

Bill Number (525) for the year 3/18 (p. 242)

FEB 25 1992

HOUSE FILE 2292
BY COMMITTEE ON STATE GOVERNMENT

Place On Calendar

(SUCCESSOR TO HSB 603)

Passed House, Date 3/2/92 (p. 402) Passed Senate, Date 4/17/92 (p. 1479)

Vote: Ayes 94 Nays 0 Vote: Ayes 48 Nays 0

Approved April 29, 1992

~~Approved House~~ 4/20/92 (p. 1641)
218, Yea 0

A BILL FOR

1 An Act relating to the health practice profession examining
2 boards and the duties of the board of medical examiners and
3 providing penalties.

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

HOUSE FILE 2292

H-5150

- 1 Amend House File 2292 as follows:
- 2 1. Page 2, line 15, by striking the word "Any"
- 3 and inserting the following: "Any A".

By SPEAR of Lee

H-5150 FILED FEBRUARY 26, 1992
w/10 3/2

HF 2292

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1 Section 1. Section 147.14, subsection 2, Code Supplement
2 1991, is amended to read as follows:

3 2. For medical examiners, five members licensed to
4 practice medicine and surgery, two members licensed to
5 practice osteopathic medicine and surgery, and ~~two~~ three
6 members not licensed to practice either medicine and surgery
7 or osteopathic medicine and surgery, and who shall represent
8 the general public. A majority of members of the board
9 constitutes a quorum.

10 Sec. 2. Section 147.36, Code 1991, is amended by adding
11 the following new subsections, and renumbering subsequent
12 subsections:

13 NEW SUBSECTION. 1. The qualifications required for
14 applicants seeking to take examinations.

15 NEW SUBSECTION. 2. The denial of applicants seeking to
16 take examinations.

17 NEW SUBSECTION. 5. The minimum scores required for
18 passing standardized examinations.

19 Sec. 3. Section 147.74, subsections 2 and 3, Code Sup-
20 plement 1991, are amended to read as follows:

21 2. A physician or surgeon may ~~precede-the-person's-name~~
22 ~~with-the-title~~ use the prefix "Dr." or "Doctor", and shall add
23 after the person's name the letters, "M. D."

24 3. An osteopath or osteopathic physician and surgeon may
25 use the prefix "Dr." or "Doctor", ~~but~~ and shall add after the
26 person's name the letters, "D. O." ~~or "O.-S." as the case may~~
27 ~~be~~, or the words, "Osteopath" or "Osteopathic Physician and
28 Surgeon".

29 Sec. 4. Section 147.80, unnumbered paragraph 1 and
30 subsection 3, Code Supplement 1991, are amended to read as
31 follows:

32 An examining board shall set the fees for the examination
33 of applicants, which fees shall be based upon the ~~annual~~ cost
34 of administering the examinations. An examining board shall
35 set the ~~annual~~ license fees, ~~except~~ and renewal fees which

1 need-not-be-annualy, required for any of the following oased
2 upon the cost of sustaining the board and the actual costs of
3 licensing:

4 3. License to practice medicine and surgery, or
5 osteopathic medicine and surgery, issued-upon-the-basis-of-an
6 examination-given-by-the-board-of-medical-examiners,-license
7 to-practice-medicine-and-surgery,-osteopathic-medicine-and
8 surgery or osteopathy issued-by-endorsement-or-under-a
9 reciprocal-agreement, and renewal of a license to practice
10 medicine and surgery, osteopathic medicine and surgery, or
11 osteopathy.

12 Sec. 5. Section 147.86, Code 1991, is amended to read as
13 follows:

14 147.86 PENALTIES.

15 Any person violating any provision of this or the following
16 chapters of this title, except insofar as ~~said~~ the provisions
17 apply or relate to or affect the practice of pharmacy, or
18 where a specific penalty is not otherwise provided, shall be
19 guilty of a serious misdemeanor.

20 Sec. 6. Section 147.102, Code 1991, is amended to read as
21 follows:

22 147.102 PHYSICIANS-AND-SURGEONS, PSYCHOLOGISTS,
23 CHIROPRACTORS, AND DENTISTS,-OSTEOPATHS,-AND OSTEOPATHIC
24 PHYSICIANS-AND-SURGEONS.

25 Notwithstanding the provisions of this title, every
26 application for a license to practice ~~medicine-and-surgery,~~
27 psychology, chiropractic, or dentistry,-osteopathy,-or
28 ~~osteopathic-medicine-and-surgery,~~ shall be made directly to
29 the chairperson, executive director, or secretary of the
30 examining board of such profession, and every reciprocal
31 agreement for the recognition of any such license issued in
32 another state shall be negotiated by the examining board for
33 such profession. All examination, license, and renewal fees
34 received from persons licensed to practice any of such
35 professions shall be paid to and collected by the chairperson,

1 executive director, or secretary of the examining board of
2 such profession, who shall transmit the fees to the treasurer
3 of state for deposit into the general fund of the state. The
4 salary of the secretary shall be established by the governor
5 with the approval of the executive council pursuant to section
6 19A.9, subsection 2, under the pay plan for exempt positions
7 in the executive branch of government.

8 Sec. 7. Section 147.103, Code 1991, is amended to read as
9 follows:

10 147.103 INVESTIGATORS FOR PHYSICIAN ASSISTANTS.

11 ~~The medical examiners may appoint investigators, who shall~~
12 ~~not be members of the examining board, to administer and aid~~
13 ~~in the enforcement of the provisions of the law relating to~~
14 ~~those licensed to practice medicine and surgery, osteopathic~~
15 ~~medicine and surgery, and osteopathy. The amount of~~
16 ~~compensation for the investigators shall be determined~~
17 ~~pursuant to chapter 19A.~~

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

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

28 Sec. 8. NEW SECTION. 147.103A PHYSICIANS AND SURGEONS,
29 OSTEOPATHS, AND OSTEOPATHIC PHYSICIANS AND SURGEONS.

30 This chapter shall apply to the licensing of persons to
31 practice as physicians and surgeons, osteopaths, and
32 osteopathic physicians and surgeons by the board of medical
33 examiners subject to the following provisions:

34 1. A person violating the provisions of section 147.2,
35 147.84, or 147.85, shall upon conviction be guilty of a class

1 "D" felony.

2 2. The issuance of reciprocal agreements pursuant to
3 section 147.44 is not required and is subject to the
4 discretion of the board.

5 3. The board may appoint investigators, who shall not be
6 members of the examining board, and whose compensation shall
7 be determined pursuant to chapter 19A. Investigators
8 appointed by the board have the powers and status of peace
9 officers when enforcing this chapter and chapters 147A, 148,
10 150, 150A, and 258A.

11 4. Applications for a license shall be made to the chair-
12 person, executive director, or secretary of the board. All
13 examination, license, and renewal fees shall be paid to and
14 collected by the chairperson, executive director, or secretary
15 of the board, who shall transmit the fees to the treasurer of
16 state for deposit in the general fund of the state. The
17 salary of the executive director of the board shall be
18 established by the governor with approval of the executive
19 council pursuant to section 19A.9, subsection 2, under the pay
20 plan for exempt positions in the executive branch of
21 government.

22 5. Disciplinary hearings held pursuant to section 258A.6,
23 subsection 1, shall be heard by the board, or by a panel of
24 not less than three board members, at least two of which are
25 licensed in the profession, or by a panel of not less than
26 three members appointed pursuant to section 258A.6, subsection
27 2. Notwithstanding chapters 17A and 21, a disciplinary
28 hearing shall be open to the public at the discretion of the
29 licensee.

30 Sec. 9. Section 147.107, subsection 2, unnumbered
31 paragraph 2, Code Supplement 1991, is amended to read as
32 follows:

33 A ~~physician~~, dentist, or podiatrist who dispenses
34 prescription drugs, other than drug samples, pursuant to this
35 subsection, shall annually register the fact that they

1 dispense prescription drugs with the practitioner's respective
2 examining board. A physician doing so shall register
3 biennially.

4 Sec. 10. NEW SECTION. 148.2A BOARD OF MEDICAL EXAMINERS.
5 As used in this chapter, "board" and "medical examiners"
6 mean the board of medical examiners established in chapter
7 147.

8 Sec. 11. Section 148.3, Code 1991, is amended to read as
9 follows:

10 148.3 REQUIREMENTS FOR LICENSE.

11 Each An applicant for a license to practice medicine and
12 surgery shall:

13 1. Present a diploma issued by a medical college approved
14 by the medical examiners, or present other evidence of
15 equivalent medical education approved by the medical
16 examiners. The medical examiners may accept, in lieu of a
17 diploma from a medical college approved by them, all of the
18 following:

19 a. A diploma issued by a medical college which has been
20 neither approved nor disapproved by the medical examiners; and

21 b. ~~The recommendation of~~ A valid standard certificate
22 issued by the educational commission for foreign medical
23 graduates, ~~incorporated~~ or similar accrediting agency.

24 2. Pass an examination prescribed by the medical examiners
25 which shall include subjects which determine the applicant's
26 qualifications to practice medicine and surgery and which
27 shall be given according to the methods deemed by the medical
28 examiners to be the most appropriate and practicable.

29 However, the federation licensing examination (FLEX) or any
30 other national standardized examination which the medical
31 ~~examiner~~ examiners shall approve may be administered to any or
32 all applicants in lieu of or in conjunction with other
33 examinations which the medical examiners shall prescribe. The
34 medical examiners may establish necessary achievement levels
35 on all examinations for a passing grade and promulgate adopt

1 rules relating to examinations.

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

7 Sec. 12. Section 148.4, Code 1991, is amended to read as
8 follows:

9 148.4 CERTIFICATES OF NATIONAL BOARD.

10 The ~~Iowa-department-of-public-health-may-with-the-approval~~
11 ~~of-the~~ medical examiners, may accept in lieu of the
12 examination prescribed in section 148.3 a certificate of
13 examination issued by the national board of medical examiners
14 of the United States of America, but every applicant for a
15 license upon the basis of such certificate shall be required
16 to pay the fee prescribed by the board medical examiners for
17 licenses issued under reciprocal agreements.

18 Sec. 13. Section 148.5, Code 1991, is amended to read as
19 follows:

20 148.5 RESIDENT PHYSICIAN LICENSE.

21 Any A physician, who is a graduate of a medical school and
22 is serving only as a resident physician and who is not
23 otherwise licensed to practice medicine and surgery in this
24 state, shall be required to obtain from the medical examiners
25 a license to practice as a resident physician. The license
26 shall be designated "Resident Physician License" and shall
27 authorize the licensee to serve as a resident physician only,
28 under the supervision of a licensed practitioner of medicine
29 and surgery or osteopathic medicine and surgery, in an
30 institution approved for ~~this-purpose~~ such training by the
31 medical examiners. Such license shall be valid for one year
32 and may be renewed at the discretion of the medical examiners.
33 The fee for ~~this~~ each license shall be set by the board
34 medical examiners to cover the administrative costs of issuing
35 the license, and if extended beyond one year, a renewal fee as

1 set by the board medical examiners shall be required. The
2 medical examiners shall determine in each instance those
3 eligible for this a license, whether or not examinations shall
4 be given, and the type of examinations. No requirements of
5 the law pertaining to regular permanent licensure shall be
6 mandatory for ~~non-resident-licensure~~ a resident physician
7 license except as specifically designated by the medical
8 examiners. The granting of a resident physician license does
9 not in any way indicate that the person so licensed is
10 necessarily eligible for regular permanent licensure, nor are
11 the medical examiners in any way obligated to so license such
12 individual. ~~The medical examiners shall revoke the license at~~
13 ~~any time they shall determine either that the caliber of work~~
14 ~~done by a licensee or the type of supervision being given such~~
15 ~~licensee does not conform to reasonable standards established~~
16 ~~by the medical examiners.~~

17 Sec. 14. Section 148.6, subsection 1, paragraph d, Code
18 1991, is amended to read as follows:

19 d. Having the license to practice medicine and surgery,
20 osteopathic medicine and surgery or osteopathy revoked or
21 suspended, or having other disciplinary action taken by a
22 licensing authority of another state, territory, or country.
23 A certified copy of the record or order of suspension,
24 revocation, or disciplinary action is ~~conclusive or~~ prima
25 facie evidence.

26 Sec. 15. Section 148.7, subsection 7, paragraph c, Code
27 1991, is amended to read as follows:

28 c. Suspend imposition of judgment and penalty or impose
29 the judgment and penalty, but suspend enforcement and place
30 the physician on probation. The probation ordered may be
31 vacated upon noncompliance. ~~The board of~~ medical examiners
32 may ~~direct the director of public health to~~ restore and
33 reissue a license to practice medicine and surgery,
34 osteopathic medicine and surgery or osteopathy, but may impose
35 a disciplinary or corrective measure which it might originally

1 have imposed. Such findings of fact and decision shall be
 2 filed with the director of public health who shall within ten
 3 days from such filing enter an order revoking or suspending
 4 the license issued to a physician licensed to practice
 5 medicine and surgery, osteopathic medicine and surgery or
 6 osteopathy, or discipline such physician as directed by the
 7 board in its decision. A copy of the director's order shall
 8 immediately be sent by registered mail to the licensee's last
 9 known post office address accompanied by a copy of the board's
 10 findings of fact and decision. A copy of the medical
 11 examiners' order, findings of fact, and decision, shall be
 12 served on the licensee in the manner of service of an original
 13 notice or by certified mail return receipt requested.

14 Sec. 16. Section 148.7, subsection 9, Code 1991, is
 15 amended to read as follows:

16 9. The director's medical examiners' order revoking or
 17 suspending a license to practice medicine and surgery,
 18 osteopathic medicine and surgery, or osteopathy or to
 19 discipline a licensee shall remain in force and effect until
 20 the appeal is finally determined and disposed of upon its
 21 merit.

22 Sec. 17. Section 148.8, Code 1991, is amended to read as
 23 follows:

24 148.8 VOLUNTARY SURRENDER OF LICENSE.

25 The ~~director of public health is hereby authorized to~~
 26 medical examiners may accept the voluntary surrender of a
 27 license if accompanied by a written statement of intention.
 28 Such A voluntary surrender, when so accepted, ~~shall have~~ has
 29 the same force and effect as an order of revocation.

30 Sec. 18. Section 148.12, Code 1991, is amended to read as
 31 follows:

32 148.12 VOLUNTARY AGREEMENTS.

33 The medical examiners, after due notice and hearing, may
 34 ~~direct the director of public health to~~ issue an order to
 35 revoke, suspend, or restrict a license to practice medicine

1 and surgery, osteopathic medicine and surgery, or osteopathy,
2 or to issue a restricted license on application if ~~after a~~
3 ~~hearing~~, the medical examiners determine that a physician
4 licensed to practice medicine and surgery, osteopathic
5 medicine and surgery, or osteopathy, or an applicant for
6 licensure has entered into a voluntary agreement to restrict
7 the practice of medicine and surgery, osteopathic medicine and
8 surgery, or osteopathy in another state, district, territory,
9 or country. A certified copy of the voluntary agreement shall
10 be considered ~~conclusive or~~ prima facie evidence.

11 Sec. 19. Section 150A.9, Code 1991, is amended to read as
12 follows:

13 150A.9 RESIDENT LICENSE.

14 Any An osteopathic physician and surgeon who is a graduate
15 of a college of osteopathic medicine and surgery approved ~~by~~
16 ~~the medical examiners~~ and is serving ~~only~~ as a resident
17 ~~osteopathic physician and surgeon~~ and who is not licensed to
18 practice osteopathic medicine and surgery in this state, shall
19 be required to obtain from the medical examiners a temporary
20 ~~or special~~ license to practice as a resident osteopathic
21 physician and surgeon. The license shall be designated
22 "Resident Osteopathic Physician and Surgeon License", and
23 shall authorize the licensee to serve as a resident physician
24 only, under the supervision of a licensed practitioner of
25 osteopathic medicine and surgery or licensed practitioner of
26 medicine and surgery, in an institution approved for ~~this~~
27 purpose such training by the medical examiners. Such A
28 license shall be valid for one year and may be renewed at the
29 discretion of the medical examiners. The fee for ~~this each~~
30 license shall be set by the board medical examiners and based
31 on the administrative cost of issuing the license, and if
32 extended beyond one year, a renewal fee shall be required.
33 The medical examiners shall determine in each instance those
34 eligible for ~~this a~~ license, whether or not examinations shall
35 be given, and the type of examinations. No requirements of

1 the law pertaining to regular permanent licensure shall be
 2 mandatory for ~~non-resident-licensure~~ a resident osteopathic
 3 physician and surgeon's license except as specifically
 4 designated by the medical examiners. The granting of a
 5 resident osteopathic physician and surgeon's license does not
 6 in any way indicate that the person so licensed is necessarily
 7 eligible for regular permanent licensure, nor are the medical
 8 examiners in any way obligated to so license such individual.
 9 ~~The medical examiners shall revoke said license at any time~~
 10 ~~they shall determine either that the caliber of work done by~~
 11 ~~the licensee or the type of supervision being given such~~
 12 ~~licensee does not conform to reasonable standards established~~
 13 ~~by the medical examiners.~~

14 EXPLANATION

15 This bill relates to the health practice profession
 16 examining boards, and the duties of the board of medical
 17 examiners which regulates and licenses persons to practice
 18 medicine and surgery, osteopathic medicine and surgery, and
 19 osteopathy.

20 Section 1 of the bill increases the number of members of
 21 the board of medical examiners with the addition of one public
 22 member.

23 Section 2 specifies the duties of all health practice
 24 profession examining boards, including the board of medical
 25 examiners, relating to the conducting of examinations for a
 26 license to practice.

27 Section 3 relates to titles used by physicians and sur-
 28 geons, osteopathic physicians and surgeons, and osteopaths.

29 Section 4 relates to license and renewal fees charged by
 30 all health practice profession examining boards, including the
 31 board of medical examiners.

32 Section 5 relates to penalties for violation of chapter 147
 33 which regulates all health practice profession examining
 34 boards, including the board of medical examiners.

35 Sections 6 and 7 remove exceptions relating to the pro-

1 Sessions regulated by the board of medical examiners which are
2 placed in a new section created in section 8 of the bill.

3 Section 8 creates a new section in chapter 147 which
4 consolidates certain existing exceptions and provides new
5 exceptions from the chapter for the licensing of physicians
6 and surgeons, osteopathic physicians and surgeons, and
7 osteopaths.

8 Existing exceptions to the general provisions of the
9 chapter provide the following: the board of medical examiners
10 may appoint investigators to enforce provisions relating to
11 its professions, rather than allowing the Iowa department of
12 public health to request investigative services from the
13 department of inspections and appeals; and applications for
14 license and payment and collection of license and renewal fees
15 are made directly to the chairperson, executive director, or
16 secretary of the board of medical examiners, rather than to
17 the Iowa department of public health.

18 New exceptions to the general provisions of the chapter
19 provide the following: a person who practices a profession
20 regulated by the board of medical examiners without a license
21 is guilty of a class "D" felony rather than a serious
22 misdemeanor; an applicant for licensure by the board of
23 medical examiners who files a false or forged diploma, or
24 certificate or affidavit of identification or qualification is
25 guilty of a class "D" felony rather than a fraudulent
26 practice; an applicant who presents a diploma or certificate
27 not belonging to the applicant to the board of medical
28 examiners, and a person who impersonates a licensee, is guilty
29 of a class "D" felony rather than a simple misdemeanor; the
30 board of medical examiners is not required to enter into
31 reciprocal licensing agreements or to issue reciprocal
32 licenses under such agreements, but may do so at its
33 discretion; and disciplinary hearing may be heard by a panel
34 of not less than three board members, at least two of whom,
35 rather than all three, are licensed in the profession.

1 Section 9 provides that a physician who dispenses
2 prescription drugs must register this fact biennially, rather
3 than annually, with the board of medical examiners.

4 Section 10 provides a definition section for the chapter.

5 Sections 11 and 12 require applicants for licensure to
6 practice medicine and surgery to present certain information
7 to the board of medical examiners rather than to the Iowa
8 department of public health.

9 Sections 13 and 19 make changes in the wording of existing
10 Code provisions and delete provisions concerning revocation of
11 resident physicians' licenses.

12 Sections 14 and 15 relate to proper cause and procedures
13 for disciplinary action to be taken by the board of medical
14 examiners.

15 Sections 15, 16, 17, and 18 allow the board of medical
16 examiners to issue a disciplinary order or corrective measure
17 or accept a voluntary license surrender directly. Currently,
18 disciplinary orders and acceptances must be signed by the
19 director of the Iowa department of public health.

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SENATE AMENDMENT TO HOUSE FILE 2292

H-5965

1 Amend House File 2292, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 80A.2, Code 1991, is amended
6 by adding the following new subsection:

7 NEW SUBSECTION. 8. A person engaged in the
8 process of verifying the credentials of physicians and
9 allied health professionals applying for hospital
10 staff privileges."

11 2. Page 4, by inserting after line 21 the fol-
12 lowing:

13 "4A. The board shall give priority to the
14 processing of applications for licensure submitted by
15 physicians and surgeons, osteopaths, and osteopathic
16 physicians and surgeons whose practice will primarily
17 involve provision of service to underserved
18 populations, including but not limited to persons who
19 are minorities or low-income, or who live in rural
20 areas."

21 3. By renumbering as necessary.

RECEIVED FROM THE SENATE

H-5965 FILED APRIL 17, 1992

House concurred 4/20 (p. 1641)

HOUSE FILE 2292

S-5709

1 Amend House File 2292, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Sec. _____. Section 135.11A, unnumbered paragraph
6 1, Code Supplement 1991, is amended to read as
7 follows:

8 There shall be a professional licensure division
9 within the department of public health. Each board of
10 examiners specified under chapter 147 or under the
11 administrative authority of the department, except the
12 state board of nursing, ~~state-board-of-medical~~
13 ~~examiners~~; state board of dental examiners, and state
14 board of pharmacy examiners, shall receive
15 administrative and clerical support from the division
16 and may not employ its own support staff for
17 administrative and clerical duties."

18 2. By renumbering as necessary.

By JIM RIORDAN

S-5709 FILED APRIL 15, 1992

w/d 4/17/p. 1478

HOUSE FILE 2292

S-5287

- 1 Amend House File 2292, as passed by the House, as
2 follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Section 80A.2, Code 1991, is amended
6 by adding the following new subsection:
7 NEW SUBSECTION. 8. A person engaged in the
8 process of verifying the credentials of physicians and
9 allied health professionals applying for hospital
10 staff privileges."
11 2. Page 4, by inserting after line 21 the fol-
12 lowing:
13 "4A. The board shall give priority to the
14 processing of applications for licensure submitted by
15 physicians and surgeons, osteopaths, and osteopathic
16 physicians and surgeons whose practice will primarily
17 involve provision of service to underserved
18 populations, including but not limited to persons who
19 are minorities or low-income, or who live in rural
20 areas."
21 3. By renumbering as necessary.

By COMMITTEE ON STATE GOVERNMENT
JOHN KIBBIE, Chairperson

S-5287 FILED MARCH 18, 1992

Adopted 4/17 (p. 1478)

HOUSE FILE 2292

S-5205

- 1 Amend House File 2292, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 3 through 5 and
4 inserting the following:
5 "2. For medical examiners, ~~five~~ six members
6 licensed to practice medicine and surgery, two members
7 licensed to practice osteopathic medicine and surgery,
8 and two".

By BEVERLY A. HANNON

S-5205 FILED MARCH 12, 1992

Ad 4/17 (p. 1479)

HOUSE FILE 2292

S-5710

1 Amend House File 2292, as passed by the House, as
2 follows:

3 1. Page 4, by striking lines 11 through 21 and
4 inserting the following:

5 "4. Applications for a license shall be made to
6 the chairperson of the board. All examination,
7 license, and renewal fees shall be paid to and
8 collected by the chairperson of the board, who shall
9 transmit the fees to the treasurer of state.

10 4A. The board shall be administered by the
11 department. Notwithstanding any other provision to
12 the contrary, the board shall not employ or appoint a
13 person to serve as executive director or secretary of
14 the board to perform administrative functions under
15 the authority of the department."

16 2. By renumbering as necessary.

By JIM RIORDAN

S-5710 FILED APRIL 15, 1992

w/d 4/17 (p. 1479)

HOUSE FILE 2292

S-5711

1 Amend House File 2292, as passed by the House, as
2 follows:

3 1. Page 4, by striking lines 11 through 21, and
4 inserting the following:

5 "4. The board shall appoint a full-time executive
6 director. The executive director shall be licensed to
7 practice medicine and surgery, osteopathy and surgery,
8 or osteopathy, and shall not be a member of the board.
9 The governor, with the approval of the executive
10 council pursuant to section 19A.9, subsection 2, under
11 the pay plan for exempt positions in the executive
12 branch of government, shall set the salary of the
13 executive director. The duties of the executive
14 director shall be as follows:

15 a. To receive all applications made to the board.

16 b. Notwithstanding section 147.82, to collect and
17 receive all fees.

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

23 d. To keep all records pertaining to licenses
24 issued by the board, including a record of all board
25 proceedings.

26 e. To perform such other duties as may be
27 prescribed by the board.

28 f. To appoint assistants to the director and
29 persons necessary to administer the responsibilities
30 of the board. Any appointments shall be merit
31 appointments made pursuant to chapter 19A."

By JIM RIORDAN

S-5711 FILED APRIL 15, 1992

w/d 4/17 (p. 1479)

Beatty - Chair
Knapp
Loney 2-6-92
Renken
Tyrnell

HSB 603

STATE GOVERNMENT

New

SENATE/HOUSE FILE 2292
BY (PROPOSED DEPARTMENT OF PUBLIC
HEALTH/BOARD OF MEDICAL
EXAMINERS BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the health practice profession examining
2 boards and the duties of the board of medical examiners and
3 providing penalties.

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

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1 Section 1. Section 147.14, subsection 2, Code 1991, is
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3 2. For medical examiners, five members licensed to
4 practice medicine and surgery, two members licensed to
5 practice osteopathic medicine and surgery, and two three
6 members not licensed to practice either medicine and surgery
7 or osteopathic medicine and surgery, and who shall represent
8 the general public. A majority of members of the board
9 constitutes a quorum.

10 Sec. 2. Section 147.36, Code 1991, is amended by adding
11 the following new subsections, and renumbering subsequent
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13 NEW SUBSECTION. 1. The qualifications required for
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15 NEW SUBSECTION. 2. The denial of applicants seeking to
16 take examinations.

17 NEW SUBSECTION. 5. The minimum scores required for
18 passing standardized examinations.

19 Sec. 3. Section 147.74, subsections 2 and 3, Code Sup-
20 plement 1991, are amended to read as follows:

21 2. A physician or surgeon may ~~precede-the-person's-name~~
22 ~~with-the-title~~ use the prefix "Dr." or "Doctor", and shall add
23 after the person's name the letters, "M. D."

24 3. An osteopath or osteopathic physician and surgeon may
25 use the prefix "Dr." or "Doctor", but and shall add after the
26 person's name the letters, "D. O." ~~or "O.-S."-as-the-case-may~~
27 ~~be~~, or the words, "Osteopath" or "Osteopathic Physician and
28 Surgeon".

29 Sec. 4. Section 147.80, unnumbered paragraph 1 and
30 subsection 3, Code Supplement 1991, are amended to read as
31 follows:

32 An examining board shall set the fees for the examination
33 of applicants, which fees shall be based upon the ~~annual~~ cost
34 of administering the examinations. An examining board shall
35 set the ~~annual~~ license fees, ~~except and~~ renewal fees which

1 need-not-be-annual, required for any of the following based
2 upon the cost of sustaining the board and the actual costs of
3 licensing:

4 3. License to practice medicine and surgery, or
5 osteopathic medicine and surgery, issued-upon-the-basis-of-an
6 examination-given-by-the-board-of-medical-examiners, license
7 to-practice-medicine-and-surgery, osteopathic-medicine-and
8 surgery or osteopathy issued-by-endorsement-or-under-a
9 reciprocal-agreement, and renewal of a license to practice
10 medicine and surgery, osteopathic medicine and surgery, or
11 osteopathy.

12 Sec. 5. Section 147.86, Code 1991, is amended to read as
13 follows:

14 147.86 PENALTIES.

15 Any person violating any provision of this or the following
16 chapters of this title, except insofar as said the provisions
17 apply or relate to or affect the practice of pharmacy, or
18 where a specific penalty is not otherwise provided, shall be
19 guilty of a serious misdemeanor.

20 Sec. 6. Section 147.102, Code 1991, is amended to read as
21 follows:

22 147.102 ~~PHYSICIANS-AND-SURGEONS~~, PSYCHOLOGISTS,
23 CHIROPRACTORS, AND DENTISTS, ~~OSTEOPATHS, AND OSTEOPATHIC~~
24 ~~PHYSICIANS-AND-SURGEONS~~.

25 Notwithstanding the provisions of this title, every
26 application for a license to practice ~~medicine-and-surgery~~,
27 psychology, chiropractic, or dentistry, ~~osteopathy, or~~
28 ~~osteopathic-medicine-and-surgery~~, shall be made directly to
29 the chairperson, executive director, or secretary of the
30 examining board of such profession, and every reciprocal
31 agreement for the recognition of any such license issued in
32 another state shall be negotiated by the examining board for
33 such profession. All examination, license, and renewal fees
34 received from persons licensed to practice any of such
35 professions shall be paid to and collected by the chairperson,

1 executive director, or secretary of the examining board of
2 such profession, who shall transmit the fees to the treasurer
3 of state for deposit into the general fund of the state. The
4 salary of the secretary shall be established by the governor
5 with the approval of the executive council pursuant to section
6 19A.9, subsection 2, under the pay plan for exempt positions
7 in the executive branch of government.

8 Sec. 7. Section 147.103, Code 1991, is amended to read as
9 follows:

10 147.103 INVESTIGATORS FOR PHYSICIAN ASSISTANTS.

11 ~~The medical examiners may appoint investigators, who shall~~
12 ~~not be members of the examining board, to administer and aid~~
13 ~~in the enforcement of the provisions of the law relating to~~
14 ~~those licensed to practice medicine and surgery, osteopathic~~
15 ~~medicine and surgery, and osteopathy. The amount of~~
16 ~~compensation for the investigators shall be determined~~
17 ~~pursuant to chapter 19A.~~

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

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

28 Sec. 8. NEW SECTION. 147.103A PHYSICIANS AND SURGEONS,
29 OSTEOPATHS, AND OSTEOPATHIC PHYSICIANS AND SURGEONS.

30 This chapter shall apply to the licensing of persons to
31 practice as physicians and surgeons, osteopaths, and
32 osteopathic physicians and surgeons by the board of medical
33 examiners subject to the following provisions:

34 1. A person violating the provisions of section 147.2,
35 147.84, or 147.85, shall upon conviction be guilty of a class

1 "D" felony.

2 2. The issuance of reciprocal agreements pursuant to
3 section 147.44 is not required and is subject to the
4 discretion of the board.

5 3. The board may appoint investigators, who shall not be
6 members of the examining board, and whose compensation shall
7 be determined pursuant to chapter 19A. Investigators
8 appointed by the board have the powers and status of peace
9 officers when enforcing this chapter and chapters 147A, 148,
10 150, 150A, and 258A.

11 4. Applications for a license shall be made to the chair-
12 person, executive director, or secretary of the board. All
13 examination, license, and renewal fees shall be paid to and
14 collected by the chairperson, executive director, or secretary
15 of the board, who shall transmit the fees to the treasurer of
16 state for deposit in the general fund of the state. The
17 salary of the executive director of the board shall be
18 established by the governor with approval of the executive
19 council pursuant to section 19A.9, subsection 2, under the pay
20 plan for exempt positions in the executive branch of
21 government.

22 5. Disciplinary hearings held pursuant to section 258A.6,
23 subsection 1, shall be heard by the board, or by a panel of
24 not less than three board members, at least two of which are
25 licensed in the profession, or by a panel of not less than
26 three members appointed pursuant to section 258A.6, subsection
27 2. Notwithstanding chapters 17A and 21, a disciplinary
28 hearing shall be open to the public at the discretion of the
29 licensee.

30 Sec. 9. Section 147.107, subsection 2, unnumbered
31 paragraph 2, Code Supplement 1991, is amended to read as
32 follows:

33 A physician, dentist, or podiatrist who dispenses
34 prescription drugs, other than drug samples, pursuant to this
35 subsection, shall annually register the fact that they

1 dispense prescription drugs with the practitioner's respective
2 examining board. A physician doing so shall register
3 biennially.

4 Sec. 10. NEW SECTION. 148.2A BOARD OF MEDICAL EXAMINERS.
5 As used in this chapter, "board" and "medical examiners"
6 mean the board of medical examiners established in chapter
7 147.

8 Sec. 11. Section 148.3, Code 1991, is amended to read as
9 follows:

10 148.3 REQUIREMENTS FOR LICENSE.

11 Each An applicant for a license to practice medicine and
12 surgery shall:

13 1. Present a diploma issued by a medical college approved
14 by the medical examiners, or present other evidence of
15 equivalent medical education approved by the medical
16 examiners. The medical examiners may accept, in lieu of a
17 diploma from a medical college approved by them, all of the
18 following:

19 a. A diploma issued by a medical college which has been
20 neither approved nor disapproved by the medical examiners; and

21 b. ~~The-recommendation-of~~ A valid standard certificate
22 issued by the educational commission for foreign medical
23 graduates, ~~incorporated~~ or similar accrediting agency.

24 2. Pass an examination prescribed by the medical examiners
25 which shall include subjects which determine the applicant's
26 qualifications to practice medicine and surgery and which
27 shall be given according to the methods deemed by the medical
28 examiners to be the most appropriate and practicable.

29 However, the federation licensing examination (FLEX) or any
30 other national standardized examination which the medical
31 ~~examiner~~ examiners shall approve may be administered to any or
32 all applicants in lieu of or in conjunction with other
33 examinations which the medical examiners shall prescribe. The
34 medical examiners may establish necessary achievement levels
35 on all examinations for a passing grade and ~~promulgate~~ adopt

1 rules relating to examinations.

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

7 Sec. 12. Section 148.4, Code 1991, is amended to read as
8 follows:

9 148.4 CERTIFICATES OF NATIONAL BOARD.

10 The ~~Iowa-department-of-public-health-may,-with-the-approval~~
11 ~~of-the~~ medical examiners, may accept in lieu of the
12 examination prescribed in section 148.3 a certificate of
13 examination issued by the national board of medical examiners
14 of the United States of America, but every applicant for a
15 license upon the basis of such certificate shall be required
16 to pay the fee prescribed by the board medical examiners for
17 licenses ~~issued-under-reciprocal-agreements~~.

18 Sec. 13. Section 148.5, Code 1991, is amended to read as
19 follows:

20 148.5 RESIDENT PHYSICIAN LICENSE.

21 Any A physician, who is a graduate of a medical school and
22 is serving ~~only~~ as a resident physician who is not otherwise
23 licensed to practice medicine and surgery in this state, shall
24 be required to obtain from the medical examiners a license to
25 practice as a resident physician. The license shall be
26 designated "Resident Physician License" and shall authorize
27 the licensee to serve as a resident physician only, under the
28 supervision of a licensed practitioner of medicine and surgery
29 or osteopathic medicine and surgery, in an institution
30 approved for ~~this-purpose~~ such training by the medical
31 examiners. Such license shall be valid for one year and may
32 be renewed at the discretion of the medical examiners. The
33 fee for ~~this~~ each license shall be set by the board medical
34 examiners to cover the administrative costs of issuing the
35 license, and if extended beyond one year, a renewal fee as set

1 by the board medical examiners shall be required. The medical
2 examiners shall determine in each instance those eligible for
3 this a license, whether or not examinations shall be given,
4 and the type of examinations. No requirements of the law
5 pertaining to regular permanent licensure shall be mandatory
6 for ~~this-resident-licensure~~ a resident physician license
7 except as specifically designated by the medical examiners.
8 The granting of a resident physician license does not in any
9 way indicate that the person so licensed is necessarily
10 eligible for regular permanent licensure, nor are the medical
11 examiners in any way obligated to so license such individual.
12 ~~The-medical-examiners-shall-revoke-the-license-at-any-time~~
13 ~~they-shall-determine-either-that-the-caliber-of-work-done-by-a~~
14 ~~licensee-or-the-type-of-supervision-being-given-such-licensee~~
15 ~~does-not-conform-to-reasonable-standards-established-by-the~~
16 ~~medical-examiners-~~

17 Sec. 14. Section 148.6, subsection 1, paragraph d, Code
18 1991, is amended to read as follows:

19 d. Having the license to practice medicine and surgery,
20 osteopathic medicine and surgery or osteopathy revoked or
21 suspended, or having other disciplinary action taken by a
22 licensing authority of another state, territory, or country.
23 A certified copy of the record or order of suspension,
24 revocation, or disciplinary action is ~~conclusive-or~~ prima
25 facie evidence.

26 Sec. 15. Section 148.7, subsection 7, paragraph c, Code
27 1991, is amended to read as follows:

28 c. Suspend imposition of judgment and penalty or impose
29 the judgment and penalty, but suspend enforcement and place
30 the physician on probation. The probation ordered may be
31 vacated upon noncompliance. The ~~board-of~~ medical examiners
32 may ~~direct-the-director-of-public-health-to~~ restore and
33 reissue a license to practice medicine and surgery,
34 osteopathic medicine and surgery or osteopathy, but may impose
35 a disciplinary or corrective measure which it might originally

1 have imposed. Such findings of fact and decision shall be
2 filed with the director of public health who shall within ten
3 days from such filing enter an order revoking or suspending
4 the license issued to a physician licensed to practice
5 medicine and surgery, osteopathic medicine and surgery or
6 osteopathy, or discipline such physician as directed by the
7 board in its decision. A copy of the director's order shall
8 immediately be sent by registered mail to the licensee's last
9 known post office address accompanied by a copy of the board's
10 findings of fact and decision. A copy of the medical
11 examiners' order, findings of fact, and decision, shall be
12 served on the licensee in the manner of service of an original
13 notice or by certified mail return receipt requested.

14 Sec. 16. Section 148.7, subsection 9, Code 1991, is
15 amended to read as follows:

16 9. The director's medical examiners' order revoking or
17 suspending a license to practice medicine and surgery,
18 osteopathic medicine and surgery, or osteopathy or to
19 discipline a licensee shall remain in force and effect until
20 the appeal is finally determined and disposed of upon its
21 merit.

22 Sec. 17. Section 148.8, Code 1991, is amended to read as
23 follows:

24 148.8 VOLUNTARY SURRENDER OF LICENSE.

25 The ~~director of public health is hereby authorized to~~
26 medical examiners may accept the voluntary surrender of a
27 license if accompanied by a written statement of intention.
28 Such A voluntary surrender, when so accepted, shall have has
29 the same force and effect as an order of revocation.

30 Sec. 18. Section 148.12, Code 1991, is amended to read as
31 follows:

32 148.12 VOLUNTARY AGREEMENTS.

33 The medical examiners, after due notice and hearing, may
34 ~~direct the director of public health to~~ issue an order to
35 revoke, suspend, or restrict a license to practice medicine

1 and surgery, osteopathic medicine and surgery, or osteopathy,
2 or to issue a restricted license on application if ~~after a~~
3 ~~hearing~~, the medical examiners determine that a physician
4 licensed to practice medicine and surgery, osteopathic
5 medicine and surgery, or osteopathy, or an applicant for
6 licensure has entered into a voluntary agreement to restrict
7 the practice of medicine and surgery, osteopathic medicine and
8 surgery, or osteopathy in another state, district, territory,
9 or country. A certified copy of the voluntary agreement shall
10 be considered ~~conclusive or~~ prima facie evidence.

11 Sec. 19. Section 150A.9, Code 1991, is amended to read as
12 follows:

13 150A.9 RESIDENT LICENSE.

14 Any An osteopathic physician and surgeon who is a graduate
15 of a college of osteopathic medicine and surgery ~~approved by~~
16 ~~the medical examiners~~ and is serving ~~only~~ as a resident
17 osteopathic physician ~~and surgeon~~ and who is not licensed to
18 practice osteopathic medicine and surgery in this state, shall
19 be required to obtain from the medical examiners a ~~temporary~~
20 ~~or special~~ license to practice as a resident osteopathic
21 physician and surgeon. The license shall be designated
22 "Resident Osteopathic Physician and Surgeon License", and
23 shall authorize the licensee to serve as a resident physician
24 only, under the supervision of a licensed practitioner of
25 osteopathic medicine and surgery or licensed practitioner of
26 medicine and surgery, in an institution approved for ~~this~~
27 ~~purpose~~ such training by the medical examiners. Such A
28 license shall be valid for one year and may be renewed at the
29 discretion of the medical examiners. The fee for ~~this~~ each
30 license shall be set by the board medical examiners and based
31 on the administrative cost of issuing the license, and if
32 extended beyond one year, a renewal fee shall be required.
33 The medical examiners shall determine in each instance those
34 eligible for ~~this~~ a license, whether or not examinations shall
35 be given, and the type of examinations. No requirements of

1 the law pertaining to regular permanent licensure shall be
2 mandatory for ~~this-resident-licensure~~ a resident osteopathic
3 physician and surgeon's license except as specifically
4 designated by the medical examiners. The granting of a
5 resident osteopathic physician and surgeon's license does not
6 in any way indicate that the person so licensed is necessarily
7 eligible for regular permanent licensure, nor are the medical
8 examiners in any way obligated to so license such individual.
9 ~~The-medical-examiners-shall-revoke-said-license-at-any-time~~
10 ~~they-shall-determine-either-that-the-caliber-of-work-done-by~~
11 ~~the-licensee-or-the-type-of-supervision-being-given-such~~
12 ~~licensee-does-not-conform-to-reasonable-standards-established~~
13 ~~by-the-medical-examiners.~~

14 EXPLANATION

15 This bill relates to the health practice profession
16 examining boards, and the duties of the board of medical
17 examiners which regulates and licenses persons to practice
18 medicine and surgery, osteopathic medicine and surgery, and
19 osteopathy.

20 Section 1 of the bill increases the number of members of
21 the board of medical examiners with the addition of one public
22 member.

23 Section 2 specifies the duties of all health practice
24 profession examining boards, including the board of medical
25 examiners, relating to the conducting of examinations for a
26 license to practice.

27 Section 3 relates to titles used by physicians and sur-
28 geons, osteopathic physicians and surgeons, and osteopaths.

29 Section 4 relates to license and renewal fees charged by
30 all health practice profession examining boards, including the
31 board of medical examiners.

32 Section 5 relates to penalties for violation of chapter 147
33 which regulates all health practice profession examining
34 boards, including the board of medical examiners.

35 Sections 6 and 7 remove exceptions relating to the pro-

1 fessions regulated by the board of medical examiners which are
2 placed in a new section created in section 8 of the bill.

3 Section 8 creates a new section in chapter 147 which
4 consolidates certain existing exceptions and provides new
5 exceptions from the chapter for the licensing of physicians
6 and surgeons, osteopathic physicians and surgeons, and
7 osteopaths.

8 Existing exceptions to the general provisions of the
9 chapter provide the following: the board of medical examiners
10 may appoint investigators to enforce provisions relating to
11 its professions, rather than allowing the Iowa department of
12 public health to request investigative services from the
13 department of inspections and appeals; and applications for
14 license and payment and collection of license and renewal fees
15 are made directly to the chairperson, executive director, or
16 secretary of the board of medical examiners, rather than to
17 the Iowa department of public health.

18 New exceptions to the general provisions of the chapter
19 provide the following: a person who practices a profession
20 regulated by the board of medical examiners without a license
21 is guilty of a class "D" felony rather than a serious
22 misdemeanor; an applicant for licensure by the board of
23 medical examiners who files a false or forged diploma, or
24 certificate or affidavit of identification or qualification is
25 guilty of a class "D" felony rather than a fraudulent
26 practice; an applicant who presents a diploma or certificate
27 not belonging to the applicant to the board of medical
28 examiners, and a person who impersonates a licensee, is guilty
29 of a class "D" felony rather than a simple misdemeanor; the
30 board of medical examiners is not required to enter into
31 reciprocal licensing agreements or to issue reciprocal
32 licenses under such agreements, but may do so at its
33 discretion; and disciplinary hearing may be heard by a panel
34 of not less than three board members, at least two of whom,
35 rather than all three, are licensed in the profession.

1 Section 9 provides that a physician who dispenses
2 prescription drugs must register this fact biennially, rather
3 than annually, with the board of medical examiners.

4 Section 10 provides a definition section for the chapter.

5 Sections 11 and 12 require applicants for licensure to
6 practice medicine and surgery to present certain information
7 to the board of medical examiners rather than to the Iowa
8 department of public health.

9 Sections 13 and 19 make changes in the wording of existing
10 Code provisions and delete provisions concerning revocation of
11 resident physicians' licenses.

12 Sections 14 and 15 relate to proper cause and procedures
13 for disciplinary action to be taken by the board of medical
14 examiners.

15 Sections 15, 16, 17, and 18 allow the board of medical
16 examiners to issue a disciplinary order or corrective measure
17 or accept a voluntary license surrender directly. Currently,
18 disciplinary orders and acceptances must be signed by the
19 director of the Iowa department of public health.

20 BACKGROUND STATEMENT

21 SUBMITTED BY THE AGENCY

22 The bill is intended to clarify language which will prevent
23 misunderstanding or misinterpretation of duties of the board
24 of medical examiners and its disciplinary hearing panel, the
25 process of providing penalties, and all phases of the
26 licensing of persons to practice as physicians and surgeons,
27 osteopaths, and osteopathic physicians and surgeons.

28 The language is necessary to create a new section which
29 deals specifically with physicians and surgeons, osteopaths,
30 and osteopathic physicians and surgeons. With the revised,
31 updated information, the process of licensing from the
32 submitting of an application to the setting of fees, both for
33 the initial license and the renewal of the license, should be
34 facilitated to allow the board of medical examiners to perform
35 this important responsibility.

1 Additional language eliminates the need for the board of
2 medical examiners' disciplinary orders and acceptance of
3 license surrender certificates to be signed by the director of
4 the Iowa department of public health which is a cumbersome and
5 unnecessary ministerial responsibility of the director.

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HOUSE FILE 2292

AN ACT

RELATING TO THE HEALTH PRACTICE PROFESSION EXAMINING BOARDS
AND THE DUTIES OF THE BOARD OF MEDICAL EXAMINERS AND PRO-
VIDING PENALTIES.

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

Section 1. Section 80A.2, Code 1991, is amended by adding
the following new subsection:

NEW SUBSECTION. 8. A person engaged in the process of
verifying the credentials of physicians and allied health
professionals applying for hospital staff privileges.

Sec. 2. Section 147.14, subsection 2, Code Supplement
1991, 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, and two ~~three~~
members not licensed to practice either medicine and surgery
or osteopathic medicine and surgery, and who shall represent
the general public. A majority of members of the board
constitutes a quorum.

Sec. 3. Section 147.36, Code 1991, is amended by adding
the following new subsections, and renumbering subsequent
subsections:

NEW SUBSECTION. 1. The qualifications required for
applicants seeking to take examinations.

NEW SUBSECTION. 2. The denial of applicants seeking to
take examinations.

NEW SUBSECTION. 5. The minimum scores required for
passing standardized examinations.

Sec. 4. Section 147.74, subsections 2 and 3, Code Sup-
plement 1991, are amended to read as follows:

2. A physician or surgeon may ~~precede the person's name
with the title use the prefix "Dr." or "Doctor",~~ and shall add
after the ~~person's~~ name the letters, "M. D."

3. An osteopath or osteopathic physician and surgeon may
use the prefix "Dr." or "Doctor", ~~but~~ and shall add after the
person's name the letters, "D. O." or "~~Dr. S.~~" ~~as the case may~~
be, or the words, "Osteopath" or "Osteopathic Physician and
Surgeon".

Sec. 5. Section 147.80, unnumbered paragraph 1 and
subsection 3, Code Supplement 1991, are amended to read as
follows:

An examining board shall set the fees for the examination
of applicants, which fees shall be based upon the ~~annual~~ cost
of administering the examinations. An examining board shall
set the ~~annual license fees~~ except and renewal fees which
~~need not be annual~~; required for any of the following based
upon the cost of sustaining the board and the actual costs of
licensing:

3. License to practice medicine and surgery, ~~or~~
osteopathic medicine and surgery, ~~issued upon the basis of an~~
~~examination given by the board of medical examiners~~; ~~license~~
~~to practice medicine and surgery~~; ~~osteopathic medicine and~~
~~surgery or osteopathy issued by endorsement or under a~~
~~reciprocal agreement~~; and renewal of a license to practice
medicine and surgery, osteopathic medicine and surgery, or
osteopathy.

Sec. 6. Section 147.86, Code 1991, is amended to read as
follows:

147.86 PENALTIES.

Any person violating any provision of this or the following
chapters of this title, except insofar as ~~said~~ the provisions

apply or relate to or affect the practice of pharmacy, or where a specific penalty is not otherwise provided, shall be guilty of a serious misdemeanor.

Sec. 7. Section 147.102, Code 1991, is amended to read as follows:

147.102 ~~PHYSICIANS-AND-SURGEONS, PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS, OSTEOPATHS, AND OSTEOPATHIC PHYSICIANS-AND-SURGEONS.~~

Notwithstanding the provisions of this title, every application for a license to practice medicine-and-surgery, psychology, chiropractic, or 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. All examination, license, and renewal fees received from 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 for deposit 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. 8. Section 147.103, Code 1991, is amended to read as follows:

147.103 INVESTIGATORS FOR PHYSICIAN ASSISTANTS.

~~The medical examiners may appoint investigators, who shall not be members of the examining board, to administer and aid in the enforcement of the provisions of the law relating to those licensed to practice medicine-and-surgery, osteopathic medicine-and-surgery, and osteopathy. The amount of compensation for the investigators shall be determined pursuant to chapter 19A.~~

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.

~~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, 150, 150A, and 258A.~~

Sec. 9. NEW SECTION. 147.103A PHYSICIANS AND SURGEONS, OSTEOPATHS, AND OSTEOPATHIC PHYSICIANS AND SURGEONS.

This chapter shall apply to the licensing of persons to practice as physicians and surgeons, osteopaths, and osteopathic physicians and surgeons by the board of medical examiners subject to the following provisions:

1. A person violating the provisions of section 147.2, 147.84, or 147.85, shall upon conviction be guilty of a class "D" felony.
2. The issuance of reciprocal agreements pursuant to section 147.44 is not required and is subject to the discretion of the board.
3. The board may appoint investigators, who shall not be members of the examining board, and whose compensation shall be determined pursuant to chapter 19A. Investigators appointed by the board have the powers and status of peace officers when enforcing this chapter and chapters 147A, 148, 150, 150A, and 258A.

4. Applications for a license shall be made to the chairperson, executive director, or secretary of the board. All examination, license, and renewal fees shall be paid to and collected by the chairperson, executive director, or secretary of the board, who shall transmit the fees to the treasurer of state for deposit in the general fund of the state. The salary of the executive director of the board shall be

established by the governor with 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.

4A. The board shall give priority to the processing of applications for licensure submitted by physicians and surgeons, osteopaths, and osteopathic physicians and surgeons whose practice will primarily involve provision of service to underserved populations, including but not limited to persons who are minorities or low-income, or who live in rural areas.

5. Disciplinary hearings held pursuant to section 258A.6, subsection 1, shall be heard by the board, or by a panel of not less than three board members, at least two of which are licensed in the profession, or by a panel of not less than three members appointed pursuant to section 258A.6, subsection 2. Notwithstanding chapters 17A and 21, a disciplinary hearing shall be open to the public at the discretion of the licensee.

Sec. 10. Section 147.107, subsection 2, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

A ~~physician~~ dentist, or podiatrist who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall annually register the fact that they dispense prescription drugs with the practitioner's respective examining board. A physician doing so shall register biennially.

Sec. 11. NEW SECTION. 148.2A BOARD OF MEDICAL EXAMINERS.

As used in this chapter, "board" and "medical examiners" mean the board of medical examiners established in chapter 147.

Sec. 12. Section 148.3, Code 1991, is amended to read as follows:

148.3 REQUIREMENTS FOR LICENSE.

Each An applicant for a license to practice medicine and surgery shall:

1. Present a diploma issued by a medical college approved by the medical examiners, or present other evidence of equivalent medical education approved by the medical examiners. The medical examiners may accept, in lieu of a diploma from a medical college approved by them, all of the following:

a. A diploma issued by a medical college which has been neither approved nor disapproved by the medical examiners; and

b. ~~The recommendation of~~ A valid standard certificate issued by the educational commission for foreign medical graduates--incorporated or similar accrediting agency.

2. Pass an examination prescribed by the medical examiners which shall include subjects which determine the applicant's qualifications to practice medicine and surgery and which shall be given according to the methods deemed by the medical examiners to be the most appropriate and practicable. However, the federation licensing examination (FLEX) or any other national standardized examination which the medical ~~examiner~~ examiners shall approve may be administered to any or all applicants in lieu of or in conjunction with other examinations which the medical examiners shall prescribe. The medical examiners may establish necessary achievement levels on all examinations for a passing grade and ~~promulgate~~ adopt rules relating to examinations.

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

Sec. 13. Section 148.4, Code 1991, is amended to read as follows:

148.4 CERTIFICATES OF NATIONAL BOARD.

The Iowa department of public health may, with the approval of the medical examiners, may accept in lieu of the examination prescribed in section 148.3 a certificate of examination issued by the national board of medical examiners of the United States of America, but every applicant for a license upon the basis of such certificate shall be required to pay the fee prescribed by the board medical examiners for licenses issued under reciprocal agreements.

Sec. 14. Section 148.5, Code 1991, is amended to read as follows:

148.5 RESIDENT PHYSICIAN LICENSE.

Any A 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 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 or osteopathic medicine and surgery, in an institution approved for this purpose such training 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 each license shall be set by the board medical examiners to cover the administrative costs of issuing the license, and if extended beyond one year, a renewal fee as set by the board medical examiners shall be required. The medical examiners shall determine in each instance those eligible for this a 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 a resident physician license except as specifically designated by the medical examiners. The granting of a resident physician license does not in any way indicate that the person so licensed is

necessarily eligible for regular permanent 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. 15. Section 148.6, subsection 1, paragraph d, Code 1991, is amended to read as follows:

d. Having the license to practice medicine and surgery, osteopathic medicine and surgery or osteopathy revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

Sec. 16. Section 148.7, subsection 7, paragraph c, Code 1991, is amended to read as follows:

c. Suspend imposition of judgment and penalty or impose the judgment and penalty, but suspend enforcement and place the physician on probation. The probation ordered may be vacated upon noncompliance. The board of medical examiners ~~may direct the director of public health to restore and reissue a license to practice medicine and surgery, osteopathic medicine and surgery or osteopathy, but may impose a disciplinary or corrective measure which it might originally have imposed. Such findings of fact and decision shall be filed with the director of public health who shall within ten days from such filing enter an order revoking or suspending the license issued to a physician licensed to practice medicine and surgery, osteopathic medicine and surgery or osteopathy, or discipline such physician as directed by the board in its decision. A copy of the director's order shall immediately be sent by registered mail to the licensee's last known post-office address accompanied by a copy of the board's~~

~~findings of fact and decision:~~ A copy of the medical examiners' order, findings of fact, and decision, shall be served on the licensee in the manner of service of an original notice or by certified mail, return receipt requested.

Sec. 17. Section 148.7, subsection 9, Code 1991, is amended to read as follows:

9. ~~The director's medical examiners' order~~ revoking or suspending a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy or to discipline a licensee shall remain in force and effect until the appeal is finally determined and disposed of upon its merit.

Sec. 18. Section 148.8, Code 1991, is amended to read as follows:

148.8 VOLUNTARY SURRENDER OF LICENSE.

~~The director of public health is hereby authorized to~~ medical examiners may accept the voluntary surrender of a license if accompanied by a written statement of intention. Such a voluntary surrender, when so accepted, shall have has the same force and effect as an order of revocation.

Sec. 19. Section 148.12, Code 1991, is amended to read as follows:

148.12 VOLUNTARY AGREEMENTS.

~~The medical examiners, after due notice and hearing, may direct the director of public health to issue an order to revoke, suspend, or restrict a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy, or to issue a restricted license on application if after a hearing,~~ the medical examiners determine that a physician licensed to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy, or an applicant for licensure has entered into a voluntary agreement to restrict the practice of medicine and surgery, osteopathic medicine and surgery, or osteopathy in another state, district, territory, or country. A certified copy of the voluntary agreement shall be considered conclusive or prima facie evidence.

Sec. 20. Section 150A.9, Code 1991, is amended to read as follows:

150A.9 RESIDENT LICENSE.

~~Any An~~ osteopathic physician and surgeon who is a graduate of a college of osteopathic medicine and surgery approved by the medical examiners and is serving only as a resident osteopathic physician and surgeon and who is not licensed to practice osteopathic 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 osteopathic physician and surgeon. The license shall be designated "Resident Osteopathic Physician and Surgeon License", and shall authorize the licensee to serve as a resident physician only, under the supervision of a licensed practitioner of osteopathic medicine and surgery or licensed practitioner of medicine and surgery, in an institution approved for this purpose such training by the medical examiners. Such A license shall be valid for one year and may be renewed at the discretion of the medical examiners. The fee for this each license shall be set by the board medical examiners and based on the administrative cost of issuing the license, and if extended beyond one year, a renewal fee shall be required. The medical examiners shall determine in each instance those eligible for this a 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 a resident osteopathic physician and surgeon's license except as specifically designated by the medical examiners. The granting of a resident osteopathic physician and surgeon's license does not in any way indicate that the person so licensed is necessarily eligible for regular permanent licensure, nor are the medical examiners in any way obligated to so license such individual. ~~The medical examiners shall revoke said license at any time they shall determine either that the caliber of work done by~~

~~the licensee or the type of supervision being given such
licensee does not conform to reasonable standards established
by the medical examiners.~~

ROBERT C. ARNOULD
Speaker of the House

MICHAEL E. GRONSTAL
President of the Senate

I hereby certify that this bill originated in the House and
is known as House File 2292, Seventy-fourth General Assembly.

JOSEPH O'HERN
Chief Clerk of the House

Approved *April 29*, 1992

TERRY E. BRANSTAD
Governor