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Place On Calendar

HOUSE FILE 335
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 36)

Passed House, Date 3-11-97 ^(P.550) Passed Senate, Date 4-9-97 ^(P.1066)
Vote: Ayes 99 Nays 0 Vote: Ayes 46 Nays 1
Approved May 19, 1997

A BILL FOR

1 An Act relating to public health issues under the purview of the
2 Iowa department of public health, including vital statistics,
3 the board of nursing examiners, the board of dental examiners,
4 lead poisoning, the immunization registry, the child death
5 review team, plumbing provisions and fees, and providing a
6 contingent effective date.

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

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HF 335

1 Section 1. Section 22.7, subsection 2, Code 1997, is
2 amended to read as follows:

3 2. Hospital records, medical records, and professional
4 counselor records of the condition, diagnosis, care, or
5 treatment of a patient or former patient or a counselee or
6 former counselee, including outpatient. However, confidential
7 communications between a crime victim and the victim's
8 counselor are not subject to disclosure except as provided in
9 section 236A.1. However, the Iowa department of public health
10 shall adopt rules which provide for the sharing of information
11 among agencies and providers concerning the maternal and child
12 health program including but not limited to the statewide
13 child immunization information system, while maintaining an
14 individual's confidentiality.

15 Sec. 2. Section 135.43, subsection 6, Code 1997, is
16 amended to read as follows:

17 6. a. The Iowa department of public health and the
18 department of human services shall adopt rules providing for
19 disclosure of information which is confidential under chapter
20 22 or any other provision of state law, to the review team for
21 purposes of performing its child death and child abuse review
22 responsibilities.

23 b. A person in possession or control of medical,
24 investigative or other information pertaining to a child death
25 and child abuse review shall allow the inspection and
26 reproduction of the information by the department upon the
27 request of the department, to be used only in the
28 administration and for the duties of the Iowa child death
29 review team. Information and records which are confidential
30 under section 22.7 and chapter 235A, and information or
31 records received from the confidential records, remain
32 confidential under this section. A person does not incur
33 legal liability by reason of releasing information to the
34 department as required under and in compliance with this
35 section.

1 Sec. 3. Section 135.43, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. Review team members and their agents
4 are immune from any liability, civil or criminal, which might
5 otherwise be incurred or imposed as a result of any act,
6 omission, proceeding, decision, or determination undertaken or
7 performed, or recommendation made as a review team member or
8 agent provided that the review team members or agents acted in
9 good faith and without malice in carrying out their official
10 duties in their official capacity. The department shall adopt
11 rules pursuant to chapter 17A to administer this subsection.
12 A complainant bears the burden of proof in establishing malice
13 or lack of good faith in an action brought against review team
14 members involving the performance of their duties and powers
15 under this section.

16 Sec. 4. Section 135.105A, Code 1997, is amended to read as
17 follows:

18 135.105A LEAD INSPECTOR AND LEAD ABATER TRAINING AND
19 CERTIFICATION ESTABLISHED -- CIVIL PENALTY.

20 1. The department shall establish a program for the
21 training and certification of lead inspectors and lead abaters
22 ~~who provide inspections and abatement for monetary~~
23 ~~compensation.~~ The department shall maintain a listing,
24 available to the public and to city and county health
25 departments, of lead inspectors and lead abaters who have
26 successfully completed the training program and have been
27 certified by the department. A person may be certified as
28 both a lead inspector and a lead abater. However, a person
29 who is certified as both a lead inspector and a lead abater
30 shall not provide both inspection and abatement services at
31 the same site unless a written consent or waiver, following
32 full disclosure by the person, is obtained from the owner or
33 manager of the site.

34 2. The department shall also establish a program for the
35 training of painting, demolition, and remodeling contractors

1 and those who provide mitigation control services for-monetary
2 compensation. The training shall be completed on a voluntary
3 basis.

4 3. A person who owns ~~or-manages~~ real property which
5 includes a residential dwelling and who performs lead
6 inspection or lead abatement of the residential dwelling is
7 not required to obtain certification to perform mitigation
8 ~~control-or-abatement~~ these measures of-property-which-the
9 ~~person-owns-or-manages,~~ unless the residential dwelling is
10 occupied by a person other than the owner or a member of the
11 owner's immediate family while the measures are being
12 performed. However, the department shall encourage property
13 owners and managers who are not required to be certified to
14 complete the training course to ensure the use of appropriate
15 and safe mitigation and abatement procedures.

16 4. A person shall not perform lead abatement or lead
17 inspections ~~for-compensation~~ unless the person has completed a
18 training program approved by the department and has obtained
19 certification. A person who violates this section is subject
20 to a civil penalty not to exceed five thousand dollars for
21 each offense.

22 Sec. 5. NEW SECTION. 135.105C RENOVATION, REMODELING AND
23 REPAINTING -- LEAD HAZARD NOTIFICATION PROCESS ESTABLISHED.

24 1. A person who performs renovation, remodeling, or
25 repainting services of targeted housing for compensation shall
26 provide an approved lead hazard information pamphlet to the
27 owner and occupant of the housing prior to commencing the
28 services.

29 2. For the purpose of this section, "targeted housing"
30 means housing constructed prior to 1978 with the exception of
31 housing for the elderly or for persons with disabilities,
32 unless at least one child, six years of age or less, resides
33 or is expected to reside in the housing, and housing which
34 does not contain a bedroom. The department shall adopt rules
35 to implement the renovation, remodeling, and repainting lead

1 hazard notification process.

2 Sec. 6. Section 144.1, subsections 5, 9, and 10, Code
3 1997, are amended to read as follows:

4 5. "Fetal death" means death prior to the complete
5 expulsion or extraction from its mother of a product of human
6 conception, irrespective of the duration of pregnancy. Death
7 is indicated by the fact that after expulsion or extraction
8 the fetus does not breathe or show any other evidence of life
9 such as beating of the heart, pulsation of the umbilical cord,
10 or definite movement of voluntary muscles. In determining a
11 fetal death, heartbeats shall be distinguished from transient
12 cardiac contractions, and respirations shall be distinguished
13 from fleeting respiratory efforts or gasps.

14 9. "Live birth" means the complete expulsion or extraction
15 from its mother of a product of human conception, irrespective
16 of the duration of pregnancy, which, after such expulsion or
17 extraction, breathes or shows any other evidence of life such
18 as beating of the heart, pulsation of the umbilical cord, or
19 definite movement of voluntary muscles, whether or not the
20 umbilical cord has been cut or the placenta is attached. In
21 determining a live birth, heartbeats shall be distinguished
22 from transient cardiac contractions, and respirations shall be
23 distinguished from fleeting respiratory efforts or gasps.

24 10. "Registration" means the ~~acceptance-by-the-division~~
25 ~~and-the-incorporation-in-its-official-records-of-certificates,~~
26 ~~reports,-or-other-records,-provided-for-in-this-chapter,-of~~
27 ~~births,-deaths,-fetal-deaths,-adoptions,-marriages,-divorces,~~
28 ~~or-annulments~~ process by which vital statistic records are
29 completed, filed, and incorporated by the division in the
30 division's official records.

31 Sec. 7. Section 144.5, subsection 4, Code 1997, is amended
32 to read as follows:

33 4. Prescribe, print, and distribute the forms required by
34 this chapter and prescribe any other means for transmission of
35 data, as necessary to accomplish complete, accurate reporting.

1 Sec. 8. Section 144.12, Code 1997, is amended to read as
2 follows:

3 144.12 FORMS UNIFORM.

4 In order to promote and maintain uniformity in the system
5 of vital statistics, the forms of certificates, reports, and
6 other returns shall include as a minimum the items recommended
7 by the federal agency responsible for national vital
8 statistics, subject to approval and modification by the
9 department. Forms shall be furnished by the department. The
10 forms or other recording methods used ~~by county registrars~~ to
11 ~~record copies of~~ register records ~~made~~ required under this
12 chapter shall be prescribed by the department.

13 Sec. 9. Section 144.13, subsection 1, paragraphs a, b, and
14 c, Code 1997, are amended to read as follows:

15 a. A certificate of birth for each live birth which occurs
16 in this state shall be filed ~~with the county~~ as directed by
17 the state registrar of the county in which the birth occurs
18 within ~~ten~~ seven days after the birth and shall be registered
19 by the county registrar if it has been completed and filed in
20 accordance with this chapter. ~~However, when a birth occurs in~~
21 ~~a moving conveyance, a birth certificate shall be filed in the~~
22 ~~county in which the child was first removed from the~~
23 ~~conveyance.~~

24 b. When a birth occurs in an institution or en route to an
25 institution, the person in charge of the institution or the
26 person's designated representative, shall obtain the personal
27 data, prepare the certificate, ~~secure the signatures required~~
28 ~~by the certificate,~~ and file the certificate ~~with the county~~
29 as directed by the state registrar. The physician in
30 attendance or the person in charge of the institution or the
31 person's designee shall certify to the facts of birth either
32 by signature or as otherwise authorized by rule and provide
33 the medical information required by the certificate within ~~six~~
34 seven days after the birth.

35 c. When a birth occurs outside an institution and not en

1 route to an institution, the certificate shall be prepared and
2 filed by one of the following in the indicated order of
3 priority:

4 (1) The physician in attendance at or immediately after
5 the birth.

6 (2) Any other person in attendance at or immediately after
7 the birth.

8 (3) The father or the mother.

9 (4) The person in charge of the premises where the birth
10 occurred. The state registrar shall establish by rule, the
11 evidence required to establish the facts of birth.

12 Sec. 10. Section 144.13, subsection 2, Code 1997, is
13 amended to read as follows:

14 2. If the mother was married ~~either~~ at the time of
15 conception or, birth, or at anytime during the period between
16 conception and birth, the name of the husband shall be entered
17 on the certificate as the father of the child unless paternity
18 has been determined otherwise by a court of competent
19 jurisdiction, in which case the name of the father as
20 determined by the court shall be entered by the department.

21 Sec. 11. Section 144.13, subsection 3, Code 1997, is
22 amended to read as follows:

23 3. If the mother was not married ~~either~~ at the time of
24 conception or, birth, or at any time during the period between
25 conception and birth, the name of the father shall not be
26 entered on the certificate of birth without the written
27 consent of the mother and the person to be named as the
28 father, unless a determination of paternity has been made
29 pursuant to section 252A.3, in which case the name of the
30 father as established shall be entered by the department. If
31 the father is not named on the certificate of birth, no other
32 information about the father shall be entered on the
33 certificate.

34 Sec. 12. Section 144.15, unnumbered paragraph 1, Code
35 1997, is amended to read as follows:

1 When the birth of a person born in this state has not been
2 registered, a certificate may be filed in accordance with
3 regulations. The certificate shall be registered subject to
4 evidentiary requirements prescribed to substantiate the
5 alleged facts of birth. Certificates of birth registered one
6 year or more after the date of occurrence shall be marked
7 "delayed" and shall show on their face the date of the delayed
8 registration. A summary statement of the evidence submitted
9 in support of the delayed registration shall be endorsed on
10 the certificate. A delayed certificate of birth shall not be
11 registered for a deceased person.

12 Sec. 13. Section 144.26, Code 1997, is amended to read as
13 follows:

14 144.26 DEATH CERTIFICATE.

15 A death certificate for each death which occurs in this
16 state shall be filed ~~with the county~~ as directed by the state
17 ~~registrar of the county in which the death occurs,~~ within
18 three days after the death and prior to final disposition, and
19 shall be registered by the county registrar if it has been
20 completed and filed in accordance with this chapter. All
21 information including the certifying physician's name shall be
22 typewritten.

23 ~~If the place of death is unknown, a death certificate shall~~
24 ~~be filed in the county in which a dead body is found within~~
25 ~~three days after the body is found.~~ The county in which a
26 dead body is found is the county of death. If death occurs in
27 a moving conveyance, ~~a death certificate shall be filed in the~~
28 county in which the dead body is first removed from the
29 conveyance is the county of death.

30 ~~If a person dies outside of the county of the person's~~
31 ~~residence, the state registrar shall send a copy of the death~~
32 ~~certificate to the county registrar of the county of the~~
33 ~~decedent's residence.~~ ~~The county registrar shall record the~~
34 ~~death certificate in the same records in which death~~
35 ~~certificates of persons who died within the county are~~

1 recorded:

2 Sec. 14. Section 144.27, Code 1997, is amended to read as
3 follows:

4 144.27 FUNERAL DIRECTOR'S DUTY.

5 The funeral director who first assumes custody of a dead
6 body shall file the death certificate, obtain the personal
7 data from the next of kin or the best qualified person or
8 source available and obtain the medical certification of cause
9 of death from the person responsible for ~~issuing-and-signing~~
10 completing the certification. When a person other than a
11 funeral director assumes custody of a dead body, the person
12 shall be responsible for carrying out the provisions of this
13 section.

14 Sec. 15. Section 144.28, Code 1997, is amended to read as
15 follows:

16 144.28 MEDICAL CERTIFICATE.

17 1. The medical certification shall be completed and signed
18 within twenty-four hours after death by the physician in
19 charge of the patient's care for the illness or condition
20 which resulted in death except when inquiry is required by the
21 county medical examiner. When inquiry is required by the
22 county medical examiner, the medical examiner shall
23 investigate the cause of death and shall complete and sign the
24 medical certification within twenty-four hours after taking
25 charge of the case.

26 2. The person completing the medical certification of
27 cause of death shall attest to its accuracy either by
28 signature or by an electronic process approved by rule.

29 Sec. 16. Section 144.29, Code 1997, is amended to read as
30 follows:

31 144.29 FETAL DEATHS.

32 A fetal death certificate for each fetal death which occurs
33 in this state after a gestation period of twenty completed
34 weeks or greater, or for a fetus with a weight of three
35 hundred fifty grams or more shall be filed with-the-county as

1 ~~directed by the state registrar of the county in which the~~
2 ~~delivery of the dead fetus occurs,~~ within three days after
3 delivery and prior to final disposition of the fetus. The
4 certificate shall be registered if it has been completed and
5 filed in accordance with this chapter.

6 ~~If the place of delivery of a dead fetus is unknown, a~~
7 ~~fetal death certificate shall be filed in the~~ The county in
8 which a dead fetus is found, is the county of death. The
9 certificate shall be filed within three days after the fetus
10 is found. If a fetal death occurs in a moving conveyance, a
11 ~~fetal death certificate shall be filed in~~ the county in which
12 the fetus is first removed from the conveyance is the county
13 of death.

14 Sec. 17. Section 144.30, Code 1997, is amended to read as
15 follows:

16 144.30 FUNERAL DIRECTOR'S DUTY -- FETAL DEATH CERTIFICATE.

17 The funeral director who first assumes custody of a fetus
18 shall file the fetal death certificate. In the absence of
19 such a person, the physician or other person in attendance at
20 or after the delivery shall file the certificate of fetal
21 death. The person filing the certificate shall obtain the
22 personal data from the next of kin or the best qualified
23 person or source available and shall obtain the medical
24 certification of cause of death from the person responsible
25 for ~~issuing and signing~~ completing the certification. When a
26 person other than a funeral director assumes custody of a
27 fetus, the person shall be responsible for carrying out the
28 provisions of this section.

29 Sec. 18. Section 144.31, Code 1997, is amended to read as
30 follows:

31 144.31 MEDICAL CERTIFICATE -- FETAL DEATH.

32 The medical certification shall be completed ~~and signed~~
33 within twenty-four hours after delivery by the physician in
34 attendance at or after delivery except when inquiry is
35 required by the county medical examiner.

1 When a fetal death occurs without medical attendance upon
2 the mother at or after delivery or when inquiry is required by
3 the county medical examiner, the medical examiner shall
4 investigate the cause of fetal death and shall complete and
5 sign the medical certification within twenty-four hours after
6 taking charge of the case. The person completing the medical
7 certification of cause of fetal death shall attest to its
8 accuracy either by signature or as authorized by rule.

9 Sec. 19. Section 144.43, Code 1997, is amended by adding
10 the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. A public record shall not be
12 withheld from the public because it is combined with data
13 processing software. The state registrar shall not implement
14 any electronic data processing system for the storage,
15 manipulation, or retrieval of vital records that would impair
16 a county registrar's ability to permit the examination of a
17 public record and the copying of a public record, as
18 established by rule. If it is necessary to separate a public
19 record from data processing software in order to permit the
20 examination of the public record, the county registrar shall
21 periodically generate a written log available for public
22 inspection which contains the public record.

23 Sec. 20. NEW SECTION. 152.12 EXAMINATION INFORMATION.

24 Notwithstanding subsection 147.21, subsection 3, individual
25 pass or fail examination results made available from the
26 authorized national testing agency may be disclosed to the
27 appropriate licensing authority in another state, the District
28 of Columbia, or a territory or county, and the board-approved
29 education program, for purposes of verifying accuracy of
30 national data and determining program approval.

31 Sec. 21. Section 153.36, Code 1997, is amended to read as
32 follows:

33 153.36 STATUTES NOT APPLICABLE TO DENTISTRY.

34 1. Sections 147.44 to 147.71, except 147.57 and sections
35 147.87 to 147.92, shall not apply to the practice of

1 abater certification program is amended as necessary to be
2 deemed an authorized state program by the federal
3 environmental protection agency (EPA).

4 New Code section 135.105C is created to establish a lead
5 hazard notification process for professional renovation,
6 remodeling, and repainting projects in targeted housing. The
7 establishment of such a notification process is an additional
8 federal EPA requirement for authorization of a state program.
9 A contingent effective date is provided for this section,
10 based on federal approval of the state program.

11 Code section 144.1 is amended to redefine "fetal death" and
12 "live birth" to distinguish between an actual fetal death or
13 live birth and various anomalies, and to redefine
14 "registration" for the purposes of the vital statistics
15 chapter.

16 Code sections 144.5, 144.12, 144.13, 144.15, 144.26,
17 144.27, 144.28, 144.29, 144.30, 144.31, and 144.43 are amended
18 to provide for the modernization of vital records procedures
19 and to facilitate the transition of county registrar duties
20 from the clerks of the district court to the county recorders.
21 The bill provides for changes in the birth and death
22 registration processes and disallows issuance of delayed birth
23 certificates for a deceased person. The bill also provides
24 that a public record is not to be withheld from public access
25 due to being combined with data processing software.

26 Code section 152.12 is created to authorize the board of
27 nursing examiners to disclose pass or fail examination results
28 to other state licensing authorities and to board-approved
29 education programs in order to facilitate requests for
30 licensure and to verify accuracy and determine approval.

31 Code section 153.36 is amended to provide for exceptions to
32 provisions in chapter 272C, regarding continuing education and
33 regulation, for the board of dental examiners. The exceptions
34 include allowing citizen board member participation in
35 disciplinary hearing panels and providing licensees practicing

1 out-of-state the ability to meet state continuing education
2 requirements by meeting the requirements of the state in which
3 they practice.

4 Code section 135.15 is repealed, thereby abolishing the
5 plumbing code fund which requires that cities which license
6 plumbers pay the treasurer of state \$1 for each license
7 issued, and 25 cents for each renewal issued to be used to pay
8 the state printing costs for rules governing the installation
9 of plumbing and plumbers' license and application forms.

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1 Amend House File 335 as follows:

2 1. Page 10, by inserting after line 22 the
3 following:

4 "Sec. ____ . Section 147.13, subsection 8, Code
5 1997, is amended to read as follows:

6 8. For dentistry ~~and-dental-hygiene~~, dental
7 examiners.

8 Sec. ____ . Section 147.13, Code 1997, is amended by
9 adding the following new subsection:

10 NEW SUBSECTION. 19. For dental hygienists, dental
11 hygiene examiners.

12 Sec. ____ . Section 147.14, Code 1997, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 17. For dental hygiene examiners,
15 four members licensed to practice dental hygiene, one
16 member licensed to practice dentistry who has
17 supervised or worked in collaboration with a dental
18 hygienist for at least four out of the immediately
19 preceding five years, and two members not licensed to
20 practice dentistry or dental hygiene who shall
21 represent the general public. A majority of the
22 members of the board constitutes a quorum.

23 Sec. ____ . Section 147.74, Code 1997, is amended by
24 adding the following new subsection:

25 NEW SUBSECTION. 19A. A dental hygienist licensed
26 under chapter 153 may use the words "licensed dental
27 hygienist" after the person's name or signify the same
28 by the use of the letters "L.D.H." after the person's
29 name.

30 Sec. ____ . Section 147.80, subsection 11, Code
31 1997, is amended to read as follows:

32 11. License to practice dental hygiene issued upon
33 the basis of an examination given by the board of
34 dental hygiene examiners, license to practice dental
35 hygiene issued under a reciprocal agreement, renewal
36 of a license to practice dental hygiene."

37 2. Page 10, by inserting after line 30 the
38 following:

39 "Sec. ____ . Section 153.15, Code 1997, is amended
40 to read as follows:

41 153.15 DENTAL HYGIENISTS -- SCOPE OF TERM.

42 A licensed dental hygienist may perform those
43 services which are educational, therapeutic, and
44 preventive in nature which attain or maintain optimal
45 oral health as determined by the board of dentistry
46 dental hygienists and may include but are not
47 necessarily limited to complete oral prophylaxis,
48 application of preventive agents to oral structures,
49 exposure and processing of radiographs, administration
50 of medicaments prescribed by a licensed dentist,

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1 obtaining and preparing nonsurgical, clinical and oral
2 diagnostic tests for interpretation by the dentist,
3 preparation of preliminary written records of oral
4 conditions for interpretation by the dentist. Such
5 services shall be performed under supervision of a
6 licensed dentist and in a dental office, a public or
7 private school, public health agencies, hospitals, and
8 the armed forces, but nothing herein shall be
9 construed to authorize a dental hygienist to practice
10 dentistry.

11 Sec. _____. Section 153.15A, subsection 1,
12 unnumbered paragraph 1, Code 1997, is amended to read
13 as follows:

14 In addition to requirements adopted by rule by the
15 board of dental hygienists, in order to obtain a
16 license as a dental hygienist, an applicant shall
17 present evidence to the board of both of the
18 following:

19 Sec. _____. Section 153.23, Code 1997, is amended to
20 read as follows:

21 153.23 NOTICE OF INTENTION NOT TO RENEW LICENSE.

22 If, prior to the renewal of any license to practice
23 dentistry or dental hygiene, the board of dental
24 examiners or the board of dental hygiene examiners,
25 respectively, is informed upon oath or affirmation
26 lawfully administered, that any such applicant has
27 during the term of the applicant's last license or the
28 last renewal thereof violated any of the provisions of
29 this chapter or chapter 147 or committed any of the
30 acts of unprofessional conduct as defined in this
31 chapter, or if any member of the board certifies in
32 writing that the member is credibly informed that such
33 violation of law or act of unprofessional conduct has
34 been so committed by such applicant, then the board
35 shall notify such applicant, by certified letter, with
36 postage prepaid, mailed to the applicant's address as
37 shown by the records of ~~said~~ the board that such
38 information or certificate has come to the attention
39 of the board, and that on a day and hour specified the
40 applicant may appear before the board at such place
41 stated in such notice and show cause why ~~said~~ the
42 license should be renewed. In such event the renewal
43 of ~~such~~ the license shall not be made prior to the
44 date so fixed and the making of such a showing by the
45 applicant.

46 Sec. _____. Section 153.24, Code 1997, is amended to
47 read as follows:

48 153.24 TIME AND PLACE OF HEARING.

49 The time and place of such hearing before the board
50 of dental examiners or the board of dental hygiene

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1 examiners shall be open to public inspection at all
2 reasonable hours.

3 Sec. ____ . Section 153.25, Code 1997, is amended to
4 read as follows:

5 153.25 HEARING CONFIDENTIAL.

6 At such hearing, which shall be confidential unless
7 the applicant requests it be a public one, any person
8 having knowledge of the facts pertaining to the
9 propriety of the renewal of such license may testify
10 thereto, and the chairperson of the board of dental
11 examiners or the board of dental hygiene examiners is
12 hereby empowered to and shall administer oaths to all
13 such persons offering testimony.

14 Sec. ____ . Section 153.26, Code 1997, is amended to
15 read as follows:

16 153.26 REJECTION OF RENEWAL.

17 If at said the hearing, or upon appeal if taken as
18 hereinafter provided, it shall be established that the
19 applicant has theretofore failed to comply with all of
20 the provisions of this chapter or has during the term
21 of the license or the last renewal thereof committed
22 any of the acts of unprofessional conduct as defined
23 in this chapter, then the board of dental examiners or
24 the board of dental hygiene examiners shall reject
25 such application and said the license shall not be
26 renewed except as hereinafter provided.

27 Sec. ____ . Section 153.27, Code 1997, is amended to
28 read as follows:

29 153.27 MINUTES OF EVIDENCE.

30 The minutes of all evidence heard by the said board
31 of dental examiners or the board of dental hygiene
32 examiners or exhibits introduced at said the hearing
33 for or against the granting of said the application
34 for license, together with the order of the board
35 granting or rejecting such application for renewal of
36 license, which shall be in writing, shall be and
37 become a part of the records of said the board and
38 shall be open to public inspection at all reasonable
39 hours. Written notice of said the order shall
40 forthwith be mailed to the applicant by the board.

41 Sec. ____ . Section 153.28, Code 1997, is amended to
42 read as follows:

43 153.28 JUDICIAL REVIEW.

44 Judicial review of actions of the board of dental
45 examiners or the board of dental hygiene examiners may
46 be sought in accordance with the terms of the Iowa
47 administrative procedure Act.

48 Sec. ____ . Section 153.29, Code 1997, is amended to
49 read as follows:

50 153.29 ORDER STANDS DURING REVIEW.

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1 Notwithstanding the terms of the Iowa
2 administrative procedure Act, chapter 17A, the order
3 of the board of dental examiners or the board of
4 dental hygiene examiners rejecting such application,
5 and refusing to renew such license, shall remain in
6 force and effect until such petition for judicial
7 review is finally determined and disposed of upon the
8 merits and no new or temporary license shall be issued
9 to the applicant pending such disposition.

10 Sec. _____. Section 153.30, Code 1997, is amended to
11 read as follows:

12 153.30 REINSTATEMENT -- EXAMINATION.

13 Any former licensee whose application for renewal
14 of license has been rejected by the board of dental
15 examiners or the board of dental hygiene examiners and
16 who has not successfully prosecuted a proceeding for
17 judicial review therefrom as herein provided shall not
18 thereafter receive such license or renewal thereof
19 unless same such license or renewal shall be granted
20 by the board and upon payment of the renewal fees then
21 due. Said The board may require examination of the
22 former licensee, in which case the former licensee
23 shall pay the examination fees provided by law.

24 Sec. _____. Section 153.31, Code 1997, is amended to
25 read as follows:

26 153.31 FALSIFICATION IN APPLICATION FOR RENEWAL.

27 A license to practice either dentistry or dental
28 hygiene shall be revoked or suspended in the manner
29 and upon the grounds elsewhere provided in this
30 chapter, and also when the certificate accompanying
31 the application of such licensee for renewal of
32 license filed with the board of dental examiners or
33 the board of dental hygiene examiners is not in all
34 material respects true.

35 Sec. _____. Section 153.33, unnumbered paragraph 1,
36 Code 1997, is amended to read as follows:

37 Subject to the provisions of this chapter, any
38 provision of this subtitle to the contrary
39 notwithstanding, the board of dental examiners or the
40 board of dental hygiene examiners shall exercise the
41 following powers:

42 Sec. _____. Section 153.34, unnumbered paragraph 1,
43 Code 1997, is amended to read as follows:

44 The board of dental examiners or the board of
45 dental hygiene examiners may issue an order to
46 discipline a licensed dentist or dental hygienist for
47 any of the grounds set forth in this chapter, chapter
48 272C, or title IV. Notwithstanding section 272C.3,
49 licensee discipline may include a civil penalty not to
50 exceed ten thousand dollars. Pursuant to this

H-1143

Page 5

1 section, the board may discipline a licensee for any
2 of the following reasons:

3 Sec. ____ . NEW SECTION. 153.34A REFERENCES TO
4 BOARDS.

5 All references to "board" within this chapter refer
6 to the board of dental examiners for dentists and to
7 the board of dental hygiene examiners for dental
8 hygienists. The board of dental hygiene examiners
9 shall act only on matters pertaining to dental
10 hygienists, the licensure, discipline, and education
11 of dental hygienists, and the practice of dental
12 hygiene."

13 3. Page 11, by inserting after line 13 the
14 following:

15 "Sec. ____ . Section 272C.1, subsection 6, Code
16 1997, is amended by adding the following new
17 paragraph:

18 NEW PARAGRAPH. cc. The board of dental hygiene
19 examiners, created pursuant to chapter 147.

20 Sec. ____ . CURRENT RULES AND LICENSES.

21 1. All rules pertaining to dental hygiene and
22 dental hygienists in force at the time the board of
23 dental hygiene examiners is created shall remain in
24 force and be enforced by the board of dental hygiene
25 examiners until amended or repealed by the board of
26 dental hygiene examiners.

27 2. All persons holding a valid dental hygiene
28 license granted under the authority of the board of
29 dental examiners shall continue to hold such license
30 for its term unless revoked or suspended by the board
31 of dental hygiene examiners pursuant to this chapter."

32 4. Title page, line 5, by inserting after the
33 word "fees," the following: "creating a board of
34 dental hygiene examiners,".

35 5. By renumbering as necessary.

By HAHN of Muscatine

KLEMME of Plymouth

THOMSON of Linn

JACOBS of Polk

GIPP of Winneshiek

KREMER of Buchanan

NELSON of Marshall

DODERER of Johnson

H-1143 FILED MARCH 5, 1997

adopted 3-11-97 (P. 550)

HOUSE FILE 335

H-1125

1 Amend House File 335 as follows:

2 1. Page 2, by striking lines 3 through 15 and
3 inserting the following:

4 "NEW SUBSECTION. 7. A person who releases or
5 discloses confidential data, records, or any other
6 type of information in violation of this section is
7 guilty of a serious misdemeanor."

8 2. Title page, line 5, by inserting after the
9 word "providing" the following: "a penalty and".

By LAMBERTI of Polk

BODDICKER of Cedar

H-1125 FILED FEBRUARY 26, 1997

adopted 3-11-97 (P. 549)

5-3-97 Amend + Do Pass
5-3229

HOUSE FILE **335**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 36)

(As Amended and Passed by the House, March 11, 1997)

(P. 1351) Re-Passed House, Date 4-21-96 Passed Senate, Date 4-9-97
Vote: Ayes 96 Nays 3 Vote: Ayes 46 Nays 1
Approved May 19, 1997 Re-Passed
48-0 (4/25/97)
P. 1457

A BILL FOR

1 An Act relating to public health issues under the purview of the
2 Iowa department of public health, including vital statistics,
3 the board of nursing examiners, the board of dental examiners,
4 lead poisoning, the immunization registry, the child death
5 review team, plumbing provisions and fees, and providing a
6 penalty and a contingent effective date.

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

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House Amendments _____

1 Section 1. Section 22.7, subsection 2, Code 1997, is
2 amended to read as follows:

3 2. Hospital records, medical records, and professional
4 counselor records of the condition, diagnosis, care, or
5 treatment of a patient or former patient or a counselee or
6 former counselee, including outpatient. However, confidential
7 communications between a crime victim and the victim's
8 counselor are not subject to disclosure except as provided in
9 section 236A.1. However, the Iowa department of public health
10 shall adopt rules which provide for the sharing of information
11 among agencies and providers concerning the maternal and child
12 health program including but not limited to the statewide
13 child immunization information system, while maintaining an
14 individual's confidentiality.

15 Sec. 2. Section 135.43, subsection 6, Code 1997, is
16 amended to read as follows:

17 6. a. The Iowa department of public health and the
18 department of human services shall adopt rules providing for
19 disclosure of information which is confidential under chapter
20 22 or any other provision of state law, to the review team for
21 purposes of performing its child death and child abuse review
22 responsibilities.

23 b. A person in possession or control of medical,
24 investigative or other information pertaining to a child death
25 and child abuse review shall allow the inspection and
26 reproduction of the information by the department upon the
27 request of the department, to be used only in the
28 administration and for the duties of the Iowa child death
29 review team. Information and records which are confidential
30 under section 22.7 and chapter 235A, and information or
31 records received from the confidential records, remain
32 confidential under this section. A person does not incur
33 legal liability by reason of releasing information to the
34 department as required under and in compliance with this
35 section.

1 Sec. 3. Section 135.43, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. A person who releases or discloses
4 confidential data, records, or any other type of information
5 in violation of this section is guilty of a serious
6 misdemeanor.

7 Sec. 4. Section 135.105A, Code 1997, is amended to read as
8 follows:

9 135.105A LEAD INSPECTOR AND LEAD ABATER TRAINING AND
10 CERTIFICATION ESTABLISHED -- CIVIL PENALTY.

11 1. The department shall establish a program for the
12 training and certification of lead inspectors and lead abaters
13 ~~who provide inspections and abatement for monetary~~
14 ~~compensation.~~ The department shall maintain a listing,
15 available to the public and to city and county health
16 departments, of lead inspectors and lead abaters who have
17 successfully completed the training program and have been
18 certified by the department. A person may be certified as
19 both a lead inspector and a lead abater. However, a person
20 who is certified as both a lead inspector and a lead abater
21 shall not provide both inspection and abatement services at
22 the same site unless a written consent or waiver, following
23 full disclosure by the person, is obtained from the owner or
24 manager of the site.

25 2. The department shall also establish a program for the
26 training of painting, demolition, and remodeling contractors
27 and those who provide mitigation control services ~~for monetary~~
28 ~~compensation.~~ The training shall be completed on a voluntary
29 basis.

30 3. A person who owns ~~or manages~~ real property which
31 includes a residential dwelling and who performs lead
32 inspection or lead abatement of the residential dwelling is
33 not required to obtain certification to perform mitigation
34 ~~control or abatement~~ these measures of property which the
35 person owns or manages, unless the residential dwelling is

1 occupied by a person other than the owner or a member of the
2 owner's immediate family while the measures are being
3 performed. However, the department shall encourage property
4 owners and managers who are not required to be certified to
5 complete the training course to ensure the use of appropriate
6 and safe mitigation and abatement procedures.

7 4. A person shall not perform lead abatement or lead
8 inspections ~~for compensation~~ unless the person has completed a
9 training program approved by the department and has obtained
10 certification. A person who violates this section is subject
11 to a civil penalty not to exceed five thousand dollars for
12 each offense.

13 Sec. 5. NEW SECTION. 135.105C RENOVATION, REMODELING AND
14 REPAINTING -- LEAD HAZARD NOTIFICATION PROCESS ESTABLISHED.

15 1. A person who performs renovation, remodeling, or
16 repainting services of targeted housing for compensation shall
17 provide an approved lead hazard information pamphlet to the
18 owner and occupant of the housing prior to commencing the
19 services.

20 2. For the purpose of this section, "targeted housing"
21 means housing constructed prior to 1978 with the exception of
22 housing for the elderly or for persons with disabilities,
23 unless at least one child, six years of age or less, resides
24 or is expected to reside in the housing, and housing which
25 does not contain a bedroom. The department shall adopt rules
26 to implement the renovation, remodeling, and repainting lead
27 hazard notification process.

28 Sec. 6. Section 144.1, subsections 5, 9, and 10, Code
29 1997, are amended to read as follows:

30 5. "Fetal death" means death prior to the complete
31 expulsion or extraction from its mother of a product of human
32 conception, irrespective of the duration of pregnancy. Death
33 is indicated by the fact that after expulsion or extraction
34 the fetus does not breathe or show any other evidence of life
35 such as beating of the heart, pulsation of the umbilical cord,

1 or definite movement of voluntary muscles. In determining a
2 fetal death, heartbeats shall be distinguished from transient
3 cardiac contractions, and respirations shall be distinguished
4 from fleeting respiratory efforts or gasps.

5 9. "Live birth" means the complete expulsion or extraction
6 from its mother of a product of human conception, irrespective
7 of the duration of pregnancy, which, after such expulsion or
8 extraction, breathes or shows any other evidence of life such
9 as beating of the heart, pulsation of the umbilical cord, or
10 definite movement of voluntary muscles, whether or not the
11 umbilical cord has been cut or the placenta is attached. In
12 determining a live birth, heartbeats shall be distinguished
13 from transient cardiac contractions, and respirations shall be
14 distinguished from fleeting respiratory efforts or gasps.

15 10. "Registration" means the ~~acceptance-by-the-division~~
16 ~~and-the-incorporation-in-its-official-records-of-certificates,~~
17 ~~reports,-or-other-records,-provided-for-in-this-chapter,-of~~
18 ~~births,-deaths,-fetal-deaths,-adoptions,-marriages,-divorces,~~
19 ~~or-annuiments~~ process by which vital statistic records are
20 completed, filed, and incorporated by the division in the
21 division's official records.

22 Sec. 7. Section 144.5, subsection 4, Code 1997, is amended
23 to read as follows:

24 4. Prescribe, print, and distribute the forms required by
25 this chapter and prescribe any other means for transmission of
26 data, as necessary to accomplish complete, accurate reporting.

27 Sec. 8. Section 144.12, Code 1997, is amended to read as
28 follows:

29 144.12 FORMS UNIFORM.

30 In order to promote and maintain uniformity in the system
31 of vital statistics, the forms of certificates, reports, and
32 other returns shall include as a minimum the items recommended
33 by the federal agency responsible for national vital
34 statistics, subject to approval and modification by the
35 department. Forms shall be furnished by the department. The

1 forms or other recording methods used ~~by-county-registrars~~ to
2 ~~record-copies-of~~ register records made required under this
3 chapter shall be prescribed by the department.

4 Sec. 9. Section 144.13, subsection 1, paragraphs a, b, and
5 c, Code 1997, are amended to read as follows:

6 a. A certificate of birth for each live birth which occurs
7 in this state shall be filed ~~with-the-county~~ as directed by
8 the state registrar of-the-county-in-which-the-birth-occurs
9 within ~~ten~~ seven days after the birth and shall be registered
10 by the county registrar if it has been completed and filed in
11 accordance with this chapter. ~~However, when a birth occurs in~~
12 ~~a-moving-conveyance, a birth certificate shall be filed in the~~
13 ~~county in which the child was first removed from the~~
14 ~~conveyance.~~

15 b. When a birth occurs in an institution or en route to an
16 institution, the person in charge of the institution or the
17 person's designated representative, shall obtain the personal
18 data, prepare the certificate, ~~secure-the-signatures-required~~
19 ~~by-the-certificate,~~ and file the certificate ~~with-the-county~~
20 as directed by the state registrar. The physician in
21 attendance or the person in charge of the institution or the
22 person's designee shall certify to the facts of birth either
23 by signature or as otherwise authorized by rule and provide
24 the medical information required by the certificate within ~~six~~
25 seven days after the birth.

26 c. When a birth occurs outside an institution and not en
27 route to an institution, the certificate shall be prepared and
28 filed by one of the following in the indicated order of
29 priority:

30 (1) The physician in attendance at or immediately after
31 the birth.

32 (2) Any other person in attendance at or immediately after
33 the birth.

34 (3) The father or the mother.

35 (4) The person in charge of the premises where the birth

1 occurred. The state registrar shall establish by rule, the
2 evidence required to establish the facts of birth.

3 Sec. 10. Section 144.13, subsection 2, Code 1997, is
4 amended to read as follows:

5 2. If the mother was married ~~either~~ at the time of
6 conception ~~or~~, birth, or at anytime during the period between
7 conception and birth, the name of the husband shall be entered
8 on the certificate as the father of the child unless paternity
9 has been determined otherwise by a court of competent
10 jurisdiction, in which case the name of the father as
11 determined by the court shall be entered by the department.

12 Sec. 11. Section 144.13, subsection 3, Code 1997, is
13 amended to read as follows:

14 3. If the mother was not married ~~either~~ at the time of
15 conception ~~or~~, birth, or at any time during the period between
16 conception and birth, the name of the father shall not be
17 entered on the certificate of birth without the written
18 consent of the mother and the person to be named as the
19 father, unless a determination of paternity has been made
20 pursuant to section 252A.3, in which case the name of the
21 father as established shall be entered by the department. If
22 the father is not named on the certificate of birth, no other
23 information about the father shall be entered on the
24 certificate.

25 Sec. 12. Section 144.15, unnumbered paragraph 1, Code
26 1997, is amended to read as follows:

27 When the birth of a person born in this state has not been
28 registered, a certificate may be filed in accordance with
29 regulations. The certificate shall be registered subject to
30 evidentiary requirements prescribed to substantiate the
31 alleged facts of birth. Certificates of birth registered one
32 year or more after the date of occurrence shall be marked
33 "delayed" and shall show on their face the date of the delayed
34 registration. A summary statement of the evidence submitted
35 in support of the delayed registration shall be endorsed on

1 the certificate. A delayed certificate of birth shall not be
2 registered for a deceased person.

3 Sec. 13. Section 144.26, Code 1997, is amended to read as
4 follows:

5 144.26 DEATH CERTIFICATE.

6 A death certificate for each death which occurs in this
7 state shall be filed ~~with-the-county as directed by the state~~
8 ~~registrar of-the-county-in-which-the-death-occurs,~~ within
9 three days after the death and prior to final disposition, and
10 shall be registered by the county registrar if it has been
11 completed and filed in accordance with this chapter. All
12 information including the certifying physician's name shall be
13 typewritten.

14 ~~If-the-place-of-death-is-unknown,-a-death-certificate-shall~~
15 ~~be-filed-in-the-county-in-which-a-dead-body-is-found-within~~
16 ~~three-days-after-the-body-is-found.~~ The county in which a
17 dead body is found is the county of death. If death occurs in
18 a moving conveyance, ~~a-death-certificate-shall-be-filed-in~~ the
19 county in which the dead body is first removed from the
20 conveyance is the county of death.

21 ~~If-a-person-dies-outside-of-the-county-of-the-person's~~
22 ~~residence,-the-state-registrar-shall-send-a-copy-of-the-death~~
23 ~~certificate-to-the-county-registrar-of-the-county-of-the~~
24 ~~decedent's-residence.--The-county-registrar-shall-record-the~~
25 ~~death-certificate-in-the-same-records-in-which-death~~
26 ~~certificates-of-persons-who-died-within-the-county-are~~
27 ~~recorded.~~

28 Sec. 14. Section 144.27, Code 1997, is amended to read as
29 follows:

30 144.27 FUNERAL DIRECTOR'S DUTY.

31 The funeral director who first assumes custody of a dead
32 body shall file the death certificate, obtain the personal
33 data from the next of kin or the best qualified person or
34 source available and obtain the medical certification of cause
35 of death from the person responsible for ~~issuing-and-signing~~

1 completing the certification. When a person other than a
2 funeral director assumes custody of a dead body, the person
3 shall be responsible for carrying out the provisions of this
4 section.

5 Sec. 15. Section 144.28, Code 1997, is amended to read as
6 follows:

7 144.28 MEDICAL CERTIFICATE.

8 1. The medical certification shall be completed and signed
9 within twenty-four hours after death by the physician in
10 charge of the patient's care for the illness or condition
11 which resulted in death except when inquiry is required by the
12 county medical examiner. When inquiry is required by the
13 county medical examiner, the medical examiner shall
14 investigate the cause of death and shall complete and sign the
15 medical certification within twenty-four hours after taking
16 charge of the case.

17 2. The person completing the medical certification of
18 cause of death shall attest to its accuracy either by
19 signature or by an electronic process approved by rule.

20 Sec. 16. Section 144.29, Code 1997, is amended to read as
21 follows:

22 144.29 FETAL DEATHS.

23 A fetal death certificate for each fetal death which occurs
24 in this state after a gestation period of twenty completed
25 weeks or greater, or for a fetus with a weight of three
26 hundred fifty grams or more shall be filed ~~with-the-county as~~
27 ~~directed by the state registrar of-the-county-in-which-the~~
28 ~~delivery-of-the-dead-fetus-occurs,~~ within three days after
29 delivery and prior to final disposition of the fetus. The
30 certificate shall be registered if it has been completed and
31 filed in accordance with this chapter.

32 ~~If-the-place-of-delivery-of-a-dead-fetus-is-unknown,-a~~
33 ~~fetal-death-certificate-shall-be-filed-in-the~~ The county in
34 which a dead fetus is found, is the county of death. The
35 certificate shall be filed within three days after the fetus

1 is found. If a fetal death occurs in a moving conveyance, a
2 ~~fetal-death-certificate-shall-be-filed-in~~ the county in which
3 the fetus is first removed from the conveyance is the county
4 of death.

5 Sec. 17. Section 144.30, Code 1997, is amended to read as
6 follows:

7 144.30 FUNERAL DIRECTOR'S DUTY -- FETAL DEATH CERTIFICATE.

8 The funeral director who first assumes custody of a fetus
9 shall file the fetal death certificate. In the absence of
10 such a person, the physician or other person in attendance at
11 or after the delivery shall file the certificate of fetal
12 death. The person filing the certificate shall obtain the
13 personal data from the next of kin or the best qualified
14 person or source available and shall obtain the medical
15 certification of cause of death from the person responsible
16 for ~~issuing-and-signing~~ completing the certification. When a
17 person other than a funeral director assumes custody of a
18 fetus, the person shall be responsible for carrying out the
19 provisions of this section.

20 Sec. 18. Section 144.31, Code 1997, is amended to read as
21 follows:

22 144.31 MEDICAL CERTIFICATE -- FETAL DEATH.

23 The medical certification shall be completed ~~and-signed~~
24 within twenty-four hours after delivery by the physician in
25 attendance at or after delivery except when inquiry is
26 required by the county medical examiner.

27 When a fetal death occurs without medical attendance upon
28 the mother at or after delivery or when inquiry is required by
29 the county medical examiner, the medical examiner shall
30 investigate the cause of fetal death and shall complete ~~and~~
31 ~~sign~~ the medical certification within twenty-four hours after
32 taking charge of the case. The person completing the medical
33 certification of cause of fetal death shall attest to its
34 accuracy either by signature or as authorized by rule.

35 Sec. 19. Section 144.43, Code 1997, is amended by adding

1 the following new unnumbered paragraph:

2 NEW UNNUMBERED PARAGRAPH. A public record shall not be
3 withheld from the public because it is combined with data
4 processing software. The state registrar shall not implement
5 any electronic data processing system for the storage,
6 manipulation, or retrieval of vital records that would impair
7 a county registrar's ability to permit the examination of a
8 public record and the copying of a public record, as
9 established by rule. If it is necessary to separate a public
10 record from data processing software in order to permit the
11 examination of the public record, the county registrar shall
12 periodically generate a written log available for public
13 inspection which contains the public record.

14 Sec. 20. NEW SECTION. 152.12 EXAMINATION INFORMATION.

15 Notwithstanding subsection 147.21, subsection 3, individual
16 pass or fail examination results made available from the
17 authorized national testing agency may be disclosed to the
18 appropriate licensing authority in another state, the District
19 of Columbia, or a territory or county, and the board-approved
20 education program, for purposes of verifying accuracy of
21 national data and determining program approval.

22 Sec. 21. Section 153.36, Code 1997, is amended to read as
23 follows:

24 153.36 STATUTES NOT APPLICABLE TO DENTISTRY.

25 1. Sections 147.44 to 147.71, except 147.57 and sections
26 147.87 to 147.92, shall not apply to the practice of
27 dentistry.

28 2. In addition to the provisions of section 272C.2,
29 subsection 4, a person licensed by the board of dental
30 examiners shall also be deemed to have complied with
31 continuing education requirements of this state if, during
32 periods that the person practiced the profession in another
33 state or district, the person met all of the continuing
34 education and other requirements of that state or district for
35 the practice of the occupation or profession.

1 3. Notwithstanding the panel composition provisions in
2 section 272C.6, subsection 1, the board of dental examiners'
3 disciplinary hearing panels shall be comprised of three board
4 members, at least two of which are licensed in the profession.

5 Sec. 22. CONTINGENT EFFECTIVE DATE. Section 5 of this Act
6 relating to the renovation, remodeling, and repainting lead
7 hazard notification process takes effect only upon receipt by
8 the Iowa department of public health of authorization from the
9 United States environmental protection agency for state
10 implementation of the lead inspection and abatement
11 certification program.

12 Sec. 23. Section 135.15, Code 1997, is repealed.

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HOUSE FILE 335

S-3213

1 Amend House File 335, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 14 the
4 following:

5 "Sec. ____ . NEW SECTION. 125.83A PLACEMENT IN
6 CERTAIN FEDERAL FACILITIES.

7 If upon completion of the commitment hearing, the
8 court finds that the contention that the respondent is
9 a chronic substance abuser has been sustained by clear
10 and convincing evidence, and the court is furnished
11 evidence that the respondent is eligible for care and
12 treatment in a facility operated by the veterans
13 administration or another agency of the United States
14 government and that the facility is willing to receive
15 the respondent, the court may so order. The
16 respondent, when so placed in a facility operated by
17 the veterans administration or another agency of the
18 United States government within or outside of this
19 state, shall be subject to the rules of the veterans
20 administration or other agency, but shall not lose any
21 procedural rights afforded the respondent by this
22 chapter. The chief officer of the facility shall
23 have, with respect to the respondent so placed, the
24 same powers and duties as the chief medical officer of
25 a hospital in this state would have in regard to
26 submission of reports to the court, retention of
27 custody, transfer, convalescent leave or discharge.
28 Jurisdiction is retained in the court to maintain
29 surveillance of the respondent's treatment and care,
30 and at any time to inquire into the respondent's
31 condition and the need for continued care and custody.

32 2. Upon receipt of a certificate stating that a
33 respondent placed under this chapter is eligible for
34 care and treatment in a facility operated by the
35 veterans administration or another agency of the
36 United States government which is willing to receive
37 the respondent without charge to the state of Iowa or
38 any county in the state, the chief medical officer may
39 transfer the respondent to that facility. Upon so
40 doing, the chief medical officer shall notify the
41 court which ordered the respondent's placement in the
42 same manner as would be required in the case of a
43 transfer under section 125.86, subsection 2, and the
44 respondent transferred shall be entitled to the same
45 rights as the respondent would have under that
46 subsection. No respondent shall be transferred under
47 this section who is confined pursuant to conviction of
48 a public offense or whose placement was ordered upon
49 contention of incompetence to stand trial by reason of
50 mental illness, without prior approval of the court

S-3213

-1-

1 which ordered that respondent's placement.

2 3. A judgment or order of commitment by a court of
3 competent jurisdiction of another state or the
4 District of Columbia, under which any person is
5 hospitalized or placed in a facility operated by the
6 veterans administration or another agency of the
7 United States government, shall have the same force
8 and effect with respect to that person while the
9 person is in this state as the judgment or order would
10 have if the person were in the jurisdiction of the
11 court which issued it. That court shall be deemed to
12 have retained jurisdiction of the person so placed for
13 the purpose of inquiring into that person's condition
14 and the need for continued care and custody, as do
15 courts in this state under this section. Consent is
16 given to the application of the law of the state or
17 district in which the court is situated which issued
18 the judgment or order as regards authority of the
19 chief officer of any facility, operated in this state
20 by the veterans administration or another agency of
21 the United States government, to retain custody,
22 transfer, place on convalescent leave or discharge the
23 person so committed."

24 2. Title page, line 2, by inserting after the
25 word "statistics," the following: "chemical substance
26 abuse,".

27 3. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-3213 FILED MARCH 24, 1997

Adopted
4-9-97
(P. 1065)

HOUSE FILE 335

S-3229

1 Amend House File 335, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, line 2, by striking the word
4 "subsection" and inserting the following:
5 "subsections".
6 2. Page 2, by inserting after line 2 the
7 following:
8 "NEW SUBSECTION. 7. Review team members and their
9 agents are immune from any liability, civil or
10 criminal, which might otherwise be incurred or imposed
11 as a result of any act, omission, proceeding,
12 decision, or determination undertaken or performed, or
13 recommendation made as a review team member or agent
14 provided that the review team members or agents acted
15 in good faith and without malice in carrying out their
16 official duties in their official capacity. The
17 department shall adopt rules pursuant to chapter 17A
18 to administer this subsection. A complainant bears
19 the burden of proof in establishing malice or lack of
20 good faith in an action brought against review team
21 members involving the performance of their duties and
22 powers under this section."
23 3. Page 2, line 3, by striking the figure "7" and
24 inserting the following: "8".

By COMMITTEE ON STATE GOVERNMENT
SHELDON RITTMER, Chairperson

S-3229 FILED MARCH 25, 1997

Adopted
4/9/97
(P. 1065)

HOUSE FILE 335

S-3412

1 Amend House File 335 as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 6, line 6, by striking the word "anytime"
4 and inserting the following: "any time".
5 2. Page 6, line 15, by striking the word "or" and
6 inserting the following: "and".
7 3. Page 6, by striking lines 17 through 19 and
8 inserting the following: "entered on the certificate
9 of birth ~~without the written consent of the mother and~~
10 ~~the person to be named as the father~~, unless a
11 determination of paternity has been made".
12 4. Page 7, line 6, by striking the word "A" and
13 inserting the following: "1. A".
14 5. Page 7, line 11, by inserting after the word
15 "chapter." the following: "A death certificate shall
16 include the social security number, if provided, of
17 the deceased person."
18 6. Page 7, by inserting after line 13 the
19 following:
20 "2. All information included on a death
21 certificate may be provided as mutually agreed upon by
22 the division and the child support recovery unit,
23 including by automated exchange."
24 7. Page 7, line 14, by striking the word "if" and
25 inserting the following: "3. if".
By MAGGIE TINSMAN

S-3412 FILED APRIL 8, 1997

adopted
4/9/97
(p.1066)

SENATE AMENDMENT TO HOUSE 335

H-1647

1 Amend House File 335, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting after line 14 the
4 following:

5 "Sec. ____ . NEW SECTION. 125.83A PLACEMENT IN
6 CERTAIN FEDERAL FACILITIES.

7 If upon completion of the commitment hearing, the
8 court finds that the contention that the respondent is
9 a chronic substance abuser has been sustained by clear
10 and convincing evidence, and the court is furnished
11 evidence that the respondent is eligible for care and
12 treatment in a facility operated by the veterans
13 administration or another agency of the United States
14 government and that the facility is willing to receive
15 the respondent, the court may so order. The
16 respondent, when so placed in a facility operated by
17 the veterans administration or another agency of the
18 United States government within or outside of this
19 state, shall be subject to the rules of the veterans
20 administration or other agency, but shall not lose any
21 procedural rights afforded the respondent by this
22 chapter. The chief officer of the facility shall
23 have, with respect to the respondent so placed, the
24 same powers and duties as the chief medical officer of
25 a hospital in this state would have in regard to
26 submission of reports to the court, retention of
27 custody, transfer, convalescent leave or discharge.
28 Jurisdiction is retained in the court to maintain
29 surveillance of the respondent's treatment and care,
30 and at any time to inquire into the respondent's
31 condition and the need for continued care and custody.

32 2. Upon receipt of a certificate stating that a
33 respondent placed under this chapter is eligible for
34 care and treatment in a facility operated by the
35 veterans administration or another agency of the
36 United States government which is willing to receive
37 the respondent without charge to the state of Iowa or
38 any county in the state, the chief medical officer may
39 transfer the respondent to that facility. Upon so
40 doing, the chief medical officer shall notify the
41 court which ordered the respondent's placement in the
42 same manner as would be required in the case of a
43 transfer under section 125.86, subsection 2, and the
44 respondent transferred shall be entitled to the same
45 rights as the respondent would have under that
46 subsection. No respondent shall be transferred under
47 this section who is confined pursuant to conviction of
48 a public offense or whose placement was ordered upon
49 contention of incompetence to stand trial by reason of
50 mental illness, without prior approval of the court

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Page 2

1 which ordered that respondent's placement.

2 3. A judgment or order of commitment by a court of
3 competent jurisdiction of another state or the
4 District of Columbia, under which any person is
5 hospitalized or placed in a facility operated by the
6 veterans administration or another agency of the
7 United States government, shall have the same force
8 and effect with respect to that person while the
9 person is in this state as the judgment or order would
10 have if the person were in the jurisdiction of the
11 court which issued it. That court shall be deemed to
12 have retained jurisdiction of the person so placed for
13 the purpose of inquiring into that person's condition
14 and the need for continued care and custody, as do
15 courts in this state under this section. Consent is
16 given to the application of the law of the state or
17 district in which the court is situated which issued
18 the judgment or order as regards authority of the
19 chief officer of any facility, operated in this state
20 by the veterans administration or another agency of
21 the United States government, to retain custody,
22 transfer, place on convalescent leave or discharge the
23 person so committed."

24 2. Page 2, line 2, by striking the word
25 "subsection" and inserting the following:
26 "subsections".

27 3. Page 2, by inserting after line 2 the
28 following:

29 "NEW SUBSECTION. 7. Review team members and their
30 agents are immune from any liability, civil or
31 criminal, which might otherwise be incurred or imposed
32 as a result of any act, omission, proceeding,
33 decision, or determination undertaken or performed, or
34 recommendation made as a review team member or agent
35 provided that the review team members or agents acted
36 in good faith and without malice in carrying out their
37 official duties in their official capacity. The
38 department shall adopt rules pursuant to chapter 17A
39 to administer this subsection. A complainant bears
40 the burden of proof in establishing malice or lack of
41 good faith in an action brought against review team
42 members involving the performance of their duties and
43 powers under this section."

44 4. Page 2, line 3, by striking the figure "7" and
45 inserting the following: "8".

46 5. Page 6, line 6, by striking the word "anytime"
47 and inserting the following: "any time".

48 6. Page 6, line 15, by striking the word "or" and
49 inserting the following: "and".

50 7. Page 6, by striking lines 17 through 19 and

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-2-

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Page 3

1 inserting the following: "entered on the certificate
2 of birth ~~without the written consent of the mother and~~
3 ~~the person to be named as the father~~, unless a
4 determination of paternity has been made".

5 8. Page 7, line 6, by striking the word "A" and
6 inserting the following: "1. A".

7 9. Page 7, line 11, by inserting after the word
8 "chapter." the following: "A death certificate shall
9 include the social security number, if provided, of
10 the deceased person."

11 10. Page 7, by inserting after line 13 the
12 following:

13 "2. All information included on a death
14 certificate may be provided as mutually agreed upon by
15 the division and the child support recovery unit,
16 including by automated exchange."

17 11. Page 7, line 14, by striking the word "ff"
18 and inserting the following: "3. ff".

19 12. Page 9, by inserting after line 34, the
20 following:

21 "Sec. ____ . Section 144.32, unnumbered paragraph 1,
22 Code 1997, is amended to read as follows:

23 If a person other than a funeral director, medical
24 examiner, emergency medical service, or an authorized
25 agent of a funeral or cremation establishment assumes
26 custody of a dead body or fetus, the person shall
27 secure a burial-transit permit. To be valid, the
28 burial-transit permit must be issued by the county
29 medical examiner, a funeral director, or the county
30 registrar of the county where the certificate of death
31 or fetal death was filed. The permit shall be
32 obtained prior to the removal of the body or fetus
33 from the place of death and the permit shall accompany
34 the body or fetus to the place of final disposition."

35 13. Title page, line 2, by inserting after the
36 word "statistics," the following: "chemical substance
37 abuse,".

38 14. By renumbering, relettering, or redesignating
39 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1647 FILED APRIL 9, 1997

Adopted 4-21-97 (P. 1351)

HOUSE FILE 335

H-1684

1 Amend the Senate amendment, H-1647, to House File
2 335 as amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 3, line 25, by striking the words "or
5 cremation".

By KREIMAN of Davis

H-1684 FILED APRIL 10, 1997

*WINDR. IN
4-21-97 (P. 1351)*

S-3440

1 Amend House File 335, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 9, by inserting after line 34, the
4 following:

5 "Sec. ____ . Section 144.32, unnumbered paragraph 1,
6 Code 1997, is amended to read as follows:

7 If a person other than a funeral director, medical
8 examiner, emergency medical service, or an authorized
9 agent of a funeral or cremation establishment assumes
10 custody of a dead body or fetus, the person shall
11 secure a burial-transit permit. To be valid, the
12 burial-transit permit must be issued by the county
13 medical examiner, a funeral director, or the county
14 registrar of the county where the certificate of death
15 or fetal death was filed. The permit shall be
16 obtained prior to the removal of the body or fetus
17 from the place of death and the permit shall accompany
18 the body or fetus to the place of final disposition."

19 2. By renumbering as necessary.

By ROD HALVORSON

S-3440 FILED APRIL 9, 1997

ADOPTED

(P. 1066)

HOUSE AMENDMENT TO SENATE AMENDMENT TO
HOUSE FILE 335

S-3645

1 Amend the Senate amendment, H-1647, to House File
2 335, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 3, by striking lines 24 and 25 and
5 inserting the following: "examiner, or emergency
6 medical service assumes".

RECEIVED FROM THE HOUSE

S-3645 FILED APRIL 21, 1997

Senate concurred 4/25/97 (p. 1457)

HOUSE FILE 335

H-1694

1 Amend the Senate amendment, H-1647, to House File
2 335, as amended, passed, and reprinted by the House,
3 as follows:

4 1. Page 3, by striking lines 24 and 25 and
5 inserting the following: "examiner, or emergency
6 medical service assumes".

By LORD of Dallas
KREIMAN of Davis

H-1694 FILED APRIL 14, 1997

Adopted 4-21-97 (p. 1351)

Veenstra, CH
Houser
Falck

HSB 36
HUMAN RESOURCES

Succeeded By
SF / HF 335

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

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

A BILL FOR

1 An Act relating to public health issues under the purview of the
2 Iowa department of public health, including vital statistics,
3 the board of nursing examiners, the board of dental examiners,
4 lead poisoning, the immunization registry, the child death
5 review team, plumbing provisions and fees, the certificate of
6 need program, and providing a contingent effective date.

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

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1 Section 1. Section 22.7, subsection 2, Code 1997, is
2 amended to read as follows:

3 2. Hospital records, medical records, and professional
4 counselor records of the condition, diagnosis, care, or
5 treatment of a patient or former patient or a counselee or
6 former counselee, including outpatient. However, confidential
7 communications between a crime victim and the victim's
8 counselor are not subject to disclosure except as provided in
9 section 236A.1. However, the Iowa department of public health
10 shall adopt rules which provide for the sharing of information
11 among agencies and providers concerning the maternal and child
12 health program including but not limited to the statewide
13 child immunization information system, while maintaining an
14 individual's confidentiality.

15 Sec. 2. Section 135.43, subsection 6, Code 1997, is
16 amended to read as follows:

17 6. a. The Iowa department of public health and the
18 department of human services shall adopt rules providing for
19 disclosure of information which is confidential under chapter
20 22 or any other provision of state law, to the review team for
21 purposes of performing its child death and child abuse review
22 responsibilities.

23 b. A person in possession or control of medical,
24 investigative or other information pertaining to a child death
25 and child abuse review shall allow the inspection and
26 reproduction of the information by the department upon the
27 request of the department, to be used only in the
28 administration and for the duties of the Iowa child death
29 review team. Information and records which are confidential
30 under section 22.7 and chapter 235A, and information or
31 records received from the confidential records, remain
32 confidential under this section. A person does not incur
33 legal liability by reason of releasing information to the
34 department as required under and in compliance with this
35 section.

1 Sec. 3. Section 135.43, Code 1997, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 7. Review team members and their agents
4 are immune from any liability, civil or criminal, which might
5 otherwise be incurred or imposed as a result of any act,
6 omission, proceeding, decision, or determination undertaken or
7 performed, or recommendation made as a review team member or
8 agent provided that the review team members or agents acted in
9 good faith and without malice in carrying out their official
10 duties in their official capacity. The department shall adopt
11 rules pursuant to chapter 17A to administer this subsection.
12 A complainant bears the burden of proof in establishing malice
13 or lack of good faith in an action brought against review team
14 members involving the performance of their duties and powers
15 under this section.

16 Sec. 4. Section 135.61, subsection 14, Code 1997, is
17 amended to read as follows:

18 14. "Institutional health facility" means any of the
19 following, without regard to whether the facilities referred
20 to are publicly or privately owned or are organized for profit
21 or not or whether the facilities are part of or sponsored by a
22 health maintenance organization:

23 a. A hospital.

24 b. A health care facility.

25 ~~c. A kidney disease treatment center, including any~~
26 ~~freestanding hemodialysis unit but not including any home~~
27 ~~hemodialysis unit.~~

28 d c. An organized outpatient health facility.

29 e d. An outpatient surgical facility.

30 f e. A community mental health facility.

31 g f. A birth center.

32 Sec. 5. Section 135.61, subsection 18, paragraphs c, e,
33 and g through m, Code 1997, are amended to read as follows:

34 c. Any capital expenditure, lease, or donation by or on
35 behalf of an institutional health facility in excess of eight

1 one million five hundred thousand dollars within a twelve-
2 month period.

3 e. Any expenditure in excess of three five hundred
4 thousand dollars by or on behalf of an institutional health
5 facility for health services which are or will be offered in
6 or through an institutional health facility at a specific time
7 but which were not offered on a regular basis in or through
8 that institutional health facility within the twelve-month
9 period prior to that time.

10 g. Any acquisition by or on behalf of a health care
11 provider or a group of health care providers of any piece of
12 replacement equipment with a value in excess of four one
13 million five hundred thousand dollars, whether acquired by
14 purchase, lease, or donation and only if there are established
15 volume standards which are not being met by the original piece
16 of equipment.

17 h. Any acquisition by or on behalf of a health care
18 provider or group of health care providers of any piece of
19 equipment with a value in excess of three one million five
20 hundred thousand dollars, whether acquired by purchase, lease,
21 or donation, which results in the offering or development of a
22 health service not previously provided. A mobile service
23 provided on a contract basis is not considered to have been
24 previously provided by a health care provider or group of
25 health care providers.

26 i. Any acquisition by or on behalf of an institutional
27 health facility or a health maintenance organization of any
28 piece of replacement equipment with a value in excess of four
29 one million five hundred thousand dollars, whether acquired by
30 purchase, lease, or donation and only if there are established
31 volume standards which are not being met by the original piece
32 of equipment.

33 j. Any acquisition by or on behalf of an institutional
34 health facility or health maintenance organization of any
35 piece of equipment with a value in excess of three one million

1 five hundred thousand dollars, whether acquired by purchase,
2 lease, or donation, which results in the offering or
3 development of a health service not previously provided. A
4 mobile service provided on a contract basis is not considered
5 to have been previously provided by an institutional health
6 facility.

7 k. Any air transportation system service for
8 transportation of patients or medical personnel offered
9 through an institutional health facility at a specific time
10 but which was not offered on a regular basis in or through
11 that institutional health facility within the twelve-month
12 period prior to the specific time.

13 l. Any mobile health service with a value in excess of
14 three one million five hundred thousand dollars.

15 m. Any of the following:

16 (1) Cardiac catheterization service.

17 (2) Open heart surgical service.

18 (3) Organ transplantation service.

19 (4) Radiation therapy.

20 Sec. 6. Section 135.63, subsection 1, Code 1997, is
21 amended to read as follows:

22 1. A new institutional health service or changed
23 institutional health service shall not be offered or developed
24 in this state without prior application to the department for
25 and receipt of a certificate of need, pursuant to this
26 division. The application shall be made upon forms furnished
27 or prescribed by the department and shall contain such
28 information as the department may require under this division.
29 The application shall be accompanied by a fee equivalent to
30 three-tenths of one percent of the anticipated cost of the
31 project with a minimum fee of six hundred dollars and a
32 maximum fee of twenty-one thousand dollars. The fee shall be
33 remitted by the department to the treasurer of state, who
34 shall place it in the general fund of the state. If an
35 application is voluntarily withdrawn within thirty calendar

1 days after submission, seventy-five percent of the application
2 fee shall be refunded; if the application is voluntarily
3 withdrawn more than thirty but within sixty days after
4 submission, fifty percent of the application fee shall be
5 refunded; if the application is withdrawn voluntarily more
6 than sixty days after submission, twenty-five percent of the
7 application fee shall be refunded. Notwithstanding the
8 required payment of an application fee under this subsection,
9 an applicant for a new institutional health service or a
10 changed institutional health service offered or developed by
11 an intermediate care facility for persons with mental
12 retardation or an intermediate care facility for persons with
13 mental illness as defined pursuant to section 135C.1 is exempt
14 from payment of the application fee.

15 Sec. 7. Section 135.63, subsection 2, Code 1997, is
16 amended by adding the following new paragraphs:

17 NEW PARAGRAPH. j. The construction, modification, or
18 replacement of nonpatient care services, including parking
19 facilities, heating, ventilation and air conditioning systems,
20 computers, telephone systems, medical office buildings, and
21 other projects of a similar nature, notwithstanding any
22 provision in this division to the contrary.

23 NEW PARAGRAPH. k. The redistribution of beds by a
24 hospital within the acute care category of bed usage,
25 notwithstanding any provision in this division to the
26 contrary, if all of the following conditions exist:

27 (1) The hospital reports to the department the number and
28 type of beds to be redistributed on a form prescribed by the
29 department at least thirty days before the redistribution.

30 (2) The hospital reports the new distribution of beds on
31 its next annual report to the department.

32 If these conditions are not met, the redistribution of beds
33 by the hospital is subject to review as a new institutional
34 health service or changed institutional health service
35 pursuant to section 135.61, subsection 18, paragraph "d", and

1 is subject to sanctions under section 135.73.

2 NEW PARAGRAPH. l. An intermediate care facility for
3 persons with mental retardation, as defined in section 135C.1,
4 notwithstanding any provision in this division to the
5 contrary.

6 NEW PARAGRAPH. m. A psychiatric medical institution for
7 children, as defined in section 135H.1, notwithstanding any
8 provision in this division to the contrary.

9 NEW PARAGRAPH. n. The replacement or modernization of any
10 institutional health facility if the replacement or
11 modernization does not add new health services or additional
12 capacity for existing health services, notwithstanding any
13 provision in this division to the contrary.

14 NEW PARAGRAPH. o. Hemodialysis services provided by a
15 hospital or freestanding facility, notwithstanding any
16 provision in this division to the contrary.

17 Sec. 8. Section 135.65, subsection 1, Code 1997, is
18 amended to read as follows:

19 1. Before applying for a certificate of need, the sponsor
20 of a proposed new institutional health service or changed
21 institutional health service shall submit to the department a
22 letter of intent to offer or develop a service requiring a
23 certificate of need. The letter shall be submitted as soon as
24 possible after initiation of the applicant's planning process,
25 and in any case not less than sixty thirty days before
26 applying for a certificate of need and before substantial
27 expenditures to offer or develop the service are made. The
28 letter shall include a brief description of the proposed new
29 or changed service, its location, and its estimated cost.

30 Sec. 9. Section 135.71, unnumbered paragraph 1, Code 1997,
31 is amended to read as follows:

32 A certificate of need shall be valid for a maximum of one
33 year from the date of issuance. Upon the expiration of the
34 certificate, or at any earlier time while the certificate is
35 valid the holder thereof shall provide the department such

1 information on the development of the project covered by the
2 certificate as the department may request. The council shall
3 determine at the end of the certification period whether
4 sufficient progress is being made on the development of the
5 project ~~and-whether-there-has-been-compliance-with-any~~
6 ~~conditions-on-which-issuance-of-the-certificate-was-premised.~~
7 The certificate of need may be extended by the council for
8 additional periods of time as are reasonably necessary to
9 expeditiously complete the project, but may be revoked by the
10 council at the end of the first or any subsequent
11 certification period for insufficient progress in developing
12 the project ~~or-noncompliance-with-any-conditions-on-which~~
13 ~~issuance-of-the-certificate-was-premised.~~

14 Sec. 10. Section 135.105A, Code 1997, is amended to read
15 as follows:

16 135.105A LEAD INSPECTOR AND LEAD ABATER TRAINING AND
17 CERTIFICATION ESTABLISHED -- CIVIL PENALTY.

18 1. The department shall establish a program for the
19 training and certification of lead inspectors and lead abaters
20 ~~who-provide-inspections-and-abatement-for-monetary~~
21 ~~compensation.~~ The department shall maintain a listing,
22 available to the public and to city and county health
23 departments, of lead inspectors and lead abaters who have
24 successfully completed the training program and have been
25 certified by the department. A person may be certified as
26 both a lead inspector and a lead abater. However, a person
27 who is certified as both a lead inspector and a lead abater
28 shall not provide both inspection and abatement services at
29 the same site unless a written consent or waiver, following
30 full disclosure by the person, is obtained from the owner or
31 manager of the site.

32 2. The department shall also establish a program for the
33 training of painting, demolition, and remodeling contractors
34 and those who provide mitigation control services ~~for-monetary~~
35 ~~compensation.~~ The training shall be completed on a voluntary

1 basis.

2 3. A person who owns ~~or-manages~~ real property which
3 includes a residential dwelling and who performs lead
4 inspection or lead abatement of the residential dwelling is
5 not required to obtain certification to perform mitigation
6 ~~control-or-abatement~~ these measures of-property-which-the
7 ~~person-owns-or-manages,~~ unless the residential dwelling is
8 occupied by a person other than the owner or a member of the
9 owner's immediate family while the measures are being
10 performed. However, the department shall encourage property
11 owners and managers who are not required to be certified to
12 complete the training course to ensure the use of appropriate
13 and safe mitigation and abatement procedures.

14 4. A person shall not perform lead abatement or lead
15 inspections ~~for-compensation~~ unless the person has completed a
16 training program approved by the department and has obtained
17 certification. A person who violates this section is subject
18 to a civil penalty not to exceed five thousand dollars for
19 each offense.

20 Sec. 11. NEW SECTION. 135.105C RENOVATION, REMODELING
21 AND REPAINTING -- LEAD HAZARD NOTIFICATION PROCESS
22 ESTABLISHED.

23 1. A person who performs renovation, remodeling, or
24 repainting services of targeted housing for compensation shall
25 provide an approved lead hazard information pamphlet to the
26 owner and occupant of the housing prior to commencing the
27 services.

28 2. For the purpose of this section, "targeted housing"
29 means housing constructed prior to 1978 with the exception of
30 housing for the elderly or for persons with disabilities,
31 unless at least one child, six years of age or less, resides
32 or is expected to reside in the housing, and housing which
33 does not contain a bedroom. The department shall adopt rules
34 to implement the renovation, remodeling, and repainting lead
35 hazard notification process.

1 Sec. 12. Section 135H.6, subsection 4, Code 1997, is
2 amended by striking the subsection.

3 Sec. 13. Section 144.1, subsections 5, 9, and 10, Code
4 1997, are amended to read as follows:

5 5. "Fetal death" means death prior to the complete
6 expulsion or extraction from its mother of a product of human
7 conception, irrespective of the duration of pregnancy. Death
8 is indicated by the fact that after expulsion or extraction
9 the fetus does not breathe or show any other evidence of life
10 such as beating of the heart, pulsation of the umbilical cord,
11 or definite movement of voluntary muscles. In determining a
12 fetal death, heartbeats shall be distinguished from transient
13 cardiac contractions, and respirations shall be distinguished
14 from fleeting respiratory efforts or gasps.

15 9. "Live birth" means the complete expulsion or extraction
16 from its mother of a product of human conception, irrespective
17 of the duration of pregnancy, which, after such expulsion or
18 extraction, breathes or shows any other evidence of life such
19 as beating of the heart, pulsation of the umbilical cord, or
20 definite movement of voluntary muscles, whether or not the
21 umbilical cord has been cut or the placenta is attached. In
22 determining a live birth, heartbeats shall be distinguished
23 from transient cardiac contractions, and respirations shall be
24 distinguished from fleeting respiratory efforts or gasps.

25 10. "Registration" means the ~~acceptance-by-the-division~~
26 ~~and-the-incorporation-in-its-official-records-of-certificates,~~
27 ~~reports,-or-other-records,-provided-for-in-this-chapter,-of~~
28 ~~births,-deaths,-fetal-deaths,-adoptions,-marriages,-divorces,~~
29 ~~or-annulments~~ process by which vital statistic records are
30 completed, filed, and incorporated by the division in the
31 division's official records.

32 Sec. 14. Section 144.5, subsection 4, Code 1997, is
33 amended to read as follows:

34 4. Prescribe, print, and distribute the forms required by
35 this chapter and prescribe any other means for transmission of

1 data, as necessary to accomplish complete, accurate reporting.

2 Sec. 15. Section 144.12, Code 1997, is amended to read as
3 follows:

4 144.12 FORMS UNIFORM.

5 In order to promote and maintain uniformity in the system
6 of vital statistics, the forms of certificates, reports, and
7 other returns shall include as a minimum the items recommended
8 by the federal agency responsible for national vital
9 statistics, subject to approval and modification by the
10 department. Forms shall be furnished by the department. The
11 forms or other recording methods used ~~by-county-registrars~~ to
12 ~~record-copies-of~~ register records made required under this
13 chapter shall be prescribed by the department.

14 Sec. 16. Section 144.13, subsection 1, paragraphs a, b,
15 and c, Code 1997, are amended to read as follows:

16 a. A certificate of birth for each live birth which occurs
17 in this state shall be filed ~~with-the-county~~ as directed by
18 the state registrar of-the-county-in-which-the-birth-occurs
19 within ~~ten~~ seven days after the birth and shall be registered
20 by the county registrar if it has been completed and filed in
21 accordance with this chapter. ~~However, when a birth occurs in~~
22 ~~a-moving-conveyance, a birth certificate shall be filed in the~~
23 ~~county in which the child was first removed from the~~
24 ~~conveyance.~~

25 b. When a birth occurs in an institution or en route to an
26 institution, the person in charge of the institution or the
27 person's designated representative, shall obtain the personal
28 data, prepare the certificate, ~~secure-the-signatures-required~~
29 ~~by-the-certificate,~~ and file the certificate ~~with-the-county~~
30 as directed by the state registrar. The physician in
31 attendance or the person in charge of the institution or the
32 person's designee shall certify to the facts of birth either
33 by signature or as otherwise authorized by rule and provide
34 the medical information required by the certificate within ~~six~~
35 seven days after the birth.

1 c. When a birth occurs outside an institution and not en
2 route to an institution, the certificate shall be prepared and
3 filed by one of the following in the indicated order of
4 priority:

5 (1) The physician in attendance at or immediately after
6 the birth.

7 (2) Any other person in attendance at or immediately after
8 the birth.

9 (3) The father or the mother.

10 (4) The person in charge of the premises where the birth
11 occurred. The state registrar shall establish by rule, the
12 evidence required to establish the facts of birth.

13 Sec. 17. Section 144.13, subsection 2, Code 1997, is
14 amended to read as follows:

15 2. If the mother was married ~~either~~ at the time of
16 conception ~~or~~, birth, or at anytime during the period between
17 conception and birth, the name of the husband shall be entered
18 on the certificate as the father of the child unless paternity
19 has been determined otherwise by a court of competent
20 jurisdiction, in which case the name of the father as
21 determined by the court shall be entered by the department.

22 Sec. 18. Section 144.13, subsection 3, Code 1997, is
23 amended to read as follows:

24 3. If the mother was not married ~~either~~ at the time of
25 conception ~~or~~, birth, or at any time during the period between
26 conception and birth, the name of the father shall not be
27 entered on the certificate of birth without the written
28 consent of the mother and the person to be named as the
29 father, unless a determination of paternity has been made
30 pursuant to section 252A.3, in which case the name of the
31 father as established shall be entered by the department. If
32 the father is not named on the certificate of birth, no other
33 information shall be entered on the certificate.

34 Sec. 19. Section 144.15, unnumbered paragraph 1, Code
35 1997, is amended to read as follows:

1 When the birth of a person born in this state has not been
2 registered, a certificate may be filed in accordance with
3 regulations. The certificate shall be registered subject to
4 evidentiary requirements prescribed to substantiate the
5 alleged facts of birth. Certificates of birth registered one
6 year or more after the date of occurrence shall be marked
7 "delayed" and shall show on their face the date of the delayed
8 registration. A summary statement of the evidence submitted
9 in support of the delayed registration shall be endorsed on
10 the certificate. A delayed certificate of birth shall not be
11 registered for a deceased person.

12 Sec. 20. Section 144.26, Code 1997, is amended to read as
13 follows:

14 144.26 DEATH CERTIFICATE.

15 A death certificate for each death which occurs in this
16 state shall be filed ~~with the county as directed by the state~~
17 ~~registrar of the county in which the death occurs,~~ within
18 three days after the death and prior to final disposition, and
19 shall be registered by the county registrar if it has been
20 completed and filed in accordance with this chapter. All
21 information including the certifying physician's name shall be
22 typewritten.

23 ~~If the place of death is unknown, a death certificate shall~~
24 ~~be filed in the county in which a dead body is found within~~
25 ~~three days after the body is found.~~ The county in which a
26 dead body is found is the county of death. If death occurs in
27 a moving conveyance, ~~a death certificate shall be filed in the~~
28 county in which the dead body is first removed from the
29 conveyance is the county of death.

30 ~~If a person dies outside of the county of the person's~~
31 ~~residence, the state registrar shall send a copy of the death~~
32 ~~certificate to the county registrar of the county of the~~
33 ~~decedent's residence.~~ ~~The county registrar shall record the~~
34 ~~death certificate in the same records in which death~~
35 ~~certificates of persons who died within the county are~~

1 recorded-

2 Sec. 21. Section 144.27, Code 1997, is amended to read as
3 follows:

4 144.27 FUNERAL DIRECTOR'S DUTY.

5 The funeral director who first assumes custody of a dead
6 body shall file the death certificate, obtain the personal
7 data from the next of kin or the best qualified person or
8 source available and obtain the medical certification of cause
9 of death from the person responsible for ~~issuing-and-signing~~
10 completing the certification. When a person other than a
11 funeral director assumes custody of a dead body, the person
12 shall be responsible for carrying out the provisions of this
13 section.

14 Sec. 22. Section 144.28, Code 1997, is amended to read as
15 follows:

16 144.28 MEDICAL CERTIFICATE.

17 1. The medical certification shall be completed and signed
18 within twenty-four hours after death by the physician in
19 charge of the patient's care for the illness or condition
20 which resulted in death except when inquiry is required by the
21 county medical examiner. When inquiry is required by the
22 county medical examiner, the medical examiner shall
23 investigate the cause of death and shall complete and sign the
24 medical certification within twenty-four hours after taking
25 charge of the case.

26 2. The person completing the medical certification of
27 cause of death shall attest to its accuracy either by
28 signature or by an electronic process approved by rule.

29 Sec. 23. Section 144.29, Code 1997, is amended to read as
30 follows:

31 144.29 FETAL DEATHS.

32 A fetal death certificate for each fetal death which occurs
33 in this state after a gestation period of twenty completed
34 weeks or greater, or for a fetus with a weight of three
35 hundred fifty grams or more shall be filed ~~with-the-county~~ as

1 ~~directed by the state registrar of the county in which the~~
2 ~~delivery of the dead fetus occurs,~~ within three days after
3 delivery and prior to final disposition of the fetus. The
4 certificate shall be registered if it has been completed and
5 filed in accordance with this chapter.

6 ~~If the place of delivery of a dead fetus is unknown, a~~
7 ~~fetal death certificate shall be filed in the~~ The county in
8 which a dead fetus is found, is the county of death. The
9 certificate shall be filed within three days after the fetus
10 is found. If a fetal death occurs in a moving conveyance, a
11 ~~fetal death certificate shall be filed in~~ the county in which
12 the fetus is first removed from the conveyance is the county
13 of death.

14 Sec. 24. Section 144.30, Code 1997, is amended to read as
15 follows:

16 144.30 FUNERAL DIRECTOR'S DUTY -- FETAL DEATH CERTIFICATE.

17 The funeral director who first assumes custody of a fetus
18 shall file the fetal death certificate. In the absence of
19 such a person, the physician or other person in attendance at
20 or after the delivery shall file the certificate of fetal
21 death. The person filing the certificate shall obtain the
22 personal data from the next of kin or the best qualified
23 person or source available and shall obtain the medical
24 certification of cause of death from the person responsible
25 for ~~issuing and signing~~ completing the certification. When a
26 person other than a funeral director assumes custody of a
27 fetus, the person shall be responsible for carrying out the
28 provisions of this section.

29 Sec. 25. Section 144.31, Code 1997, is amended to read as
30 follows:

31 144.31 MEDICAL CERTIFICATE -- FETAL DEATH.

32 The medical certification shall be completed ~~and signed~~
33 within twenty-four hours after delivery by the physician in
34 attendance at or after delivery except when inquiry is
35 required by the county medical examiner.

1 When a fetal death occurs without medical attendance upon
2 the mother at or after delivery or when inquiry is required by
3 the county medical examiner, the medical examiner shall
4 investigate the cause of fetal death and shall complete and
5 sign the medical certification within twenty-four hours after
6 taking charge of the case. The person completing the medical
7 certification of cause of fetal death shall attest to its
8 accuracy either by signature or as authorized by rule.

9 Sec. 26. Section 144.43, Code 1997, is amended by adding
10 the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. A public record shall not be
12 withheld from the public because it is combined with data
13 processing software. The state registrar shall not implement
14 any electronic data processing system for the storage,
15 manipulation, or retrieval of vital records that would impair
16 a county registrar's ability to permit the examination of a
17 public record and the copying of a public record, as
18 established by rule. If it is necessary to separate a public
19 record from data processing software in order to permit the
20 examination of the public record, the county registrar shall
21 periodically generate a written log available for public
22 inspection which contains the public record.

23 Sec. 27. NEW SECTION. 152.12 EXAMINATION INFORMATION.

24 Notwithstanding subsection 147.21, subsection 3, individual
25 pass or fail examination results made available from the
26 authorized national testing agency may be disclosed to the
27 appropriate licensing authority in another state, the District
28 of Columbia, or a territory or county, and the board-approved
29 education program, for purposes of verifying accuracy of
30 national data and determining program approval.

31 Sec. 28. Section 153.36, Code 1997, is amended to read as
32 follows:

33 153.36 STATUTES NOT APPLICABLE TO DENTISTRY.

34 1. Sections 147.44 to 147.71, except 147.57 and sections
35 147.87 to 147.92, shall not apply to the practice of

1 dentistry.

2 2. In addition to the provisions of section 272C.2,
3 subsection 4, a person licensed by the board of dental
4 examiners shall also be deemed to have complied with
5 continuing education requirements of this state if, during
6 periods that the person practiced the profession in another
7 state or district, the person met all of the continuing
8 education and other requirements of that state or district for
9 the practice of the occupation or profession.

10 3. Notwithstanding the panel composition provisions in
11 section 272C.6, subsection 1, the board of dental examiners'
12 disciplinary hearing panels shall be comprised of three board
13 members, at least two of which are licensed in the profession.

14 Sec. 29. REVIEW OF CERTIFICATE OF NEED PROGRAM. The Iowa
15 department of public health shall complete a comprehensive
16 review of the certificate of need program and shall submit a
17 written report of the findings and recommendations as to the
18 continued relevance of the program to the general assembly by
19 January 15, 2000.

20 Sec. 30. CONTINGENT EFFECTIVE DATE. Section 11 of this
21 Act relating to the renovation, remodeling, and repainting
22 lead hazard notification process takes effect only upon
23 receipt by the Iowa department of public health of
24 authorization from the United States environmental protection
25 agency for state implementation of the lead inspection and
26 abatement certification program.

27 Sec. 31. Section 135.15, Code 1997, is repealed.

28 EXPLANATION

29 This bill makes numerous changes to programs within and
30 administered by the Iowa department of public health.

31 Code section 22.7 is amended to enable the exchange of
32 child immunization information among public health agencies
33 and health care providers.

34 Code section 135.43 is amended to specifically set out the
35 authority of the child death review team to obtain

1 confidential records and to maintain confidentiality during
2 death reviews. The Iowa department of public health is
3 directed to adopt rules extending immunity to members of the
4 death review team in the execution of their duties in their
5 official capacity.

6 Code sections 135.61, 135.63, 135.65, 135.71, and 135H.6
7 are amended to make various changes in the certificate of need
8 (CON) program. Kidney disease treatment centers and
9 hemodialysis units are eliminated from the definition of an
10 institutional health facility with the intended result being
11 to not review these services under the program. The capital
12 expenditure threshold for review of a number of services and
13 types of equipment are increased and certain conditions are
14 placed on review of other services and expenditures. The bill
15 exempts certain services and equipment from CON including
16 certain nonpatient care services such as parking facilities,
17 redistribution of acute care beds under certain conditions,
18 intermediate care facilities for persons with mental
19 retardation, psychiatric medical institutions for children,
20 replacement or modernization of an institutional health
21 facility under certain conditions, and hemodialysis services
22 provided by a hospital or freestanding facility. The bill
23 establishes a minimum application fee of \$600 and a maximum
24 fee of \$21,000. The bill also shortens the period between the
25 time a letter of intent to offer or develop a service
26 requiring a certificate of need is submitted and initiation of
27 the application process is begun from 60 to 30 days. The bill
28 also deletes a reference to CON review of psychiatric medical
29 institutions for children and directs the department to
30 conduct a review of the CON program and submit a report of
31 findings and recommendations as to the continued relevance of
32 the program to the general assembly by January 15, 2000.

33 Code section 135.105A relating to the lead inspector and
34 abater certification program is amended as necessary to be
35 deemed an authorized state program by the federal

1 environmental protection agency (EPA).

2 New Code section 135.105C is created to establish a lead
3 hazard notification process for professional renovation,
4 remodeling, and repainting projects in targeted housing. The
5 establishment of such a notification process is an additional
6 federal EPA requirement for authorization of a state program.
7 A contingent effective date is provided for this section,
8 based on federal approval of the state program.

9 Code section 144.1 is amended to redefine "fetal death" and
10 "live birth" to distinguish between an actual fetal death or
11 live birth and various anomalies, and to redefine
12 "registration" for the purposes of the vital statistics
13 chapter.

14 Code sections 144.5, 144.12, 144.13, 144.15, 144.26,
15 144.27, 144.28, 144.29, 144.30, 144.31, and 144.43 are amended
16 to provide for the modernization of vital records procedures
17 and to facilitate the transition of county registrar duties
18 from the clerks of the district court to the county recorders.
19 The bill provides for changes in the birth and death
20 registration processes and disallows issuance of delayed birth
21 certificates for a deceased person. The bill also provides
22 that a public record is not to be withheld from public access
23 due to being combined with data processing software.

24 Code section 152.12 is created to authorize the board of
25 nursing examiners to disclose pass or fail examination results
26 to other state licensing authorities and to board-approved
27 education programs in order to facilitate requests for
28 licensure and to verify accuracy and determine approval.

29 Code section 153.36 is amended to provide for exceptions to
30 provisions in chapter 272C, regarding continuing education and
31 regulation, for the board of dental examiners. The exceptions
32 include allowing citizen board member participation in
33 disciplinary hearing panels and providing licensees practicing
34 out-of-state the ability to meet state continuing education
35 requirements by meeting the requirements of the state in which

1 they practice.

2 Code section 135.15 is repealed, thereby abolishing the
3 plumbing code fund which requires that cities which license
4 plumbers pay the treasurer of state \$1 for each license
5 issued, and 25 cents for each renewal issued to be used to pay
6 the state printing costs for rules governing the installation
7 of plumbing and plumbers' license and application forms.

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HOUSE FILE 335

AN ACT

RELATING TO PUBLIC HEALTH ISSUES UNDER THE PURVIEW OF THE IOWA DEPARTMENT OF PUBLIC HEALTH, INCLUDING VITAL STATISTICS, CHEMICAL SUBSTANCE ABUSE, THE BOARD OF NURSING EXAMINERS, THE BOARD OF DENTAL EXAMINERS, LEAD POISONING, THE IMMUNIZATION REGISTRY, THE CHILD DEATH REVIEW TEAM, PLUMBING PROVISIONS AND FEES, AND PROVIDING A PENALTY AND A CONTINGENT EFFECTIVE DATE.

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

Section 1. Section 22.7, subsection 2, Code 1997, is amended to read as follows:

2. Hospital records, medical records, and professional counselor records of the condition, diagnosis, care, or treatment of a patient or former patient or a counselee or former counselee, including outpatient. However, confidential communications between a crime victim and the victim's counselor are not subject to disclosure except as provided in section 236A.1. However, the Iowa department of public health shall adopt rules which provide for the sharing of information among agencies and providers concerning the maternal and child health program including but not limited to the statewide child immunization information system, while maintaining an individual's confidentiality.

Sec. 2. NEW SECTION. 125.83A PLACEMENT IN CERTAIN FEDERAL FACILITIES.

If upon completion of the commitment hearing, the court finds that the contention that the respondent is a chronic substance abuser has been sustained by clear and convincing evidence, and the court is furnished evidence that the respondent is eligible for care and treatment in a facility operated by the veterans administration or another agency of the United States government and that the facility is willing to receive the respondent, the court may so order. The respondent, when so placed in a facility operated by the veterans administration or another agency of the United States government within or outside of this state, shall be subject to the rules of the veterans administration or other agency, but shall not lose any procedural rights afforded the respondent by this chapter. The chief officer of the facility shall have, with respect to the respondent so placed, the same powers and duties as the chief medical officer of a hospital in this state would have in regard to submission of reports to the court, retention of custody, transfer, convalescent leave or discharge. Jurisdiction is retained in the court to maintain surveillance of the respondent's treatment and care, and at any time to inquire into the respondent's condition and the need for continued care and custody.

2. Upon receipt of a certificate stating that a respondent placed under this chapter is eligible for care and treatment in a facility operated by the veterans administration or another agency of the United States government which is willing to receive the respondent without charge to the state of Iowa or any county in the state, the chief medical officer may transfer the respondent to that facility. Upon so doing, the chief medical officer shall notify the court which ordered the respondent's placement in the same manner as would be required in the case of a transfer under section 125.86, subsection 2, and the respondent transferred shall be entitled to the same rights as the respondent would have under that subsection. No respondent shall be transferred under this section who is confined pursuant to conviction of a public

offense or whose placement was ordered upon contention of incompetence to stand trial by reason of mental illness, without prior approval of the court which ordered that respondent's placement.

3. A judgment or order of commitment by a court of competent jurisdiction of another state or the District of Columbia, under which any person is hospitalized or placed in a facility operated by the veterans administration or another agency of the United States government, shall have the same force and effect with respect to that person while the person is in this state as the judgment or order would have if the person were in the jurisdiction of the court which issued it. That court shall be deemed to have retained jurisdiction of the person so placed for the purpose of inquiring into that person's condition and the need for continued care and custody, as do courts in this state under this section. Consent is given to the application of the law of the state or district in which the court is situated which issued the judgment or order as regards authority of the chief officer of any facility, operated in this state by the veterans administration or another agency of the United States government, to retain custody, transfer, place on convalescent leave or discharge the person so committed.

Sec. 3. Section 135.43, subsection 6, Code 1997, is amended to read as follows:

6. a. The Iowa department of public health and the department of human services shall adopt rules providing for disclosure of information which is confidential under chapter 22 or any other provision of state law, to the review team for purposes of performing its child death and child abuse review responsibilities.

b. A person in possession or control of medical, investigative or other information pertaining to a child death and child abuse review shall allow the inspection and reproduction of the information by the department upon the request of the department, to be used only in the

administration and for the duties of the Iowa child death review team. Information and records which are confidential under section 22.7 and chapter 235A, and information or records received from the confidential records, remain confidential under this section. A person does not incur legal liability by reason of releasing information to the department as required under and in compliance with this section.

Sec. 4. Section 135.43, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 7. Review team members and their agents are immune from any liability, civil or criminal, which might otherwise be incurred or imposed as a result of any act, omission, proceeding, decision, or determination undertaken or performed, or recommendation made as a review team member or agent provided that the review team members or agents acted in good faith and without malice in carrying out their official duties in their official capacity. The department shall adopt rules pursuant to chapter 17A to administer this subsection. A complainant bears the burden of proof in establishing malice or lack of good faith in an action brought against review team members involving the performance of their duties and powers under this section.

NEW SUBSECTION. 8. A person who releases or discloses confidential data, records, or any other type of information in violation of this section is guilty of a serious misdemeanor.

Sec. 5. Section 135.105A, Code 1997, is amended to read as follows:

135.105A LEAD INSPECTOR AND LEAD ABATER TRAINING AND CERTIFICATION ESTABLISHED -- CIVIL PENALTY.

1. The department shall establish a program for the training and certification of lead inspectors and lead abaters ~~who provide inspections and abatement for monetary compensation.~~ The department shall maintain a listing, available to the public and to city and county health

departments, of lead inspectors and lead abaters who have successfully completed the training program and have been certified by the department. A person may be certified as both a lead inspector and a lead abater. However, a person who is certified as both a lead inspector and a lead abater shall not provide both inspection and abatement services at the same site unless a written consent or waiver, following full disclosure by the person, is obtained from the owner or manager of the site.

2. The department shall also establish a program for the training of painting, demolition, and remodeling contractors and those who provide mitigation control services ~~for monetary compensation~~. The training shall be completed on a voluntary basis.

3. A person who owns ~~or manages~~ real property which includes a residential dwelling and who performs lead inspection or lead abatement of the residential dwelling is not required to obtain certification to perform mitigation control or abatement these measures of property which the person owns or manages, unless the residential dwelling is occupied by a person other than the owner or a member of the owner's immediate family while the measures are being performed. However, the department shall encourage property owners and managers who are not required to be certified to complete the training course to ensure the use of appropriate and safe mitigation and abatement procedures.

4. A person shall not perform lead abatement or lead inspections ~~for compensation~~ unless the person has completed a training program approved by the department and has obtained certification. A person who violates this section is subject to a civil penalty not to exceed five thousand dollars for each offense.

Sec. 6. NEW SECTION. 135.105C RENOVATION, REMODELING AND REPAINTING -- LEAD HAZARD NOTIFICATION PROCESS ESTABLISHED.

1. A person who performs renovation, remodeling, or repainting services of targeted housing for compensation shall

provide an approved lead hazard information pamphlet to the owner and occupant of the housing prior to commencing the services.

2. For the purpose of this section, "targeted housing" means housing constructed prior to 1978 with the exception of housing for the elderly or for persons with disabilities, unless at least one child, six years of age or less, resides or is expected to reside in the housing, and housing which does not contain a bedroom. The department shall adopt rules to implement the renovation, remodeling, and repainting lead hazard notification process.

Sec. 7. Section 144.1, subsections 5, 9, and 10, Code 1997, are amended to read as follows:

5. "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy. Death is indicated by the fact that after expulsion or extraction the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. In determining a fetal death, heartbeats shall be distinguished from transient cardiac contractions, and respirations shall be distinguished from fleeting respiratory efforts or gasps.

9. "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. In determining a live birth, heartbeats shall be distinguished from transient cardiac contractions, and respirations shall be distinguished from fleeting respiratory efforts or gasps.

10. "Registration" means the ~~acceptance-by-the-division and-the-incorporation-in-its-official-records-of-certificates, reports, or other records, provided-for-in-this-chapter, of~~

~~births, deaths, fetal deaths, adoptions, marriages, divorces, or annulments~~ process by which vital statistic records are completed, filed, and incorporated by the division in the division's official records.

Sec. 8. Section 144.5, subsection 4, Code 1997, is amended to read as follows:

4. Prescribe, print, and distribute the forms required by this chapter and prescribe any other means for transmission of data, as necessary to accomplish complete, accurate reporting.

Sec. 9. Section 144.12, Code 1997, is amended to read as follows:

144.12 FORMS UNIFORM.

In order to promote and maintain uniformity in the system of vital statistics, the forms of certificates, reports, and other returns shall include as a minimum the items recommended by the federal agency responsible for national vital statistics, subject to approval and modification by the department. Forms shall be furnished by the department. The forms or other recording methods used ~~by county registrars to record copies of register records made required~~ under this chapter shall be prescribed by the department.

Sec. 10. Section 144.13, subsection 1, paragraphs a, b, and c, Code 1997, are amended to read as follows:

a. A certificate of birth for each live birth which occurs in this state shall be filed ~~with the county as directed by the state registrar of the county in which the birth occurs~~ within ten seven days after the birth and shall be registered by the county registrar if it has been completed and filed in accordance with this chapter. ~~However, when a birth occurs in a moving conveyance, a birth certificate shall be filed in the county in which the child was first removed from the conveyance.~~

b. When a birth occurs in an institution or en route to an institution, the person in charge of the institution or the person's designated representative, shall obtain the personal data, prepare the certificate, ~~secure the signatures required~~

~~by the certificate, and file the certificate with the county as directed by the state registrar.~~ The physician in attendance or the person in charge of the institution or the person's designee shall certify to the facts of birth either by signature or as otherwise authorized by rule and provide the medical information required by the certificate within ~~six~~ seven days after the birth.

c. When a birth occurs outside an institution and not en route to an institution, the certificate shall be prepared and filed by one of the following in the indicated order of priority:

- (1) The physician in attendance at or immediately after the birth.
- (2) Any other person in attendance at or immediately after the birth.
- (3) The father or the mother.
- (4) The person in charge of the premises where the birth occurred. The state registrar shall establish by rule, the evidence required to establish the facts of birth.

Sec. 11. Section 144.13, subsection 2, Code 1997, is amended to read as follows:

2. If the mother was married ~~either~~ at the time of conception or, birth, or at any time during the period between conception and birth, the name of the husband shall be entered on the certificate as the father of the child unless paternity has been determined otherwise by a court of competent jurisdiction, in which case the name of the father as determined by the court shall be entered by the department.

Sec. 12. Section 144.13, subsection 3, Code 1997, is amended to read as follows:

3. If the mother was not married ~~either~~ at the time of conception or, birth, and at any time during the period between conception and birth, the name of the father shall not be entered on the certificate of birth ~~without the written consent of the mother and the person to be named as the father~~, unless a determination of paternity has been made

pursuant to section 252A.3, in which case the name of the father as established shall be entered by the department. If the father is not named on the certificate of birth, no other information about the father shall be entered on the certificate.

Sec. 13. Section 144.15, unnumbered paragraph 1, Code 1997, is amended to read as follows:

When the birth of a person born in this state has not been registered, a certificate may be filed in accordance with regulations. The certificate shall be registered subject to evidentiary requirements prescribed to substantiate the alleged facts of birth. Certificates of birth registered one year or more after the date of occurrence shall be marked "delayed" and shall show on their face the date of the delayed registration. A summary statement of the evidence submitted in support of the delayed registration shall be endorsed on the certificate. A delayed certificate of birth shall not be registered for a deceased person.

Sec. 14. Section 144.26, Code 1997, is amended to read as follows:

144.26 DEATH CERTIFICATE.

1. A death certificate for each death which occurs in this state shall be filed ~~with the county as directed by the state registrar of the county in which the death occurs,~~ within three days after the death and prior to final disposition, and shall be registered by the county registrar if it has been completed and filed in accordance with this chapter. A death certificate shall include the social security number, if provided, of the deceased person. All information including the certifying physician's name shall be typewritten.

2. All information included on a death certificate may be provided as mutually agreed upon by the division and the child support recovery unit, including by automated exchange.

3. ~~If the place of death is unknown, a death certificate shall be filed in the county in which a dead body is found within three days after the body is found.~~ The county in

which a dead body is found is the county of death. If death occurs in a moving conveyance, ~~a death certificate shall be filed in~~ the county in which the dead body is first removed from the conveyance is the county of death.

~~If a person dies outside of the county of the person's residence, the state registrar shall send a copy of the death certificate to the county registrar of the county of the decedent's residence. The county registrar shall record the death certificate in the same records in which death certificates of persons who died within the county are recorded.~~

Sec. 15. Section 144.27, Code 1997, is amended to read as follows:

144.27 FUNERAL DIRECTOR'S DUTY.

The funeral director who first assumes custody of a dead body shall file the death certificate, obtain the personal data from the next of kin or the best qualified person or source available and obtain the medical certification of cause of death from the person responsible for ~~issuing and signing~~ completing the certification. When a person other than a funeral director assumes custody of a dead body, the person shall be responsible for carrying out the provisions of this section.

Sec. 16. Section 144.28, Code 1997, is amended to read as follows:

144.28 MEDICAL CERTIFICATE.

1. The medical certification shall be completed and signed within twenty-four hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death except when inquiry is required by the county medical examiner. When inquiry is required by the county medical examiner, the medical examiner shall investigate the cause of death and shall complete and sign the medical certification within twenty-four hours after taking charge of the case.

2. The person completing the medical certification of cause of death shall attest to its accuracy either by signature or by an electronic process approved by rule.

Sec. 17. Section 144.29, Code 1997, is amended to read as follows:

144.29 FETAL DEATHS.

A fetal death certificate for each fetal death which occurs in this state after a gestation period of twenty completed weeks or greater, or for a fetus with a weight of three hundred fifty grams or more shall be filed ~~with the county as directed by the state registrar of the county in which the delivery of the dead fetus occurs,~~ within three days after delivery and prior to final disposition of the fetus. The certificate shall be registered if it has been completed and filed in accordance with this chapter.

~~If the place of delivery of a dead fetus is unknown, a fetal death certificate shall be filed in the~~ The county in which a dead fetus is found, is the county of death. ~~The certificate shall be filed~~ within three days after the fetus is found. If a fetal death occurs in a moving conveyance, a ~~fetal death certificate shall be filed in~~ the county in which the fetus is first removed from the conveyance is the county of death.

Sec. 18. Section 144.30, Code 1997, is amended to read as follows:

144.30 FUNERAL DIRECTOR'S DUTY -- FETAL DEATH CERTIFICATE.

The funeral director who first assumes custody of a fetus shall file the fetal death certificate. In the absence of such a person, the physician or other person in attendance at or after the delivery shall file the certificate of fetal death. The person filing the certificate shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification of cause of death from the person responsible for ~~issuing and signing~~ completing the certification. When a person other than a funeral director assumes custody of a

fetus, the person shall be responsible for carrying out the provisions of this section.

Sec. 19. Section 144.31, Code 1997, is amended to read as follows:

144.31 MEDICAL CERTIFICATE -- FETAL DEATH.

The medical certification shall be completed ~~and signed~~ within twenty-four hours after delivery by the physician in attendance at or after delivery except when inquiry is required by the county medical examiner.

When a fetal death occurs without medical attendance upon the mother at or after delivery or when inquiry is required by the county medical examiner, the medical examiner shall investigate the cause of fetal death and shall complete ~~and sign~~ the medical certification within twenty-four hours after taking charge of the case. The person completing the medical certification of cause of fetal death shall attest to its accuracy either by signature or as authorized by rule.

Sec. 20. Section 144.32, unnumbered paragraph 1, Code 1997, is amended to read as follows:

If a person other than a funeral director, medical examiner, or emergency medical service assumes custody of a dead body or fetus, the person shall secure a burial-transit permit. To be valid, the burial-transit permit must be issued by the county medical examiner, a funeral director, or the county registrar of the county where the certificate of death or fetal death was filed. The permit shall be obtained prior to the removal of the body or fetus from the place of death and the permit shall accompany the body or fetus to the place of final disposition.

Sec. 21. Section 144.43, Code 1997, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A public record shall not be withheld from the public because it is combined with data processing software. The state registrar shall not implement any electronic data processing system for the storage, manipulation, or retrieval of vital records that would impair

a county registrar's ability to permit the examination of a public record and the copying of a public record, as established by rule. If it is necessary to separate a public record from data processing software in order to permit the examination of the public record, the county registrar shall periodically generate a written log available for public inspection which contains the public record.

Sec. 22. NEW SECTION. 152.12 EXAMINATION INFORMATION.

Notwithstanding subsection 147.21, subsection 3, individual pass or fail examination results made available from the authorized national testing agency may be disclosed to the appropriate licensing authority in another state, the District of Columbia, or a territory or county, and the board-approved education program, for purposes of verifying accuracy of national data and determining program approval.

Sec. 23. Section 153.36, Code 1997, is amended to read as follows:

153.36 STATUTES NOT APPLICABLE TO DENTISTRY.

1. Sections 147.44 to 147.71, except 147.57 and sections 147.87 to 147.92, shall not apply to the practice of dentistry.

2. In addition to the provisions of section 272C.2, subsection 4, a person licensed by the board of dental examiners shall also be deemed to have complied with continuing education requirements of this state if, during periods that the person practiced the profession in another state or district, the person met all of the continuing education and other requirements of that state or district for the practice of the occupation or profession.

3. Notwithstanding the panel composition provisions in section 272C.6, subsection 1, the board of dental examiners' disciplinary hearing panels shall be comprised of three board members, at least two of which are licensed in the profession.

Sec. 24. CONTINGENT EFFECTIVE DATE. Section 6 of this Act relating to the renovation, remodeling, and repainting lead hazard notification process takes effect only upon receipt by

the Iowa department of public health of authorization from the United States environmental protection agency for state implementation of the lead inspection and abatement certification program.

Sec. 25. Section 135.15, Code 1997, is repealed.

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 335, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved May 19, 1997

TERRY E. BRANSTAD
Governor