

FEB 27 1992

HOUSE FILE 2325
BY COMMITTEE ON HUMAN RESOURCES

Place On Calendar

(SUCCESSOR TO HSB 537)

Passed House, Date 3/4/92 (p. 441) Passed Senate, Date 3/30/92 (p. 1091)
Vote: Ayes 95 Nays 0 Vote: Ayes 42 Nays 1
Approved April 15, 1992 (p. 1514)

A BILL FOR

1 An Act relating to the duties of the Iowa department of public
2 health regarding referrals to mental health institutions for
3 persons requiring substance abuse treatment, the time frames
4 and fees relating to birth certificates, the persons
5 authorized to certify the facts of a birth and provide medical
6 information regarding the birth and the time frame for such
7 certification, certification of freedom from infectious or
8 contagious diseases for cosmetologists and barbers, and
9 voluntary certification of ophthalmic dispensers.

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

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HF 2325

1 Section 1. Section 125.43A, Code 1991, is amended to read
2 as follows:

3 125.43A PRESCREENING -- EXCEPTIONS.

4 Except in cases of medical emergency or court ordered
5 admissions, a person shall be admitted to a state mental
6 health institute for substance abuse treatment only after a
7 preliminary intake and assessment by a department-licensed
8 treatment facility or a hospital providing care or treatment
9 for substance abusers licensed under chapter 135B and
10 accredited by the joint commission on the accreditation of
11 health care organizations, the commission on accreditation of
12 rehabilitation facilities, the American osteopathic
13 association, or another recognized organization approved by
14 the commission, or its by a designee of a department-licensed
15 treatment facility or a hospital other than a state mental
16 health institute, has-confirmed which confirms that the
17 admission is appropriate to the person's substance abuse
18 service needs. A county board of supervisors may seek an
19 admission of a patient to a state mental health institute who
20 has not been confirmed for appropriate admission and the
21 county shall be responsible for one hundred percent of the
22 cost of treatment and services of the patient.

23 Sec. 2. Section 144.13, subsections 1 and 2, Code 1991,
24 are amended to read as follows:

25 1. A certificate of birth for each live birth which occurs
26 in this state shall be filed with the county registrar of the
27 county in which the birth occurs within ~~five~~ ten days after
28 the birth and shall be registered by the registrar if it has
29 been completed and filed in accordance with this chapter.
30 However, when a birth occurs in a moving conveyance, a birth
31 certificate shall be filed in the county in which the child
32 was first removed from the conveyance.

33 2. When a birth occurs in an institution, the person in
34 charge of the institution or the person's designated
35 representative shall obtain the personal data, prepare the

1 certificate, secure the signatures required by the
2 certificate, and file the certificate with the county
3 registrar. The physician in attendance or the person in
4 charge of the institution or the person's designee shall
5 certify to the facts of birth and provide the medical
6 information required by the certificate within three six days
7 after the birth.

8 Sec. 3. Section 144.13A, Code Supplement 1991, is amended
9 to read as follows:

10 144.13A REGISTRATION FEE.

11 The county registrar or state registrar shall charge the
12 parent a ten dollar fee for the registration of a certificate
13 of birth and a separate fee established under section 144.46
14 for a certified copy of the certificate. The certified copy
15 shall be mailed to the parent by the state registrar. If the
16 person responsible for the filing of the certificate of birth
17 under section 144.13 is not the parent, the person is entitled
18 to collect the fee from the parent. The fee shall be remitted
19 to the appropriate registrar. If the expenses of the birth
20 are reimbursed under the medical assistance program
21 established by chapter 249A, or paid for under the statewide
22 indigent patient care program established by chapter 255, or
23 paid for under the obstetrical and newborn indigent patient
24 care program established by chapter 255A, or if the parent is
25 indigent and unable to pay the expenses of the birth and no
26 other means of payment is available to the parent, the
27 registration fee and certified copy fee are waived. If the
28 person responsible for the filing of the certificate is not
29 the parent, the person is discharged from the duty to collect
30 and remit the fee under this section if the person has made a
31 good faith effort to collect the fee from the parent. The
32 fees collected by the county registrar and state registrar
33 shall be remitted to the treasurer of state for deposit in the
34 general fund of the state. It is the intent of the general
35 assembly that the funds generated from the registration fees

1 be appropriated and used for primary and secondary child abuse
2 prevention programs. It is the intent of the general assembly
3 that the funds generated from the fees as established under
4 section 144.46 for the mailing of the certified copy of the
5 birth certificate be appropriated and used to support the
6 distribution of the automatic birth certificate and the
7 implementation of the electronic birth certificate system.

8 Sec. 4. Section 147.76, Code 1991, is amended to read as
9 follows:

10 147.76 RULES ADOPTED.

11 The examining boards for the various professions shall
12 adopt all necessary and proper rules to implement and
13 interpret this chapter and chapters 147A through 158, except
14 chapters chapter 148D and ~~153A~~.

15 Sec. 5. Section 157.3, subsection 1, paragraph a, Code
16 1991, is amended by striking the paragraph.

17 Sec. 6. Section 158.3, subsection 1, paragraph a, Code
18 1991, is amended by striking the paragraph.

19 Sec. 7. Chapter 153A, Code 1991, is repealed.

20 EXPLANATION

21 This bill makes changes in areas of the Code under the
22 purview of the Iowa department of public health. The bill
23 provides for additional entities which may provide referrals
24 to mental health institutes for persons requiring substance
25 abuse treatment. The bill also provides extended time frames
26 for the filing of birth certificates, for the certification of
27 the facts of the birth and medical information related to the
28 birth, and for the certification by hospital administrators in
29 addition to the attending physician. The bill provides that
30 the use of the funds generated by the mailing of the certified
31 copies of birth certificates be used for the distribution of
32 the automatic birth certificate and the implementation of the
33 electronic birth certificate system. The bill also repeals
34 language providing for voluntary certification of ophthalmic
35 dispensers and repeals language requiring certification that a

1 person is free from infectious or contagious diseases to
2 obtain a license as a cosmetologist or barber.

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Deaford, Chair; 98
Murphy
Spencer 1-22

HSB 537

HUMAN RESOURCES

— New —

SENATE/HOUSE FILE 2325
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

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

A BILL FOR

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2 health regarding referrals to mental health institutions for
3 persons requiring substance abuse treatment, the time frames
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5 admissions, a person shall be admitted to a state mental
6 health institute for substance abuse treatment only after a
7 preliminary intake and assessment by a department-licensed
8 treatment facility or a hospital providing care or treatment
9 for substance abusers licensed under chapter 135B and
10 accredited by the joint commission on the accreditation of
11 health care organizations, the commission on accreditation of
12 rehabilitation facilities, the American osteopathic
13 association, or another recognized organization approved by
14 the commission, or its by a designee of a department-licensed
15 treatment facility or a hospital other than a state mental
16 health institute, ~~has confirmed~~ which confirms that the
17 admission is appropriate to the person's substance abuse
18 service needs. A county board of supervisors may seek an
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27 county in which the birth occurs within ~~five~~ ten days after
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29 been completed and filed in accordance with this chapter.
30 However, when a birth occurs in a moving conveyance, a birth
31 certificate shall be filed in the county in which the child
32 was first removed from the conveyance.

33 2. When a birth occurs in an institution, the person in
34 charge of the institution or the person's designated
35 representative shall obtain the personal data, prepare the

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2 certificate, and file the certificate with the county
3 registrar. The physician in attendance or the person in
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6 information required by the certificate within three six days
7 after the birth.

8 Sec. 3. Section 147.76, Code 1991, is amended to read as
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10 147.76 RULES ADOPTED.

11 The examining boards for the various professions shall
12 adopt all necessary and proper rules to implement and
13 interpret this chapter and chapters 147A through 158, except
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17 Sec. 5. Section 158.3, subsection 1, paragraph a, Code
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22 purview of the Iowa department of public health. The bill
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25 abuse treatment. The bill also provides extended time frames
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28 birth, and for the certification by hospital administrators in
29 addition to the attending physician. The bill also repeals
30 language providing for voluntary certification of ophthalmic
31 dispensers and repeals language requiring certification that a
32 person is free from infectious or contagious diseases to
33 obtain a license as a cosmetologist or barber.

34 BACKGROUND STATEMENT

35 SUBMITTED BY THE AGENCY

1 Section 1: Iowa Code section 125.43A ensures appropriate
2 referrals to mental health institutes for persons requiring
3 substance abuse treatment by limiting, with certain
4 exceptions, who can determine whether a referral is
5 appropriate. Iowa Code section 125.13 allows a hospital,
6 under certain conditions, to provide substance abuse
7 treatment. This amendment to Iowa Code section 125.43A will
8 eliminate requiring a hospital treatment program to obtain a
9 redundant intake and assessment at a department-licensed
10 treatment program before referring a person to a state mental
11 health institute for substance abuse services.

12 Section 2: Prompt access to copies of birth certificates
13 is increasingly important because these documents are
14 necessary for access to schools, public benefits, and timely
15 epidemiological information. Most birth certificates are
16 filed after the current time frames. Delays are due to
17 unrealistic time frames and to unsuccessful efforts to secure
18 signatures from attending physicians. This proposed amendment
19 doubles the existing time frames and allows hospital
20 administrators to sign birth certificates (which are usually
21 transcribed from a medical worksheet) as allowed in 36 other
22 states.

23 Sections 3 and 4: Delete the antiquated requirement that
24 an applicant for a cosmetologist or barber license be
25 certified by a physician as "free from infectious or
26 contagious disease." No other health-related professional,
27 including physicians, requires such certification for
28 licensure. The certification is one-point-in-time
29 information: meaningless toward protecting the public.

30 Section 5: Since voluntary certification of ophthalmic
31 dispensers (a person who prepares and dispenses ophthalmic
32 lenses, spectacles, optical devices and contact lenses) was
33 enacted in 1981, only 22 individuals have applied and only
34 eight are currently certified. There is little, if any,
35 public health or consumer protection benefit from this

1 voluntary certification. This section deletes the Code
2 provisions for the voluntary certification of ophthalmic
3 dispensers.

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HOUSE FILE 2325

AN ACT

RELATING TO THE DUTIES OF THE IOWA DEPARTMENT OF PUBLIC HEALTH REGARDING REFERRALS TO MENTAL HEALTH INSTITUTIONS FOR PERSONS REQUIRING SUBSTANCE ABUSE TREATMENT, THE TIME FRAMES AND FEES RELATING TO BIRTH CERTIFICATES, THE PERSONS AUTHORIZED TO CERTIFY THE FACTS OF A BIRTH AND PROVIDE MEDICAL INFORMATION REGARDING THE BIRTH AND THE TIME FRAME FOR SUCH CERTIFICATION, CERTIFICATION OF FREEDOM FROM INFECTIOUS OR CONTAGIOUS DISEASES FOR COSMETOLOGISTS AND BARBERS, AND VOLUNTARY CERTIFICATION OF OPHTHALMIC DISPENSERS.

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

Section 1. Section 125.43A, Code 1991, is amended to read as follows:

125.43A PRESCREENING -- EXCEPTIONS.

Except in cases of medical emergency or court ordered admissions, a person shall be admitted to a state mental health institute for substance abuse treatment only after a preliminary intake and assessment by a department-licensed treatment facility or a hospital providing care or treatment for substance abusers licensed under chapter 135B and accredited by the joint commission on the accreditation of health care organizations, the commission on accreditation of rehabilitation facilities, the American osteopathic association, or another recognized organization approved by the commission, or its by a designee of a department-licensed treatment facility or a hospital other than a state mental health institute, has confirmed which confirms that the

admission is appropriate to the person's substance abuse service needs. A county board of supervisors may seek an admission of a patient to a state mental health institute who has not been confirmed for appropriate admission and the county shall be responsible for one hundred percent of the cost of treatment and services of the patient.

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1. A certificate of birth for each live birth which occurs in this state shall be filed with the county registrar of the county in which the birth occurs within ~~five~~ ten days after the birth and shall be registered by the registrar if it has been completed and filed in accordance with this chapter. However, when a birth occurs in a moving conveyance, a birth certificate shall be filed in the county in which the child was first removed from the conveyance.

2. When a birth occurs in an institution, the person in charge of the institution or the person's designated representative shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate, and file the certificate with the county registrar. The physician in attendance or the person in charge of the institution or the person's designee shall certify to the facts of birth and provide the medical information required by the certificate within three ~~six~~ days after the birth.

Sec. 3. Section 144.13A, Code Supplement 1991, is amended to read as follows:

144.13A REGISTRATION FEE.

The county registrar or state registrar shall charge the parent a ten dollar fee for the registration of a certificate of birth and a separate fee established under section 144.46 for a certified copy of the certificate. The certified copy shall be mailed to the parent by the state registrar. If the person responsible for the filing of the certificate of birth

under section 144.13 is not the parent, the person is entitled to collect the fee from the parent. The fee shall be remitted to the appropriate registrar. If the expenses of the birth are reimbursed under the medical assistance program established by chapter 249A, or paid for under the statewide indigent patient care program established by chapter 255, or paid for under the obstetrical and newborn indigent patient care program established by chapter 255A, or if the parent is indigent and unable to pay the expenses of the birth and no other means of payment is available to the parent, the registration fee and certified copy fee are waived. If the person responsible for the filing of the certificate is not the parent, the person is discharged from the duty to collect and remit the fee under this section if the person has made a good faith effort to collect the fee from the parent. The fees collected by the county registrar and state registrar shall be remitted to the treasurer of state for deposit in the general fund of the state. It is the intent of the general assembly that the funds generated from the registration fees be appropriated and used for primary and secondary child abuse prevention programs. It is the intent of the general assembly that the funds generated from the fees as established under section 144.46 for the mailing of the certified copy of the birth certificate be appropriated and used to support the distribution of the automatic birth certificate and the implementation of the electronic birth certificate system.

Sec. 4. Section 147.76, Code 1991, is amended to read as follows:

147.76 RULES ADOPTED.

The examining boards for the various professions shall adopt all necessary and proper rules to implement and interpret this chapter and chapters 147A through 158, except chapters ~~chapter~~ 148D and ~~153A~~.

Sec. 5. Section 157.1, subsection 1, paragraph a, Code 1991, is amended by striking the paragraph.

Sec. 6. Section 158.1, subsection 1, paragraph a, Code 1991, is amended by striking the paragraph.

Sec. 7. Chapter 153A, Code 1991, is repealed.

.....
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 2325, Seventy-fourth General Assembly.

Approved *April 15*, 1992
.....
JOSEPH O'HERN
Chief Clerk of the House

.....
TERRY E. BRANSTAD
Governor