

MAR 8 1994

HOUSE FILE 2387
BY COMMITTEE ON STATE GOVERNMENT

Place On Calendar

(SUCCESSOR TO HF 2017)

Passed House, ^(p. 834) Date 3/23/94 Passed Senate, ^(p. 964) Date 3/31/95
 Vote: Ayes 88 Nays 11 Vote: Ayes 47 Nays 3
 Approved April 28, 1994

A BILL FOR

1 An Act providing for licensing of athletic trainers, imposing
2 fees, and providing a penalty.

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

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HF 2387

1 Section 1. NEW SECTION. 152D.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Board" means the athletic trainer advisory board
5 established pursuant to this chapter.

6 2. "Department" means the Iowa department of public
7 health.

8 3. "Licensed athletic trainer" means a person licensed
9 under this chapter.

10 4. "Practice of athletic training" means the prevention,
11 physical evaluation, emergency care, and physical
12 reconditioning relating to injuries or illnesses incurred
13 through sports-induced trauma, by a person who uses the title
14 of licensed athletic trainer.

15 Sec. 2. NEW SECTION. 152D.2 LICENSING AND PRACTICE
16 REQUIREMENTS.

17 A person shall not use the title of licensed athletic
18 trainer as defined in this chapter without first obtaining a
19 license pursuant to this chapter.

20 The practice of an athletic trainer shall be carried out
21 only under the direction, advice, and consent of a licensed
22 physician and may be applied to other trauma-induced injuries
23 or illnesses within a team approach to health care,
24 coordinated by an appropriate independent practitioner
25 otherwise licensed under chapter 147.

26 Sec. 3. NEW SECTION. 152D.3 QUALIFICATIONS --
27 PROCEDURES.

28 1. An applicant for an athletic trainer license must
29 possess the following qualifications:

30 a. Graduation from an accredited college or university and
31 compliance with the minimum athletic training curriculum
32 requirements established by the department in consultation
33 with the board.

34 b. Successful completion of an examination prepared or
35 selected by the department in consultation with the board.

1 2. An out-of-state applicant for an athletic trainer
2 license must fulfill the requirements of subsection 1,
3 paragraph "a" or "b", and submit proof of active engagement as
4 an athletic trainer in the other state.

5 3. Application and renewal procedures, fees, and
6 reciprocal agreements shall be provided in accordance with
7 this chapter.

8 Sec. 4. NEW SECTION. 152D.4 SCOPE OF CHAPTER.

9 The provisions of this chapter do not apply to any of the
10 following:

11 1. Persons otherwise licensed to practice medicine and
12 surgery, osteopathy, osteopathic medicine and surgery,
13 optometry, occupational therapy, nursing, chiropractic,
14 podiatry, dentistry, or physical therapy.

15 2. Elementary or secondary school teachers, coaches, or
16 authorized volunteers who do not hold themselves out to the
17 public as athletic trainers.

18 3. Students of athletic training who practice athletic
19 training under the supervision of a licensed athletic trainer
20 in connection with the regular course of instruction at a
21 school providing athletic training instruction.

22 Sec. 5. NEW SECTION. 152D.5 POWERS OF THE DEPARTMENT.

23 The department in consultation with the board shall:

24 1. Adopt rules consistent with this chapter and chapter
25 147 which are necessary for the performance of its duties.

26 2. Establish standards and guidelines for athletic
27 trainers including minimum curriculum requirements.

28 3. Prepare and conduct an examination for applicants for a
29 license.

30 4. Establish a system for the collection of licensure
31 fees. The fees charged shall be sufficient to defray the
32 costs of administering this chapter and all fees collected
33 shall be deposited with the treasurer of state who shall
34 deposit them in the general fund of the state.

35 Sec. 6. NEW SECTION. 152D.6 LICENSE SUSPENSION AND

1 REVOCATION.

2 A license issued by the department under the provisions of
3 this chapter may be suspended or revoked, or renewal denied by
4 the department, for violation of any provision of this chapter
5 or section 272C.10, or section 147.55, or rules adopted by the
6 department.

7 Sec. 7. NEW SECTION. 152D.7 ADVISORY BOARD.

8 An athletic trainer advisory board is established to
9 provide advice to the department regarding approval of
10 continuing education programs and drafting of rules pursuant
11 to section 152D.5.

12 The members of the advisory board shall include three
13 licensed athletic trainers, three physicians licensed to
14 practice medicine in all its branches, and one public member.
15 Not more than a simple majority of the advisory board shall be
16 of one gender. Members shall be appointed by the governor,
17 subject to confirmation by the senate, and shall serve three-
18 year terms beginning and ending in accordance with section
19 69.19. Members shall be compensated for their actual and
20 necessary expenses incurred in the performance of their
21 duties. Expense moneys paid to the members shall be paid from
22 funds appropriated to the department. Each member of the
23 board may also be eligible to receive compensation as provided
24 in section 7E.6.

25 Sec. 8. NEW SECTION. 152D.8 PENALTY.

26 A person who violates a provision of this chapter is guilty
27 of a simple misdemeanor.

28 Sec. 9. Section 135.11, subsections 11 and 13, Code
29 Supplement 1993, are amended to read as follows:

30 11. Enforce the law relative to chapter 146 and "Health-
31 related Professions," title IV, subtitle 3, excluding chapters
32 152B, 152D, and 155.

33 13. Establish, publish, and enforce rules not inconsistent
34 with law for the enforcement of the provisions of chapters
35 125, 152B, 152D, 155, and 435 and title IV, subtitle 2,

1 excluding chapters 142B, 145B, and 146 and for the enforcement
2 of the various laws, the administration and supervision of
3 which are imposed upon the department.

4 Sec. 10. Section 147.1, unnumbered paragraph 1 and
5 subsection 7, Code 1993, are amended to read as follows:

6 For the purpose of this and the following chapters of this
7 subtitle, excluding chapters 152B, and 152C, and 152D:

8 7. "Licensed" or "certified" when applied to a physician
9 and surgeon, podiatrist, osteopath, osteopathic physician and
10 surgeon, physician assistant, psychologist or associate
11 psychologist, chiropractor, nurse, dentist, dental hygienist,
12 optometrist, speech pathologist, audiologist, pharmacist,
13 physical therapist, occupational therapist, practitioner of
14 cosmetology arts and sciences, practitioner of barbering,
15 funeral director, dietitian, marital and family therapist,
16 mental health counselor, or social worker means a person
17 licensed under this subtitle, excluding chapters 152B, and
18 152C, and 152D.

19 Sec. 11. Section 147.3, Code 1993, is amended to read as
20 follows:

21 147.3 QUALIFICATIONS.

22 An applicant for a license to practice a profession under
23 this subtitle, excluding chapters 152B, and 152C, and 152D, is
24 not ineligible because of age, citizenship, sex, race,
25 religion, marital status or national origin, although the
26 application form may require citizenship information. A board
27 may consider the past felony record of an applicant only if
28 the felony conviction relates directly to the practice of the
29 profession for which the applicant requests to be licensed.
30 Character references may be required, but shall not be
31 obtained from licensed members of the profession.

32 Sec. 12. Section 147.6, Code 1993, is amended to read as
33 follows:

34 147.6 CERTIFICATE PRESUMPTIVE EVIDENCE.

35 Every license issued under this subtitle, excluding

1 chapters 152B, and 152C, and 152D, shall be presumptive
2 evidence of the right of the holder to practice in this state
3 the profession therein specified.

4 Sec. 13. Section 147.7, Code 1993, is amended to read as
5 follows:

6 147.7 DISPLAY OF LICENSE.

7 Every person licensed under this subtitle, excluding
8 chapters 152B, and 152C, and 152D, to practice a profession
9 shall keep the license publicly displayed in the primary place
10 in which the person practices.

11 Sec. 14. Section 147.9, Code 1993, is amended to read as
12 follows:

13 147.9 CHANGE OF RESIDENCE.

14 When any person licensed to practice a profession under
15 this subtitle, excluding chapters 152B, and 152C, and 152D,
16 changes a residence or place of practice the person shall
17 notify the department.

18 Sec. 15. Section 147.12, unnumbered paragraph 1, Code
19 1993, is amended to read as follows:

20 For the purpose of giving examinations to applicants for
21 licenses to practice the professions for which licenses are
22 required by this subtitle, excluding chapters 152B, and 152C,
23 and 152D, the governor shall appoint, subject to confirmation
24 by the senate, a board of examiners for each of the
25 professions. The board members shall not be required to be
26 members of professional societies or associations composed of
27 members of their professions.

28 Sec. 16. Section 147.30, Code 1993, is amended to read as
29 follows:

30 147.30 TIME AND PLACE OF EXAMINATIONS.

31 The department shall give public notice of the time and
32 place of all examinations to be held under this subtitle,
33 excluding chapters 152B, and 152C, and 152D. Such notice
34 shall be given in such manner as the department may deem
35 expedient and in ample time to allow all candidates to comply

1 with the provisions of this subtitle, excluding chapters 152B,
2 and 152C, and 152D.

3 Sec. 17. Section 147.34, Code 1993, is amended to read as
4 follows:

5 147.34 EXAMINATIONS.

6 Examinations for each profession licensed under this
7 subtitle, excluding chapters 152B, and 152C, and 152D, shall
8 be conducted at least one time per year at such time as the
9 department may fix in co-operation with each examining board.
10 Examinations may be given at the state University of Iowa at
11 the close of each school year for professions regulated by
12 this subtitle, excluding chapters 152B, and 152C, and 152D,
13 and examinations may be given at other schools located in the
14 state at which any of the professions regulated by this
15 subtitle, excluding chapters 152B, and 152C, and 152D, are
16 taught. At least one session of each examining board shall be
17 held annually at the seat of government and the locations of
18 other sessions shall be determined by the examining board,
19 unless otherwise ordered by the department. Applicants who
20 fail to pass the examination once shall be allowed to take the
21 examination at the next scheduled time. Thereafter,
22 applicants shall be allowed to take the examination at the
23 discretion of the board. Examinations may be given by an
24 examining board which are prepared and scored by persons
25 outside the state, and examining boards may contract for such
26 services. An examining board may make an agreement with
27 examining boards in other states for administering a uniform
28 examination. An applicant who has failed an examination may
29 request in writing information from the examining board
30 concerning the examination grade and subject areas or
31 questions which the applicant failed to answer correctly,
32 except that if the examining board administers a uniform,
33 standardized examination, the examining board shall only be
34 required to provide the examination grade and such other
35 information concerning the applicant's examination results

1 which are available to the examining board.

2 Sec. 18. Section 147.41, subsection 2, Code 1993, is
3 amended to read as follows:

4 2. The subjects to be covered by such examination and the
5 subjects to be covered by the final examination to be taken by
6 such applicant after the completion of the professional course
7 and prior to the issuance of the license, but the subjects
8 covered in the partial and final examinations shall be the
9 same as those specified in this subtitle, excluding chapters
10 152B, and 152C, and 152D, for the regular examination.

11 Sec. 19. Section 147.44, Code 1993, is amended to read as
12 follows:

13 147.44 AGREEMENTS.

14 For the purpose of recognizing licenses which have been
15 issued in other states to practice any profession for which a
16 license is required by this subtitle, excluding chapters 152B,
17 and 152C, and 152D, the department shall enter into a
18 reciprocal agreement with every state which is certified to it
19 by the proper examining board under the provisions of section
20 147.45 and with which this state does not have an existing
21 agreement at the time of such certification.

22 Sec. 20. Section 147.46, subsection 1, Code 1993, is
23 amended to read as follows:

24 1. Protection to licensees of this state. When the laws
25 of any state or the rules of the authorities of said state
26 place any requirement or disability upon any person licensed
27 in this state to practice any profession regulated by this
28 subtitle, excluding chapters 152B, and 152C, and 152D, which
29 affects the right of said person to be licensed or to practice
30 the person's profession in said state, then the same
31 requirement or disability shall be placed upon any person
32 licensed in said state when applying for a license to practice
33 in this state.

34 Sec. 21. Section 147.52, Code 1993, is amended to read as
35 follows:

1 147.52 RECIPROCITY.

2 When the laws of any state or the rules of the authorities
3 of said state place any requirement or disability upon any
4 person holding a diploma or certificate from any college in
5 this state in which one of the professions regulated by this
6 subtitle, excluding chapters 152B, and 152C, and 152D, is
7 taught, which affects the right of said person to be licensed
8 in said state, the same requirement or disability shall be
9 placed upon any person holding a diploma from a similar
10 college situated therein, when applying for a license to
11 practice in this state.

12 Sec. 22. Section 147.72, Code 1993, is amended to read as
13 follows:

14 147.72 PROFESSIONAL TITLES AND ABBREVIATIONS.

15 Any person licensed to practice a profession under this
16 subtitle, excluding chapters 152B, and 152C, and 152D, may
17 append to the person's name any recognized title or
18 abbreviation, which the person is entitled to use, to
19 designate the person's particular profession, but no other
20 person shall assume or use such title or abbreviation, and no
21 licensee shall advertise in such a manner as to lead the
22 public to believe that the licensee is engaged in the practice
23 of any other profession than the one which the licensee is
24 licensed to practice.

25 Sec. 23. Section 147.73, subsection 1, Code 1993, is
26 amended to read as follows:

27 1. As authorizing any person licensed to practice a
28 profession under this subtitle, excluding chapters 152B, and
29 152C, and 152D, to use or assume any degree or abbreviation of
30 the same unless such degree has been conferred upon said
31 person by an institution of learning accredited by the
32 appropriate board herein created, together with the director
33 of public health, or by some recognized state or national
34 accredited agency.

35 Sec. 24. Section 147.83, Code 1993, is amended to read as

1 follows:

2 147.83 INJUNCTION.

3 Any person engaging in any business or in the practice of
4 any profession for which a license is required by this
5 subtitle, excluding chapters 152B, and 152C, and 152D, without
6 such license may be restrained by permanent injunction.

7 Sec. 25. Section 147.86, Code 1993, is amended to read as
8 follows:

9 147.86 PENALTIES.

10 Any person violating any provision of this or the following
11 chapters of this subtitle, excluding chapters 152B, and 152C,
12 and 152D, except insofar as the provisions apply or relate to
13 or affect the practice of pharmacy, or where a specific
14 penalty is not otherwise provided, shall be guilty of a
15 serious misdemeanor.

16 Sec. 26. Section 147.87, Code 1993, is amended to read as
17 follows:

18 147.87 ENFORCEMENT.

19 The department shall enforce the provisions of this and the
20 following chapters of this subtitle, excluding chapters 152B,
21 and 152C, and 152D, and for that purpose may request the
22 department of inspections and appeals to make necessary
23 investigations. Every licensee and member of an examining
24 board shall furnish the department or the department of
25 inspections and appeals such evidence as the member or
26 licensee may have relative to any alleged violation which is
27 being investigated.

28 Sec. 27. Section 147.88, Code 1993, is amended to read as
29 follows:

30 147.88 INSPECTIONS.

31 The department of inspections and appeals may perform
32 inspections as required by this subtitle, excluding chapters
33 152B, and 152C, and 152D, except for the board of medical
34 examiners, board of pharmacy examiners, board of nursing, and
35 the board of dental examiners. The department of inspections

1 and appeals shall employ personnel related to the inspection
2 functions.

3 Sec. 28. Section 147.90, Code 1993, is amended to read as
4 follows:

5 147.90 RULES AND FORMS.

6 The Iowa department of public health and the department of
7 inspections and appeals shall each establish the necessary
8 rules and forms for carrying out the duties imposed upon it by
9 this subtitle, excluding chapters 152B, and 152C, and 152D.

10 Sec. 29. Section 147.92, Code 1993, is amended to read as
11 follows:

12 147.92 ATTORNEY GENERAL AND COUNTY ATTORNEY.

13 Upon request of the department the attorney general shall
14 institute in the name of the state the proper proceedings
15 against any person charged by the department with violating
16 any provision of this or the following chapters of this
17 subtitle, excluding chapters 152B, and 152C, and 152D, and the
18 county attorney, at the request of the attorney general, shall
19 appear and prosecute such action when brought in the county
20 attorney's county.

21 Sec. 30. Section 147.93, Code 1993, is amended to read as
22 follows:

23 147.93 PRIMA FACIE EVIDENCE.

24 The opening of an office or place of business for the
25 practice of any profession for which a license is required by
26 this subtitle, excluding chapters 152B, and 152C, and 152D,
27 the announcing to the public in any way the intention to
28 practice any such profession, the use of any professional
29 degree or designation, or of any sign, card, circular, device,
30 or advertisement, as a practitioner of any such profession, or
31 as a person skilled in the same, shall be prima-facie evidence
32 of engaging in the practice of such profession.

33 Sec. 31. Section 147.111, Code Supplement 1993, is amended
34 to read as follows:

35 147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.

1 Any person licensed under the provisions of this subtitle,
2 excluding chapters 152B, and 152C, and 152D, who shall
3 administer any treatment to any person suffering a gunshot or
4 stab wound or other serious bodily injury, as defined in
5 section 702.18, which appears to have been received in
6 connection with the commission of a criminal offense, or to
7 whom an application is made for treatment of any nature
8 because of any such gunshot or stab wound or other serious
9 injury, as defined in section 702.18, shall at once but not
10 later than twelve hours thereafter, report that fact to the
11 law enforcement agency within whose jurisdiction the treatment
12 was administered or an application therefor was made, or if
13 ascertainable, to the law enforcement agency in whose
14 jurisdiction the gunshot or stab wound or other serious bodily
15 injury occurred, stating the name of such person, the person's
16 residence if ascertainable, and giving a brief description of
17 the gunshot or stab wound or other serious bodily injury. Any
18 provision of law or rule of evidence relative to confidential
19 communications is suspended insofar as the provisions of this
20 section are concerned.

21 Sec. 32. Section 272C.1, subsection 6, Code 1993, is
22 amended by adding the following new paragraph:

23 NEW PARAGRAPH. bb. The Iowa department of public health
24 in licensing athletic trainers pursuant to chapter 152D.

25 Sec. 33. TEMPORARY PROVISIONS. Any person actively
26 engaged as an athletic trainer on the effective date of this
27 Act shall be issued a temporary license if the person submits
28 an application, pays the required license fee, and is
29 determined to be actively engaged in the practice of athletic
30 training by the department. These temporary licenses shall
31 expire on July 1, 1999, and shall not be renewed.

32 Applications for a license under this section must be made
33 within one hundred eighty days from the effective date of this
34 Act. The governor shall determine if the initial appointees
35 representing licensed athletic trainers would qualify for a

1 license issued pursuant to section 152D.3.

2 EXPLANATION

3 This bill requires licensing of athletic trainers by the
4 Iowa department of public health in conjunction with a newly
5 created athletic trainer advisory board set up under the
6 purview of the Iowa department of public health. This bill
7 defines the practice of athletic training.

8 The bill sets out licensing requirements and provides that
9 licenses be issued to athletic trainers by the department.
10 The bill also requires that athletic trainers practice only
11 under the supervision of a licensed physician or as part of a
12 health care team supervised by an appropriate independent
13 practitioner licensed under chapter 147. The department is
14 also allowed to issue renewals and to issue licenses to out-
15 of-state applicants upon completion of requirements as
16 determined by the department. Fees are imposed for initial
17 application for licensing and for renewal of a license.

18 Grounds for revocation and suspension of licensing are
19 provided. Penalties for violation of this chapter are set out
20 under the bill. The bill provides for the issuance of
21 temporary licenses which expire on July 1, 1999, and are
22 nonrenewable.

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HOUSE FILE 2387

-5413

Amend House File 2387 as follows:

1. Page 1, by striking lines 12 through 14 and inserting the following: "reconditioning relating to sports-induced injuries and illnesses incurred by competitors associated with or in training for an individual or team competitive activity that is sponsored by an educational institution, amateur or professional group, or other recognized organization, by a person who uses the title of licensed athletic trainer."
2. Page 1, by striking lines 20 through 25 and inserting the following:
 "The practice of prevention, physical evaluation, and first aid relating to sports-induced injuries and illnesses shall be carried out under the direction, advice, and consent of a licensed physician. The practice of physical reconditioning relating to sports-induced injuries and illnesses shall be carried out only under the written prescription of a physician."
3. Page 2, line 19, by inserting after the word "the" the following: "on-site".
4. Page 11, line 28, by inserting after the word "fee," the following: "successfully completes an examination prepared or selected by the department in consultation with the board,".

By GRUNDBERG of Polk

H-5413 FILED MARCH 15, 1994,

adopted 3/23/94 (P 834)

HOUSE FILE 2387

H-5533

Amend House File 2387 as follows:

1. Page 1, line 13, by inserting after the word "trauma," the following: "which occurs during the preparation for or participation in a sports competition or during a physical training program, sponsored by an educational institution, amateur, or professional athletic group, or other recognized organization,".
2. Page 1, by striking lines 20 through 25 and inserting the following:
 "The practice of an athletic trainer shall be carried out only under the direction, supervision, advice, and consent of a licensed physician.
 The practice of physical reconditioning shall be carried out under the verbal or written orders of a physician or physician assistant. A physician or physician assistant who gives a verbal order must reduce the order to writing and provide a copy of the order to the athletic trainer within forty-eight hours of the verbal order."

By HANSON of Delaware

H-5533 FILED MARCH 18, 1994

WITHDRAWN
3/23/94

HOUSE FILE 2387

H-5636

1 Amend the amendment, H-5413, to House File 2387 as
2 follows:

3 1. Page 1, by striking lines 4 through 6 and
4 inserting the following: "injuries and illnesses
5 incurred through sports-induced trauma, which occurs
6 during the preparation for or participation in a
7 sports competition or during a physical training
8 program, either of which is".

9 2. Page 1, line 8, by inserting after the word
10 "professional" the following: "athletic".

11 3. Page 1, by striking lines 13 through 26 and
12 inserting the following:

13 ""The practice of athletic training shall be
14 carried out only under the supervision of a licensed
15 physician.

16 The practice of physical reconditioning shall be
17 carried out under the verbal or written orders of a
18 physician or physician assistant. A physician or
19 physician assistant who issues a verbal order must
20 reduce the order to writing and provide a copy of the
21 order to the athletic trainer within thirty days of
22 the verbal order.""

By HANSON of Delaware
GRUNDBERG of Polk

H-5636 FILED MARCH 23, 1994
ADOPTED

1 Section 1. NEW SECTION. 152D.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Board" means the athletic trainer advisory board
5 established pursuant to this chapter.

6 2. "Department" means the Iowa department of public
7 health.

8 3. "Licensed athletic trainer" means a person licensed
9 under this chapter.

10 4. "Practice of athletic training" means the prevention,
11 physical evaluation, emergency care, and physical
12 reconditioning relating to injuries and illnesses incurred
13 through sports-induced trauma, which occurs during the
14 preparation for or participation in a sports competition or
15 during a physical training program, either of which is
16 sponsored by an educational institution, amateur or
17 professional athletic group, or other recognized organization,
18 by a person who uses the title of licensed athletic trainer.

19 Sec. 2. NEW SECTION. 152D.2 LICENSING AND PRACTICE
20 REQUIREMENTS.

21 A person shall not use the title of licensed athletic
22 trainer as defined in this chapter without first obtaining a
23 license pursuant to this chapter.

24 The practice of athletic training shall be carried out only
25 under the supervision of a licensed physician.

26 The practice of physical reconditioning shall be carried
27 out under the verbal or written orders of a physician or
28 physician assistant. A physician or physician assistant who
29 issues a verbal order must reduce the order to writing and
30 provide a copy of the order to the athletic trainer within
31 thirty days of the verbal order.

32 Sec. 3. NEW SECTION. 152D.3 QUALIFICATIONS -- PROCEDURES.

33 1. An applicant for an athletic trainer license must
34 possess the following qualifications:

35 a. Graduation from an accredited college or university and

1 compliance with the minimum athletic training curriculum
2 requirements established by the department in consultation
3 with the board.

4 b. Successful completion of an examination prepared or
5 selected by the department in consultation with the board.

6 2. An out-of-state applicant for an athletic trainer
7 license must fulfill the requirements of subsection 1,
8 paragraph "a" or "b", and submit proof of active engagement as
9 an athletic trainer in the other state.

10 3. Application and renewal procedures, fees, and
11 reciprocal agreements shall be provided in accordance with
12 this chapter.

13 Sec. 4. NEW SECTION. 152D.4 SCOPE OF CHAPTER.

14 The provisions of this chapter do not apply to any of the
15 following:

16 1. Persons otherwise licensed to practice medicine and
17 surgery, osteopathy, osteopathic medicine and surgery,
18 optometry, occupational therapy, nursing, chiropractic,
19 podiatry, dentistry, or physical therapy.

20 2. Elementary or secondary school teachers, coaches, or
21 authorized volunteers who do not hold themselves out to the
22 public as athletic trainers.

23 3. Students of athletic training who practice athletic
24 training under the supervision of a licensed athletic trainer
25 in connection with the regular course of instruction at a
26 school providing athletic training instruction.

27 Sec. 5. NEW SECTION. 152D.5 POWERS OF THE DEPARTMENT.

28 The department in consultation with the board shall:

29 1. Adopt rules consistent with this chapter and chapter
30 147 which are necessary for the performance of its duties.

31 2. Establish standards and guidelines for athletic
32 trainers including minimum curriculum requirements.

33 3. Prepare and conduct an examination for applicants for a
34 license.

35 4. Establish a system for the collection of licensure

1 fees. The fees charged shall be sufficient to defray the
2 costs of administering this chapter and all fees collected
3 shall be deposited with the treasurer of state who shall
4 deposit them in the general fund of the state.

5 Sec. 6. NEW SECTION. 152D.6 LICENSE SUSPENSION AND
6 REVOCATION.

7 A license issued by the department under the provisions of
8 this chapter may be suspended or revoked, or renewal denied by
9 the department, for violation of any provision of this chapter
10 or section 272C.10, or section 147.55, or rules adopted by the
11 department.

12 Sec. 7. NEW SECTION. 152D.7 ADVISORY BOARD.

13 An athletic trainer advisory board is established to
14 provide advice to the department regarding approval of
15 continuing education programs and drafting of rules pursuant
16 to section 152D.5.

17 The members of the advisory board shall include three
18 licensed athletic trainers, three physicians licensed to
19 practice medicine in all its branches, and one public member.
20 Not more than a simple majority of the advisory board shall be
21 of one gender. Members shall be appointed by the governor,
22 subject to confirmation by the senate, and shall serve three-
23 year terms beginning and ending in accordance with section
24 69.19. Members shall be compensated for their actual and
25 necessary expenses incurred in the performance of their
26 duties. Expense moneys paid to the members shall be paid from
27 funds appropriated to the department. Each member of the
28 board may also be eligible to receive compensation as provided
29 in section 7E.6.

30 Sec. 8. NEW SECTION. 152D.8 PENALTY.

31 A person who violates a provision of this chapter is guilty
32 of a simple misdemeanor.

33 Sec. 9. Section 135.11, subsections 11 and 13, Code
34 Supplement 1993, are amended to read as follows:

35 11. Enforce the law relative to chapter 146 and "Health-

1 related Professions," title IV, subtitle 3, excluding chapters
2 152B, 152D, and 155.

3 13. Establish, publish, and enforce rules not inconsistent
4 with law for the enforcement of the provisions of chapters
5 125, 152B, 152D, 155, and 435 and title IV, subtitle 2,
6 excluding chapters 142B, 145B, and 146 and for the enforcement
7 of the various laws, the administration and supervision of
8 which are imposed upon the department.

9 Sec. 10. Section 147.1, unnumbered paragraph 1 and
10 subsection 7, Code 1993, are amended to read as follows:

11 For the purpose of this and the following chapters of this
12 subtitle, excluding chapters 152B, and 152C, and 152D:

13 7. "Licensed" or "certified" when applied to a physician
14 and surgeon, podiatrist, osteopath, osteopathic physician and
15 surgeon, physician assistant, psychologist or associate
16 psychologist, chiropractor, nurse, dentist, dental hygienist,
17 optometrist, speech pathologist, audiologist, pharmacist,
18 physical therapist, occupational therapist, practitioner of
19 cosmetology arts and sciences, practitioner of barbering,
20 funeral director, dietitian, marital and family therapist,
21 mental health counselor, or social worker means a person
22 licensed under this subtitle, excluding chapters 152B, and
23 152C, and 152D.

24 Sec. 11. Section 147.3, Code 1993, is amended to read as
25 follows:

26 147.3 QUALIFICATIONS.

27 An applicant for a license to practice a profession under
28 this subtitle, excluding chapters 152B, and 152C, and 152D, is
29 not ineligible because of age, citizenship, sex, race,
30 religion, marital status or national origin, although the
31 application form may require citizenship information. A board
32 may consider the past felony record of an applicant only if
33 the felony conviction relates directly to the practice of the
34 profession for which the applicant requests to be licensed.
35 Character references may be required, but shall not be

1 obtained from licensed members of the profession.

2 Sec. 12. Section 147.6, Code 1993, is amended to read as
3 follows:

4 147.6 CERTIFICATE PRESUMPTIVE EVIDENCE.

5 Every license issued under this subtitle, excluding
6 chapters 152B, and 152C, and 152D, shall be presumptive
7 evidence of the right of the holder to practice in this state
8 the profession therein specified.

9 Sec. 13. Section 147.7, Code 1993, is amended to read as
10 follows:

11 147.7 DISPLAY OF LICENSE.

12 Every person licensed under this subtitle, excluding
13 chapters 152B, and 152C, and 152D, to practice a profession
14 shall keep the license publicly displayed in the primary place
15 in which the person practices.

16 Sec. 14. Section 147.9, Code 1993, is amended to read as
17 follows:

18 147.9 CHANGE OF RESIDENCE.

19 When any person licensed to practice a profession under
20 this subtitle, excluding chapters 152B, and 152C, and 152D,
21 changes a residence or place of practice the person shall
22 notify the department.

23 Sec. 15. Section 147.12, unnumbered paragraph 1, Code
24 1993, is amended to read as follows:

25 For the purpose of giving examinations to applicants for
26 licenses to practice the professions for which licenses are
27 required by this subtitle, excluding chapters 152B, and 152C,
28 and 152D, the governor shall appoint, subject to confirmation
29 by the senate, a board of examiners for each of the
30 professions. The board members shall not be required to be
31 members of professional societies or associations composed of
32 members of their professions.

33 Sec. 16. Section 147.30, Code 1993, is amended to read as
34 follows:

35 147.30 TIME AND PLACE OF EXAMINATIONS.

1 The department shall give public notice of the time and
2 place of all examinations to be held under this subtitle,
3 excluding chapters 152B, and 152C, and 152D. Such notice
4 shall be given in such manner as the department may deem
5 expedient and in ample time to allow all candidates to comply
6 with the provisions of this subtitle, excluding chapters 152B,
7 and 152C, and 152D.

8 Sec. 17. Section 147.34, Code 1993, is amended to read as
9 follows:

10 147.34 EXAMINATIONS.

11 Examinations for each profession licensed under this
12 subtitle, excluding chapters 152B, and 152C, and 152D, shall
13 be conducted at least one time per year at such time as the
14 department may fix in co-operation with each examining board.
15 Examinations may be given at the state University of Iowa at
16 the close of each school year for professions regulated by
17 this subtitle, excluding chapters 152B, and 152C, and 152D,
18 and examinations may be given at other schools located in the
19 state at which any of the professions regulated by this
20 subtitle, excluding chapters 152B, and 152C, and 152D, are
21 taught. At least one session of each examining board shall be
22 held annually at the seat of government and the locations of
23 other sessions shall be determined by the examining board,
24 unless otherwise ordered by the department. Applicants who
25 fail to pass the examination once shall be allowed to take the
26 examination at the next scheduled time. Thereafter,
27 applicants shall be allowed to take the examination at the
28 discretion of the board. Examinations may be given by an
29 examining board which are prepared and scored by persons
30 outside the state, and examining boards may contract for such
31 services. An examining board may make an agreement with
32 examining boards in other states for administering a uniform
33 examination. An applicant who has failed an examination may
34 request in writing information from the examining board
35 concerning the examination grade and subject areas or

1 questions which the applicant failed to answer correctly,
2 except that if the examining board administers a uniform,
3 standardized examination, the examining board shall only be
4 required to provide the examination grade and such other
5 information concerning the applicant's examination results
6 which are available to the examining board.

7 Sec. 18. Section 147.41, subsection 2, Code 1993, is
8 amended to read as follows:

9 2. The subjects to be covered by such examination and the
10 subjects to be covered by the final examination to be taken by
11 such applicant after the completion of the professional course
12 and prior to the issuance of the license, but the subjects
13 covered in the partial and final examinations shall be the
14 same as those specified in this subtitle, excluding chapters
15 152B, and 152C, and 152D, for the regular examination.

16 Sec. 19. Section 147.44, Code 1993, is amended to read as
17 follows:

18 147.44 AGREEMENTS.

19 For the purpose of recognizing licenses which have been
20 issued in other states to practice any profession for which a
21 license is required by this subtitle, excluding chapters 152B,
22 and 152C, and 152D, the department shall enter into a
23 reciprocal agreement with every state which is certified to it
24 by the proper examining board under the provisions of section
25 147.45 and with which this state does not have an existing
26 agreement at the time of such certification.

27 Sec. 20. Section 147.46, subsection 1, Code 1993, is
28 amended to read as follows:

29 1. Protection to licensees of this state. When the laws
30 of any state or the rules of the authorities of said state
31 place any requirement or disability upon any person licensed
32 in this state to practice any profession regulated by this
33 subtitle, excluding chapters 152B, and 152C, and 152D, which
34 affects the right of said person to be licensed or to practice
35 the person's profession in said state, then the same

1 requirement or disability shall be placed upon any person
2 licensed in said state when applying for a license to practice
3 in this state.

4 Sec. 21. Section 147.52, Code 1993, is amended to read as
5 follows:

6 147.52 RECIPROCITY.

7 When the laws of any state or the rules of the authorities
8 of said state place any requirement or disability upon any
9 person holding a diploma or certificate from any college in
10 this state in which one of the professions regulated by this
11 subtitle, excluding chapters 152B, and 152C, and 152D, is
12 taught, which affects the right of said person to be licensed
13 in said state, the same requirement or disability shall be
14 placed upon any person holding a diploma from a similar
15 college situated therein, when applying for a license to
16 practice in this state.

17 Sec. 22. Section 147.72, Code 1993, is amended to read as
18 follows:

19 147.72 PROFESSIONAL TITLES AND ABBREVIATIONS.

20 Any person licensed to practice a profession under this
21 subtitle, excluding chapters 152B, and 152C, and 152D, may
22 append to the person's name any recognized title or
23 abbreviation, which the person is entitled to use, to
24 designate the person's particular profession, but no other
25 person shall assume or use such title or abbreviation, and no
26 licensee shall advertise in such a manner as to lead the
27 public to believe that the licensee is engaged in the practice
28 of any other profession than the one which the licensee is
29 licensed to practice.

30 Sec. 23. Section 147.73, subsection 1, Code 1993, is
31 amended to read as follows:

32 1. As authorizing any person licensed to practice a
33 profession under this subtitle, excluding chapters 152B, and
34 152C, and 152D, to use or assume any degree or abbreviation of
35 the same unless such degree has been conferred upon said

1 person by an institution of learning accredited by the
2 appropriate board herein created, together with the director
3 of public health, or by some recognized state or national
4 accredited agency.

5 Sec. 24. Section 147.83, Code 1993, is amended to read as
6 follows:

7 147.83 INJUNCTION.

8 Any person engaging in any business or in the practice of
9 any profession for which a license is required by this
10 subtitle, excluding chapters 152B, and 152C, and 152D, without
11 such license may be restrained by permanent injunction.

12 Sec. 25. Section 147.86, Code 1993, 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 subtitle, excluding chapters 152B, and 152C,
17 and 152D, except insofar as the provisions apply or relate to
18 or affect the practice of pharmacy, or where a specific
19 penalty is not otherwise provided, shall be guilty of a
20 serious misdemeanor.

21 Sec. 26. Section 147.87, Code 1993, is amended to read as
22 follows:

23 147.87 ENFORCEMENT.

24 The department shall enforce the provisions of this and the
25 following chapters of this subtitle, excluding chapters 152B,
26 and 152C, and 152D, and for that purpose may request the
27 department of inspections and appeals to make necessary
28 investigations. Every licensee and member of an examining
29 board shall furnish the department or the department of
30 inspections and appeals such evidence as the member or
31 licensee may have relative to any alleged violation which is
32 being investigated.

33 Sec. 27. Section 147.88, Code 1993, is amended to read as
34 follows:

35 147.88 INSPECTIONS.

1 The department of inspections and appeals may perform
2 inspections as required by this subtitle, excluding chapters
3 152B, and 152C, and 152D, except for the board of medical
4 examiners, board of pharmacy examiners, board of nursing, and
5 the board of dental examiners. The department of inspections
6 and appeals shall employ personnel related to the inspection
7 functions.

8 Sec. 28. Section 147.90, Code 1993, is amended to read as
9 follows:

10 147.90 RULES AND FORMS.

11 The Iowa department of public health and the department of
12 inspections and appeals shall each establish the necessary
13 rules and forms for carrying out the duties imposed upon it by
14 this subtitle, excluding chapters 152B, and 152C, and 152D.

15 Sec. 29. Section 147.92, Code 1993, is amended to read as
16 follows:

17 147.92 ATTORNEY GENERAL AND COUNTY ATTORNEY.

18 Upon request of the department the attorney general shall
19 institute in the name of the state the proper proceedings
20 against any person charged by the department with violating
21 any provision of this or the following chapters of this
22 subtitle, excluding chapters 152B, and 152C, and 152D, and the
23 county attorney, at the request of the attorney general, shall
24 appear and prosecute such action when brought in the county
25 attorney's county.

26 Sec. 30. Section 147.93, Code 1993, is amended to read as
27 follows:

28 147.93 PRIMA FACIE EVIDENCE.

29 The opening of an office or place of business for the
30 practice of any profession for which a license is required by
31 this subtitle, excluding chapters 152B, and 152C, and 152D,
32 the announcing to the public in any way the intention to
33 practice any such profession, the use of any professional
34 degree or designation, or of any sign, card, circular, device,
35 or advertisement, as a practitioner of any such profession, or

1 as a person skilled in the same, shall be prima-facie evidence
2 of engaging in the practice of such profession.

3 Sec. 31. Section 147.111, Code Supplement 1993, is amended
4 to read as follows:

5 147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.

6 Any person licensed under the provisions of this subtitle,
7 excluding chapters 152B, and 152C, and 152D, who shall
8 administer any treatment to any person suffering a gunshot or
9 stab wound or other serious bodily injury, as defined in
10 section 702.18, which appears to have been received in
11 connection with the commission of a criminal offense, or to
12 whom an application is made for treatment of any nature
13 because of any such gunshot or stab wound or other serious
14 injury, as defined in section 702.18, shall at once but not
15 later than twelve hours thereafter, report that fact to the
16 law enforcement agency within whose jurisdiction the treatment
17 was administered or an application therefor was made, or if
18 ascertainable, to the law enforcement agency in whose
19 jurisdiction the gunshot or stab wound or other serious bodily
20 injury occurred, stating the name of such person, the person's
21 residence if ascertainable, and giving a brief description of
22 the gunshot or stab wound or other serious bodily injury. Any
23 provision of law or rule of evidence relative to confidential
24 communications is suspended insofar as the provisions of this
25 section are concerned.

26 Sec. 32. Section 272C.1, subsection 6, Code 1993, is
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. bb. The Iowa department of public health
29 in licensing athletic trainers pursuant to chapter 152D.

30 Sec. 33. TEMPORARY PROVISIONS. Any person actively
31 engaged as an athletic trainer on the effective date of this
32 Act shall be issued a temporary license if the person submits
33 an application, pays the required license fee, and is
34 determined to be actively engaged in the practice of athletic
35 training by the department. These temporary licenses shall

1 expire on July 1, 1999, and shall not be renewed.

2 Applications for a license under this section must be made
3 within one hundred eighty days from the effective date of this
4 Act. The governor shall determine if the initial appointees
5 representing licensed athletic trainers would qualify for a
6 license issued pursuant to section 152D.3.

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SENATE AMENDMENT TO HOUSE FILE 2387

H-5968

- 1 Amend House File 2387, as amended, passed, and re-
2 printed by the House, as follows:
3 1. Page 1, line 27, by striking the word "verbal"
4 and inserting the following: "oral".
5 2. Page 1, line 29, by striking the word "verbal"
6 and inserting the following: "oral".
7 3. Page 1, line 31, by striking the word "verbal"
8 and inserting the following: "oral".
9 4. Page 2, line 19, by inserting after the word
10 "therapy" the following: ", or a licensed physician
11 assistant".
12 5. By renumbering, relettering, or redesignating
13 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-5968 FILED APRIL 5, 1994

House Concurred
4-8-94
(p. 1341)

HOUSE FILE 2387

AN ACT

PROVIDING FOR LICENSING OF ATHLETIC TRAINERS, IMPOSING FEES,
AND PROVIDING A PENALTY.

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

Section 1. NEW SECTION. 152D.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Board" means the athletic trainer advisory board established pursuant to this chapter.
2. "Department" means the Iowa department of public health.
3. "Licensed athletic trainer" means a person licensed under this chapter.
4. "Practice of athletic training" means the prevention, physical evaluation, emergency care, and physical reconditioning relating to injuries and illnesses incurred through sports-induced trauma, which occurs during the preparation for or participation in a sports competition or during a physical training program, either of which is sponsored by an educational institution, amateur or professional athletic group, or other recognized organization, by a person who uses the title of licensed athletic trainer.

Sec. 2. NEW SECTION. 152D.2 LICENSING AND PRACTICE REQUIREMENTS.

A person shall not use the title of licensed athletic trainer as defined in this chapter without first obtaining a license pursuant to this chapter.

The practice of athletic training shall be carried out only under the supervision of a licensed physician.

The practice of physical reconditioning shall be carried out under the oral or written orders of a physician or physician assistant. A physician or physician assistant who

issues a oral order must reduce the order to writing and provide a copy of the order to the athletic trainer within thirty days of the oral order.

Sec. 3. NEW SECTION. 152D.3 QUALIFICATIONS -- PROCEDURES.

1. An applicant for an athletic trainer license must possess the following qualifications:
 - a. Graduation from an accredited college or university and compliance with the minimum athletic training curriculum requirements established by the department in consultation with the board.
 - b. Successful completion of an examination prepared or selected by the department in consultation with the board.
2. An out-of-state applicant for an athletic trainer license must fulfill the requirements of subsection 1, paragraph "a" or "b", and submit proof of active engagement as an athletic trainer in the other state.
3. Application and renewal procedures, fees, and reciprocal agreements shall be provided in accordance with this chapter.

Sec. 4. NEW SECTION. 152D.4 SCOPE OF CHAPTER.

The provisions of this chapter do not apply to any of the following:

1. Persons otherwise licensed to practice medicine and surgery, osteopathy, osteopathic medicine and surgery, optometry, occupational therapy, nursing, chiropractic, podiatry, dentistry, or physical therapy, or a licensed physician assistant.
2. Elementary or secondary school teachers, coaches, or authorized volunteers who do not hold themselves out to the public as athletic trainers.
3. Students of athletic training who practice athletic training under the supervision of a licensed athletic trainer in connection with the regular course of instruction at a school providing athletic training instruction.

Sec. 5. NEW SECTION. 152D.5 POWERS OF THE DEPARTMENT.

The department in consultation with the board shall

1. Adopt rules consistent with this chapter and chapter 147 which are necessary for the performance of its duties.
2. Establish standards and guidelines for athletic trainers including minimum curriculum requirements.
3. Prepare and conduct an examination for applicants for a license.
4. Establish a system for the collection of licensure fees. The fees charged shall be sufficient to defray the costs of administering this chapter and all fees collected shall be deposited with the treasurer of state who shall deposit them in the general fund of the state.

Sec. 6. NEW SECTION. 152D.6 LICENSE SUSPENSION AND REVOCATION.

A license issued by the department under the provisions of this chapter may be suspended or revoked, or renewal denied by the department, for violation of any provision of this chapter or section 272C.10, or section 147.55, or rules adopted by the department.

Sec. 7. NEW SECTION. 152D.7 ADVISORY BOARD.

An athletic trainer advisory board is established to provide advice to the department regarding approval of continuing education programs and drafting of rules pursuant to section 152D.5.

The members of the advisory board shall include three licensed athletic trainers, three physicians licensed to practice medicine in all its branches, and one public member. Not more than a simple majority of the advisory board shall be of one gender. Members shall be appointed by the governor, subject to confirmation by the senate, and shall serve three-year terms beginning and ending in accordance with section 69.19. Members shall be compensated for their actual and necessary expenses incurred in the performance of their duties. Expense moneys paid to the members shall be paid from funds appropriated to the department. Each member of the board may also be eligible to receive compensation as provided in section 7E.6

Sec. 8. NEW SECTION. 152D.8 PENALTY.

A person who violates a provision of this chapter is guilty of a simple misdemeanor.

Sec. 9. Section 135.11, subsections 11 and 13, Code Supplement 1993, are amended to read as follows:

11. Enforce the law relative to chapter 146 and "Health-related Professions," title IV, subtitle 3, excluding chapters 152B, 152D, and 155.

13. Establish, publish, and enforce rules not inconsistent with law for the enforcement of the provisions of chapters 125, 152B, 152D, 155, and 435 and title IV, subtitle 2, excluding chapters 142B, 145B, and 146 and for the enforcement of the various laws, the administration and supervision of which are imposed upon the department.

Sec. 10. Section 147.1, unnumbered paragraph 1 and subsection 7, Code 1993, are amended to read as follows:

For the purpose of this and the following chapters of this subtitle, excluding chapters 152B, and 152C, and 152D:

7. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, or social worker means a person licensed under this subtitle, excluding chapters 152B, and 152C, and 152D.

Sec. 11. Section 147.3, Code 1993, is amended to read as follows:

147.3 QUALIFICATIONS.

An applicant for a license to practice a profession under this subtitle, excluding chapters 152B, and 152C, and 152D, is not ineligible because of age, citizenship, sex, race, religion, marital status or national origin, although the application form may require citizenship information. A board

may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of the profession for which the applicant requests to be licensed. Character references may be required, but shall not be obtained from licensed members of the profession.

Sec. 12. Section 147.6, Code 1993, is amended to read as follows:

147.6 CERTIFICATE PRESUMPTIVE EVIDENCE.

Every license issued under this subtitle, excluding chapters 152B, and 152C, and 152D, shall be presumptive evidence of the right of the holder to practice in this state the profession therein specified.

Sec. 13. Section 147.7, Code 1993, is amended to read as follows:

147.7 DISPLAY OF LICENSE.

Every person licensed under this subtitle, excluding chapters 152B, and 152C, and 152D, to practice a profession shall keep the license publicly displayed in the primary place in which the person practices.

Sec. 14. Section 147.9, Code 1993, is amended to read as follows:

147.9 CHANGE OF RESIDENCE.

When any person licensed to practice a profession under this subtitle, excluding chapters 152B, and 152C, and 152D, changes a residence or place of practice the person shall notify the department.

Sec. 15. Section 147.12, unnumbered paragraph 1, Code 1993, is amended to read as follows:

For the purpose of giving examinations to applicants for licenses to practice the professions for which licenses are required by this subtitle, excluding chapters 152B, and 152C, and 152D, the governor shall appoint, subject to confirmation by the senate, a board of examiners for each of the professions. The board members shall not be required to be members of professional societies or associations composed of members of their professions.

Sec. 16. Section 147.30, Code 1993, is amended to read as follows:

147.30 TIME AND PLACE OF EXAMINATIONS.

The department shall give public notice of the time and place of all examinations to be held under this subtitle, excluding chapters 152B, and 152C, and 152D. Such notice shall be given in such manner as the department may deem expedient and in ample time to allow all candidates to comply with the provisions of this subtitle, excluding chapters 152B, and 152C, and 152D.

Sec. 17. Section 147.34, Code 1993, is amended to read as follows:

147.34 EXAMINATIONS.

Examinations for each profession licensed under this subtitle, excluding chapters 152B, and 152C, and 152D, shall be conducted at least one time per year at such time as the department may fix in co-operation with each examining board. Examinations may be given at the state University of Iowa at the close of each school year for professions regulated by this subtitle, excluding chapters 152B, and 152C, and 152D, and examinations may be given at other schools located in the state at which any of the professions regulated by this subtitle, excluding chapters 152B, and 152C, and 152D, are taught. At least one session of each examining board shall be held annually at the seat of government and the locations of other sessions shall be determined by the examining board, unless otherwise ordered by the department. Applicants who fail to pass the examination once shall be allowed to take the examination at the next scheduled time. Thereafter, applicants shall be allowed to take the examination at the discretion of the board. Examinations may be given by an examining board which are prepared and scored by persons outside the state, and examining boards may contract for such services. An examining board may make an agreement with examining boards in other states for administering a uniform examination. An applicant who has failed an examination may

request in writing information from the examining board concerning the examination grade and subject areas or questions which the applicant failed to answer correctly, except that if the examining board administers a uniform, standardized examination, the examining board shall only be required to provide the examination grade and such other information concerning the applicant's examination results which are available to the examining board.

Sec. 18. Section 147.41, subsection 2, Code 1993, is amended to read as follows:

2. The subjects to be covered by such examination and the subjects to be covered by the final examination to be taken by such applicant after the completion of the professional course and prior to the issuance of the license, but the subjects covered in the partial and final examinations shall be the same as those specified in this subtitle, excluding chapters 152B, and 152C, and 152D, for the regular examination.

Sec. 19. Section 147.44, Code 1993, is amended to read as follows:

147.44 AGREEMENTS.

For the purpose of recognizing licenses which have been issued in other states to practice any profession for which a license is required by this subtitle, excluding chapters 152B, and 152C, and 152D, the department shall enter into a reciprocal agreement with every state which is certified to it by the proper examining board under the provisions of section 147.45 and with which this state does not have an existing agreement at the time of such certification.

Sec. 20. Section 147.46, subsection 1, Code 1993, is amended to read as follows:

1. Protection to licensees of this state. When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person licensed in this state to practice any profession regulated by this subtitle, excluding chapters 152B, and 152C, and 152D, which affects the right of said person to be licensed or to practice

the person's profession in said state, then the same requirement or disability shall be placed upon any person licensed in said state when applying for a license to practice in this state.

Sec. 21. Section 147.52, Code 1993, is amended to read as follows:

147.52 RECIPROACITY.

When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person holding a diploma or certificate from any college in this state in which one of the professions regulated by this subtitle, excluding chapters 152B, and 152C, and 152D, is taught, which affects the right of said person to be licensed in said state, the same requirement or disability shall be placed upon any person holding a diploma from a similar college situated therein, when applying for a license to practice in this state.

Sec. 22. Section 147.72, Code 1993, is amended to read as follows:

147.72 PROFESSIONAL TITLES AND ABBREVIATIONS.

Any person licensed to practice a profession under this subtitle, excluding chapters 152B, and 152C, and 152D, may append to the person's name any recognized title or abbreviation, which the person is entitled to use, to designate the person's particular profession, but no other person shall assume or use such title or abbreviation, and no licensee shall advertise in such a manner as to lead the public to believe that the licensee is engaged in the practice of any other profession than the one which the licensee is licensed to practice.

Sec. 23. Section 147.73, subsection 1, Code 1993, is amended to read as follows:

1. As authorizing any person licensed to practice a profession under this subtitle, excluding chapters 152B, and 152C, and 152D, to use or assume any degree or abbreviation of the same unless such degree has been conferred upon said

person by an institution of learning accredited by the appropriate board herein created, together with the director of public health, or by some recognized state or national accredited agency.

Sec. 24. Section 147.83, Code 1993, is amended to read as follows:

147.83 INJUNCTION.

Any person engaging in any business or in the practice of any profession for which a license is required by this subtitle, excluding chapters 152B, and 152C, and 152D, without such license may be restrained by permanent injunction.

Sec. 25. Section 147.86, Code 1993, is amended to read as follows:

147.86 PENALTIES.

Any person violating any provision of this or the following chapters of this subtitle, excluding chapters 152B, and 152C, and 152D, except insofar as 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. 26. Section 147.87, Code 1993, is amended to read as follows:

147.87 ENFORCEMENT.

The department shall enforce the provisions of this and the following chapters of this subtitle, excluding chapters 152B, and 152C, and 152D, and for that purpose may request the department of inspections and appeals to make necessary investigations. Every licensee and member of an examining board shall furnish the department or the department of inspections and appeals such evidence as the member or licensee may have relative to any alleged violation which is being investigated.

Sec. 27. Section 147.88, Code 1993, is amended to read as follows:

147.88 INSPECTIONS.

The department of inspections and appeals may perform inspections as required by this subtitle, excluding chapters 152B, and 152C, and 152D, except for the board of medical examiners, board of pharmacy examiners, board of nursing, and the board of dental examiners. The department of inspections and appeals shall employ personnel related to the inspection functions.

Sec. 28. Section 147.90, Code 1993, is amended to read as follows:

147.90 RULES AND FORMS.

The Iowa department of public health and the department of inspections and appeals shall each establish the necessary rules and forms for carrying out the duties imposed upon it by this subtitle, excluding chapters 152B, and 152C, and 152D.

Sec. 29. Section 147.92, Code 1993, is amended to read as follows:

147.92 ATTORNEY GENERAL AND COUNTY ATTORNEY.

Upon request of the department the attorney general shall institute in the name of the state the proper proceedings against any person charged by the department with violating any provision of this or the following chapters of this subtitle, excluding chapters 152B, and 152C, and 152D, and the county attorney, at the request of the attorney general, shall appear and prosecute such action when brought in the county attorney's county.

Sec. 30. Section 147.93, Code 1993, is amended to read as follows:

147.93 PRIMA FACIE EVIDENCE.

The opening of an office or place of business for the practice of any profession for which a license is required by this subtitle, excluding chapters 152B, and 152C, and 152D, the announcing to the public in any way the intention to practice any such profession, the use of any professional degree or designation, or of any sign, card, circular, device, or advertisement, as a practitioner of any such profession, or as a person skilled in the same, shall be prima-facie evidence of engaging in the practice of such profession.

Sec. 11. Section 147.111, Code Supplement 1993, is amended to read as follows:

147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.

Any person licensed under the provisions of this subtitle, excluding chapters 152B, and 152C, and 152D, who shall administer any treatment to any person suffering a gunshot or stab wound or other serious bodily injury, as defined in section 702.18, which appears to have been received in connection with the commission of a criminal offense, or to whom an application is made for treatment of any nature because of any such gunshot or stab wound or other serious injury, as defined in section 702.18, shall at once but not later than twelve hours thereafter, report that fact to the law enforcement agency within whose jurisdiction the treatment was administered or an application therefor was made, or if ascertainable, to the law enforcement agency in whose jurisdiction the gunshot or stab wound or other serious bodily injury occurred, stating the name of such person, the person's residence if ascertainable, and giving a brief description of the gunshot or stab wound or other serious bodily injury. Any provision of law or rule of evidence relative to confidential communications is suspended insofar as the provisions of this section are concerned.

Sec. 12. Section 772C.1, subsection 6, Code 1993, is amended by adding the following new paragraph

NEW PARAGRAPH 6b. The Iowa department of public health in licensing athletic trainers pursuant to chapter 152D.

Sec. 13. TEMPORARY PROVISIONS. Any person actively engaged as an athletic trainer on the effective date of this Act shall be issued a temporary license if the person submits an application, pays the required license fee, and is determined to be actively engaged in the practice of athletic training by the department. These temporary licenses shall expire on July 1, 1999, and shall not be renewed.

Applications for a license under this section must be made within one hundred eighty days from the effective date of this

Act. The governor shall determine if the initial appointees representing licensed athletic trainers would qualify for a license issued pursuant to section 152D.5.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. POSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2387, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 28, 1994

TERRY E. BRANSTAD
Governor