

JAN 3 1 1995  
STATE GOVERNMENT

HOUSE FILE 110  
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BRANSTAD, GREIG, WITT,  
DRAKE, MURPHY, and CONNORS

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

**A BILL FOR**

1 An Act relating to the name of those persons who engage in the  
2 practice of podiatry.

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

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HF 110

1 Section 1. Section 124.101, subsections 1 and 23, Code  
2 1995, are amended to read as follows:

3 1. "Administer" means the direct application of a  
4 controlled substance, whether by injection, inhalation,  
5 ingestion, or any other means, to the body of a patient or  
6 research subject by:

7 a. A practitioner, or in the practitioner's presence, by  
8 the practitioner's authorized agent; or

9 b. The patient or research subject at the direction and in  
10 the presence of the practitioner.

11 Nothing contained in this chapter shall be construed to  
12 prevent a physician, dentist, ~~pediatrist~~ podiatric physician,  
13 or veterinarian from delegating the administration of  
14 controlled substances under this chapter to a nurse, intern,  
15 or other qualified individual or, as to veterinarians, to an  
16 orderly or assistant, under the veterinarian's direction and  
17 supervision; all pursuant to rules adopted by the board.

18 23. "Practitioner" means either:

19 a. A physician, dentist, ~~pediatrist~~ podiatric physician,  
20 veterinarian, scientific investigator or other person  
21 licensed, registered or otherwise permitted to distribute,  
22 dispense, conduct research with respect to or to administer a  
23 controlled substance in the course of professional practice or  
24 research in this state.

25 b. A pharmacy, hospital or other institution licensed,  
26 registered, or otherwise permitted to distribute, dispense,  
27 conduct research with respect to or to administer a controlled  
28 substance in the course of professional practice or research  
29 in this state.

30 Sec. 2. Section 135.1, subsection 4, Code 1995, is amended  
31 to read as follows:

32 4. "Physician" means a person licensed to practice  
33 medicine and surgery, osteopathic medicine and surgery,  
34 osteopathy, chiropractic, or podiatry under the laws of this  
35 state; but a person licensed as a physician and surgeon shall

1 be designated as a "physician" or "surgeon", a person licensed  
2 as an osteopathic physician and surgeon shall be designated as  
3 an "osteopathic physician" or "osteopathic surgeon", a person  
4 licensed as an osteopath shall be designated as an  
5 "osteopathic physician", a person licensed as a chiropractor  
6 shall be designated as a "chiropractor", and a person licensed  
7 as a podiatrist shall be designated as a "podiatrist podiatric  
8 physician".

9 Sec. 3. Section 147.1, subsection 7, Code 1995, is amended  
10 to read as follows:

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

22 Sec. 4. Section 147.74, subsection 6, Code 1995, is  
23 amended to read as follows:

24 6. A podiatrist podiatric physician may use the prefix  
25 "Dr." but shall add after the person's name the word  
26 "podiatrist podiatric physician".

27 Sec. 5. Section 147.107, subsections 1 and 2, Code 1995,  
28 are amended to read as follows:

29 1. A person, other than a pharmacist, physician, dentist,  
30 podiatrist podiatric physician, or veterinarian who dispenses  
31 as an incident to the practice of the practitioner's  
32 profession, shall not dispense prescription drugs or  
33 controlled substances.

34 2. A pharmacist, physician, dentist, or podiatrist  
35 podiatric physician who dispenses prescription drugs,

1 including but not limited to controlled substances, for human  
2 use, may delegate nonjudgmental dispensing functions to staff  
3 assistants only when verification of the accuracy and  
4 completeness of the prescription is determined by the  
5 pharmacist or practitioner in the pharmacist's or  
6 practitioner's physical presence.

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

13 A physician, dentist, or ~~pediatrist~~ podiatric physician who  
14 dispenses prescription drugs, other than drug samples,  
15 pursuant to this subsection, shall offer to provide the  
16 patient with a written prescription that may be dispensed from  
17 a pharmacy of the patient's choice or offer to transmit the  
18 prescription to a pharmacy of the patient's choice.

19 Sec. 6. Section 147.136, Code 1995, is amended to read as  
20 follows:

21 147.136 SCOPE OF RECOVERY.

22 In an action for damages for personal injury against a  
23 physician and surgeon, osteopath, osteopathic physician and  
24 surgeon, dentist, ~~pediatrist~~ podiatric physician, optometrist,  
25 pharmacist, chiropractor, or nurse licensed to practice that  
26 profession in this state, or against a hospital licensed for  
27 operation in this state, based on the alleged negligence of  
28 the practitioner in the practice of the profession or  
29 occupation, or upon the alleged negligence of the hospital in  
30 patient care, in which liability is admitted or established,  
31 the damages awarded shall not include actual economic losses  
32 incurred or to be incurred in the future by the claimant by  
33 reason of the personal injury, including but not limited to,  
34 the cost of reasonable and necessary medical care,  
35 rehabilitation services, and custodial care, and the loss of

1 services and loss of earned income, to the extent that those  
2 losses are replaced or are indemnified by insurance, or by  
3 governmental, employment, or service benefit programs or from  
4 any other source except the assets of the claimant or of the  
5 members of the claimant's immediate family.

6 Sec. 7. Section 147.138, Code 1995, is amended to read as  
7 follows:

8 147.138 CONTINGENT FEE OF ATTORNEY REVIEWED BY COURT.

9 In any action for personal injury or wrongful death against  
10 any physician and surgeon, osteopath, osteopathic physician  
11 and surgeon, dentist, podiatrist podiatric physician,  
12 optometrist, pharmacist, chiropractor or nurse licensed under  
13 this chapter or against any hospital licensed under chapter  
14 135B, based upon the alleged negligence of the licensee in the  
15 practice of that profession or occupation, or upon the alleged  
16 negligence of the hospital in patient care, the court shall  
17 determine the reasonableness of any contingent fee arrangement  
18 between the plaintiff and the plaintiff's attorney.

19 Sec. 8. Section 148A.1, Code 1995, is amended to read as  
20 follows:

21 148A.1 DEFINITION -- REFERRAL -- AUTHORIZATION.

22 As used in this chapter, physical therapy is that branch of  
23 science that deals with the evaluation and treatment of human  
24 capabilities and impairments. Physical therapy uses the  
25 effective properties of physical agents including, but not  
26 limited to, mechanical devices, heat, cold, air, light, water,  
27 electricity, and sound, and therapeutic exercises, and  
28 rehabilitative procedures to prevent, correct, minimize, or  
29 alleviate a physical impairment. Physical therapy includes  
30 the interpretation of performances, tests, and measurements,  
31 the establishment and modification of physical therapy  
32 programs, treatment planning, consultative services,  
33 instructions to the patients, and the administration and  
34 supervision attendant to physical therapy facilities.  
35 Physical therapy evaluation and treatment may be rendered by a

1 physical therapist with or without a referral from a  
2 physician, podiatrist podiatric physician, dentist, or  
3 chiropractor, except that a hospital may require that physical  
4 therapy evaluation and treatment provided in the hospital  
5 shall be done only upon prior review by and authorization of a  
6 member of the hospital's medical staff.

7 Sec. 9. Section 149.1, Code 1995, is amended to read as  
8 follows:

9 149.1 PERSONS ENGAGED IN PRACTICE -- DEFINITION.

10 1. For the purpose of this subtitle the following classes  
11 of persons shall be deemed to be engaged in the practice of  
12 podiatry:

13 a. Persons who publicly profess to be podiatrists  
14 podiatric physicians or who publicly profess to assume the  
15 duties incident to the practice of podiatry.

16 b. Persons who diagnose, prescribe, or prescribe and  
17 furnish medicine for ailments of the human foot, or treat such  
18 ailments by medical, mechanical, or surgical treatments.

19 1A. Podiatric physician means a physician or surgeon  
20 licensed under this chapter to engage in the practice of  
21 podiatric medicine and surgery.

22 2. As used in this chapter, "human foot" means the ankle  
23 and soft tissue which insert into the foot as well as the  
24 foot.

25 Sec. 10. Section 149.5, unnumbered paragraph 2, Code 1995,  
26 is amended to read as follows:

27 A licensed podiatrist podiatric physician may prescribe and  
28 administer drugs for the treatment of human foot ailments as  
29 provided in section 149.1.

30 Sec. 11. Section 149.6, Code 1995, is amended to read as  
31 follows:

32 149.6 TITLE OR ABBREVIATION.

33 Every licensee shall be designated as a licensed podiatrist  
34 podiatric physician and shall not use any title or  
35 abbreviation without the designation "practice limited to the

1 foot," nor mislead the public in any way as to the limited  
2 field or practice.

3 Sec. 12. Section 152.1, subsection 5, paragraph c, Code  
4 1995, is amended to read as follows:

5 c. The performance of services by employed workers in  
6 offices, hospitals, or health care facilities, as defined in  
7 section 135C.1, under the supervision of a physician or a  
8 nurse licensed under this chapter, or employed in the office  
9 of a psychologist, ~~pediatrist~~ podiatric physician,  
10 optometrist, chiropractor, speech pathologist, audiologist, or  
11 physical therapist licensed to practice in this state, and  
12 when acting while within the scope of the employer's license.

13 Sec. 13. Section 155A.3, subsection 27, Code 1995, is  
14 amended to read as follows:

15 27. "Practitioner" means a physician, dentist, ~~pediatrist~~  
16 podiatric physician, veterinarian, or other person licensed or  
17 registered to distribute or dispense a prescription drug or  
18 device in the course of professional practice in this state or  
19 a person licensed by another state in a health field in which,  
20 under Iowa law, licensees in this state may legally prescribe  
21 drugs.

22 Sec. 14. Section 155A.21, subsection 2, Code 1995, is  
23 amended to read as follows:

24 2. Subsection 1 does not apply to a licensed pharmacy,  
25 licensed wholesaler, physician, veterinarian, dentist,  
26 ~~pediatrist~~ podiatric physician, therapeutically certified  
27 optometrist, a nurse acting under the direction of a  
28 physician, or the board of pharmacy examiners, its officers,  
29 agents, inspectors, and representatives, nor to a common  
30 carrier, manufacturer's representative, or messenger when  
31 transporting the drug in the same unbroken package in which  
32 the drug was delivered to that person for transportation.

33 Sec. 15. Section 155A.23, subsection 3, Code 1995, is  
34 amended to read as follows:

35 3. For the purpose of obtaining a prescription drug,

1 falsely assume the title of or claim to be a manufacturer,  
2 wholesaler, pharmacist, pharmacy owner, physician, dentist,  
3 ~~pediatrist~~ podiatric physician, veterinarian, or other  
4 authorized person.

5 Sec. 16. Section 232.2, subsection 23, Code 1995, is  
6 amended to read as follows:

7 23. "Health practitioner" means a licensed physician or  
8 surgeon, osteopath, osteopathic physician or surgeon, dentist,  
9 optometrist, ~~pediatrist~~ podiatric physician, or chiropractor,  
10 a resident or intern of any such profession, and any  
11 registered nurse or licensed practical nurse.

12 Sec. 17. Section 232.68, subsection 5, Code 1995, is  
13 amended to read as follows:

14 5. "Health practitioner" includes a licensed physician and  
15 surgeon, osteopath, osteopathic physician and surgeon,  
16 dentist, optometrist, ~~pediatrist~~ podiatric physician, or  
17 chiropractor; a resident or intern in any of such professions;  
18 a licensed dental hygienist, a registered nurse or licensed  
19 practical nurse; and a basic emergency medical care provider  
20 certified under section 147.161 or an advanced emergency  
21 medical care provider certified under section 147A.6.

22 Sec. 18. Section 514.18, Code 1995, is amended to read as  
23 follows:

24 514.18 ~~PODIATRISTS~~ PODIATRIC PHYSICIANS.

25 Medical or surgical services or procedures constituting the  
26 practice of podiatry, also known as chiropody, as defined by  
27 chapter 149, and covered by the terms of any individual,  
28 group, blanket, or franchise policy providing accident or  
29 health benefits hereafter delivered or hereafter issued for  
30 delivery in Iowa and covering an Iowa risk may be performed by  
31 any practitioner, selected by the insured, licensed under  
32 chapter 149 to perform such medical or surgical services or  
33 procedures. Any provision of such policy or exclusion or  
34 limitation denying an insured the free choice of such licensed  
35 ~~pediatrist~~ podiatric physician, also known as chiropodist,



1 shall to the extent of the denial, be void, but such voidance  
2 shall not affect the validity of the other provisions of the  
3 policy.

4 Sec. 19. Section 519.1, Code 1995, is amended to read as  
5 follows:

6 519.1 AUTHORIZATION.

7 Any number of physicians and surgeons, osteopaths,  
8 osteopathic physicians and surgeons, pediatrist podiatric  
9 physicians, chiropractors, pharmacists, dentists, and graduate  
10 nurses, licensed to practice their profession in this state,  
11 and hospitals licensed under chapter 135B, may, by complying  
12 with the provisions of this chapter and without regard to  
13 other statutory provisions, enter into contracts with each  
14 other for the purpose of protecting themselves by insurance  
15 against loss by reason of actions at law on account of their  
16 alleged error, mistake, negligence, or carelessness in the  
17 treatment and care of patients, including the performance of  
18 surgical operations, or in the prescribing and dispensing of  
19 drugs and medicines, or for loss by reason of damages in other  
20 respects, and to reimburse any member in case of such loss.

21 Sec. 20. Section 519A.2, subsection 3, Code 1995, is  
22 amended to read as follows:

23 3. "Licensed health care provider" means and includes a  
24 physician and surgeon, osteopath, osteopathic physician and  
25 surgeon, dentist, pediatrist podiatric physician, optometrist,  
26 pharmacist, chiropractor or nurse licensed pursuant to chapter  
27 147, and a hospital licensed pursuant to chapter 135B.

28 Sec. 21. Section 614.1, subsection 9, Code 1995, is  
29 amended to read as follows:

30 9. MALPRACTICE. Those founded on injuries to the person  
31 or wrongful death against any physician and surgeon,  
32 osteopath, osteopathic physician and surgeon, dentist,  
33 pediatrist podiatric physician, optometrist, pharmacist,  
34 chiropractor, or nurse, licensed under chapter 147, or a  
35 hospital licensed under chapter 135B, arising out of patient

1 care, within two years after the date on which the claimant  
2 knew, or through the use of reasonable diligence should have  
3 known, or received notice in writing of the existence of, the  
4 injury or death for which damages are sought in the action,  
5 whichever of the dates occurs first, but in no event shall any  
6 action be brought more than six years after the date on which  
7 occurred the act or omission or occurrence alleged in the  
8 action to have been the cause of the injury or death unless a  
9 foreign object unintentionally left in the body caused the  
10 injury or death.

11 EXPLANATION

12 This bill changes the name of those individuals licensed to  
13 practice podiatry from podiatrist to podiatric physician.

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