

H-3/13/98 State Gov
H-3/19/98 Do
FILED FEB 18 1998
H. 3/21/98 UNFINISHED BUSINESS CALENDAR

SENATE FILE 2269
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 2093)

(p. 693) Passed Senate, Date 3-12-98 (p. 1010) Passed House, Date 3/30/98
Vote: Ayes 41 Nays 1 Vote: Ayes 92 Nays 0
Approved April 6, 1998

A BILL FOR

1 An Act providing for the conversion of the existing advisory
2 boards for athletic training and massage therapy into full
3 regulatory examining boards.

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

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S.F. 2269

1 Section 1. Section 135.11, subsections 11 and 13, Code
2 Supplement 1997, are amended to read as follows:

3 11. Enforce the law relative to chapter 146 and "Health-
4 related Professions," Title IV, subtitle 3, excluding chapters
5 ~~152B~~ and chapter 155.

6 13. Establish, publish, and enforce rules not inconsistent
7 with law for the enforcement of the provisions of chapters
8 ~~125, 152B,~~ and 155, and Title IV, subtitle 2, excluding
9 chapters 142B, 145B, and 146 and for the enforcement of the
10 various laws, the administration and supervision of which are
11 imposed upon the department.

12 Sec. 2. Section 147.1, unnumbered paragraph 1, Code 1997,
13 is amended to read as follows:

14 For the purpose of this and the following chapters of this
15 subtitle, ~~excluding chapters 152E and 152B~~:

16 Sec. 3. Section 147.1, subsections 3 and 6, Code 1997, are
17 amended to read as follows:

18 3. "Licensed" or "certified" when applied to a physician
19 and surgeon, podiatric physician, osteopath, osteopathic
20 physician and surgeon, physician assistant, psychologist or
21 associate psychologist, chiropractor, nurse, dentist, dental
22 hygienist, optometrist, speech pathologist, audiologist,
23 pharmacist, physical therapist, occupational therapist,
24 respiratory care practitioner, practitioner of cosmetology
25 arts and sciences, practitioner of barbering, funeral
26 director, dietitian, marital and family therapist, mental
27 health counselor, ~~or social worker,~~ massage therapist, or
28 athletic trainer means a person licensed under this subtitle,
29 ~~excluding chapters 152E and 152B~~.

30 6. "Profession" means medicine and surgery, podiatry,
31 osteopathy, osteopathic medicine and surgery, practice as a
32 physician assistant, psychology, chiropractic, nursing,
33 dentistry, dental hygiene, optometry, speech pathology,
34 audiology, pharmacy, physical therapy, occupational therapy,
35 respiratory care, cosmetology arts and sciences, barbering,

1 mortuary science, marital and family therapy, mental health
2 counseling, social work, or dietetics, massage therapy, or
3 athletic training.

4 Sec. 4. Section 147.3, Code 1997, is amended to read as
5 follows:

6 147.3 QUALIFICATIONS.

7 An applicant for a license to practice a profession under
8 this subtitle, ~~excluding chapters 152E and 152D~~, is not
9 ineligible because of age, citizenship, sex, race, religion,
10 marital status or national origin, although the application
11 form may require citizenship information. A board may
12 consider the past felony record of an applicant only if the
13 felony conviction relates directly to the practice of the
14 profession for which the applicant requests to be licensed.
15 Character references may be required, but shall not be
16 obtained from licensed members of the profession.

17 Sec. 5. Section 147.6, Code 1997, is amended to read as
18 follows:

19 147.6 CERTIFICATE PRESUMPTIVE EVIDENCE.

20 Every license issued under this subtitle, ~~excluding~~
21 ~~chapters 152E and 152D~~, shall be presumptive evidence of the
22 right of the holder to practice in this state the profession
23 therein specified.

24 Sec. 6. Section 147.7, Code 1997, is amended to read as
25 follows:

26 147.7 DISPLAY OF LICENSE.

27 Every person licensed under this subtitle, ~~excluding~~
28 ~~chapters 152E and 152D~~, to practice a profession shall keep
29 the license publicly displayed in the primary place in which
30 the person practices.

31 Sec. 7. Section 147.9, Code 1997, is amended to read as
32 follows:

33 147.9 CHANGE OF RESIDENCE.

34 When any person licensed to practice a profession under
35 this subtitle, ~~excluding chapters 152E and 152D~~, changes a

1 residence or place of practice the person shall notify the
2 department.

3 Sec. 8. Section 147.12, unnumbered paragraph 1, Code 1997,
4 is amended to read as follows:

5 For the purpose of giving examinations to applicants for
6 licenses to practice the professions for which licenses are
7 required by this subtitle, ~~excluding chapters 152E and 152D,~~
8 the governor shall appoint, subject to confirmation by the
9 senate, a board of examiners for each of the professions. The
10 board members shall not be required to be members of
11 professional societies or associations composed of members of
12 their professions.

13 Sec. 9. Section 147.13, Code 1997, is amended by adding
14 the following new subsections:

15 NEW SUBSECTION. 19. For massage therapists, massage
16 therapy examiners.

17 NEW SUBSECTION. 20. For athletic trainers, athletic
18 training examiners.

19 Sec. 10. Section 147.14, Code 1997, is amended by adding
20 the following new subsections:

21 NEW SUBSECTION. 17. For massage therapists, four members
22 licensed to practice massage therapy and three members who are
23 not licensed to practice massage therapy and who shall
24 represent the general public. A majority of the members of
25 the board constitutes a quorum.

26 NEW SUBSECTION. 18. For athletic trainers, three members
27 licensed to practice athletic training, three members licensed
28 to practice medicine and surgery, and one member not licensed
29 to practice athletic training or medicine and surgery and who
30 shall represent the general public. A majority of the members
31 of the board constitutes a quorum.

32 Sec. 11. Section 147.30, Code 1997, is amended to read as
33 follows:

34 147.30 TIME AND PLACE OF EXAMINATIONS.

35 The department shall give public notice of the time and

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

6 Sec. 12. Section 147.34, Code 1997, is amended to read as
7 follows:

8 147.34 EXAMINATIONS.

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

1 examination, the examining board shall only be required to
2 provide the examination grade and such other information
3 concerning the applicant's examination results which are
4 available to the examining board.

5 Sec. 13. Section 147.41, subsection 2, Code 1997, is
6 amended to read as follows:

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

14 Sec. 14. Section 147.44, Code 1997, is amended to read as
15 follows:

16 147.44 AGREEMENTS.

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

25 Sec. 15. Section 147.46, subsection 1, Code 1997, is
26 amended to read as follows:

27 1. PROTECTION TO LICENSEES OF THIS STATE. When the laws
28 of any state or the rules of the authorities of said state
29 place any requirement or disability upon any person licensed
30 in this state to practice any profession regulated by this
31 subtitle, ~~excluding chapters 152E and 152D~~, which affects the
32 right of said person to be licensed or to practice the
33 person's profession in said state, then the same requirement
34 or disability shall be placed upon any person licensed in said
35 state when applying for a license to practice in this state.

1 Sec. 16. Section 147.52, Code 1997, is amended to read as
2 follows:

3 147.52 RECIPROCITY.

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

14 Sec. 17. Section 147.72, Code 1997, is amended to read as
15 follows:

16 147.72 PROFESSIONAL TITLES AND ABBREVIATIONS.

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

26 Sec. 18. Section 147.73, subsection 1, Code 1997, is
27 amended to read as follows:

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

35 Sec. 19. Section 147.74, Code 1997, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 19A. An athletic trainer licensed under
3 chapter 152D and this chapter may use the title "licensed
4 athletic trainer" after the person's name.

5 Sec. 20. Section 147.80, Code 1997, is amended by adding
6 the following new subsections:

7 NEW SUBSECTION. 25A. License to practice massage therapy,
8 license to practice massage therapy under a reciprocal
9 license, or renewal of a license to practice massage therapy.

10 NEW SUBSECTION. 25B. License to practice athletic
11 training, license to practice athletic training under a
12 reciprocal license, or renewal of a license to practice
13 athletic training.

14 Sec. 21. Section 147.83, Code 1997, is amended to read as
15 follows:

16 147.83 INJUNCTION.

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

21 Sec. 22. Section 147.86, Code 1997, is amended to read as
22 follows:

23 147.86 PENALTIES.

24 Any person violating any provision of this or the following
25 chapters of this subtitle, ~~excluding chapters 152C and 152D,~~
26 except insofar as the provisions apply or relate to or affect
27 the practice of pharmacy, or where a specific penalty is
28 otherwise provided, shall be guilty of a serious misdemeanor.

29 Sec. 23. Section 147.87, Code 1997, is amended to read as
30 follows:

31 147.87 ENFORCEMENT.

32 The department shall enforce the provisions of this and the
33 following chapters of this subtitle, ~~excluding chapters 152C~~
34 ~~and 152D,~~ and for that purpose may request the department of
35 inspections and appeals to make necessary investigations.

1 Every licensee and member of an examining board shall furnish
2 the department or the department of inspections and appeals
3 such evidence as the member or licensee may have relative to
4 any alleged violation which is being investigated.

5 Sec. 24. Section 147.88, Code 1997, is amended to read as
6 follows:

7 147.88 INSPECTIONS.

8 The department of inspections and appeals may perform
9 inspections as required by this subtitle, ~~excluding-chapters~~
10 ~~152E-and-152D~~, except for the board of medical examiners,
11 board of pharmacy examiners, board of nursing, and the board
12 of dental examiners. The department of inspections and
13 appeals shall employ personnel related to the inspection
14 functions.

15 Sec. 25. Section 147.90, Code 1997, is amended to read as
16 follows:

17 147.90 RULES AND FORMS.

18 The Iowa department of public health and the department of
19 inspections and appeals shall each establish the necessary
20 rules and forms for carrying out the duties imposed upon it by
21 this subtitle, ~~excluding-chapters-152E-and-152D~~.

22 Sec. 26. Section 147.92, Code 1997, is amended to read as
23 follows:

24 147.92 ATTORNEY GENERAL.

25 Upon request of the department the attorney general shall
26 institute in the name of the state the proper proceedings
27 against any person charged by the department with violating
28 any provision of this or the following chapters of this
29 subtitle, ~~excluding-chapters-152E-and-152D~~.

30 Sec. 27. Section 147.93, Code 1997, is amended to read as
31 follows:

32 147.93 PRIMA FACIE EVIDENCE.

33 The opening of an office or place of business for the
34 practice of any profession for which a license is required by
35 this subtitle, ~~excluding-chapters-152E-and-152D~~, the

1 announcing to the public in any way the intention to practice
2 any such profession, the use of any professional degree or
3 designation, or of any sign, card, circular, device, or
4 advertisement, as a practitioner of any such profession, or as
5 a person skilled in the same, shall be prima facie evidence of
6 engaging in the practice of such profession.

7 Sec. 28. Section 147.111, Code 1997, is amended to read as
8 follows:

9 147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.

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

29 Sec. 29. Section 152C.1, subsection 1, Code 1997, is
30 amended to read as follows:

31 1. "Board" means the ~~massage-therapy-advisory-board~~
32 board of examiners for massage
33 therapy created under chapter 147.

34 Sec. 30. Section 152C.1, subsection 2, Code 1997, is
35 amended by striking the subsection.

1 Sec. 31. Section 152C.3, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. The department board shall adopt rules pursuant to
4 chapter 17A establishing a procedure for licensing of massage
5 therapists. License requirements shall include the following:

6 a. Completion of a curriculum of massage education at a
7 school approved by the department board which requires for
8 admission a diploma from an accredited high school or the
9 equivalent and requires completion of at least five hundred
10 hours of supervised academic instruction. However,
11 educational requirements under this paragraph are subject to
12 reduction by the department board if, after public notice and
13 hearing, the department board determines that the welfare of
14 the public may be adequately protected with fewer hours of
15 education.

16 b. Passage of an examination given or approved by the
17 department board.

18 c. Payment of a reasonable fee required by the department
19 board which shall compensate and be retained by the department
20 board for the costs of administering this chapter.

21 Sec. 32. Section 152C.3, subsection 2, paragraph a, Code
22 1997, is amended to read as follows:

23 a. Requirements regarding completion of at least twelve
24 hours of continuing education annually regarding subjects
25 concerning massage and related techniques or the health and
26 safety of the public, subject to reduction by the department
27 board if, after public notice and hearing, the department
28 board determines that the welfare of the public may be
29 adequately protected with fewer hours.

30 Sec. 33. Section 152C.3, subsection 3, Code 1997, is
31 amended by striking the subsection.

32 Sec. 34. Section 152C.4, Code 1997, is amended to read as
33 follows:

34 152C.4 EMPLOYMENT OF PERSON NOT LICENSED -- CIVIL PENALTY.

35 A person as defined in section 4.1, who employs to provide

1 services to other persons a person who is not licensed
2 pursuant to this chapter, shall not use the initials "L.M.T."
3 or the words "licensed massage therapist", "massage
4 therapist", "masseur", or "masseuse", or any other words or
5 titles which imply or represent that the person employed
6 practices massage therapy. A person who violates this section
7 is subject to imposition, at the discretion of the board, of a
8 civil penalty not to exceed one thousand dollars. Each
9 violation of this section is a separate offense. Each day a
10 violation of this section occurs after citation by the board
11 is a separate offense. The department board may inspect any
12 facility which advertises or offers services purporting to be
13 delivered by massage therapists.

14 Sec. 35. Section 152C.7, Code 1997, is amended to read as
15 follows:

16 152C.7 SUSPENSION AND REVOCATION OF LICENSES.

17 The department board may suspend, revoke, or impose
18 probationary conditions upon a license issued pursuant to
19 rules adopted in accordance with section 152C.3.

20 Sec. 36. Section 152D.1, subsection 1, Code 1997, is
21 amended to read as follows:

22 1. "Board" means the athletic-trainer-advisory-board
23 established-pursuant-to-this-chapter board of examiners for
24 athletic training created under chapter 147.

25 Sec. 37. Section 152D.1, subsection 2, Code 1997, is
26 amended by striking the subsection.

27 Sec. 38. Section 152D.3, subsection 1, paragraphs a and b,
28 Code 1997, are amended to read as follows:

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

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

35 Sec. 39. Section 152D.5, unnumbered paragraph 1, Code

1 1997, is amended to read as follows:

2 The ~~department-in-consultation-with-the~~ board shall:

3 Sec. 40. Section 152D.6, Code 1997, is amended to read as
4 follows:

5 152D.6 LICENSE SUSPENSION AND REVOCATION.

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

11 Sec. 41. Section 272C.1, subsection 6, paragraph ab, Code
12 1997, is amended to read as follows:

13 ab. The ~~Iowa-department-of-public-health~~ board of
14 examiners for athletic training in licensing athletic trainers
15 pursuant to chapter 152D.

16 Sec. 42. Section 272C.1, subsection 6, Code 1997, is
17 amended by adding the following new paragraph:

18 NEW PARAGRAPH. ac. The board of examiners for massage
19 therapy in licensing massage therapists pursuant to chapter
20 152C.

21 Sec. 43. Sections 152C.2 and 152D.7, Code 1997, are
22 repealed.

23 EXPLANATION

24 This bill provides for the conversion of the existing
25 athletic training and massage therapy advisory boards,
26 presently reporting to the Iowa department of public health,
27 into full regulatory examining boards subject to the general
28 provisions for health-related provisions pursuant to Code
29 chapter 147. The bill provides that the board of examiners
30 for massage therapists will be comprised of four members
31 licensed to practice massage therapy and three members not so
32 licensed, representing the general public.

33 For the board of examiners for athletic training, the board
34 will be comprised of three members licensed to practice
35 athletic training, three physicians licensed to practice

1 medicine and surgery, and one member not licensed as an
2 athletic trainer or physician, representing the general
3 public.

4 The bill also provides that members of the massage therapy
5 examining board shall be appointed by the governor, rather
6 than the existing procedure of appointment by the director of
7 public health. Members of the advisory board for athletic
8 training are already appointed by the governor under current
9 law.

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Tinsman
Szymoniak
Lundby

SSB 2093

State Government

Succeeded By

SENATE/HOUSE FILE SF/HF 2269
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 providing for the conversion of the existing advisory
2 boards for athletic training and massage therapy into full
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4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2 Supplement 1997, are amended to read as follows:

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5 ~~152B~~ and chapter 155.

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7 with law for the enforcement of the provisions of chapters
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10 various laws, the administration and supervision of which are
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19 and surgeon, podiatric physician, osteopath, osteopathic
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21 associate psychologist, chiropractor, nurse, dentist, dental
22 hygienist, optometrist, speech pathologist, audiologist,
23 pharmacist, physical therapist, occupational therapist,
24 respiratory care practitioner, practitioner of cosmetology
25 arts and sciences, practitioner of barbering, funeral
26 director, dietitian, marital and family therapist, mental
27 health counselor, or social worker, massage therapist, or
28 athletic trainer means a person licensed under this subtitle,
29 ~~excluding chapters 152C and 152D~~.

30 6. "Profession" means medicine and surgery, podiatry,
31 osteopathy, osteopathic medicine and surgery, practice as a
32 physician assistant, psychology, chiropractic, nursing,
33 dentistry, dental hygiene, optometry, speech pathology,
34 audiology, pharmacy, physical therapy, occupational therapy,
35 respiratory care, cosmetology arts and sciences, barbering,

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2 counseling, social work, or dietetics, massage therapy, or
3 athletic training.

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6 147.3 QUALIFICATIONS.

7 An applicant for a license to practice a profession under
8 this subtitle, ~~excluding chapters 152E and 152D,~~ is not
9 ineligible because of age, citizenship, sex, race, religion,
10 marital status or national origin, although the application
11 form may require citizenship information. A board may
12 consider the past felony record of an applicant only if the
13 felony conviction relates directly to the practice of the
14 profession for which the applicant requests to be licensed.
15 Character references may be required, but shall not be
16 obtained from licensed members of the profession.

17 Sec. 5. Section 147.6, Code 1997, is amended to read as
18 follows:

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21 ~~chapters 152E and 152D,~~ shall be presumptive evidence of the
22 right of the holder to practice in this state the profession
23 therein specified.

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25 follows:

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27 Every person licensed under this subtitle, ~~excluding~~
28 ~~chapters 152E and 152D,~~ to practice a profession shall keep
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30 the person practices.

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35 this subtitle, ~~excluding chapters 152E and 152D,~~ changes a

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11 professional societies or associations composed of members of
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35 The department shall give public notice of the time and

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

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

1 examination, the examining board shall only be required to
2 provide the examination grade and such other information
3 concerning the applicant's examination results which are
4 available to the examining board.

5 Sec. 13. Section 147.41, subsection 2, Code 1997, is
6 amended to read as follows:

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

14 Sec. 14. Section 147.44, Code 1997, is amended to read as
15 follows:

16 147.44 AGREEMENTS.

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

25 Sec. 15. Section 147.46, subsection 1, Code 1997, is
26 amended to read as follows:

27 1. PROTECTION TO LICENSEES OF THIS STATE. When the laws
28 of any state or the rules of the authorities of said state
29 place any requirement or disability upon any person licensed
30 in this state to practice any profession regulated by this
31 subtitle, ~~excluding chapters 152E and 152D~~, which affects the
32 right of said person to be licensed or to practice the
33 person's profession in said state, then the same requirement
34 or disability shall be placed upon any person licensed in said
35 state when applying for a license to practice in this state.

1 Sec. 16. Section 147.52, Code 1997, is amended to read as
2 follows:

3 147.52 RECIPROCITY.

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

14 Sec. 17. Section 147.72, Code 1997, is amended to read as
15 follows:

16 147.72 PROFESSIONAL TITLES AND ABBREVIATIONS.

17 Any person licensed to practice a profession under this
18 subtitle~~7-excluding-chapters-152C-and-152D~~, may append to the
19 person's name any recognized title or abbreviation, which the
20 person is entitled to use, to designate the person's
21 particular profession, but no other person shall assume or use
22 such title or abbreviation, and no licensee shall advertise in
23 such a manner as to lead the public to believe that the
24 licensee is engaged in the practice of any other profession
25 than the one which the licensee is licensed to practice.

26 Sec. 18. Section 147.73, subsection 1, Code 1997, is
27 amended to read as follows:

28 1. As authorizing any person licensed to practice a
29 profession under this subtitle~~7-excluding-chapters-152C-and~~
30 ~~152D~~, to use or assume any degree or abbreviation of the same
31 unless such degree has been conferred upon said person by an
32 institution of learning accredited by the appropriate board
33 herein created, together with the director of public health,
34 or by some recognized state or national accredited agency.

35 Sec. 19. Section 147.74, Code 1997, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 19A. An athletic trainer licensed under
3 chapter 152D and this chapter may use the title "licensed
4 athletic trainer" after the person's name.

5 Sec. 20. Section 147.80, Code 1997, is amended by adding
6 the following new subsections:

7 NEW SUBSECTION. 25A. License to practice massage therapy,
8 license to practice massage therapy under a reciprocal
9 license, or renewal of a license to practice massage therapy.

10 NEW SUBSECTION. 25B. License to practice athletic
11 training, license to practice athletic training under a
12 reciprocal license, or renewal of a license to practice
13 athletic training.

14 Sec. 21. Section 147.83, Code 1997, is amended to read as
15 follows:

16 147.83 INJUNCTION.

17 Any person engaging in any business or in the practice of
18 any profession for which a license is required by this
19 subtitle~~7-excluding-chapters-152E-and-152D7~~, without such
20 license may be restrained by permanent injunction.

21 Sec. 22. Section 147.86, Code 1997, is amended to read as
22 follows:

23 147.86 PENALTIES.

24 Any person violating any provision of this or the following
25 chapters of this subtitle, ~~excluding-chapters-152E-and-152D7~~
26 except insofar as the provisions apply or relate to or affect
27 the practice of pharmacy, or where a specific penalty is
28 otherwise provided, shall be guilty of a serious misdemeanor.

29 Sec. 23. Section 147.87, Code 1997, is amended to read as
30 follows:

31 147.87 ENFORCEMENT.

32 The department shall enforce the provisions of this and the
33 following chapters of this subtitle~~7-excluding-chapters-152E~~
34 ~~and-152D7~~, and for that purpose may request the department of
35 inspections and appeals to make necessary investigations.

1 Every licensee and member of an examining board shall furnish
2 the department or the department of inspections and appeals
3 such evidence as the member or licensee may have relative to
4 any alleged violation which is being investigated.

5 Sec. 24. Section 147.88, Code 1997, is amended to read as
6 follows:

7 147.88 INSPECTIONS.

8 The department of inspections and appeals may perform
9 inspections as required by this subtitle, ~~excluding-chapters~~
10 ~~152E-and-152D~~, except for the board of medical examiners,
11 board of pharmacy examiners, board of nursing, and the board
12 of dental examiners. The department of inspections and
13 appeals shall employ personnel related to the inspection
14 functions.

15 Sec. 25. Section 147.90, Code 1997, is amended to read as
16 follows:

17 147.90 RULES AND FORMS.

18 The Iowa department of public health and the department of
19 inspections and appeals shall each establish the necessary
20 rules and forms for carrying out the duties imposed upon it by
21 this subtitle, ~~excluding-chapters-152E-and-152D~~.

22 Sec. 26. Section 147.92, Code 1997, is amended to read as
23 follows:

24 147.92 ATTORNEY GENERAL.

25 Upon request of the department the attorney general shall
26 institute in the name of the state the proper proceedings
27 against any person charged by the department with violating
28 any provision of this or the following chapters of this
29 subtitle, ~~excluding-chapters-152E-and-152D~~.

30 Sec. 27. Section 147.93, Code 1997, is amended to read as
31 follows:

32 147.93 PRIMA FACIE EVIDENCE.

33 The opening of an office or place of business for the
34 practice of any profession for which a license is required by
35 this subtitle, ~~excluding-chapters-152E-and-152D~~, the

1 announcing to the public in any way the intention to practice
2 any such profession, the use of any professional degree or
3 designation, or of any sign, card, circular, device, or
4 advertisement, as a practitioner of any such profession, or as
5 a person skilled in the same, shall be prima facie evidence of
6 engaging in the practice of such profession.

7 Sec. 28. Section 147.111, Code 1997, is amended to read as
8 follows:

9 147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.

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

29 Sec. 29. Section 152C.1, subsection 1, Code 1997, is
30 amended to read as follows:

31 1. "Board" means the ~~massage-therapy-advisory-board~~
32 established in section 152E-2 board of examiners for massage
33 therapy created under chapter 147.

34 Sec. 30. Section 152C.1, subsection 2, Code 1997, is
35 amended by striking the subsection.

1 Sec. 31. Section 152C.3, subsection 1, Code 1997, is
2 amended to read as follows:

3 1. The department board shall adopt rules pursuant to
4 chapter 17A establishing a procedure for licensing of massage
5 therapists. License requirements shall include the following:

6 a. Completion of a curriculum of massage education at a
7 school approved by the department board which requires for
8 admission a diploma from an accredited high school or the
9 equivalent and requires completion of at least five hundred
10 hours of supervised academic instruction. However,
11 educational requirements under this paragraph are subject to
12 reduction by the department board if, after public notice and
13 hearing, the department board determines that the welfare of
14 the public may be adequately protected with fewer hours of
15 education.

16 b. Passage of an examination given or approved by the
17 department board.

18 c. Payment of a reasonable fee required by the department
19 board which shall compensate and be retained by the department
20 board for the costs of administering this chapter.

21 Sec. 32. Section 152C.3, subsection 2, paragraph a, Code
22 1997, is amended to read as follows:

23 a. Requirements regarding completion of at least twelve
24 hours of continuing education annually regarding subjects
25 concerning massage and related techniques or the health and
26 safety of the public, subject to reduction by the department
27 board if, after public notice and hearing, the department
28 board determines that the welfare of the public may be
29 adequately protected with fewer hours.

30 Sec. 33. Section 152C.3, subsection 3, Code 1997, is
31 amended by striking the subsection.

32 Sec. 34. Section 152C.4, Code 1997, is amended to read as
33 follows:

34 152C.4 EMPLOYMENT OF PERSON NOT LICENSED -- CIVIL PENALTY.
35 A person as defined in section 4.1, who employs to provide

1 services to other persons a person who is not licensed
2 pursuant to this chapter, shall not use the initials "L.M.T."
3 or the words "licensed massage therapist", "massage
4 therapist", "masseur", or "masseuse", or any other words or
5 titles which imply or represent that the person employed
6 practices massage therapy. A person who violates this section
7 is subject to imposition, at the discretion of the board, of a
8 civil penalty not to exceed one thousand dollars. Each
9 violation of this section is a separate offense. Each day a
10 violation of this section occurs after citation by the board
11 is a separate offense. The department board may inspect any
12 facility which advertises or offers services purporting to be
13 delivered by massage therapists.

14 Sec. 35. Section 152C.7, Code 1997, is amended to read as
15 follows:

16 152C.7 SUSPENSION AND REVOCATION OF LICENSES.

17 The department board may suspend, revoke, or impose
18 probationary conditions upon a license issued pursuant to
19 rules adopted in accordance with section 152C.3.

20 Sec. 36. Section 152D.1, subsection 1, Code 1997, is
21 amended to read as follows:

22 1. "Board" means the ~~athletic-trainer-advisory-board~~
23 established-pursuant-to-this-chapter board of examiners for
24 athletic training created under chapter 147.

25 Sec. 37. Section 152D.1, subsection 2, Code 1997, is
26 amended by striking the subsection.

27 Sec. 38. Section 152D.3, subsection 1, paragraphs a and b,
28 Code 1997, are amended to read as follows:

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

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

35 Sec. 39. Section 152D.5, unnumbered paragraph 1, Code

1 1997, is amended to read as follows:

2 ~~The department-in-consultation-with-the~~ board shall:

3 Sec. 40. Section 152D.6, Code 1997, is amended to read as
4 follows:

5 152D.6 LICENSE SUSPENSION AND REVOCATION.

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

11 Sec. 41. Section 272C.1, subsection 6, paragraph ab, Code
12 1997, is amended to read as follows:

13 ab. ~~The Iowa-department-of-public-health~~ board of
14 examiners for athletic training in licensing athletic trainers
15 pursuant to chapter 152D.

16 Sec. 42. Section 272C.1, subsection 6, Code 1997, is
17 amended by adding the following new paragraph:

18 NEW PARAGRAPH. ac. The board of examiners for massage
19 therapy in licensing massage therapists pursuant to chapter
20 152C.

21 Sec. 43. Sections 152C.2 and 152D.7, Code 1997, are
22 repealed.

23 EXPLANATION

24 This bill provides for the conversion of the existing
25 athletic training and massage therapy advisory boards,
26 presently reporting to the Iowa department of public health,
27 into full regulatory examining boards subject to the general
28 provisions for health-related provisions pursuant to Code
29 chapter 147. The bill provides that the board of examiners
30 for massage therapists will be comprised of four members
31 licensed to practice massage therapy and three members not so
32 licensed, representing the general public.

33 For the board of examiners for athletic training, the board
34 will be comprised of three members licensed to practice
35 athletic training, three physicians licensed to practice

1 medicine and surgery, and one member not licensed as an
2 athletic trainer or physician, representing the general
3 public.

4 The bill also provides that members of the massage therapy
5 examining board shall be appointed by the governor, rather
6 than the existing procedure of appointment by the director of
7 public health. Members of the advisory board for athletic
8 training are already appointed by the governor under current
9 law.

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SENATE FILE 2269

AN ACT
PROVIDING FOR THE CONVERSION OF THE EXISTING ADVISORY BOARDS
FOR ATHLETIC TRAINING AND MASSAGE THERAPY INTO FULL
REGULATORY EXAMINING BOARDS.

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

Section 1. Section 135.11, subsections 11 and 13, Code Supplement 1997, are amended to read as follows:

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

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

Sec. 2. Section 147.1, unnumbered paragraph 1, Code 1997, is amended to read as follows:

For the purpose of this and the following chapters of this subtitle~~r~~-excluding-chapters-152E-and-152B:

Sec. 3. Section 147.1, subsections 3 and 6, Code 1997, are amended to read as follows:

3. "Licensed" or "certified" when applied to a physician and surgeon, podiatric physician, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, or social worker, massage therapist, or athletic trainer means a person licensed under this subtitle

~~excluding-chapters-152E-and-152B.~~

6. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, social work, or dietetics, massage therapy, or athletic training.

Sec. 4. Section 147.3, Code 1997, is amended to read as follows:

147.3 QUALIFICATIONS.

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

Sec. 5. Section 147.6, Code 1997, is amended to read as follows:

147.6 CERTIFICATE PRESUMPTIVE EVIDENCE.

Every license issued under this subtitle~~r~~-excluding-chapters-152E-and-152B~~r~~ shall be presumptive evidence of the right of the holder to practice in this state the profession therein specified.

Sec. 6. Section 147.7, Code 1997, is amended to read as follows:

147.7 DISPLAY OF LICENSE.

Every person licensed under this subtitle~~r~~-excluding-chapters-152E-and-152B~~r~~ to practice a profession shall keep the license publicly displayed in the primary place in which the person practices.

Sec. 7. Section 147.9, Code 1997, is amended to read as follows:

147.9 CHANGE OF RESIDENCE.

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

Sec. 8. Section 147.12, unnumbered paragraph 1, Code 1997, is amended to read as follows:

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

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

NEW SUBSECTION. 19. For massage therapists, massage therapy examiners.

NEW SUBSECTION. 20. For athletic trainers, athletic training examiners.

Sec. 10. Section 147.14, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 17. For massage therapists, four members licensed to practice massage therapy and three members who are not licensed to practice massage therapy and who shall represent the general public. A majority of the members of the board constitutes a quorum.

NEW SUBSECTION. 18. For athletic trainers, three members licensed to practice athletic training, three members licensed to practice medicine and surgery, and one member not licensed to practice athletic training or medicine and surgery and who shall represent the general public. A majority of the members of the board constitutes a quorum.

Sec. 11. Section 147.30, Code 1997, is amended to read as follows:

147.30 TIME AND PLACE OF EXAMINATIONS.

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

Sec. 12. Section 147.34, Code 1997, is amended to read as follows:

147.34 EXAMINATIONS.

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

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

Sec. 13. Section 147.41, subsection 2, Code 1997, is amended to read as follows:

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

Sec. 14. Section 147.44, Code 1997, is amended to read as follows:

147.44 AGREEMENTS.

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

Sec. 15. Section 147.46, subsection 1, Code 1997, is amended to read as follows:

1. PROTECTION TO LICENSEES OF THIS STATE. When the laws of any state or the rules of the authorities of said state place any requirement or disability upon any person licensed in this state to practice any profession regulated by this subtitle, ~~excluding chapters 152E and 152B~~, which affects the right of said person to be licensed or to practice the person's profession in said state, then the same requirement or disability shall be placed upon any person licensed in said state when applying for a license to practice in this state.

Sec. 16. Section 147.52, Code 1997, is amended to read as follows:

147.52 RECIPROCITY.

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

Sec. 17. Section 147.72, Code 1997, is amended to read as follows:

147.72 PROFESSIONAL TITLES AND ABBREVIATIONS.

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

Sec. 18. Section 147.73, subsection 1, Code 1997, is amended to read as follows:

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

Sec. 19. Section 147.74, Code 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 19A. An athletic trainer licensed under chapter 152D and this chapter may use the title "licensed athletic trainer" after the person's name.

Sec. 20. Section 147.80, Code 1997, is amended by adding the following new subsections:

NEW SUBSECTION. 25A. License to practice massage therapy, license to practice massage therapy under a reciprocal license, or renewal of a license to practice massage therapy.

NEW SUBSECTION. 25B. License to practice athletic training, license to practice athletic training under a reciprocal license, or renewal of a license to practice athletic training.

Sec. 21. Section 147.83, Code 1997, is amended to read as follows:

147.83 INJUNCTION.

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

Sec. 22. Section 147.86, Code 1997, is amended to read as follows:

147.86 PENALTIES.

Any person violating any provision of this or the following chapters of this subtitle, ~~excluding chapters 152E and 152B~~, except insofar as the provisions apply or relate to or affect the practice of pharmacy, or where a specific penalty is otherwise provided, shall be guilty of a serious misdemeanor.

Sec. 23. Section 147.87, Code 1997, is amended to read as follows:

147.87 ENFORCEMENT.

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

Sec. 24. Section 147.88, Code 1997, is amended to read as follows:

147.88 INSPECTIONS.

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

Sec. 25. Section 147.90, Code 1997, is amended to read as follows:

147.90 RULES AND FORMS.

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

Sec. 26. Section 147.92, Code 1997, is amended to read as follows:

147.92 ATTORNEY GENERAL.

Upon request of the department the attorney general shall institute in the name of the state the proper proceedings against any person charged by the department with violating any provision of this or the following chapters of this subtitle, ~~excluding chapters 152E and 152B~~.

Sec. 27. Section 147.93, Code 1997, is amended to read as follows:

147.93 PRIMA FACIE EVIDENCE.

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

Sec. 28. Section 147.111, Code 1997, is amended to read as follows:

147.111 REPORT OF TREATMENT OF WOUNDS AND OTHER INJURIES.

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

Sec. 29. Section 152C.1, subsection 1, Code 1997, is amended to read as follows:

1. "Board" means the message-therapy-advisory-board established in section 152E-2 board of examiners for massage therapy created under chapter 147.

Sec. 30. Section 152C.1, subsection 2, Code 1997, is amended by striking the subsection.

Sec. 31. Section 152C.3, subsection 1, Code 1997, is amended to read as follows:

1. The department board shall adopt rules pursuant to chapter 17A establishing a procedure for licensing of massage therapists. License requirements shall include the following:

a. Completion of a curriculum of massage education at a school approved by the department board which requires for admission a diploma from an accredited high school or the

equivalent and requires completion of at least five hundred hours of supervised academic instruction. However, educational requirements under this paragraph are subject to reduction by the department board if, after public notice and hearing, the department board determines that the welfare of the public may be adequately protected with fewer hours of education.

b. Passage of an examination given or approved by the department board.

c. Payment of a reasonable fee required by the department board which shall compensate and be retained by the department board for the costs of administering this chapter.

Sec. 32. Section 152C.3, subsection 2, paragraph a, Code 1997, is amended to read as follows:

a. Requirements regarding completion of at least twelve hours of continuing education annually regarding subjects concerning massage and related techniques or the health and safety of the public, subject to reduction by the department board if, after public notice and hearing, the department board determines that the welfare of the public may be adequately protected with fewer hours.

Sec. 33. Section 152C.3, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 34. Section 152C.4, Code 1997, is amended to read as follows:

152C.4 EMPLOYMENT OF PERSON NOT LICENSED -- CIVIL PENALTY.

A person as defined in section 4.1, who employs to provide services to other persons a person who is not licensed pursuant to this chapter, shall not use the initials "L.M.T." or the words "licensed massage therapist", "massage therapist", "masseur", or "masseuse", or any other words or titles which imply or represent that the person employed practices massage therapy. A person who violates this section is subject to imposition, at the discretion of the board, of a civil penalty not to exceed one thousand dollars. Each violation of this section is a separate offense. Each day a violation of this section occurs after citation by the board

is a separate offense. The department board may inspect any facility which advertises or offers services purporting to be delivered by massage therapists.

Sec. 35. Section 152C.7, Code 1997, is amended to read as follows:

152C.7 SUSPENSION AND REVOCATION OF LICENSES.

The department board may suspend, revoke, or impose probationary conditions upon a license issued pursuant to rules adopted in accordance with section 152C.3.

Sec. 36. Section 152D.1, subsection 1, Code 1997, is amended to read as follows:

1. "Board" means the athletic-trainer-advisory-board established-pursuant-to-this-chapter board of examiners for athletic training created under chapter 147.

Sec. 37. Section 152D.1, subsection 2, Code 1997, is amended by striking the subsection.

Sec. 38. Section 152D.3, subsection 1, paragraphs a and b, Code 1997, are amended to read as follows:

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

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

Sec. 39. Section 152D.5, unnumbered paragraph 1, Code 1997, is amended to read as follows:

The department-in-consultation-with-the board shall:

Sec. 40. Section 152D.6, Code 1997, is amended to read as follows:

152D.6 LICENSE SUSPENSION AND REVOCATION.

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

Sec. 41. Section 272C.1, subsection 6, paragraph ab, Code 1997, is amended to read as follows:

ab. The Iowa-department-of-public-health board of examiners for athletic training in licensing athletic trainers pursuant to chapter 152D.

Sec. 42. Section 272C.1, subsection 6, Code 1997, is amended by adding the following new paragraph:

NEW PARAGRAPH. ac. The board of examiners for massage therapy in licensing massage therapists pursuant to chapter 152C.

Sec. 43. Sections 152C.2 and 152D.7, Code 1997, are repealed.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2269, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved 4/6, 1998

TERRY E. BRANSTAD
Governor