

Senate Study Bill 94

Conference Committee Text

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1 1 Section 1. Section 124.101, subsections 1 and 23, Code
1 2 1995, are amended to read as follows:
1 3 1. "Administer" means the direct application of a
1 4 controlled substance, whether by injection, inhalation,
1 5 ingestion, or any other means, to the body of a patient or
1 6 research subject by:
1 7 a. A practitioner, or in the practitioner's presence, by
1 8 the practitioner's authorized agent; or
1 9 b. The patient or research subject at the direction and in
1 10 the presence of the practitioner.
1 11 Nothing contained in this chapter shall be construed to
1 12 prevent a physician, dentist,

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~~— podiatric physician.~~

1 13 or veterinarian from delegating the administration of
1 14 controlled substances under this chapter to a nurse, intern,
1 15 or other qualified individual or, as to veterinarians, to an
1 16 orderly or assistant, under the veterinarian's direction and
1 17 supervision; all pursuant to rules adopted by the board.

1 18 23. "Practitioner" means either:

1 19 a. A physician, dentist,

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1 20 veterinarian, scientific investigator or other person
1 21 licensed, registered or otherwise permitted to distribute,
1 22 dispense, conduct research with respect to or to administer a
1 23 controlled substance in the course of professional practice or
1 24 research in this state.

1 25 b. A pharmacy, hospital or other institution licensed,
1 26 registered, or otherwise permitted to distribute, dispense,
1 27 conduct research with respect to or to administer a controlled
1 28 substance in the course of professional practice or research
1 29 in this state.

1 30 Sec. 2. Section [135.1](#), subsection 4, Code 1995, is amended
1 31 to read as follows:

1 32 4. "Physician" means a person licensed to practice
1 33 medicine and surgery, osteopathic medicine and surgery,
1 34 osteopathy, chiropractic, or podiatry under the laws of this
1 35 state; but a person licensed as a physician and surgeon shall
2 1 be designated as a "physician" or "surgeon", a person licensed
2 2 as an osteopathic physician and surgeon shall be designated as
2 3 an "osteopathic physician" or "osteopathic surgeon", a person
2 4 licensed as an osteopath shall be designated as an
2 5 "osteopathic physician", a person licensed as a chiropractor
2 6 shall be designated as a "chiropractor", and a person licensed
2 7 as a podiatrist shall be designated as a "

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2 8 physician".

2 9 Sec. 3. Section [147.1](#), subsection 7, Code 1995, is amended
2 10 to read as follows:

2 11 7. "Licensed" or "certified" when applied to a physician
2 12 and surgeon,

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- podiatric physician, osteopath,
 - 2 13 osteopathic physician and surgeon, physician assistant,
 - 2 14 psychologist or associate psychologist, chiropractor, nurse,
 - 2 15 dentist, dental hygienist, optometrist, speech pathologist,
 - 2 16 audiologist, pharmacist, physical therapist, occupational
 - 2 17 therapist, practitioner of cosmetology arts and sciences,
 - 2 18 practitioner of barbering, funeral director, dietitian,
 - 2 19 marital and family therapist, mental health counselor, or
 - 2 20 social worker means a person licensed under this subtitle,
 - 2 21 excluding chapters 152B, 152C, and 152D.
 - 2 22 Sec. 4. Section [147.74](#), subsection 6, Code 1995, is
 - 2 23 amended to read as follows:
 - 2 24 6. A

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- podiatric physician may use the prefix
 - 2 25 "Dr." but shall add after the person's name the word
 - 2 26 "

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- podiatric physician".
 - 2 27 Sec. 5. Section [147.107](#), subsections 1 and 2, Code 1995,
 - 2 28 are amended to read as follows:
 - 2 29 1. A person, other than a pharmacist, physician, dentist,
 - 2 30

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- podiatric physician, or veterinarian who dispenses
 - 2 31 as an incident to the practice of the practitioner's
 - 2 32 profession, shall not dispense prescription drugs or
 - 2 33 controlled substances.
 - 2 34 2. A pharmacist, physician, dentist, or

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- - 2 35 podiatric physician who dispenses prescription drugs,
 - 3 1 including but not limited to controlled substances, for human
 - 3 2 use, may delegate nonjudgmental dispensing functions to staff
 - 3 3 assistants only when verification of the accuracy and
 - 3 4 completeness of the prescription is determined by the
 - 3 5 pharmacist or practitioner in the pharmacist's or
 - 3 6 practitioner's physical presence.
 - 3 7 A dentist or

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- podiatric physician who dispenses
 - 3 8 prescription drugs, other than drug samples, pursuant to this
 - 3 9 subsection, shall annually register the fact that they
 - 3 10 dispense prescription drugs with the practitioner's respective
 - 3 11 examining board. A physician doing so shall register
 - 3 12 biennially.
 - 3 13 A physician, dentist, or

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- podiatric physician who
 - 3 14 dispenses prescription drugs, other than drug samples,
 - 3 15 pursuant to this subsection, shall offer to provide the
 - 3 16 patient with a written prescription that may be dispensed from
 - 3 17 a pharmacy of the patient's choice or offer to transmit the
 - 3 18 prescription to a pharmacy of the patient's choice.
 - 3 19 Sec. 6. Section [147.136](#), Code 1995, is amended to read as
 - 3 20 follows:
 - 3 21 147.136 SCOPE OF RECOVERY.
 - 3 22 In an action for damages for personal injury against a
 - 3 23 physician and surgeon, osteopath, osteopathic physician and

3 24 surgeon, dentist,

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- podiatric physician, optometrist,

3 25 pharmacist, chiropractor, or nurse licensed to practice that
3 26 profession in this state, or against a hospital licensed for
3 27 operation in this state, based on the alleged negligence of
3 28 the practitioner in the practice of the profession or
3 29 occupation, or upon the alleged negligence of the hospital in
3 30 patient care, in which liability is admitted or established,
3 31 the damages awarded shall not include actual economic losses
3 32 incurred or to be incurred in the future by the claimant by
3 33 reason of the personal injury, including but not limited to,
3 34 the cost of reasonable and necessary medical care,
3 35 rehabilitation services, and custodial care, and the loss of
4 1 services and loss of earned income, to the extent that those
4 2 losses are replaced or are indemnified by insurance, or by
4 3 governmental, employment, or service benefit programs or from
4 4 any other source except the assets of the claimant or of the
4 5 members of the claimant's immediate family.

4 6 Sec. 7. Section [147.138](#), Code 1995, is amended to read as
4 7 follows:

4 8 147.138 CONTINGENT FEE OF ATTORNEY REVIEWED BY COURT.

4 9 In any action for personal injury or wrongful death against
4 10 any physician and surgeon, osteopath, osteopathic physician
4 11 and surgeon, dentist,

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- podiatric physician,

4 12 optometrist, pharmacist, chiropractor or nurse licensed under
4 13 this chapter or against any hospital licensed under chapter
4 14 135B, based upon the alleged negligence of the licensee in the
4 15 practice of that profession or occupation, or upon the alleged
4 16 negligence of the hospital in patient care, the court shall
4 17 determine the reasonableness of any contingent fee arrangement
4 18 between the plaintiff and the plaintiff's attorney.

4 19 Sec. 8. Section [148A.1](#), Code 1995, is amended to read as
4 20 follows:

4 21 148A.1 DEFINITION &endash; REFERRAL &endash; AUTHORIZATION.

4 22 As used in this chapter, physical therapy is that branch of
4 23 science that deals with the evaluation and treatment of human
4 24 capabilities and impairments. Physical therapy uses the
4 25 effective properties of physical agents including, but not
4 26 limited to, mechanical devices, heat, cold, air, light, water,
4 27 electricity, and sound, and therapeutic exercises, and
4 28 rehabilitative procedures to prevent, correct, minimize, or
4 29 alleviate a physical impairment. Physical therapy includes
4 30 the interpretation of performances, tests, and measurements,
4 31 the establishment and modification of physical therapy
4 32 programs, treatment planning, consultative services,
4 33 instructions to the patients, and the administration and
4 34 supervision attendant to physical therapy facilities.
4 35 Physical therapy evaluation and treatment may be rendered by a
5 1 physical therapist with or without a referral from a
5 2 physician,

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- podiatric physician, dentist, or

5 3 chiropractor, except that a hospital may require that physical
5 4 therapy evaluation and treatment provided in the hospital
5 5 shall be done only upon prior review by and authorization of a
5 6 member of the hospital's medical staff.

5 7 Sec. 9. Section [149.1](#), Code 1995, is amended to read as
5 8 follows:

5 9 149.1 PERSONS ENGAGED IN PRACTICE &endash; DEFINITION.

5 10 1. For the purpose of this subtitle the following classes
5 11 of persons shall be deemed to be engaged in the practice of

5 12 podiatry:
5 13 a. Persons who publicly profess to be

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5 14 podiatric physicians or who publicly profess to assume the
5 15 duties incident to the practice of podiatry.
5 16 b. Persons who diagnose, prescribe, or prescribe and
5 17 furnish medicine for ailments of the human foot, or treat such
5 18 ailments by medical, mechanical, or surgical treatments.
5 19 1A. Podiatric physician means a physician or surgeon
5 20 licensed under this chapter to engage in the practice of
5 21 podiatric medicine and surgery.
5 22 2. As used in this chapter, "human foot" means the ankle
5 23 and soft tissue which insert into the foot as well as the
5 24 foot.
5 25 Sec. 10. Section [149.5](#), unnumbered paragraph 2, Code 1995,
5 26 is amended to read as follows:
5 27 A licensed

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~~podiatric physician~~ may prescribe and
5 28 administer drugs for the treatment of human foot ailments as
5 29 provided in section 149.1.
5 30 Sec. 11. Section [149.6](#), Code 1995, is amended to read as
5 31 follows:
5 32 149.6 TITLE OR ABBREVIATION.
5 33 Every licensee shall be designated as a licensed

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5 34 podiatric physician and shall not use any title or
5 35 abbreviation without the designation "practice limited to the
6 1 foot," nor mislead the public in any way as to the limited
6 2 field or practice.
6 3 Sec. 12. Section 152.1, subsection 5, paragraph c, Code
6 4 1995, is amended to read as follows:
6 5 c. The performance of services by employed workers in
6 6 offices, hospitals, or health care facilities, as defined in
6 7 section 135C.1, under the supervision of a physician or a
6 8 nurse licensed under this chapter, or employed in the office
6 9 of a psychologist,

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~~podiatric physician,~~
6 10 optometrist, chiropractor, speech pathologist, audiologist, or
6 11 physical therapist licensed to practice in this state, and
6 12 when acting while within the scope of the employer's license.
6 13 Sec. 13. Section [155A.3](#), subsection 27, Code 1995, is
6 14 amended to read as follows:
6 15 27. "Practitioner" means a physician, dentist,

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6 16 podiatric physician, veterinarian, or other person licensed or
6 17 registered to distribute or dispense a prescription drug or
6 18 device in the course of professional practice in this state or
6 19 a person licensed by another state in a health field in which,
6 20 under Iowa law, licensees in this state may legally prescribe
6 21 drugs.
6 22 Sec. 14. Section [155A.21](#), subsection 2, Code 1995, is
6 23 amended to read as follows:
6 24 2. Subsection 1 does not apply to a licensed pharmacy,
6 25 licensed wholesaler, physician, veterinarian, dentist,
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- podiatric physician, therapeutically certified
6 27 optometrist, a nurse acting under the direction of a
6 28 physician, or the board of pharmacy examiners, its officers,
6 29 agents, inspectors, and representatives, nor to a common
6 30 carrier, manufacturer's representative, or messenger when
6 31 transporting the drug in the same unbroken package in which
6 32 the drug was delivered to that person for transportation.
6 33 Sec. 15. Section [155A.23](#), subsection 3, Code 1995, is
6 34 amended to read as follows:
6 35 3. For the purpose of obtaining a prescription drug,
7 1 falsely assume the title of or claim to be a manufacturer,
7 2 wholesaler, pharmacist, pharmacy owner, physician, dentist,
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- podiatric physician, veterinarian, or other
7 4 authorized person.
7 5 Sec. 16. Section [232.2](#), subsection 23, Code 1995, is
7 6 amended to read as follows:
7 7 23. "Health practitioner" means a licensed physician or
7 8 surgeon, osteopath, osteopathic physician or surgeon, dentist,
7 9 optometrist,

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- podiatric physician, or chiropractor,
7 10 a resident or intern of any such profession, and any
7 11 registered nurse or licensed practical nurse.
7 12 Sec. 17. Section [232.68](#), subsection 5, Code 1995, is
7 13 amended to read as follows:
7 14 5. "Health practitioner" includes a licensed physician and
7 15 surgeon, osteopath, osteopathic physician and surgeon,
7 16 dentist, optometrist,

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- podiatric physician, or
7 17 chiropractor; a resident or intern in any of such professions;
7 18 a licensed dental hygienist, a registered nurse or licensed
7 19 practical nurse; and a basic emergency medical care provider
7 20 certified under section 147.161 or an advanced emergency
7 21 medical care provider certified under section 147A.6.
7 22 Sec. 18. Section [514.18](#), Code 1995, is amended to read as
7 23 follows:
7 24 514.18

~~PODIATRISTS~~
- PODIATRIC PHYSICIANS.
7 25 Medical or surgical services or procedures constituting the
7 26 practice of podiatry, also known as chiropody, as defined by
7 27 chapter 149, and covered by the terms of any individual,
7 28 group, blanket, or franchise policy providing accident or
7 29 health benefits hereafter delivered or hereafter issued for
7 30 delivery in Iowa and covering an Iowa risk may be performed by
7 31 any practitioner, selected by the insured, licensed under
7 32 chapter 149 to perform such medical or surgical services or
7 33 procedures. Any provision of such policy or exclusion or
7 34 limitation denying an insured the free choice of such licensed
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- podiatric physician, also known as chiropodist,
8 1 shall to the extent of the denial, be void, but such voidance
8 2 shall not affect the validity of the other provisions of the
8 3 policy.
8 4 Sec. 19. Section [519.1](#), Code 1995, is amended to read as
8 5 follows:
8 6 519.1 AUTHORIZATION.
8 7 Any number of physicians and surgeons, osteopaths,

8 8 osteopathic physicians and surgeons,

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- podiatric

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

8 21 Sec. 20. Section [519A.2](#), subsection 3, Code 1995, is
8 22 amended to read as follows:

8 23 3. "Licensed health care provider" means and includes a
8 24 physician and surgeon, osteopath, osteopathic physician and
8 25 surgeon, dentist,

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- podiatric physician, optometrist,

8 26 pharmacist, chiropractor or nurse licensed pursuant to chapter
8 27 147, and a hospital licensed pursuant to chapter 135B.

8 28 Sec. 21. Section [614.1](#), subsection 9, Code 1995, is
8 29 amended to read as follows:

8 30 9. MALPRACTICE. Those founded on injuries to the person
8 31 or wrongful death against any physician and surgeon,
8 32 osteopath, osteopathic physician and surgeon, dentist,
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- podiatric physician, optometrist, pharmacist,

8 34 chiropractor, or nurse, licensed under chapter 147, or a
8 35 hospital licensed under chapter 135B, arising out of patient
9 1 care, within two years after the date on which the claimant
9 2 knew, or through the use of reasonable diligence should have
9 3 known, or received notice in writing of the existence of, the
9 4 injury or death for which damages are sought in the action,
9 5 whichever of the dates occurs first, but in no event shall any
9 6 action be brought more than six years after the date on which
9 7 occurred the act or omission or occurrence alleged in the
9 8 action to have been the cause of the injury or death unless a
9 9 foreign object unintentionally left in the body caused the
9 10 injury or death.

9 11 EXPLANATION

9 12 This bill changes the name of those individuals licensed to
9 13 practice podiatry from podiatrist to podiatric physician.

9 14 LSB 1477SS 76

9 15 cl/cf/24