

(P. 975) 3/31/93 Motion to R/C Churchill  
& Hansen  
(P. 92) 4-1-93 Motion to R/C by Churchill - lost  
Motion by Hansen - out of order

HOUSE FILE 561

MAR 17 1993

Place On Calendar

BY COMMITTEE ON STATE GOVERNMENT

4-1-93 pending - still R/C  
4-8-93 pending - moved/lost floor w/s. 3465  
(SUCCESSOR TO HSB 90)

Passed House, Date 3/31/93 Passed Senate, Date 4/19/93  
Vote: Ayes 99 Nays 0 Vote: Ayes 46 Nays 0  
Approved April 26, 1993

A BILL FOR

1 An Act relating to the practices of nursing and dentistry,  
2 including the establishment of penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 561

S-3465

1 Amend House File 561, as passed by the House, as  
2 follows:  
3 1. By striking page 1, line 21, through page 2,  
4 line 27.  
5 2. Title page, by striking lines 1 and 2 and  
6 inserting the following: "An Act authorizing the  
7 board of nursing and the board of dental examiners to  
8 appoint investigators with peace officer powers."

HF 561

*Withdraw* 4-19-93 (p. 1209)  
S-3465 FILED APRIL 8, 1993

By COMMITTEE ON STATE GOVERNMENT  
MICHAEL E. GRONSTAL, Chairperson

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1 Section 1. NEW SECTION. 152.11 INVESTIGATORS FOR NURSES.

2 The board of nursing may appoint investigators, who shall  
3 not be members of the board, to administer and aid in the  
4 enforcement of the provision of law related to those licensed  
5 to practice nursing. The amount of compensation for the  
6 investigators shall be determined pursuant to chapter 19A.  
7 Investigators authorized by the board of nursing have the  
8 powers and status of peace officers when enforcing this  
9 chapter and chapters 147 and 272C.

10 Sec. 2. Section 153.33, Code 1993, is amended by adding  
11 the following new subsection:

12 NEW SUBSECTION. 1A. To appoint investigators, who shall  
13 not be members of the examining board, to administer and aid  
14 in the enforcement of the provisions of law relating to those  
15 persons licensed to practice dentistry and dental hygiene.  
16 The amount of compensation for the investigators shall be  
17 determined pursuant to chapter 19A. Investigators authorized  
18 by the board of dental examiners have the powers and status of  
19 peace officers when enforcing this chapter and chapters 147  
20 and 272C.

21 Sec. 3. Section 153.34, unnumbered paragraph 1, Code 1993,  
22 is amended by striking the paragraph and inserting in lieu  
23 thereof the following:

24 The board may issue an order to discipline a licensed  
25 dentist or dental hygienist for any of the grounds set forth  
26 in this chapter, chapter 272C, or title IV. Notwithstanding  
27 section 272C.3, licensee discipline may include a civil  
28 penalty not to exceed ten thousand dollars. Pursuant to this  
29 section, the board may discipline a licensee for any of the  
30 following reasons:

31 Sec. 4. Section 153.37, Code 1993, is amended to read as  
32 follows:

33 153.37 DENTAL COLLEGE AND DENTAL HYGIENE PROGRAM FACULTY  
34 PERMITS.

35 The state board of dental examiners may issue to members of

1 the faculty of the college of dentistry a faculty permit  
2 entitling the holder to practice dentistry or dental hygiene  
3 within the college of dentistry or a dental hygiene program  
4 and ~~its~~ affiliated teaching facilities as an adjunct to the  
5 faculty members' teaching positions, associated  
6 responsibilities, and functions. The dean of the college of  
7 dentistry or chairperson of a dental hygiene program shall  
8 certify to the state board of dental examiners those bona fide  
9 members of the college's or a dental hygiene program's faculty  
10 who are not licensed and registered to practice dentistry or  
11 dental hygiene in Iowa. Any faculty member so certified  
12 shall, prior to commencing the member's duties in the college  
13 of dentistry or a dental hygiene program, make written  
14 application to the state board of dental examiners for a  
15 permit. The permit shall expire on the first day of July next  
16 following the date of issuance and may at the discretion of  
17 the state board of dental examiners, be renewed on a yearly  
18 basis. ~~A-fee-of-fifteen-dollars-shall-be-paid-by-the~~  
19 ~~applicant-for-issuance-and-renewal-of-the-faculty-permit.~~ The  
20 fee for the faculty permit and the renewal shall be set by the  
21 state board of dental examiners based upon the administrative  
22 cost of issuance of the permit. The fee shall be deposited in  
23 the same manner as fees provided for in section 147.82. The  
24 faculty permit shall be valid during the time the holder  
25 remains a member of the faculty of the college of dentistry  
26 and shall subject the holder to all provisions of this  
27 chapter.

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## EXPLANATION

29 This bill grants peace officer powers and status to  
30 investigators of the board of nursing. Peace officer powers  
31 and status are already held by investigators of the board of  
32 medical examiners, the board of physician assistant examiners,  
33 and the board of pharmacy examiners.

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HSB 90

STATE GOVERNMENT

Churchill, Chair  
Hester  
Running

SENATE/HOUSE FILE 561  
BY (PROPOSED DEPARTMENT OF PUBLIC  
HEALTH/BOARD OF NURSING  
EXAMINERS BILL)

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

A BILL FOR

1 An Act authorizing the board of nursing to appoint investigators  
2 with peace officer powers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 152.11 INVESTIGATORS FOR NURSES.  
2 The board of nursing may appoint investigators, who shall  
3 not be members of the board, to administer and aid in the  
4 enforcement of the provision of law related to those licensed  
5 to practice nursing. The amount of compensation for the  
6 investigators shall be determined pursuant to chapter 19A.  
7 Investigators authorized by the board of nursing have the  
8 powers and status of peace officers when enforcing this  
9 chapter and chapters 147 and 272C.

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EXPLANATION

11 This bill grants peace officer powers and status to  
12 investigators of the board of nursing. Peace officer powers  
13 and status are already held by investigators of the board of  
14 medical examiners, the board of physician assistant examiners,  
15 and the board of pharmacy examiners.

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BACKGROUND STATEMENT

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SUBMITTED BY THE AGENCY

18 This measure will improve enforcement of chapters 147, 152;  
19 and 272C because it will grant nursing board investigators the  
20 same peace officer status currently possessed by investigators  
21 for the pharmacy, medicine, and physicians assistant boards.  
22 This measure is being submitted by the board of nursing.

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HOUSE FILE 561

AN ACT

RELATING TO THE PRACTICES OF NURSING AND DENTISTRY, INCLUDING  
THE ESTABLISHMENT OF PENALTIES.

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

Section 1. NEW SECTION. 152.11 INVESTIGATORS FOR NURSES.

The board of nursing may appoint investigators, who shall not be members of the board, to administer and aid in the enforcement of the provision of law related to those licensed to practice nursing. The amount of compensation for the investigators shall be determined pursuant to chapter 19A. Investigators authorized by the board of nursing have the powers and status of peace officers when enforcing this chapter and chapters 147 and 272C.

Sec. 2. Section 153.33, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. To appoint investigators, who shall not be members of the examining board, to administer and aid in the enforcement of the provisions of law relating to those persons licensed to practice dentistry and dental hygiene. The amount of compensation for the investigators shall be determined pursuant to chapter 19A. Investigators authorized by the board of dental examiners have the powers and status of peace officers when enforcing this chapter and chapters 147 and 272C.

Sec. 3. Section 153.14, unnumbered paragraph 1, Code 1993, is amended by striking the paragraph and inserting in lieu thereof the following:

The board may issue an order to discipline a licensed dentist or dental hygienist for any of the grounds set forth in this chapter, chapter 272C, or title IV. Notwithstanding section 272C.3, licensee discipline may include a civil penalty not to exceed ten thousand dollars. Pursuant to this section, the board may discipline a licensee for any of the following reasons:

Sec. 4. Section 153.37, Code 1993, is amended to read as follows:

153.37 DENTAL COLLEGE AND DENTAL HYGIENE PROGRAM FACULTY PERMITS.

The state board of dental examiners may issue to members of the faculty of the college of dentistry a faculty permit entitling the holder to practice dentistry or dental hygiene within the college of dentistry or a dental hygiene program and its affiliated teaching facilities as an adjunct to the faculty members' teaching positions, associated responsibilities, and functions. The dean of the college of dentistry or chairperson of a dental hygiene program shall certify to the state board of dental examiners those bona fide members of the college's or a dental hygiene program's faculty who are not licensed and registered to practice dentistry or dental hygiene in Iowa. Any faculty member so certified shall, prior to commencing the member's duties in the college of dentistry or a dental hygiene program, make written application to the state board of dental examiners for a permit. The permit shall expire on the first day of July next following the date of issuance and may at the discretion of the state board of dental examiners, be renewed on a yearly basis. ~~A fee of fifteen dollars shall be paid by the applicant for issuance and renewal of the faculty permit. The fee for the~~ the fee for the faculty permit and the renewal shall be set by the state board of dental examiners based upon the administrative cost of issuance of the permit. The fee shall be deposited in the same manner as fees provided for in section 147.82. The

faculty permit shall be valid during the time the holder remains a member of the faculty of the college of dentistry and shall subject the holder to all provisions of this chapter.

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HAROLD VAN MAANEN  
Speaker of the House

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LEONARD L. BOSWELL  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 561, Seventy-fifth General Assembly.

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ELIZABETH ISAACSON  
Chief Clerk of the House

Approved April 26, 1993

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TERRY E. BRANSTAD  
Governor