examination approved by the board or is otherwise found by the  
14 board to be qualified to perform medical services under the  
15 supervision of a physician.

16 7. "Trainee" means a person who is currently enrolled in  
17 an approved program.

18 Sec. 16. Section 148C.2, Code 1987, is amended to read as  
19 follows:

20 148C.2 APPROVED PROGRAMS.

21 The department shall issue certificates of approval for  
22 programs for the education and training of ~~physician's~~  
23 physician assistants which meet board standards. In  
24 developing criteria for program approval, the board shall give  
25 consideration to and encourage the utilization of equivalency  
26 and proficiency testing and other mechanisms whereby full  
27 credit is given to trainees for past education and experience  
28 in health fields. The board shall adopt and publish standards  
29 to insure that such programs operate in a manner which does  
30 not endanger the health and welfare of patients who receive  
31 services within the scope of the program. The board shall  
32 review the quality of curriculum, faculty, and the facilities  
33 of such programs and shall issue approve the issuance of  
34 certificates of approval. ~~The-board-may-adopt-such~~  
35 ~~regulations-as-are-reasonably-necessary-to-carry-out-the~~

1 purposes-of-this-chapter.

2 If-the-board-determines-that-a-person-has-sufficient  
3 knowledge-and-experience-to-qualify-as-a-physician's  
4 assistant, the-board-may-approve-an-application-to-supervise  
5 such-person-as-a-physician's-assistant-without-requiring-the  
6 completion-of-an-approved-program.

7 The board shall establish by rule fees to be charged in  
8 connection with the application for and issuance of  
9 certificates of approval under this section.

10 Sec. 17. Section 148C.3, Code 1987, is amended by striking  
11 the section and inserting in lieu thereof the following:

12 148C.3 REGISTRATION -- LICENSURE.

13 1. The board shall formulate guidelines and adopt rules to  
14 govern the registration of persons who qualify as physician  
15 assistants. An applicant for registration shall submit the  
16 fee prescribed by the board and shall meet the requirements  
17 established by the board with respect to all of the following:

18 a. Academic qualifications, including evidence of  
19 graduation from an approved program. However, if the board  
20 determines that a person has sufficient knowledge and  
21 experience to qualify as a physician assistant, the board may  
22 approve an application for registration without requiring the  
23 completion of an approved program.

24 b. Examination grades and evidence of passing the national  
25 commission on certification of physician assistants  
26 examination or an equivalent examination or an equivalent  
27 examination which the board approves.

28 c. Hours of continuing medical education necessary to  
29 remain licensed or eligible for licensure.

30 2. The board may issue a temporary registration under  
31 special circumstances and upon conditions prescribed by the  
32 board. A temporary registration shall not exceed one year in  
33 duration and shall not be renewed more than once.

34 3. A person who is registered as a physician assistant is  
35 not authorized to practice as a physician assistant unless the

1 person is also a licensed physician assistant.

2 4. The board shall formulate guidelines and adopt rules  
3 for the consideration of applications from persons seeking to  
4 become licensed physician assistants. An applicant for a  
5 license to practice as a physician assistant shall submit the  
6 fee prescribed by the board, evidence of the applicant's  
7 current registration with the board as a physician assistant,  
8 information with respect to the applicant's related work  
9 experience and other qualifications, information with respect  
10 to the professional background and specialty of the physician  
11 or physicians who will provide supervision, as specified in  
12 the license, and a description of how the physician assistant  
13 is to function.

14 5. The board may issue a temporary license under special  
15 circumstances and upon conditions prescribed by the board.  
16 The temporary license shall require the licensee to function  
17 in the same facility as the supervising physician. A  
18 temporary license shall not exceed one year in duration and  
19 shall not be renewed more than once.

20 6. The board may modify the proposed functioning of a  
21 physician assistant and then approve the application for  
22 licensure as modified.

23 7. The board shall not approve an application for  
24 licensure which would result in a physician supervising more  
25 than two physician assistants at one time.

26 8. A licensed physician assistant shall perform only those  
27 services for which the licensed physician assistant is  
28 qualified by training, and shall not perform a service that is  
29 not permitted by the board.

30 Sec. 18. Section 148C.4, Code 1987, is amended to read as  
31 follows:

32 148C.4 SERVICES PERFORMED BY ASSISTANTS.

33 A ~~physician's~~ physician assistant may perform medical  
34 service services when such the services are rendered under the  
35 supervision of a ~~licensed~~ the physician or physicians

1 specified in the physician assistant license approved by the  
2 board. A trainee may perform medical services when such the  
3 services are rendered within the scope of an approved program.

4 Sec. 19. Section 148C.7, Code 1987, is amended to read as  
5 follows:

6 148C.7 REGULATIONS RULES.

7 ~~Regulations-adopted-by-the-board-to-implement-the~~  
8 ~~provisions-of-this-chapter~~ The board may adopt rules  
9 reasonably necessary to carry out the purposes of this  
10 chapter. The rules shall be designed to encourage the  
11 utilization of physicians+ physician assistants in a manner  
12 that is consistent with the provision of quality health care  
13 and medical services for the citizens of Iowa through better  
14 utilization of available physicians and the development of  
15 sound programs for the education and training of skilled  
16 physicians+ physician assistants well qualified to assist  
17 physicians in providing health care and medical services.

18 Sec. 20. Section 148C.8, Code 1987, is amended to read as  
19 follows:

20 148C.8 RIGHT TO DELEGATE.

21 Nothing in this chapter ~~shall-affect-or-limit~~ affects or  
22 limits a physician's existing right to delegate various  
23 medical tasks to aides, assistants or others acting under the  
24 physician's supervision or direction. Aides, assistants, or  
25 others who perform only those tasks which can be so delegated  
26 shall not be required to qualify as physicians+ physician  
27 assistants hereunder under this chapter.

28 Sec. 21. Section 148C.9, Code 1987, is amended to read as  
29 follows:

30 148C.9 EYE EXAMINATION RESTRICTED.

31 ~~No-physician+s~~ A physician assistant shall not be permitted  
32 to prescribe lenses, prisms, or contact lenses for the aid,  
33 relief, or correction of human vision. ~~No-physician+s~~ A  
34 physician assistant shall not be permitted to measure the  
35 visual power and visual efficiency of the human eye, as

1 distinguished from routine visual screening, except in the  
2 personal presence of a supervising physician at the place  
3 where such services are rendered.

4 Sec. 22. Section 148C.11, Code 1987, is amended to read as  
5 follows:

6 148C.11 PROHIBITIONS.

7 A person not ~~certified~~ registered and licensed as required  
8 by this chapter who practices as a ~~physician's~~ physician  
9 assistant without having obtained the appropriate approval  
10 under this chapter, is guilty of a serious misdemeanor.

11 Sec. 23. Section 258A.1, subsection 1, Code Supplement  
12 1987, is amended by adding the following new paragraph after  
13 paragraph 1 and renumbering the subsequent paragraphs:

14 NEW PARAGRAPH. m. The joint board of physician assistant  
15 examiners.

16 Sec. 24. Section 321J.11, unnumbered paragraph 1, Code  
17 1987, is amended to read as follows:

18 Only a licensed physician, ~~physician's~~ licensed physician  
19 assistant as defined in section 148C.1, ~~subsection-6,~~ medical  
20 technologist, or registered nurse, acting at the request of a  
21 peace officer, may withdraw a specimen of blood for the  
22 purpose of determining the alcohol concentration or the  
23 presence of drugs. However, any peace officer, using devices  
24 and methods approved by the commissioner of public safety, may  
25 take a specimen of a person's breath or urine for the purpose  
26 of determining the alcohol concentration or the presence of  
27 drugs. Only new equipment kept under strictly sanitary and  
28 sterile conditions shall be used for drawing blood.

29 Sec. 25. REPEAL. Sections 148C.5 and 148C.6, Code 1987,  
30 are repealed.

31 Sec. 26. TRANSITION -- RULES -- NEW MEMBERS OF BOARD.

32 1. The physician assistant serving as a member of the  
33 board of medical examiners on the effective date of this Act  
34 may continue to serve to the end of the term to which  
35 appointed but shall not be entitled to vote on any matter

1 before the board.

2 2. The rules of the board of medical examiners existing on  
3 the effective date of this Act with respect to physician  
4 assistants shall continue in effect as rules of the joint  
5 board of physician assistant examiners until modified by the  
6 joint board of physician assistant examiners.

7 3. Notwithstanding section 147.19, for the initial terms  
8 of the members of the joint board of physician assistant  
9 examiners, the governor shall appoint two members to serve  
10 terms of one year, two members to serve terms of two years,  
11 and three members to serve terms of three years. The initial  
12 appointees' successors shall be appointed for terms of three  
13 years each, except that a person chosen to fill a vacancy  
14 shall be appointed only for the unexpired term of the board  
15 member replaced.

16 In making the initial appointments to represent physician  
17 assistants on the joint board of physician assistant  
18 examiners, the governor shall appoint persons who have been  
19 engaged in practice as physician assistants with the approval  
20 of the board of medical examiners for a period of three years  
21 just preceding the appointment.

22 Sec. 27. EFFECTIVE DATE. This Act, being deemed of  
23 immediate importance, takes effect upon enactment.

24 EXPLANATION

25 This bill establishes a new joint board of physician  
26 assistant examiners which would be responsible for the  
27 registration and licensing of physician assistants and the  
28 approval of programs for the education and training of  
29 physician assistants. The new board would consist of three  
30 physician assistants, two physicians, and two public members.  
31 A physician assistant meeting the education and examination  
32 requirements would register with the board and could then  
33 apply for a license to practice under the supervision of one  
34 or more physicians as specified in the license. A physician  
35 assistant could not practice without a license.

1 Under current law the education, training, and practice of  
2 physician assistants are under the control of the board of  
3 medical examiners. That board includes one physician  
4 assistant and has an advisory committee on physician assistant  
5 programs. Approval to practice as a physician assistant may  
6 be obtained only through an application to the board submitted  
7 by the physician proposing to provide supervision.

8 This bill retains the physician assistant member on the  
9 board of medical examiners but removes all voting rights of  
10 that member. The advisory committee is abolished.

11 The bill takes effect upon enactment.

12 COMPANION TO LSB 7736HC

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SENATE FILE 2169

AN ACT

RELATING TO PHYSICIAN ASSISTANTS, ESTABLISHING A BOARD OF PHYSICIAN ASSISTANT EXAMINERS, PROVIDING FOR THE REGISTRATION AND LICENSURE OF PHYSICIAN ASSISTANTS, MAKING PENALTIES APPLICABLE, PROVIDING PROPERLY RELATED MATTERS, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 136C.3, subsection 2, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Establish minimum training standards including continuing education requirements, and administer examinations and disciplinary procedures for operators of radiation machines and users of radioactive materials. A state of Iowa license to practice medicine, osteopathy, chiropractic, podiatry, dentistry, dental hygiene, or veterinary medicine, or certification-as-a-physician's-assistant-as-defined-in-section 140E-17-subsection-6 licensure as a physician assistant pursuant to chapter 148C, or certification by the board of dental examiners in dental radiography, or enrollment in a program or course of study approved by the Iowa department of public health which includes the application of radiation to humans satisfies the minimum training standards for operation of radiation machines only.

Sec. 2. Section 147.1, subsections 2 and 3, Code Supplement 1987, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology, practitioner of barbering, funeral director,

dietitian, or social worker means a person licensed under this title.

3. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, mortuary science, social work or dietetics.

Sec. 3. Section 147.2, Code 1987, is amended to read as follows:

147.2 LICENSE REQUIRED.

No A person shall not engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, occupational therapy, pharmacy, cosmetology, barbering, dietetics, or mortuary science or shall not practice as a physician assistant as defined in the following chapters of this title, unless the person has obtained from the department a license for that purpose.

Sec. 4. Section 147.3, Code 1987, is amended to read as follows:

147.3 QUALIFICATIONS.

An applicant for a license to practice a profession under this title is not ineligible because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. A board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of ~~medicine; podiatry; osteopathy; osteopathic medicine and surgery; chiropractic; nursing; psychology; optometry; speech pathology; audiology; pharmacy; physical therapy; occupational therapy; cosmetology; barbering; mortuary science; social work or dietetics~~ the profession for which the applicant requests to be licensed. Character references may be required, but shall not be obtained from licensed members of the profession.

Sec. 5. Section 147.13, Code 1987, is amended to read as follows:

147.13 DESIGNATION OF BOARDS.

The examining boards provided in section 147.12 shall be designated as follows:

1. For medicine and surgery, and osteopathy, and osteopathic medicine and surgery, medical examiners; ~~for.~~
2. For physician assistants, board of physician assistant examiners.
3. For psychology, psychology examiners; ~~for.~~
4. For podiatry, podiatry examiners; ~~for.~~
5. For chiropractic, chiropractic examiners; ~~for.~~
6. For physical therapists and occupational therapists, physical and occupational therapy examiners; ~~for.~~
7. For nursing, board of nursing; ~~for.~~
8. For dentistry and dental hygiene, dental examiners; ~~for.~~
9. For optometry, optometry examiners; ~~for.~~
10. For speech pathology and audiology, speech pathology and audiology examiners; ~~for.~~
11. For cosmetology, cosmetology examiners; ~~for.~~
12. For barbering, barber examiners; ~~for.~~
13. For pharmacy, pharmacy examiners; ~~for.~~
14. For mortuary science, mortuary science examiners; ~~for.~~
15. For social workers, social work examiners; ~~for.~~
16. For dietetics, dietetic examiners.

Sec. 6. Section 147.14, subsection 2, Code 1987, is amended to read as follows:

2. For medical examiners, five members licensed to practice medicine and surgery, two members licensed to practice osteopathic medicine and surgery, one member approved as a physician's assistant, and two members not licensed to practice either medicine and surgery or osteopathic medicine and surgery, or approved as a physician's assistant, and who shall represent the general public. The physician's assistant shall have all the rights and privileges of a board member but

~~may vote only on matters relating to discipline of physicians, assistants, education of physicians, assistants and rules or policies directly affecting physicians, assistants. A majority of members of the board constitutes a quorum.~~

Sec. 7. Section 147.14, Code 1987, is amended by adding the following new subsection:

NEW SUBSECTION. 12. For the board of physician assistant examiners, three members licensed to practice as physician assistants, at least two of whom practice in counties with a population of less than fifty thousand, one member licensed to practice medicine and surgery who supervises a physician assistant, one member licensed to practice osteopathic medicine and surgery who supervises a physician assistant, and two members who are not licensed to practice either medicine and surgery or osteopathic medicine and surgery or licensed as a physician assistant and who shall represent the general public. At least one of the physician members shall be in practice in a county with a population of less than fifty thousand. A majority of members of the board constitutes a quorum.

Sec. 8. Section 147.16, Code 1987, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. However, each licensed physician assistant member of the board of physician assistant examiners shall be actively engaged in practice as a physician assistant and shall have been so engaged for a period of three years just preceding the member's appointment, the last year of which shall be in this state.

Sec. 9. Section 147.25, unnumbered paragraph 4, Code 1987, is amended to read as follows:

In addition to any other fee provided by law, a fee may be set by the respective examining boards for each license and renewal of a license to practice medicine; surgery; podiatry; osteopathy; osteopathic medicine and surgery; chiropractic; nursing; dentistry; dental hygiene; optometry; pharmacy; physical therapy; occupational therapy; social work;

veterinary-medicine-or-dietetics a profession, which fee shall be based on the annual cost of collecting information for use by the department in the administration of the system of health personnel statistics established by this section. The fee shall be collected, transmitted to the treasurer of state and deposited in the general fund of the state in the manner in which license and renewal fees of the respective professions are collected, transmitted, and deposited in the general fund.

Sec. 10. Section 147.74, Code Supplement 1987, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 11:

NEW UNNUMBERED PARAGRAPH. A physician assistant registered or licensed under chapter 148C may use the words "physician assistant" after the person's name or to signify the same by the use of the letters "P.A." after the person's name.

Sec. 11. Section 147.80, Code 1987, is amended by adding the following new subsection after subsection 4 and renumbering the subsequent subsections:

NEW SUBSECTION. 5. Application for a license to practice as a physician assistant, issuance of a license to practice as a physician assistant issued upon the basis of an examination given or approved by the board of physician assistant examiners, issuance of a license to practice as a physician assistant issued under a reciprocal agreement, renewal of a license to practice as a physician assistant, temporary license to practice as a physician assistant, registration of a physician assistant, temporary registration of a physician assistant, renewal of a registration of a physician assistant.

Sec. 12. Section 147.103, Code 1987, is amended by adding the following new unnumbered paragraph after unnumbered paragraph 1:

NEW UNNUMBERED PARAGRAPH. The board of physician assistant examiners may appoint investigators, who shall not be members of the examining board, to administer and aid in the enforcement of the provisions of law relating to physician

assistants. The amount of compensation for the investigators shall be determined pursuant to chapter 19A.

Sec. 13. Section 147.103, unnumbered paragraph 2, Code 1987, is amended to read as follows:

Investigators authorized by the board of medical examiners and the board of physician assistant examiners have the powers and status of peace officers when enforcing this chapter and chapters 147A, 148, 148C, 150, 150A, and 258A.

Sec. 14. NEW SECTION. 148.13 AUTHORITY OF BOARD AS TO SUPERVISING PHYSICIANS AND REVIEW OF CONTESTED CASES UNDER CHAPTER 148C.

1. The board of medical examiners shall adopt rules setting forth in detail its criteria and procedures for determining the ineligibility of a physician to serve as a supervising physician under chapter 148C. The rules shall be adopted as soon as possible after the effective date of this Act and in no event later than December 31, 1988.

2. The board of medical examiners shall establish by rule specific procedures for consulting with and considering the advice of the board of physician assistant examiners in determining whether to initiate a disciplinary proceeding under chapter 17A against a licensed physician in a matter involving the supervision of a physician assistant.

3. In exercising their respective authorities, the board of medical examiners and the board of physician assistant examiners shall cooperate with the goal of encouraging the utilization of physician assistants in a manner that is consistent with the provision of quality health care and medical services for the citizens of Iowa.

4. A decision of the board of physician assistant examiners in a contested case involving discipline of a person licensed as a physician assistant under chapter 148C may be appealed to the board of medical examiners as provided in section 148C.6A.

Sec. 15. Section 148C.1, Code 1987, is amended by striking the section and inserting in lieu thereof the following:  
148C.1 DEFINITIONS.

1. "Approved program" means a program for the education of physician assistants which has been formally approved by the board in accordance with rules adopted pursuant to this chapter.

2. "Board" means the board of physician assistant examiners.

3. "Department" means the Iowa department of public health.

4. "Licensed physician assistant" means a person who is licensed by the board to practice as a physician assistant under the supervision of one or more physicians specified in the license. "Supervision" does not require the personal presence of the supervising physician at the place where medical services are rendered except insofar as the personal presence is expressly required by this chapter or required by rules of the board adopted pursuant to this chapter.

5. "Physician" means a person who is currently licensed in Iowa to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy.

6. "Physician assistant" means a person who has successfully completed an approved program and passed an examination approved by the board or is otherwise found by the board to be qualified to perform medical services under the supervision of a physician.

7. "Review group" means the physician assistant rules review group established in section 148C.7.

8. "Trainee" means a person who is currently enrolled in an approved program.

Sec. 16. Section 148C.2, Code 1987, is amended to read as follows:

148C.2 APPROVED PROGRAMS.

The department shall issue certificates of approval for programs for the education and training of physician's physician assistants which meet board standards. In developing criteria for program approval, the board shall give consideration to and encourage the utilization of equivalency

and proficiency testing and other mechanisms whereby full credit is given to trainees for past education and experience in health fields. ~~The board shall adopt and publish Rules shall be adopted pursuant to this chapter setting forth standards to insure that such programs operate in a manner which does not endanger the health and welfare of patients who receive services within the scope of the program. The board shall review the quality of curriculum, faculty, and the facilities of such programs and shall issue approve the issuance of certificates of approval. The board may adopt such regulations as are reasonably necessary to carry out the purposes of this chapter.~~

~~If the board determines that a person has sufficient knowledge and experience to qualify as a physician's assistant, the board may approve an application to supervise such person as a physician's assistant without requiring the completion of an approved program.~~

Rules shall be adopted pursuant to this chapter setting forth the fees to be charged in connection with the application for and issuance of certificates of approval under this section.

Sec. 17. Section 148C.3, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

148C.3 REGISTRATION -- LICENSURE.

1. The board shall formulate guidelines and adopt rules, pursuant to section 148C.7, to govern the registration of persons who qualify as physician assistants. An applicant for registration shall submit the fee prescribed by the board and shall meet the requirements established by the board with respect to all of the following:

a. Academic qualifications, including evidence of graduation from an approved program. However, if the board determines that a person has sufficient knowledge and experience to qualify as a physician assistant, the board may approve an application for registration without requiring the completion of an approved program.

b. Examination grades and evidence of passing the national commission on certification of physician assistants examination or an equivalent examination which the board approves.

c. Hours of continuing medical education necessary to remain licensed or eligible for licensure.

2. The board may issue a temporary registration under special circumstances and upon conditions prescribed by the board. A temporary registration shall not exceed one year in duration and shall not be renewed more than once.

3. A person who is registered as a physician assistant is not authorized to practice as a physician assistant unless the person is also a licensed physician assistant.

4. The board shall formulate guidelines and adopt rules, pursuant to section 148C.7, for the consideration of applications from persons seeking to become licensed physician assistants. An applicant for a license to practice as a physician assistant shall submit the fee prescribed by the board and evidence of the applicant's current registration with the board as a physician assistant. In conjunction with the physician assistant submission, the applicant's supervising physician or physicians shall submit evidence of eligibility, as determined by the board of medical examiners, to serve as a supervising physician, information with respect to the supervising physician's professional background and specialty, scope of practice, and a plan for supervision of the physician assistant. In addition the physician assistant applicant and the supervising physician or physicians shall submit a description of how the physician assistant is to function within the scope of practice.

5. The board may issue a temporary license under special circumstances and upon conditions prescribed by the board. A temporary license shall not exceed one year in duration and shall not be renewed more than once.

6. The board may modify the proposed functioning of a physician assistant and then approve the application for licensure as modified.

7. The board shall not approve an application for licensure which would result in a physician supervising more than two physician assistants at one time.

8. A licensed physician assistant shall perform only those services for which the licensed physician assistant is qualified by training, and shall not perform a service that is not permitted by the board.

9. Rules shall be adopted pursuant to this chapter which will permit qualified practicing physicians to supervise licensed physician assistants at a free medical clinic on a temporary basis.

Sec. 18. Section 148C.4, Code 1987, is amended to read as follows:

148C.4 SERVICES PERFORMED BY ASSISTANTS.

A physician's physician assistant may perform medical services when such the services are rendered under the supervision of a licensed the physician or physicians specified in the physician assistant license approved by the board. A trainee may perform medical services when such the services are rendered within the scope of an approved program.

Sec. 19. NEW SECTION. 148C.5A INITIATING DISCIPLINARY PROCEEDINGS -- ADVICE FROM BOARD OF MEDICAL EXAMINERS.

Rules shall be adopted pursuant to section 148C.7 to establish specific procedures for consulting with and considering the advice of the board of medical examiners in determining whether to initiate a disciplinary proceeding under chapter 17A against a licensed physician assistant.

Sec. 20. NEW SECTION. 148C.6A APPEAL TO BOARD OF MEDICAL EXAMINERS IN CONTESTED CASES INVOLVING DISCIPLINE.

Pursuant to section 17A.15, a decision of the board in a contested case involving discipline of a person licensed as a physician assistant may be appealed to the board of medical examiners.

Sec. 21. Section 148C.7, Code 1987, is amended to read as follows:

148C.7 REGULATIONS RULES -- REVIEW GROUP.

1. A physician assistant rules review group is established consisting of one physician assistant member, one supervising physician member, and one public member from the board of physician assistant examiners and two members from the board of medical examiners who are licensed to practice medicine and surgery or osteopathic medicine and surgery. The respective boards shall select their members to serve on the physician assistant rules review group. The review group shall select its own chairperson.

The review group shall review and approve or disapprove rules proposed for adoption by the board of physician assistant examiners. Approval shall be a simple majority of the members of the group. A rule shall not become effective without the approval of the review group.

2. Regulations adopted by the board to implement the provisions of this chapter. The board may adopt rules reasonably necessary to carry out the purposes of this chapter. Proposed rules must be submitted to the review group for prior review and approval. The rules shall be designed to encourage the utilization of physicians' physician assistants in a manner that is consistent with the provision of quality health care and medical services for the citizens of Iowa through better utilization of available physicians and the development of sound programs for the education and training of skilled physicians' physician assistants well qualified to assist physicians in providing health care and medical services.

Sec. 22. Section 148C.8, Code 1987, is amended to read as follows:

148C.8 RIGHT TO DELEGATE.

Nothing in this chapter shall affect or limit affects or limits a physician's existing right to delegate various medical tasks to aides, assistants or others acting under the physician's supervision or direction, including orthopedic physician's assistant technologists. Aides Such aides, assistants, or orthopedic physician's assistant technologists,

and others who perform only those tasks which can be so delegated shall not be required to qualify as physicians' physician assistants hereunder under this chapter.

Sec. 23. Section 148C.9, Code 1987, is amended to read as follows:

148C.9 EYE EXAMINATION RESTRICTED.

No-physician's A physician assistant shall not be permitted to prescribe lenses, prisms, or contact lenses for the aid, relief, or correction of human vision. No-physician's A physician assistant shall not be permitted to measure the visual power and visual efficiency of the human eye, as distinguished from routine visual screening, except in the personal presence of a supervising physician at the place where such services are rendered.

Sec. 24. Section 148C.11, Code 1987, is amended to read as follows:

148C.11 PROHIBITIONS.

A person not certified registered and licensed as required by this chapter who practices as a physician's physician assistant without having obtained the appropriate approval under this chapter, is guilty of a serious misdemeanor.

Sec. 25. Section 258A.1, subsection 1, Code Supplement 1987, is amended by adding the following new paragraph after paragraph 1 and renumbering the subsequent paragraphs:

NEW PARAGRAPH. m. The board of physician assistant examiners.

Sec. 26. Section 321J.11, unnumbered paragraph 1, Code 1987, is amended to read as follows:

Only a licensed physician, physician's licensed physician assistant as defined in section 148C.1, subsection-67 medical technologist, or registered nurse, acting at the request of a peace officer, may withdraw a specimen of blood for the purpose of determining the alcohol concentration or the presence of drugs. However, any peace officer, using devices and methods approved by the commissioner of public safety, may take a specimen of a person's breath or urine for the purpose

of determining the alcohol concentration or the presence of drugs. Only new equipment kept under strictly sanitary and sterile conditions shall be used for drawing blood.

Sec. 27. REPEAL. Sections 148C.5 and 148C.6, Code 1987, are repealed.

Sec. 28. TRANSITION -- RULES -- NEW MEMBERS OF BOARD.

1. The term of the physician assistant currently serving as a member of the board of medical examiners expires on July 1, 1988.

2. The rules of the board of medical examiners existing on the effective date of this Act with respect to physician assistants shall continue in effect as rules of the board of physician assistant examiners until modified by rules of the board of physician assistant examiners adopted pursuant to section 148C.7, as amended by this Act.

3. Notwithstanding section 147.19, for the initial terms of the members of the board of physician assistant examiners, the governor shall appoint two members to serve terms of one year, two members to serve terms of two years, and three members to serve terms of three years. The initial appointees' successors shall be appointed for terms of three years each, except that a person chosen to fill a vacancy shall be appointed only for the unexpired term of the board member replaced.

In making the initial appointments to represent physician assistants on the board of physician assistant examiners, the governor shall appoint persons who have been engaged in practice as physician assistants with the approval of the board of medical examiners for a period of three years just preceding the appointment.

4. The board of medical examiners and the professional licensure division of the Iowa department of public health in conjunction with the board of physician assistant examiners shall enter into an agreement with respect to the distribution of funds on a proportionate basis and other financial arrangements to facilitate the transition under this Act.

Sec. 29. EFFECTIVE DATE.

1. This section, being deemed of immediate importance, takes effect upon enactment.

2. The other provisions of this Act, being deemed of immediate importance, take effect upon enactment for transition purposes, including the appointment of board members, preliminary work on the development of rules, and agreements with respect to financial arrangements, and on July 1, 1988, for all other purposes.

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2169, Seventy-second General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved May 12 1988

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TERRY E. BRANSTAD  
Governor

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