

*Reprinted*

FEB 21 1990

HOUSE FILE 2518  
BY COMMITTEE ON STATE GOVERNMENT

Place On Calendar

(SUCCESSOR TO HSB 776)

Passed House, Date 3/1/90 (p. 778) Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 89 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved March 27, 1990

**A BILL FOR**

1 An Act relating to licensure and discipline of certain practice  
2 professionals and providing a penalty.

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

**HOUSE FILE 2518**

**H-5427**

1 Amend House File 2518 as follows:  
2 1. Page 3, by striking lines 3 through 17 and  
3 inserting the following:  
4 "NEW UNNUMBERED PARAGRAPH. Notwithstanding  
5 subsection 2, if the board of medical examiners  
6 conducts an investigation based on a complaint  
7 received or upon its own motion, a hospital pursuant  
8 to subpoena shall make available information and  
9 documents requested by the board, specifically  
10 including reports or descriptions of any complaints or  
11 incidents concerning an individual who is the subject  
12 of the board's investigation, even though the  
13 information and documents are also kept for, are the  
14 subject of, or are being used in peer review by the  
15 hospital. However, the deliberations, testimony,  
16 decisions, conclusions, findings, recommendations,  
17 evaluations, work product, or opinions of a peer  
18 review committee or its members and those portions of  
19 any documents or records containing or revealing  
20 information relating thereto shall not be subject to  
21 the board's request for information, subpoena, or  
22 other legal compulsion. All information and documents  
23 received by the board from a hospital under this  
24 section shall be confidential pursuant to section  
25 258A.6, subsection 4."

By BEATTY of Warren

H-5427 FILED FEBRUARY 28, 1990

*Adopted 3/1 (p. 778)*

HF 2518

1 Section 1. Section 147.4, Code 1989, is amended to read as  
2 follows:

3 147.4 GROUNDS FOR REFUSING.

4 The department may refuse to grant a license to practice a  
5 profession to any person otherwise qualified upon any of the  
6 grounds for which a license may be revoked ~~by-the-district~~  
7 court or suspended.

8 Sec. 2. Section 147.7, Code 1989, is amended to read as  
9 follows:

10 147.7 DISPLAY OF LICENSE.

11 Every person licensed under this title to practice a  
12 profession shall keep the license publicly displayed in the  
13 primary place in which the person practices.

14 Sec. 3. Section 147.9, Code 1989, is amended to read as  
15 follows:

16 147.9 CHANGE OF RESIDENCE.

17 When any person licensed to practice a profession under  
18 this title changes a residence or place of practice the person  
19 shall notify the department.

20 Sec. 4. Section 147.29, Code 1989, is amended to read as  
21 follows:

22 147.29 APPLICATIONS.

23 Any person desiring to take the examination for a license  
24 to practice a profession shall make application to the  
25 department at least fifteen days before the examination, on a  
26 form provided by the board. ~~Such~~ The application shall be  
27 accompanied by the examination fee and such documents and  
28 affidavits as are necessary to show the eligibility of the  
29 candidate to take ~~such~~ the examination. All applications  
30 shall be in accordance with the rules of the department and  
31 shall be signed by the applicant. The board ~~shall-not~~ may  
32 require that a recent photograph of the applicant be attached  
33 to the application.

34 Sec. 5. Section 147.102, Code 1989, is amended to read as  
35 follows:

1 147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS,  
2 CHIROPRACTORS, DENTISTS, AND OSTEOPATHS.

3 Notwithstanding the provisions of this title, every  
4 application for a license to practice medicine and surgery,  
5 psychology, chiropractic, dentistry, osteopathy, or  
6 osteopathic medicine and surgery, shall be made directly to  
7 the chairperson, executive director, or secretary of the  
8 examining board of such profession, and every reciprocal  
9 agreement for the recognition of any such license issued in  
10 another state shall be negotiated by the examining board for  
11 such profession, ~~and all.~~ All examination, license, and  
12 renewal fees received from such persons licensed to practice  
13 any of such professions shall be paid to and collected by the  
14 chairperson, executive director, or secretary of the examining  
15 board of such profession, who shall transmit the fees to the  
16 treasurer of state ~~who shall~~ for deposit the fees in into the  
17 general fund of the state. The salary of the secretary shall  
18 be established by the governor with the approval of the  
19 executive council pursuant to section 19A.9, subsection 2,  
20 under the pay plan for exempt positions in the executive  
21 branch of government.

22 Sec. 6. Section 147.104, Code 1989, is amended to read as  
23 follows:

24 147.104 RECORDS.

25 The chairperson, executive director, or secretary of each  
26 of ~~said~~ the boards shall keep a correct record of the  
27 proceedings of ~~said~~ the board, and upon the granting of any  
28 license to practice any of said professions the board shall,  
29 at the time of granting ~~said~~ a license, certify to the  
30 department the ~~application-upon-which-such~~ name of the person  
31 to whom the license was issued, ~~together-with-the-questions~~  
32 ~~submitted-in-the-examination-of-such-applicant-and-the-answers~~  
33 ~~thereto,~~ and such the chairperson, executive director, or  
34 secretary shall deposit with the department all records not  
35 needed for the current use of the ~~secretary's-examining~~ board.

1 Sec. 7. Section 147.135, subsection 3, Code 1989, is  
2 amended by adding the following new unnumbered paragraph:

54273 NEW UNNUMBERED PARAGRAPH. Notwithstanding subsection 2, if  
4 the board of medical examiners conducts an investigation based  
5 on a complaint received or upon its own motion, a hospital  
6 pursuant to subpoena shall make available information and  
7 documents requested by the board even though the information  
8 and documents are also kept for, are the subject of, or are  
9 being used in peer review by the hospital at the time of the  
10 board's request. Information and documents received by the  
11 board from a hospital under this section shall be confidential  
12 pursuant to section 258A.6, subsection 4. However, testimony,  
13 deliberations, decisions, documents, records, notes, minutes,  
14 statements, or other information which has been developed  
15 solely for or within the course of peer review shall not be  
16 subject to the board's request, subpoena, or other legal  
17 compulsion.

18 Sec. 8. Section 147.152, subsection 1, Code 1989, is  
19 amended to read as follows:

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

31 Sec. 9. Section 148.3, subsection 1, paragraph b, Code  
32 1989, is amended to read as follows:

33 b. The recommendation of the educational council  
34 commission for foreign medical graduates, incorporated or  
35 similar accrediting agency.

1 Sec. 10. Section 148.3, subsection 3, Code 1989, is  
2 amended to read as follows:

3 3. Present to the Iowa department of public health  
4 satisfactory evidence that the applicant has successfully  
5 completed one year of internship or resident training in a  
6 hospital approved for such training by the medical examiners.

7 Sec. 11. Section 148.5, Code 1989, is amended to read as  
8 follows:

9 148.5 RESIDENT PHYSICIAN'S LICENSE.

10 Any physician, who is a graduate of a medical school and is  
11 serving only as a resident physician and who is not otherwise  
12 licensed to practice medicine and surgery in this state, shall  
13 be required to obtain from the medical examiners a **temporary**  
14 ~~or-special~~ license to practice as a resident physician. The  
15 license shall be designated "Resident Physician License" and  
16 shall authorize the licensee to serve as a resident physician  
17 only, under the supervision of a licensed practitioner of  
18 medicine and surgery, in an institution approved for this  
19 purpose by the medical examiners. Such license shall be valid  
20 for one year and may be renewed at the discretion of the  
21 medical examiners. The fee for this license shall be set by  
22 the board to cover the administrative costs of issuing the  
23 license, and if extended beyond one year, a renewal fee as set  
24 by the board shall be required. The medical examiners shall  
25 determine in each instance those eligible for this license,  
26 whether or not examinations shall be given, and the type of  
27 examinations. No requirements of the law pertaining to  
28 regular permanent licensure shall be mandatory for this  
29 resident licensure except as specifically designated by the  
30 medical examiners. The granting of a resident physician's  
31 license does not in any way indicate that the person so  
32 licensed is necessarily eligible for regular licensure, nor  
33 are the medical examiners in any way obligated to so license  
34 such individual. The medical examiners shall revoke the  
35 license at any time they shall determine either that the

1 caliber of work done by a licensee or the type of supervision  
2 being given such licensee does not conform to reasonable  
3 standards established by the medical examiners.

4 Sec. 12. Section 148.6, subsection 1, unnumbered paragraph  
5 1, Code 1989, is amended by striking the paragraph and  
6 inserting in lieu thereof the following:

7 The medical examiners, after due notice and hearing in  
8 accordance with chapter 17A, may issue an order to discipline  
9 a licensee for any of the grounds set forth in section 147.55,  
10 chapter 258A, or this subsection. Notwithstanding section  
11 258A.3, licensee discipline may include a civil penalty not to  
12 exceed ten thousand dollars.

13 Pursuant to this section, the board of medical examiners  
14 may discipline a licensee who is guilty of any of the  
15 following acts or offenses:

16 Sec. 13. Section 148.6, subsection 1, paragraph h,  
17 unnumbered paragraph 1, Code 1989, is amended to read as  
18 follows:

19 Inability to practice medicine and surgery, osteopathic  
20 medicine and surgery or osteopathy with reasonable skill and  
21 safety by reason of illness, drunkenness, excessive use of  
22 drugs, narcotics, chemicals, or other type of material or as a  
23 result of a mental or physical condition. The medical  
24 examiners ~~shall~~ may, upon probable cause, ~~have authority to~~  
25 compel a physician to submit to a mental or physical  
26 examination by designated physicians or to submit to alcohol  
27 or drug screening within a time specified by the medical  
28 examiners. Failure of a physician to submit to an examination  
29 or to submit to alcohol or drug screening shall constitute  
30 admission to the allegations made against the physician and  
31 the finding of fact and decision of the medical examiners may  
32 be entered without the taking of testimony or presentation of  
33 evidence. At reasonable intervals, a physician shall be  
34 afforded an opportunity to demonstrate that the physician can  
35 resume the competent practice of medicine with reasonable

1 skill and safety to patients.

2 Sec. 14. Section 148.6, subsection 1, paragraph i, Code  
3 1989, is amended to read as follows:

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

10 Sec. 15. Section 148.7, subsection 1, Code 1989, is  
11 amended to read as follows:

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

21 Sec. 16. Section 258A.3, subsection 2, paragraph a, Code  
22 1989, is amended to read as follows:

23 a. Revoke a license, or suspend a license either until  
24 further order of the board or for a specified period, upon any  
25 of the grounds specified in section 114.21, 116.21, 117.29,  
26 118.13, 118A.15, 147.55, 148.6, 148B.7, 153.34, 154A.24,  
27 169.13, or 602.3203 or chapter 135E, 151, 507B or 522, as  
28 applicable, or upon any other grounds specifically provided  
29 for in this chapter for revocation of the license of a  
30 licensee subject to the jurisdiction of that board, or upon  
31 failure of the licensee to comply with a decision of the board  
32 imposing licensee discipline;

33 Sec. 17. Section 258A.4, subsection 1, paragraph f, Code  
34 1989, is amended to read as follows:

35 f. Define by rule acts or omissions which are grounds for

1 revocation or suspension of a license under section 114.21,  
2 116.21, 117.29, 118.13, 118A.15, 147.55, 148.6, 148B.7,  
3 153.34, 154A.24, 169.13, 455B.191 or 602.3203 or chapter 135E,  
4 151, 507B or 522, as applicable, and to define by rule acts or  
5 omissions which constitute negligence, careless acts or  
6 omissions within the meaning of section 258A.3, subsection 2,  
7 paragraph "b", which licensees are required to report to the  
8 board pursuant to section 258A.9, subsection 2;

9 EXPLANATION

10 This bill changes several provisions relating to the  
11 licensing and discipline of persons in certain practice  
12 professions.

13 Section 1 provides that the Iowa department of public  
14 health may refuse to grant a license to practice a profession  
15 to a person upon any grounds for which a license may be  
16 revoked or suspended.

17 Section 2 requires that a licensee display the license in  
18 the primary place of practice.

19 Section 3 requires a licensee to notify the department upon  
20 a change of the licensee's place of practice.

21 Section 4 provides that the board of public health may  
22 require that a recent photograph of an applicant for a  
23 licensure examination be attached to the application.

24 Section 5 provides that applications for licensure and fees  
25 from licensees who practice certain professions shall be made  
26 to the chairperson, executive director, or secretary of the  
27 examining board.

28 Section 6 requires the chairperson, executive director, or  
29 secretary of the examining board to keep a record of the  
30 proceedings of the board and removes a requirement that the  
31 board submit certain information to the department upon  
32 licensure of a professional.

33 Section 7 provides that if the board conducts an  
34 investigation based on a complaint or on its own motion, a  
35 hospital pursuant to subpoena shall make available information

1 and documents requested by the board even though the  
2 information and documents are also kept for, are the subject  
3 of, or are being used in peer review by the hospital at the  
4 time of the board's request. Current law provides that all  
5 peer review records are confidential and not subject to  
6 discovery, subpoena, or other means of legal compulsion except  
7 in certain situations.

8 Section 8 adds licensed osteopaths to the list of those  
9 professionals exempt from licensure requirements as speech  
10 pathologists or audiologists.

11 Section 9 changes a reference to the educational "council"  
12 to the educational "commission" for foreign medical graduates  
13 in relation to licensure for the practice of medicine and  
14 surgery.

15 Section 10 provides that to obtain a license to practice  
16 medicine or surgery a person must successfully complete one  
17 year of internship or resident training in an approved  
18 hospital.

19 Section 11 requires that a graduate of a medical school who  
20 is serving only as a resident physician and who is not  
21 otherwise licensed to practice medicine or surgery in Iowa,  
22 obtain a resident physician's license from the board.

23 Section 12 provides that the board after due notice and  
24 hearing may issue and order to discipline a person licensed to  
25 practice medicine or surgery for certain grounds and may  
26 include a civil penalty up to \$10,000.

27 Section 13 provides that the board of medical examiners may  
28 upon probable cause compel a physician to submit to alcohol or  
29 drug screening within a time specified by the board. The  
30 section also provides that failure to submit to alcohol or  
31 drug screening constitutes an admission to the allegations  
32 made against a physician by the board.

33 Section 14 provides that the board of medical examiners may  
34 issue an order to discipline a physician or surgeon for  
35 willful or repeated violation of a rule, regulation, or order

1 of the board, or for violation of an informal settlement  
2 between the licensee and the board.

3 Section 15 provides that the board of medical examiners may  
4 provide notice of a disciplinary hearing of a licensee by  
5 restricted certified mail.

6 Sections 16 and 17 provide a reference to the grounds for  
7 revocation of a physician's or surgeon's license in the Code  
8 section regarding the authority of licensing boards.

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In State House 3/5 Do Pass 3/12 (p. 991)

HOUSE FILE 2518  
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO HSB 776)

(As Amended and Passed by the House March 1, 1990)

Passed House, Date 3/1/90 (p. 778) Passed Senate, Date 3/15/90 (p. 1112)  
Vote: Ayes 89 Nays 0 Vote: Ayes 42 Nays 0  
Approved March 27, 1990

A BILL FOR

- 1 An Act relating to licensure and discipline of certain practice
- 2 professionals and providing a penalty.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 2518

S-5512

- 1 Amend House File 2518, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 118.8, unnumbered paragraph 2,
- 6 Code 1989, is amended to read as follows:
- 7 The board shall adopt rules governing practical
- 8 training and education and may adopt as its rules
- 9 criteria published by a national certification body
- 10 recognized by the board, subject to exceptions as
- 11 otherwise required by this section. The board may
- 12 accept the accreditation decisions of a national
- 13 accreditation body recognized by the board.
- 14 The board shall waive the professional education
- 15 requirements for eligibility to take the examination
- 16 if the applicant has been a continuous participant in
- 17 a practical training program under the direction of a
- 18 registered architect since January 1, 1970."
- 19 2. By numbering and renumbering as necessary.

By PAUL D. PATE

S-5512 FILED MARCH 15, 1990  
RULED OUT OF ORDER (p. 1112)

1 Section 1. Section 147.4, Code 1989, is amended to read as  
2 follows:

3 147.4 GROUNDS FOR REFUSING.

4 The department may refuse to grant a license to practice a  
5 profession to any person otherwise qualified upon any of the  
6 grounds for which a license may be revoked ~~by-the-district~~  
7 court or suspended.

8 Sec. 2. Section 147.7, Code 1989, is amended to read as  
9 follows:

10 147.7 DISPLAY OF LICENSE.

11 Every person licensed under this title to practice a  
12 profession shall keep the license publicly displayed in the  
13 primary place in which the person practices.

14 Sec. 3. Section 147.9, Code 1989, is amended to read as  
15 follows:

16 147.9 CHANGE OF RESIDENCE.

17 When any person licensed to practice a profession under  
18 this title changes a residence or place of practice the person  
19 shall notify the department.

20 Sec. 4. Section 147.29, Code 1989, is amended to read as  
21 follows:

22 147.29 APPLICATIONS.

23 Any person desiring to take the examination for a license  
24 to practice a profession shall make application to the  
25 department at least fifteen days before the examination, on a  
26 form provided by the board. ~~Such~~ The application shall be  
27 accompanied by the examination fee and such documents and  
28 affidavits as are necessary to show the eligibility of the  
29 candidate to take ~~such~~ the examination. All applications  
30 shall be in accordance with the rules of the department and  
31 shall be signed by the applicant. The board ~~shall-not~~ may  
32 require that a recent photograph of the applicant be attached  
33 to the application.

34 Sec. 5. Section 147.102, Code 1989, is amended to read as  
35 follows:

1 147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS,  
2 CHIROPRACTORS, DENTISTS, AND OSTEOPATHS.

3 Notwithstanding the provisions of this title, every  
4 application for a license to practice medicine and surgery,  
5 psychology, chiropractic, dentistry, osteopathy, or  
6 osteopathic medicine and surgery, shall be made directly to  
7 the chairperson, executive director, or secretary of the  
8 examining board of such profession, and every reciprocal  
9 agreement for the recognition of any such license issued in  
10 another state shall be negotiated by the examining board for  
11 such profession; and all. All examination, license, and  
12 renewal fees received from such persons licensed to practice  
13 any of such professions shall be paid to and collected by the  
14 chairperson, executive director, or secretary of the examining  
15 board of such profession, who shall transmit the fees to the  
16 treasurer of state who shall for deposit the fees in into the  
17 general fund of the state. The salary of the secretary shall  
18 be established by the governor with the approval of the  
19 executive council pursuant to section 19A.9, subsection 2,  
20 under the pay plan for exempt positions in the executive  
21 branch of government.

22 Sec. 6. Section 147.104, Code 1989, is amended to read as  
23 follows:

24 147.104 RECORDS.

25 The chairperson, executive director, or secretary of each  
26 of said the boards shall keep a correct record of the  
27 proceedings of said the board, and upon the granting of any  
28 license to practice any of said professions the board shall,  
29 at the time of granting said a license, certify to the  
30 department the application-upon-which-such name of the person  
31 to whom the license was issued, together-with-the-questions  
32 submitted-in-the-examination-of-such-applicant-and-the-answers  
33 thereto, and such the chairperson, executive director, or  
34 secretary shall deposit with the department all records not  
35 needed for the current use of the secretary's-examining board.

1 Sec. 7. Section 147.135, subsection 3, Code 1989, is  
2 amended by adding the following new unnumbered paragraph:  
3 NEW UNNUMBERED PARAGRAPH. Notwithstanding subsection 2, if  
4 the board of medical examiners conducts an investigation based  
5 on a complaint received or upon its own motion, a hospital  
6 pursuant to subpoena shall make available information and  
7 documents requested by the board, specifically including  
8 reports or descriptions of any complaints or incidents  
9 concerning an individual who is the subject of the board's  
10 investigation, even though the information and documents are  
11 also kept for, are the subject of, or are being used in peer  
12 review by the hospital. However, the deliberations,  
13 testimony, decisions, conclusions, findings, recommendations,  
14 evaluations, work product, or opinions of a peer review  
15 committee or its members and those portions of any documents  
16 or records containing or revealing information relating  
17 thereto shall not be subject to the board's request for  
18 information, subpoena, or other legal compulsion. All  
19 information and documents received by the board from a  
20 hospital under this section shall be confidential pursuant to  
21 section 258A.6, subsection 4.

22 Sec. 8. Section 147.152, subsection 1, Code 1989, is  
23 amended to read as follows:  
24 1. Licensed physicians and surgeons, licensed osteopathic  
25 physicians and surgeons, licensed osteopaths, approved  
26 physician's assistants and registered nurses acting under the  
27 supervision of a physician, persons conducting hearing tests  
28 under the direct supervision of a licensed physician and  
29 surgeon, or licensed osteopathic physician and surgeon, or  
30 licensed osteopath, or students of medicine or surgery or  
31 osteopathic medicine and surgery pursuing a course of study in  
32 a medical school or college of osteopathic medicine and  
33 surgery approved by the medical examiners while performing  
34 functions incidental to their course of study.

35 Sec. 9. Section 148.3, subsection 1, paragraph b, Code

1 1989, is amended to read as follows:

2 b. The recommendation of the educational council  
3 commission for foreign medical graduates, incorporated or  
4 similar accrediting agency.

5 Sec. 10. Section 148.3, subsection 3, Code 1989, is  
6 amended to read as follows:

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

11 Sec. 11. Section 148.5, Code 1989, is amended to read as  
12 follows:

13 148.5 RESIDENT PHYSICIAN'S LICENSE.

14 Any physician, who is a graduate of a medical school and is  
15 serving only as a resident physician and who is not otherwise  
16 licensed to practice medicine and surgery in this state, shall  
17 be required to obtain from the medical examiners a temporary  
18 ~~or-special~~ license to practice as a resident physician. The  
19 license shall be designated "Resident Physician License" and  
20 shall authorize the licensee to serve as a resident physician  
21 only, under the supervision of a licensed practitioner of  
22 medicine and surgery, in an institution approved for this  
23 purpose by the medical examiners. Such license shall be valid  
24 for one year and may be renewed at the discretion of the  
25 medical examiners. The fee for this license shall be set by  
26 the board to cover the administrative costs of issuing the  
27 license, and if extended beyond one year, a renewal fee as set  
28 by the board shall be required. The medical examiners shall  
29 determine in each instance those eligible for this license,  
30 whether or not examinations shall be given, and the type of  
31 examinations. No requirements of the law pertaining to  
32 regular permanent licensure shall be mandatory for this  
33 resident licensure except as specifically designated by the  
34 medical examiners. The granting of a resident physician's  
35 license does not in any way indicate that the person so

1 licensed is necessarily eligible for regular licensure, nor  
2 are the medical examiners in any way obligated to so license  
3 such individual. The medical examiners shall revoke the  
4 license at any time they shall determine either that the  
5 caliber of work done by a licensee or the type of supervision  
6 being given such licensee does not conform to reasonable  
7 standards established by the medical examiners.

8 Sec. 12. Section 148.6, subsection 1, unnumbered paragraph  
9 1, Code 1989, is amended by striking the paragraph and  
10 inserting in lieu thereof the following:

11 The medical examiners, after due notice and hearing in  
12 accordance with chapter 17A, may issue an order to discipline  
13 a licensee for any of the grounds set forth in section 147.55,  
14 chapter 258A, or this subsection. Notwithstanding section  
15 258A.3, licensee discipline may include a civil penalty not to  
16 exceed ten thousand dollars.

17 Pursuant to this section, the board of medical examiners  
18 may discipline a licensee who is guilty of any of the  
19 following acts or offenses:

20 Sec. 13. Section 148.6, subsection 1, paragraph h,  
21 unnumbered paragraph 1, Code 1989, is amended to read as  
22 follows:

23 Inability to practice medicine and surgery, osteopathic  
24 medicine and surgery or osteopathy with reasonable skill and  
25 safety by reason of illness, drunkenness, excessive use of  
26 drugs, narcotics, chemicals, or other type of material or as a  
27 result of a mental or physical condition. The medical  
28 examiners ~~shall~~ may, upon probable cause, ~~have authority to~~  
29 compel a physician to submit to a mental or physical  
30 examination by designated physicians or to submit to alcohol  
31 or drug screening within a time specified by the medical  
32 examiners. Failure of a physician to submit to an examination  
33 or to submit to alcohol or drug screening shall constitute  
34 admission to the allegations made against the physician and  
35 the finding of fact and decision of the medical examiners may

1 be entered without the taking of testimony or presentation of  
2 evidence. At reasonable intervals, a physician shall be  
3 afforded an opportunity to demonstrate that the physician can  
4 resume the competent practice of medicine with reasonable  
5 skill and safety to patients.

6 Sec. 14. Section 148.6, subsection 1, paragraph i, Code  
7 1989, is amended to read as follows:

8 i. Willful or repeated violation of lawful rule or  
9 regulation ~~promulgated~~ adopted by the board or violating a  
10 lawful order of the board, previously entered by the board in  
11 a disciplinary or licensure hearing, or violating the terms  
12 and provisions of a consent agreement or informal settlement  
13 between a licensee and the board.

14 Sec. 15. Section 148.7, subsection 1, Code 1989, is  
15 amended to read as follows:

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

25 Sec. 16. Section 258A.3, subsection 2, paragraph a, Code  
26 1989, is amended to read as follows:

27 a. Revoke a license, or suspend a license either until  
28 further order of the board or for a specified period, upon any  
29 of the grounds specified in section 114.21, 116.21, 117.29,  
30 118.13, 118A.15, 147.55, 148.6, 148B.7, 153.34, 154A.24,  
31 169.13, or 602.3203 or chapter 135E, 151, 507B or 522, as  
32 applicable, or upon any other grounds specifically provided  
33 for in this chapter for revocation of the license of a  
34 licensee subject to the jurisdiction of that board, or upon  
35 failure of the licensee to comply with a decision of the board

1 imposing licensee discipline;

2 Sec. 17. Section 258A.4, subsection 1, paragraph f, Code  
3 1989, is amended to read as follows:

4 f. Define by rule acts or omissions which are grounds for  
5 revocation or suspension of a license under section 114.21,  
6 116.21, 117.29, 118.13, 118A.15, 147.55, 148.6, 148B.7,  
7 153.34, 154A.24, 169.13, 455B.191 or 602.3203 or chapter 135E,  
8 151, 507B or 522, as applicable, and to define by rule acts or  
9 omissions which constitute negligence, careless acts or  
10 omissions within the meaning of section 258A.3, subsection 2,  
11 paragraph "b", which licensees are required to report to the  
12 board pursuant to section 258A.9, subsection 2;

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STATE GOVERNMENT

HOUSE FILE 2510  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL  
BY CHAIRPERSON BLANSHAN)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to licensure and discipline of certain practice  
2 professionals and providing a penalty.

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

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1 Section 1. Section 147.4, Code 1989, is amended to read as  
2 follows:

3 147.4 GROUNDS FOR REFUSING.

4 The department may refuse to grant a license to practice a  
5 profession to any person otherwise qualified upon any of the  
6 grounds for which a license may be revoked or suspended by the  
7 district court.

8 Sec. 2. Section 147.7, Code 1989, is amended to read as  
9 follows:

10 147.7 DISPLAY OF LICENSE.

11 Every person licensed under this title to practice a  
12 profession shall keep the license publicly displayed in the  
13 primary place in which the person practices.

14 Sec. 3. Section 147.9, Code 1989, is amended to read as  
15 follows:

16 147.9 CHANGE OF RESIDENCE.

17 When any person licensed to practice a profession under  
18 this title changes a residence or place of practice the person  
19 shall notify the department.

20 Sec. 4. Section 147.29, Code 1989, is amended to read as  
21 follows:

22 147.29 APPLICATIONS.

23 Any person desiring to take the examination for a license  
24 to practice a profession shall make application to the  
25 department at least fifteen days before the examination, on a  
26 form provided by the board. Such The application shall be  
27 accompanied by the examination fee and such documents and  
28 affidavits as are necessary to show the eligibility of the  
29 candidate to take such the examination. All applications  
30 shall be in accordance with the rules of the department and  
31 shall be signed by the applicant. The board ~~shall not~~ may  
32 require that a recent photograph of the applicant be attached  
33 to the application.

34 Sec. 5. Section 147.102, Code 1989, is amended to read as  
35 follows:

1 147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS,  
2 CHIROPRACTORS, DENTISTS, AND OSTEOPATHS.

3 Notwithstanding the provisions of this title, every  
4 application for a license to practice medicine and surgery,  
5 psychology, chiropractic, dentistry, osteopathy, or  
6 osteopathic medicine and surgery, shall be made directly to  
7 the chairperson or secretary of the examining board of such  
8 profession, and every reciprocal agreement for the recognition  
9 of any such license issued in another state shall be  
10 negotiated by the examining board for such profession~~7~~-and  
11 ~~all~~. All examination, license, and renewal fees received from  
12 such persons licensed to practice any of such professions  
13 shall be paid to and collected by the chairperson or secretary  
14 of the examining board of such profession, who shall transmit  
15 the fees to the treasurer of state ~~who shall~~ for deposit the  
16 ~~fees-in~~ into the general fund of the state. The salary of the  
17 secretary shall be established by the governor with the  
18 approval of the executive council pursuant to section 19A.9,  
19 subsection 2, under the pay plan for exempt positions in the  
20 executive branch of government.

21 Sec. 6. Section 147.104, Code 1989, is amended to read as  
22 follows:

23 147.104 RECORDS.

24 The chairperson or secretary of each of ~~said~~ the boards  
25 shall keep a correct record of the proceedings of ~~said~~ the  
26 board, and upon the granting of any license to practice any of  
27 said professions the board shall, at the time of granting ~~said~~  
28 a license, certify to the department the ~~application-upon~~  
29 ~~which-such~~ name of the person to whom the license was issued,  
30 ~~together-with-the-questions-submitted-in-the-examination-of~~  
31 ~~such-applicant-and-the-answers-thereto~~ and such the  
32 chairperson or secretary shall deposit with the department all  
33 records not needed for the current use of the secretary's  
34 examining board.

35 Sec. 7. Section 147.135, subsection 2, Code 1989, is

1 amended to read as follows:

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

1 subsection shall not preclude the discovery of the  
2 identification of witnesses or documents known to a peer  
3 review committee. Any final written decision and finding of  
4 fact by a licensing board in a disciplinary proceeding is a  
5 public record. Upon appeal by a licensee of a decision of a  
6 licensing board, the entire case record shall be submitted to  
7 the reviewing court. In all cases where privileged and  
8 confidential information under this subsection becomes  
9 discoverable, admissible, or part of a court record the  
10 identity of an individual whose privilege has been  
11 involuntarily waived shall be withheld.

12 Sec. 8. Section 147.152, subsection 1, Code 1989, is  
13 amended to read as follows:

14 1. Licensed physicians and surgeons, licensed osteopathic  
15 physicians and surgeons, licensed osteopaths, approved  
16 physician's assistants and registered nurses acting under the  
17 supervision of a physician, persons conducting hearing tests  
18 under the direct supervision of a licensed physician and  
19 surgeon, or licensed osteopathic physician and surgeon, or  
20 licensed osteopath, or students of medicine or surgery or  
21 osteopathic medicine and surgery pursuing a course of study in  
22 a medical school or college of osteopathic medicine and  
23 surgery approved by the medical examiners while performing  
24 functions incidental to their course of study.

25 Sec. 9. Section 148.3, subsection 1, paragraph b, Code  
26 1989, is amended to read as follows:

27 b. The recommendation of the educational ~~council~~  
28 commission for foreign medical graduates, incorporated or  
29 similar accrediting agency.

30 Sec. 10. Section 148.3, subsection 3, Code 1989, is  
31 amended to read as follows:

32 3. Present to the Iowa department of public health  
33 satisfactory evidence that the applicant has successfully  
34 completed one year of internship or resident training in a  
35 hospital approved for such training by the medical examiners.

1     Sec. 11. Section 148.5, Code 1989, is amended to read as  
2 follows:

3     148.5 RESIDENT PHYSICIAN'S LICENSE.                     .

4     Any physician, who is a graduate of a medical school and is  
5 serving only as a resident physician and who is not otherwise  
6 licensed to practice medicine and surgery in this state, shall  
7 be required to obtain from the medical examiners a temporary  
8 ~~or-special~~ license to practice as a resident physician. The  
9 license shall be designated "Resident Physician License" and  
10 shall authorize the licensee to serve as a resident physician  
11 only, under the supervision of a licensed practitioner of  
12 medicine and surgery, in an institution approved for this  
13 purpose by the medical examiners. Such license shall be valid  
14 for one year and may be renewed at the discretion of the  
15 medical examiners. The fee for this license shall be set by  
16 the board to cover the administrative costs of issuing the  
17 license, and if extended beyond one year, a renewal fee as set  
18 by the board shall be required. The medical examiners shall  
19 determine in each instance those eligible for this license,  
20 whether or not examinations shall be given, and the type of  
21 examinations. No requirements of the law pertaining to  
22 regular permanent licensure shall be mandatory for this  
23 resident licensure except as specifically designated by the  
24 medical examiners. The granting of a resident physician's  
25 license does not in any way indicate that the person so  
26 licensed is necessarily eligible for regular licensure, nor  
27 are the medical examiners in any way obligated to so license  
28 such individual. The medical examiners shall revoke the  
29 license at any time they shall determine either that the  
30 caliber of work done by a licensee or the type of supervision  
31 being given such licensee does not conform to reasonable  
32 standards established by the medical examiners.

33     Sec. 12. Section 148.6, subsection 1, unnumbered paragraph  
34 1, Code 1989, is amended by striking the paragraph and  
35 inserting in lieu thereof the following:

1 The medical examiners, after due notice and hearing in  
2 accordance with chapter 17A, may issue an order to discipline  
3 a licensee for any of the grounds set forth in section 147.55,  
4 chapter 258A, or this subsection. Notwithstanding section  
5 258A.3, licensee discipline may include a civil penalty not to  
6 exceed ten thousand dollars.

7 Pursuant to this section, the board of medical examiners  
8 may discipline a licensee who is guilty of any of the  
9 following acts or offenses:

10 Sec. 13. Section 148.6, subsection 1, paragraph h,  
11 unnumbered paragraph 1, Code 1989, is amended to read as  
12 follows:

13 Inability to practice medicine and surgery, osteopathic  
14 medicine and surgery or osteopathy with reasonable skill and  
15 safety by reason of illness, drunkenness, excessive use of  
16 drugs, narcotics, chemicals, or other type of material or as a  
17 result of a mental or physical condition. The medical  
18 examiners ~~shall~~ may, upon probable cause, ~~have authority to~~  
19 compel a physician to submit to a mental or physical  
20 examination by designated physicians or to immediately provide  
21 designated body fluids for alcohol or drug screening. Failure  
22 of a physician to submit to an examination or to provide body  
23 fluids shall constitute admission to the allegations made  
24 against the physician and the finding of fact and decision of  
25 the medical examiners may be entered without the taking of  
26 testimony or presentation of evidence. At reasonable  
27 intervals, a physician shall be afforded an opportunity to  
28 demonstrate that the physician can resume the competent  
29 practice of medicine with reasonable skill and safety to  
30 patients.

31 Sec. 14. Section 148.6, subsection 1, paragraph i, Code  
32 1989, is amended to read as follows:

33 i. ~~Willful-or-repeated-violation~~ Violation of a lawful  
34 ~~rule or-regulation-promulgated~~ adopted by the board or  
35 violating a lawful order of the board, previously entered by

1 the board in a disciplinary hearing, or violating the terms  
2 and provisions of a consent agreement or stipulation between a  
3 licensee and the board.

4 Sec. 15. Section 148.7, subsection 1, Code 1989, is  
5 amended to read as follows:

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

15 Sec. 16. Section 258A.3, subsection 2, paragraph a, Code  
16 1989, is amended to read as follows:

17 a. Revoke a license, or suspend a license either until  
18 further order of the board or for a specified period, upon any  
19 of the grounds specified in section 114.21, 116.21, 117.29,  
20 118.13, 118A.15, 147.55, 148.6, 148B.7, 153.34, 154A.24,  
21 169.13, or 602.3203 or chapter 135E, 151, 507B or 522, as  
22 applicable, or upon any other grounds specifically provided  
23 for in this chapter for revocation of the license of a  
24 licensee subject to the jurisdiction of that board, or upon  
25 failure of the licensee to comply with a decision of the board  
26 imposing licensee discipline;

27 Sec. 17. Section 258A.4, subsection 1, paragraph f, Code  
28 1989, is amended to read as follows:

29 f. Define by rule acts or omissions which are grounds for  
30 revocation or suspension of a license under section 114.21,  
31 116.21, 117.29, 118.13, 118A.15, 147.55, 148.6, 148B.7,  
32 153.34, 154A.24, 169.13, 455B.191 or 602.3203 or chapter 135E,  
33 151, 507B or 522, as applicable, and to define by rule acts or  
34 omissions which constitute negligence, careless acts or  
35 omissions within the meaning of section 258A.3, subsection 2,

1 paragraph "b", which licensees are required to report to the  
2 board pursuant to section 258A.9, subsection 2;

3 Sec. 18. Section 258A.6, subsection 1, Code 1989, is  
4 amended to read as follows:

5 1. Disciplinary hearings held pursuant to this chapter  
6 shall be heard by the board sitting as the hearing panel, or  
7 by a panel of not less than three board members who at least  
8 two of which are licensed in the profession, or by a panel of  
9 not less than three members appointed pursuant to subsection  
10 2. ~~Notwithstanding chapters 17A and 21 a disciplinary hearing~~  
11 Disciplinary hearings shall be open to the public at the  
12 discretion of the licensee pursuant to chapters 17A and 21.

13 EXPLANATION

14 This bill changes several provisions relating to the  
15 licensing and discipline of persons in certain practice  
16 professions.

17 Sections 1 through 4 of the bill relate to general  
18 licensure procedures.

19 Sections 5 and 6 relate to licensure procedures and records  
20 of examining boards for physicians, surgeons, psychologists,  
21 chiropractors, dentists, and osteopaths.

22 Section 7 relates to records of peer review committees.

23 Section 8 adds licensed osteopaths to the list of  
24 exemptions from licensure requirements for speech pathologists  
25 and audiologists.

26 Sections 9 through 11 relate to licensure requirements for  
27 physicians and surgeons.

28 Section 12 relates to the revocation of a physician's or  
29 surgeon's license by providing that the board of medical  
30 examiners, rather than the director of public health, may  
31 discipline a licensee for certain grounds and provides that  
32 discipline may include a civil penalty not exceeding \$10,000.

33 Section 13 provides that the board of medical examiners,  
34 upon probable cause that the physician is unable to practice  
35 safely due to the use of alcohol or drugs, may require a

1 physician to provide body fluids for alcohol or drug  
2 screening. Failure to provide body fluids constitutes  
3 admission to allegations against the physician, and may result  
4 in disciplinary action by the board.

5 Section 14 expands the grounds for discipline of a  
6 physician to include a violation of a consent agreement  
7 between the board of medical examiners and a physician.

8 Section 15 specifies that notice of a disciplinary hearing  
9 against a physician may be delivered by restricted certified  
10 mail.

11 Sections 16 and 17 relate to licensure disciplinary  
12 proceedings.

13 Section 18 provides that licensure disciplinary hearings  
14 are open to the public.

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HOUSE FILE 2518

AN ACT

RELATING TO LICENSURE AND DISCIPLINE OF CERTAIN PRACTICE PROFESSIONALS AND PROVIDING A PENALTY.

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

Section 1. Section 147.4, Code 1989, is amended to read as follows:

147.4 GROUNDS FOR REFUSING.

The department may refuse to grant a license to practice a profession to any person otherwise qualified upon any of the grounds for which a license may be revoked by the district court or suspended.

Sec. 2. Section 147.7, Code 1989, is amended to read as follows:

147.7 DISPLAY OF LICENSE.

Every person licensed under this title to practice a profession shall keep the license publicly displayed in the primary place in which the person practices.

Sec. 3. Section 147.9, Code 1989, is amended to read as follows:

147.9 CHANGE OF RESIDENCE.

When any person licensed to practice a profession under this title changes a residence or place of practice the person shall notify the department.

Sec. 4. Section 147.29, Code 1989, is amended to read as follows:

147.29 APPLICATIONS.

Any person desiring to take the examination for a license to practice a profession shall make application to the department at least fifteen days before the examination, on a form provided by the board. Such The application shall be accompanied by the examination fee and such documents and affidavits as are necessary to show the eligibility of the candidate to take such the examination. All applications shall be in accordance with the rules of the department and shall be signed by the applicant. The board shall not may require that a recent photograph of the applicant be attached to the application.

Sec. 5. Section 147.102, Code 1989, is amended to read as follows:

147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS, CHIROPRACTORS, DENTISTS, AND OSTEOPATHS.

Notwithstanding the provisions of this title, every application for a license to practice medicine and surgery, psychology, chiropractic, dentistry, osteopathy, or osteopathic medicine and surgery, shall be made directly to the chairperson, executive director, or secretary of the

examining board of such profession, and every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated by the examining board for such profession, ~~and all~~. All examination, license, and renewal fees received from such persons licensed to practice any of such professions shall be paid to and collected by the chairperson, executive director, or secretary of the examining board of such profession, who shall transmit the fees to the treasurer of state ~~who shall for deposit the fees in~~ into the general fund of the state. The salary of the secretary shall be established by the governor with the approval of the executive council pursuant to section 19A.9, subsection 2, under the pay plan for exempt positions in the executive branch of government.

Sec. 6. Section 147.104, Code 1989, is amended to read as follows:

147.104 RECORDS.

The chairperson, executive director, or secretary of each of said the boards shall keep a correct record of the proceedings of said the board, and upon the granting of any license to practice any of said professions the board shall, at the time of granting said a license, certify to the department the ~~application upon which such~~ name of the person to whom the license was issued, ~~together with the questions submitted in the examination of such applicant and the answers thereto, and such~~ the chairperson, executive director, or secretary shall deposit with the department all records not needed for the current use of the secretary's ~~examining~~ board.

Sec. 7. Section 147.135, subsection 3, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding subsection 2, if the board of medical examiners conducts an investigation based on a complaint received or upon its own motion, a hospital pursuant to subpoena shall make available information and documents requested by the board, specifically including

reports or descriptions of any complaints or incidents concerning an individual who is the subject of the board's investigation, even though the information and documents are also kept for, are the subject of, or are being used in peer review by the hospital. However, the deliberations, testimony, decisions, conclusions, findings, recommendations, evaluations, work product, or opinions of a peer review committee or its members and those portions of any documents or records containing or revealing information relating thereto shall not be subject to the board's request for information, subpoena, or other legal compulsion. All information and documents received by the board from a hospital under this section shall be confidential pursuant to section 258A.6, subsection 4.

Sec. 8. Section 147.152, subsection 1, Code 1989, is amended to read as follows:

1. Licensed physicians and surgeons, licensed osteopathic physicians and surgeons, licensed osteopaths, approved physician's assistants and registered nurses acting under the supervision of a physician, persons conducting hearing tests under the direct supervision of a licensed physician and surgeon, or licensed osteopathic physician and surgeon, or licensed osteopath, or students of medicine or surgery or osteopathic medicine and surgery pursuing a course of study in a medical school or college of osteopathic medicine and surgery approved by the medical examiners while performing functions incidental to their course of study.

Sec. 9. Section 148.3, subsection 1, paragraph b, Code 1989, is amended to read as follows:

b. The recommendation of the educational council ~~commission~~ for foreign medical graduates, incorporated or similar accrediting agency.

Sec. 10. Section 148.3, subsection 3, Code 1989, is amended to read as follows:

3. Present to the Iowa department of public health satisfactory evidence that the applicant has successfully completed one year of internship or resident training in a hospital approved for such training by the medical examiners.

Sec. 11. Section 148.5, Code 1989, is amended to read as follows:

148.5 RESIDENT PHYSICIAN'S LICENSE.

Any physician, who is a graduate of a medical school and is serving only as a resident physician and who is not otherwise licensed to practice medicine and surgery in this state, shall be required to obtain from the medical examiners a temporary or special license to practice as a resident physician. The license shall be designated "Resident Physician License" and shall authorize the licensee to serve as a resident physician only, under the supervision of a licensed practitioner of medicine and surgery, in an institution approved for this purpose by the medical examiners. Such license shall be valid for one year and may be renewed at the discretion of the medical examiners. The fee for this license shall be set by the board to cover the administrative costs of issuing the license, and if extended beyond one year, a renewal fee as set by the board shall be required. The medical examiners shall determine in each instance those eligible for this license, whether or not examinations shall be given, and the type of examinations. No requirements of the law pertaining to regular permanent licensure shall be mandatory for this resident licensure except as specifically designated by the medical examiners. The granting of a resident physician's license does not in any way indicate that the person so licensed is necessarily eligible for regular licensure, nor are the medical examiners in any way obligated to so license such individual. The medical examiners shall revoke the license at any time they shall determine either that the caliber of work done by a licensee or the type of supervision being given such licensee does not conform to reasonable standards established by the medical examiners.

Sec. 12. Section 148.6, subsection 1, unnumbered paragraph 1, Code 1989, is amended by striking the paragraph and inserting in lieu thereof the following:

The medical examiners, after due notice and hearing in accordance with chapter 17A, may issue an order to discipline a licensee for any of the grounds set forth in section 147.55, chapter 258A, or this subsection. Notwithstanding section 258A.3, licensee discipline may include a civil penalty not to exceed ten thousand dollars.

Pursuant to this section, the board of medical examiners may discipline a licensee who is guilty of any of the following acts or offenses:

Sec. 13. Section 148.6, subsection 1, paragraph h, unnumbered paragraph 1, Code 1989, is amended to read as follows:

Inability to practice medicine and surgery, osteopathic medicine and surgery or osteopathy with reasonable skill and safety by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or other type of material or as a result of a mental or physical condition. The medical examiners shall may, upon probable cause, have authority to compel a physician to submit to a mental or physical examination by designated physicians or to submit to alcohol or drug screening within a time specified by the medical examiners. Failure of a physician to submit to an examination or to submit to alcohol or drug screening shall constitute admission to the allegations made against the physician and the finding of fact and decision of the medical examiners may be entered without the taking of testimony or presentation of evidence. At reasonable intervals, a physician shall be afforded an opportunity to demonstrate that the physician can resume the competent practice of medicine with reasonable skill and safety to patients.

Sec. 14. Section 148.6, subsection 1, paragraph i, Code 1989, is amended to read as follows:

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

Sec. 15. Section 148.7, subsection 1, Code 1989, is amended to read as follows:

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

Sec. 16. Section 258A.3, subsection 2, paragraph a, Code 1989, is amended to read as follows:

a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon any of the grounds specified in section 114.21, 116.21, 117.29, 118.13, 118A.15, 147.55, 148.6, 148B.7, 153.34, 154A.24, 169.13, or 602.3203 or chapter 135E, 151, 507B or 522, as applicable, or upon any other grounds specifically provided for in this chapter for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;

Sec. 17. Section 258A.4, subsection 1, paragraph f, Code 1989, is amended to read as follows:

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under section 114.21, 116.21, 117.29, 118.13, 118A.15, 147.55, 148.6, 148B.7, 153.34, 154A.24, 169.13, 455B.191 or 602.3203 or chapter 135E,

151, 507B or 522, as applicable, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of section 258A.3, subsection 2, paragraph "b", which licensees are required to report to the board pursuant to section 258A.9, subsection 2;

---

DONALD D. AVENSON  
Speaker of the House

---

JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2518, Seventy-third General Assembly.

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JOSEPH O'HERN  
Chief Clerk of the House

Approved March 27, 1990

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TERRY E. BRANSTAD  
Governor