

Law 1747. Code of (Amend) (S.B. 14) - Dr. P. 11/12

FILED FEB 17 1992

SENATE FILE 2148
BY COMMITTEE ON STATE
GOVERNMENT
approved (7 360)
(SUCCESSOR TO SSB 2061)

Passed Senate, Date 2/24/92 (p. 435) Passed House, Date April 13, 92 (p. 1516)
Vote: Ayes 43 Nays 1 Vote: Ayes 76 Nays 1

Approved April 23, 1992 (p. 1596)

*Repassed Senate 4/16/92 (p. 1463)
Ayes 49, Nays 0*

A BILL FOR

1 An Act relating to the cost of disciplinary hearings conducted by
2 professional licensing boards, and providing an effective
3 date.

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

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SF 2148

1 Section 1. Section 258A.6, Code 1991, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. A board created pursuant to chapter
4 114, 116, 117, 117B, 118, 118A, 135E, 147, 154A, or 169 may
5 charge a fee not to exceed seventy-five dollars for conducting
6 a disciplinary hearing pursuant to this chapter which results
7 in disciplinary action taken against the licensee by the
8 board, and in addition to the fee, may recover from a licensee
9 the costs for the following procedures and associated
10 personnel:

- 11 a. Transcript.
- 12 b. Witness fees and expenses.
- 13 c. Depositions.
- 14 d. Medical examination fees incurred relating to a person
15 licensed under chapter 135E, 147, 154A, or 169.

16 Sec. 2. This Act, being deemed of immediate importance,
17 takes effect upon enactment.

18 EXPLANATION

19 This bill allows the following professional licensing
20 boards to charge a fee not to exceed \$75 for conducting a
21 disciplinary hearing which results in disciplinary action
22 taken against a licensee by the board: engineering and land
23 surveying, accountancy, real estate, real estate appraiser,
24 architectural, landscape architectural, nursing home
25 administrators, hearing aid dealers, veterinary medicine, and
26 all health practice profession examining boards created
27 pursuant to chapter 147. In addition to the fee, a board may
28 recover from a licensee the costs related to the disciplinary
29 hearing for a transcript, witness fees and expenses, and
30 depositions. The costs for medical examination fees related
31 to the hearing may also be recovered by the boards regulating
32 nursing home administrators, hearing aid dealers, and
33 veterinary medicine, and all boards created pursuant to
34 chapter 147. The bill is effective upon enactment.

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SENATE FILE 2148

H-5314

1 Amend Senate File 2148 as follows:
2 1. Page 1, by inserting after line 15, the
3 following:
4 "The department of agriculture and land
5 stewardship, the department of commerce, and the Iowa
6 department of public health shall each adopt rules
7 pursuant to chapter 17A which provide for the
8 allocation of fees and costs collected pursuant to
9 this section to the board under its jurisdiction
10 collecting the fees and costs. The fees and costs
11 shall be considered repayment receipts as defined in
12 section 8.2."

BY COMMITTEE ON STATE GOVERNMENT
BY BLANSHAN of Greene, Chairperson

H-5314 FILED MARCH 16, 1992

Adopted 4/13/92 (p. 1309)

HOUSE AMENDMENT TO
SENATE FILE 2148

S-5696

1 Amend Senate File 2148 as follows:
2 1. Page 1, by inserting after line 15, the
3 following:
4 "The department of agriculture and land
5 stewardship, the department of commerce, and the Iowa
6 department of public health shall each adopt rules
7 pursuant to chapter 17A which provide for the
8 allocation of fees and costs collected pursuant to
9 this section to the board under its jurisdiction
10 collecting the fees and costs. The fees and costs
11 shall be considered repayment receipts as defined in
12 section 8.2."

RECEIVED FROM THE HOUSE

S-5696 FILED APRIL 15, 1992

Senate concurred 4/16 (p. 1462)

LLOYD-JONES, CH.
DOYLE
RUNNING
RIFE
PATE

SSB 2061

STATE GOVERNMENT, NOW -

SENATE/HOUSE FILE 2148
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

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

A BILL FOR

1 An Act relating to the cost of disciplinary hearings conducted by
2 professional licensing boards.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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TLSB 5261DP 74

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1 Section 1. Section 258A.6, Code 1991, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. A board created pursuant to chapter
4 114, 116, 117, 117B, 118, 118A, 135E, 147, 154A, or 169 may
5 recover from a licensee the costs for the following procedures
6 or personnel associated with conducting disciplinary hearings
7 held pursuant to this chapter which result in disciplinary
8 action taken against the licensee by the board:

- 9 a. Administrative law judge.
- 10 b. Court reporter.
- 11 c. Transcript.
- 12 d. Board members' travel expenses and per diem.
- 13 e. Witness fees and expenses.
- 14 f. Depositions.
- 15 g. Facility fees.
- 16 h. Required public notices.
- 17 i. Medical examination fees.
- 18 j. Document duplication.

19 EXPLANATION

20 This bill allows but does not require the following pro-
21 fessional licensing boards to recover from a licensee the
22 costs associated with conducting disciplinary hearings which
23 result in disciplinary action taken against a licensee by the
24 board: engineering and land surveying, accountancy, real
25 estate, real estate appraiser, architectural, landscape
26 architectural, nursing home administrators, hearing aid
27 dealers, veterinary medicine, and all health practice
28 profession examining boards created pursuant to chapter 147.

29 BACKGROUND STATEMENT

30 SUBMITTED BY THE AGENCY

31 Disciplinary hearings by professional licensing boards have
32 increased substantially as have the costs associated with
33 these hearings. Some boards exhaust funds available for
34 hearings early in the fiscal year which delays or postpones
35 action on practice complaints and thwarts the boards' ability

2061

1 to protect the public. In some cases, licensees who have vio-
2 lated practice standards have delayed disciplinary action by
3 exploiting the licensing board limits on funds available for
4 costly hearings. Increasing license fees to cover increased
5 hearing costs does not guarantee the additional revenue will
6 be available. This proposal allows professional licensing
7 boards to recover some of the cost of conducting hearings
8 resulting in disciplinary action to ensure timely and
9 appropriate response to practice issues.

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Sec. 2. This Act, being deemed of immediate importance, takes effect upon enactment.

SENATE FILE 2148

AN ACT

RELATING TO THE COST OF DISCIPLINARY HEARINGS CONDUCTED BY PROFESSIONAL LICENSING BOARDS, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 258A.6, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 6. A board created pursuant to chapter 114, 116, 117, 117B, 118, 118A, 135E, 147, 154A, or 169 may charge a fee not to exceed seventy-five dollars for conducting a disciplinary hearing pursuant to this chapter which results in disciplinary action taken against the licensee by the board, and in addition to the fee, may recover from a licensee the costs for the following procedures and associated personnel:

- a. Transcript.
- b. Witness fees and expenses.
- c. Depositions.
- d. Medical examination fees incurred relating to a person licensed under chapter 135E, 147, 154A, or 169.

The department of agriculture and land stewardship, the department of commerce, and the Iowa department of public health shall each adopt rules pursuant to chapter 17A which provide for the allocation of fees and costs collected pursuant to this section to the board under its jurisdiction collecting the fees and costs. The fees and costs shall be considered repayment receipts as defined in section 8.2.

MICHAEL E. GRONSTAL
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2148, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved *April 23*, 1992

TERRY E. BRANSTAD
Governor