

FILED MAR 17 1997

SENATE FILE **477**
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SF 102)

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

A BILL FOR

1 An Act establishing a board of dental health professions
2 examiners and dental, dental hygiene, and dispute resolution
3 panels.

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

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S.F. 477

1 Section 1. Section 147.13, subsection 8, Code 1997, is
2 amended to read as follows:

3 8. For dentistry and dental hygiene, dental health
4 professions examiners.

5 Sec. 2. Section 147.14, subsection 4, Code 1997, is
6 amended to read as follows:

7 4. a. For dental health professions examiners, five
8 members shall be licensed to practice dentistry, two ~~four~~
9 members shall be licensed to practice dental hygiene and two
10 four members not licensed to practice dentistry or dental
11 hygiene and who shall represent the general public. All
12 members shall be appointed by the governor. The dentist
13 members of the board and two public members shall constitute
14 the dental panel of the board. Only members of the dental
15 panel shall vote on matters pertaining to dentists, the
16 licensing, discipline, and education of dentists, and the
17 practice of dentistry. The dental hygiene members of the
18 board and the other two public members shall constitute the
19 dental hygiene panel of the board. Only members of the dental
20 hygiene panel shall vote on matters pertaining to dental
21 hygienists' scope of practice, education, licensure, and
22 discipline, board authority over dental hygienists, and dental
23 hygiene program faculty permits pursuant to sections 153.15,
24 153.15A, 153.23 through 153.30, 153.33, 153.34, and 153.37.
25 All rules previously adopted by the board of dental examiners
26 which are in force at the time the board of dental health
27 professions examiners is created shall remain in force and be
28 enforced by the board of dental health professions examiners
29 until amended or repealed, and all persons having a valid
30 dental hygiene license issued under the authority of the board
31 of dental examiners shall continue to hold such license for
32 its term unless revoked or suspended by the board of dental
33 health professions examiners pursuant to sections 153.32,
34 153.33, and 153.34. A majority of the members of ~~the~~ board
35 either panel shall constitute a quorum for that panel. No

1 member of the dental faculty at the state university of Iowa
2 shall be eligible to be appointed.

3 b. All matters considered by the board of dental health
4 professions examiners shall be subject to a review procedure
5 that permits further consideration by the dental panel and the
6 dental hygiene panel. The board shall adopt administrative
7 rules to maximize the opportunity for both panels to provide
8 input with regard to licensing, continuing education, and
9 scope of practice issues. The rules shall include a dispute
10 resolution panel for resolving disagreements between the two
11 panels regarding administrative rules proposed by the board.
12 The panel shall be comprised of two dentists selected from the
13 dental panel, two dental hygienists selected from the dental
14 hygiene panel, and three public members of the board. One of
15 the public members shall be selected by the dental panel, one
16 by the dental hygienist panel, and the third shall be mutually
17 agreed upon between the previously selected public members.

18 Sec. 3. Section 147.80, subsection 11, Code 1997, is
19 amended to read as follows:

20 11. License to practice dental hygiene issued upon the
21 basis of an examination given or recognized by the board-of
22 dental hygiene panel of the board of dental health professions
23 examiners, license to practice dental hygiene issued under a
24 reciprocal agreement, renewal of a license to practice dental
25 hygiene.

26 Sec. 4. Section 272C.1, subsection 6, paragraph j, Code
27 1997, is amended to read as follows:

28 j. The board of dental health professions examiners,
29 created pursuant to chapter 147.

30 Sec. 5. Sections 10A.202, 10A.402, 10A.502, 135.11A,
31 135.31, 139C.2, 147.40, 147.80, 147.88, 147.114, 153.33, and
32 153.37, Code 1997, are amended by striking from the sections
33 the words "board of dental examiners" and inserting in lieu
34 thereof the following: "board of dental health professions
35 examiners".

**SENATE FILE 477
FISCAL NOTE**

A fiscal note for **Senate File 477** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 477 would create a new Board of Dental Health Professions Examiners. The Board will have three component panels, a Dental Hygiene Panel, a Dental Panel, and a Dispute Resolution Panel.

ASSUMPTIONS

1. The Dental Hygiene Panel would meet 12 times per year plus three public hearings on rules.
2. The Dental Panel would meet six times per year.
3. The Dispute Resolution Panel would meet four times per year.
4. The full 13-member Board would meet four times per year.
5. The Board would increase license fees.
6. Four additional staff would be required.

FISCAL IMPACT

Senate File 477 is not expected to have a net fiscal impact on the General Fund. Increased license fee revenues totaling \$189,000 would offset expenses totaling \$189,000.

SOURCE

Department of Public Health

(LSB 1069SV, VMT)

FILED MARCH 27, 1997

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 478

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1 Amend Senate File 478 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 600A.2, subsection 18, Code
5 1997, is amended by striking the subsection and
6 inserting in lieu thereof the following:

7 18. "To abandon a minor child" means that a
8 parent, putative father, custodian, or guardian
9 rejects the duties imposed by the parent-child
10 relationship, guardianship, or custodianship, which
11 may be evinced by the person, while being able to do
12 so, making no provision or making only a marginal
13 effort to provide for the support of the child or to
14 communicate with the child.

15 Sec. 2. Section 600A.8, Code 1997, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 3A. If the termination of
18 parental rights relates to a putative father and the
19 putative father has abandoned the child. For the
20 purposes of this subsection, a putative father is
21 deemed to have abandoned a child as follows:

22 a. (1) If the child is less than six months of
23 age when the termination hearing is held, a putative
24 father is deemed to have abandoned the child unless
25 the putative father does all of the following:

26 (a) Demonstrates a willingness to assume full
27 custody of the child rather than merely objecting to
28 the termination of parental rights.

29 (b) Takes prompt action to establish a parental
30 relationship with the child.

31 (c) Demonstrates, through actions, a commitment to
32 the child which is not met by the putative father
33 marrying the mother of the child after adoption of the
34 child.

35 (2) In determining whether the requirements of
36 this paragraph are met, the court may consider all of
37 the following:

38 (a) The fitness and ability of the putative father
39 in personally assuming full custody of the child,
40 including a personal and financial commitment which is
41 timely demonstrated.

42 (b) Whether efforts made by the putative father in
43 personally assuming full custody of the child are
44 substantial enough to evince a settled purpose to
45 personally assume all parental duties.

46 (c) Whether the putative father publicly
47 acknowledged paternity or held himself out to be the
48 father of the child during the six continuing months
49 immediately prior to the termination proceeding.

50 (d) Whether the putative father paid a fair and

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1 reasonable sum, in accordance with the putative
2 father's means, for medical, hospital, and nursing
3 expenses incurred in connection with the mother's
4 pregnancy or with the birth of the child, or whether
5 the putative father demonstrated emotional support as
6 evidenced by the putative father's conduct toward the
7 mother.

8 (e) Any measures taken by the putative father to
9 establish legal responsibility for the child.

10 (f) Any other factors evincing a commitment to the
11 child.

12 b. (1) If the child is six months of age or older
13 when the termination hearing is held, a putative
14 father is deemed to have abandoned the child unless
15 the putative father maintains substantial and
16 continuous or repeated contact with the child as
17 demonstrated by contribution toward support of the
18 child of a reasonable amount, according to the
19 putative father's means, and as demonstrated by any of
20 the following:

21 (a) Visiting the child at least monthly when
22 physically and financially able to do so and when not
23 prevented from doing so by the person having lawful
24 custody of the child.

25 (b) Regular communication with the child or with
26 the person having the care or custody of the child,
27 when physically and financially unable to visit the
28 child or when prevented from visiting the child by the
29 person having lawful custody of the child.

30 (2) The subjective intent of the putative father,
31 whether expressed or otherwise, unsupported by
32 evidence of acts specified in subparagraph (1)
33 manifesting such intent, does not preclude a
34 determination that the putative father failed to
35 maintain substantial and continuous or repeated
36 contact with the child. In making a determination,
37 the court shall not require a showing of diligent
38 efforts by any person to encourage the putative father
39 to perform the acts specified in subparagraph (1). In
40 making a determination, the court may consider the
41 conduct of the putative father toward the child's
42 mother during the pregnancy. A putative father of a
43 child who openly lived with the child for a period of
44 six months within the one-year period immediately
45 preceding the termination of parental rights hearing
46 and who during that period openly held himself out to
47 be the father of the child is deemed to have
48 maintained substantial and continuous contact with the
49 child for the purposes of this paragraph."

By NEAL SCHUERER

S-3417 FILED APRIL 8, 1997

Adapted 4-17-97 (p. 1238)