

*Blodgett
Hahn
Greiman*

HSB 618

HUMAN RESOURCES

SENATE/HOUSE FILE ^{INTRODUCED BY} **SE/HF 2476**
BY (PROPOSED IOWA 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 programs and public health issues under the
2 purview of the Iowa department of public health and the
3 appropriation of certain fees to the department.

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

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1 Section 1. Section 22.7, Code Supplement 1999, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 39. Preliminary findings, reports of
4 these preliminary findings, and investigative reports of the
5 state medical examiner, resulting from the conducting of an
6 autopsy. However, the date, time, specific location, and
7 immediate facts and circumstances surrounding a crime or
8 incident, related to a death that affects the public interest
9 as defined in section 331.802, shall not be kept confidential
10 under this subsection, except if disclosure would plainly and
11 clearly jeopardize an investigation or pose a clear and
12 present danger to the public safety or the safety of an
13 individual.

14 Sec. 2. Section 125.14, Code 1999, is amended to read as
15 follows:

16 125.14 LICENSES -- RENEWAL -- FEES.

17 The commission shall meet to consider all cases involving
18 initial issuance, and renewal, denial, suspension, or
19 revocation of a license. The department shall issue a license
20 to an applicant who the commission determines meets the
21 licensing requirements of this chapter. Licenses shall expire
22 no later than two years from the date of issuance and shall be
23 renewed upon timely application made in the same manner as for
24 ~~original~~ initial issuance of a license unless notice of
25 nonrenewal is given to the licensee at least thirty days prior
26 to the expiration of the license. The department shall not
27 charge a fee for licensing or renewal of programs contracting
28 with the department for provision of treatment services. A
29 fee may be charged to other licensees.

30 Sec. 3. Section 125.15, Code 1999, is amended to read as
31 follows:

32 125.15 INSPECTION OF LICENSEES.

33 The department ~~shall~~ may inspect the facilities and review
34 the procedures utilized by ~~each-licensed-program~~ any chemical
35 substitutes or antagonists program, residential program, or

1 nonresidential outpatient program that has as a primary
2 purpose the treatment and rehabilitation of substance abusers
3 or chronic substance abusers, for the purpose of ensuring
4 compliance with this chapter and the rules adopted pursuant to
5 this chapter. The examination and review may include case
6 record audits and interviews with staff and patients,
7 consistent with the confidentiality safeguards of state and
8 federal law.

9 Sec. 4. NEW SECTION. 135.30A BREASTFEEDING IN PUBLIC
10 PLACES.

11 Notwithstanding any other provision of law to the contrary,
12 a mother may, with the maximum amount of discretion possible,
13 breast-feed the mother's child in any public place where the
14 mother's presence is otherwise authorized.

15 Sec. 5. Section 135.105C, Code 1999, is amended to read as
16 follows:

17 135.105C RENOVATION, REMODELING, AND REPAINTING -- LEAD
18 HAZARD NOTIFICATION PROCESS ESTABLISHED.

19 1. A person who performs renovation, remodeling, or
20 repainting services of targeted target housing for
21 compensation shall provide an approved lead hazard information
22 pamphlet to the owner and occupant of the housing prior to
23 commencing the services.

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

33 Sec. 6. Section 136C.10, Code 1999, is amended to read as
34 follows:

35 136C.10 FEES.

1 The department shall establish and collect fees for the
2 licensing and amendment of licenses for radioactive materials,
3 the registration of radiation machines, the periodic
4 inspection of radiation machines and radioactive materials,
5 and the implementation of section 136C.3, subsection 2. Fees
6 shall be established in amounts sufficient to defray the cost
7 of administering this chapter and are appropriated to and
8 shall be retained by the department. The license fee may
9 include the cost of environmental surveillance activities to
10 assess the radiological impact of activities conducted by
11 licensees. ~~Fees collected shall be remitted to the treasurer~~
12 ~~of state who shall deposit the funds in the general fund of~~
13 ~~the state.~~ When a registrant or licensee fails to pay the
14 applicable fee the department may suspend or revoke the
15 registration or license or may issue an appropriate order.
16 Fees for the license, amendment of a license, and inspection
17 of radioactive material shall not exceed the fees prescribed
18 by the United States nuclear regulatory commission.

19 Sec. 7. Section 141A.6, subsection 6, paragraph e, Code
20 Supplement 1999, is amended to read as follows:

21 e. The race or and ethnicity of the patient.

22 Sec. 8. Section 141A.8, subsection 1, Code Supplement
23 1999, is amended by striking the subsection and inserting in
24 lieu thereof the following:

25 1. If a care provider in the course of providing care
26 sustains a significant exposure on the premises of a health
27 facility or while engaged in rendering aid or providing
28 transportation to an individual in circumstances which lead to
29 the individual's presence at a health facility, the individual
30 to whom the care provider was exposed is deemed to consent to
31 a test to be administered by the health facility upon the
32 submission of a significant exposure report by the exposed
33 care provider for the express purpose of determining the
34 presence of HIV infection in that individual and notifying the
35 health care provider of the HIV test results of the

1 individual. The sample and test results shall only be
2 identified by a number and no reports otherwise required by
3 this chapter shall be made which identify the individual
4 tested. However, if the test results are positive, the health
5 facility shall notify the individual tested and ensure the
6 performance of counseling and reporting requirements of this
7 chapter in the same manner as for an individual from whom
8 actual consent was obtained.

9 Sec. 9. Section 141A.8, subsection 7, Code Supplement
10 1999, is amended by striking the subsection.

11 Sec. 10. Section 141A.8, subsection 9, Code Supplement
12 1999, is amended to read as follows:

13 9. Notifications made pursuant to this section shall not
14 disclose the identity of the individual who is diagnosed or
15 confirmed as having HIV infection unless the individual
16 provides a specific written release ~~as provided in subsection~~
17 ~~17-paragraph-"b"~~. If the care provider determines the
18 identity of the individual, the identity of the individual
19 shall be confidential information and shall not be disclosed
20 by the care provider to any other person unless a specific
21 written release is obtained from the individual.

22 Sec. 11. Section 144.43, Code 1999, is amended to read as
23 follows:

24 144.43 VITAL RECORDS CLOSED TO INSPECTION -- EXCEPTIONS.

25 1. To protect the integrity of vital statistics records,
26 to ensure their proper use, and to ensure the efficient and
27 proper administration of the vital statistics system kept by
28 the state registrar, access to vital statistics records kept
29 by the state registrar shall be limited to the state registrar
30 and the state registrar's employees, and then only for
31 administrative purposes. It shall be unlawful for the state
32 registrar to permit inspection of, or to disclose information
33 contained in vital statistics records, or to copy or permit to
34 be copied all or part of any such record except as authorized
35 by regulation.

1 2. However Notwithstanding subsection 1, the following
2 vital statistics records may be inspected and copied as of
3 right under chapter 22 when they are in the custody of a
4 county registrar ~~or when they are in the custody of the state~~
5 ~~archivist and are at least seventy-five years old:~~

6 ~~1- a.~~ A record of birth if the record is at least ninety-
7 five years old and the person making the request has a
8 verifiable, direct, and tangible interest, as defined by rule
9 of the department, in the record.

10 ~~2- b.~~ A record of marriage.

11 ~~3- c.~~ A record of divorce, dissolution of marriage, or
12 annulment of marriage.

13 ~~4- d.~~ A record of death if that death was not a fetal
14 death.

15 3. Notwithstanding subsection 1, the following vital
16 statistics records may be inspected and copied as of right
17 under chapter 22, when they are in the custody of the state
18 archivist:

19 a. A record of birth if the record is at least ninety-five
20 years old.

21 b. A record of marriage if the record is at least fifty
22 years old.

23 c. A record of divorce, dissolution of marriage, or
24 annulment of marriage if the record is at least fifty years
25 old.

26 d. A record of death if that death was not a fetal death
27 and the record is at least fifty years old.

28 4. Notwithstanding subsection 3, paragraph "a", existing
29 records open for inspection and copying on or before January
30 1, 2000, shall remain open for inspection and available for
31 copying under chapter 22.

32 5. A public record shall not be withheld from the public
33 because it is combined with data processing software. The
34 state registrar shall not implement any electronic data
35 processing system for the storage, manipulation, or retrieval

1 of vital records that would impair a county registrar's
2 ability to permit the examination of a public record and the
3 copying of a public record, as established by rule. If it is
4 necessary to separate a public record from data processing
5 software in order to permit the examination of the public
6 record, the county registrar shall periodically generate a
7 written log available for public inspection which contains the
8 public record.

9 Sec. 12. Section 148.5, Code 1999, is amended to read as
10 follows:

11 148.5 RESIDENT PHYSICIAN LICENSE.

12 A physician, who is a graduate of a medical school and is
13 serving as a resident physician who is not otherwise licensed
14 to practice medicine and surgery in this state, shall be
15 required to obtain from the medical examiners a license to
16 practice as a resident physician. The license shall be
17 designated "Resident Physician License" and shall authorize
18 the licensee to serve as a resident physician only, under the
19 supervision of a licensed practitioner of medicine and surgery
20 or osteopathic medicine and surgery, in an institution
21 approved for such training by the medical examiners. Such A
22 license shall be valid for ~~one-year-and-may-be-renewed-at-the~~
23 ~~discretion-of-the-medical-examiners~~ a duration as determined
24 by the board. The fee for each license shall be set by the
25 medical examiners to cover the administrative costs of issuing
26 the license, ~~and-if-extended-beyond-one-year,-a-renewal-fee-as~~
27 ~~set-by-the-medical-examiners-shall-be-required~~. The medical
28 examiners shall determine in each instance those eligible for
29 a license, whether or not examinations shall be given, and the
30 type of examinations. ~~No-requirements~~ Requirements of the law
31 pertaining to regular permanent licensure shall not be
32 mandatory for a resident physician license except as
33 specifically designated by the medical examiners. The
34 granting of a resident physician license does not in any way
35 indicate that the person so licensed is necessarily eligible

1 for regular permanent licensure, nor are the medical examiners
2 in any way obligated to so license such the individual.

3 Sec. 13. Section 148A.6, subsection 3, paragraph c, Code
4 1999, is amended by striking the paragraph.

5 Sec. 14. NEW SECTION. 148B.3A OCCUPATIONAL THERAPY --
6 REFERRAL.

7 Occupational therapy may be provided by an occupational
8 therapist without referral from a physician, podiatric
9 physician, dentist, or chiropractor, except that a hospital
10 may require that occupational therapy provided in the hospital
11 be performed only following prior review by and authorization
12 of the performance of the occupational therapy by a member of
13 the hospital medical staff.

14 Sec. 15. Section 148B.5, subsection 1, paragraph a,
15 subparagraph (1), Code 1999, is amended to read as follows:

16 (1) For an occupational therapist, the program must be one
17 accredited by the ~~American-medical-association-in~~
18 ~~collaboration-with~~ accreditation council for occupational
19 therapy education of the American occupational therapy
20 association.

21 Sec. 16. Section 150A.9, Code 1999, is amended to read as
22 follows:

23 150A.9 RESIDENT LICENSE.

24 An osteopathic physician and surgeon who is a graduate of a
25 college of osteopathic medicine and surgery and is serving as
26 a resident physician and who is not licensed to practice
27 osteopathic medicine and surgery in this state, shall be
28 required to obtain from the medical examiners a license to
29 practice as a resident osteopathic physician and surgeon. The
30 license shall be designated "Resident Osteopathic Physician
31 and Surgeon License", and shall authorize the licensee to
32 serve as a resident physician only, under the supervision of a
33 licensed practitioner of osteopathic medicine and surgery or
34 licensed practitioner of medicine and surgery, in an
35 institution approved for such training by the medical

1 examiners. A license shall be valid for ~~one-year-and-may-be~~
2 ~~renewed-at-the-discretion-of-the-medical-examiners~~ a duration
3 as determined by the board. The fee for each license shall be
4 set by the medical examiners and based on the administrative
5 cost of issuing the license, ~~and-if-extended-beyond-one-year,~~
6 ~~a-renewal-fee-shall-be-required~~. The medical examiners shall
7 determine in each instance those eligible for a license,
8 whether or not examinations shall be given, and the type of
9 examinations. ~~No-requirements~~ Requirements of the law
10 pertaining to regular permanent licensure shall not be
11 mandatory for a resident osteopathic physician and surgeon's
12 license except as specifically designated by the medical
13 examiners. The granting of a resident osteopathic physician
14 and surgeon's license does not in any way indicate that the
15 person so licensed is necessarily eligible for regular
16 permanent licensure, nor are the medical examiners in any way
17 obligated to so license ~~such~~ the individual.

18 Sec. 17. Section 154A.11, unnumbered paragraph 2, Code
19 1999, is amended to read as follows:

20 All examinations in theory shall be in writing and the
21 identity of the person taking the examination shall be
22 concealed until after the examination papers have been graded.
23 ~~For-examinations-in-practice,-the-identity-of-the-person~~
24 ~~taking-the-examination-shall-also-be-concealed-as-far-as~~
25 ~~possible-~~

26 Sec. 18. Section 154A.12, subsections 2, 5, and 6, Code
27 1999, are amended by striking the subsections.

28 Sec. 19. Section 154C.3, subsection 1, paragraph c,
29 subparagraph (1), Code 1999, is amended to read as follows:

30 (1) Possesses a master's or doctoral degree in social work
31 from an accredited college or university approved by the
32 board.

33 Sec. 20. Section 156.4, subsections 4 and 5, Code 1999,
34 are amended to read as follows:

35 4. Written ~~and-oral~~ examinations for a funeral director's

1 license shall be held at least once a year at a time and place
2 to be designated by the board. The examination shall include
3 the subjects of funeral directing, burial or other disposition
4 of dead human bodies, sanitary science, embalming, restorative
5 art, anatomy, public health, transportation, business ethics,
6 and such other subjects as the board may designate.

7 5. After the applicant ~~shall have~~ has completed
8 satisfactorily the course of instruction in mortuary science
9 in an accredited school approved by the board, the applicant
10 must pass the examination prescribed by the board as provided
11 in section 147.34. The applicant may then receive an
12 internship certificate and shall then complete a minimum one-
13 year internship as determined by the board. ~~After completion~~
14 ~~of the internship, the applicant shall demonstrate proficiency~~
15 ~~as directed by the board.~~

16 Sec. 21. NEW SECTION. 156.8A STUDENT PRACTICUM.

17 The board, by rule, shall provide for practicums in
18 mortuary science for students available through any school
19 accredited by the American board of funeral service education
20 and shall regulate the registration, training, and fees for
21 such practicums.

22 Sec. 22. Section 595.13, Code 1999, is amended to read as
23 follows:

24 595.13 CERTIFICATE -- RETURN.

25 After the marriage has been solemnized, the officiating
26 minister or magistrate shall:

27 ~~1.--Give each of the parties a certificate of the same.~~

28 ~~2.--Make return of the certificate of marriage within~~
29 fifteen days to the county registrar, ~~who issued~~ issuing the
30 marriage license upon the blank provided for that purpose.

31 Sec. 23. Section 691.6, Code Supplement 1999, is amended
32 by adding the following new subsections:

33 NEW SUBSECTION. 4. To collect autopsy fees as established
34 by rule and the fees are appropriated to the state medical
35 examiner. Notwithstanding section 8.33, any fees collected by

1 the state medical examiner that remain unexpended at the end
2 of the fiscal year shall not revert to the general fund of the
3 state.

4 NEW SUBSECTION. 5. To conduct an inquiry, investigation,
5 or hearing and administer oaths and receive testimony under
6 oath relative to the matter of inquiry, investigation, or
7 hearing, and to subpoena witnesses and require the production
8 of records, papers, and documents pertinent to the death
9 investigation.

10 NEW SUBSECTION. 6. To adopt rules pursuant to chapter 17A
11 relating to the duties, responsibilities, and operations of
12 the office of the state medical examiner and shall specify the
13 duties, responsibilities, and operations of the county medical
14 examiner in relationship to the office of the state medical
15 examiner.

16 Sec. 24. Section 801.4, subsection 11, Code 1999, is
17 amended by adding the following new paragraph after paragraph
18 i:

19 NEW PARAGRAPH. ii. The state medical examiner, a deputy
20 medical examiner, and employees of the office of the state
21 medical examiner as designated by state medical examiner.

22 Sec. 25. STUDY -- NEEDLESTICK PROTECTION. The Iowa
23 department of public health, in cooperation with the labor
24 commissioner, shall conduct a study of state and federal laws
25 and regulations relating to protection of persons who may be
26 at risk of needlestick injuries in the course of employment.
27 The study shall include the review of the current national
28 institute for occupational safety and health of the centers
29 for disease control and prevention recommendations to reduce
30 workplace needlestick injuries. The department shall submit a
31 report to the governor and the general assembly by December
32 15, 2000, which shall include any recommendations for changes
33 in state law or rules, which are not in conflict with federal
34 law or regulations, to improve protective measures relating to
35 needlestick injuries.

EXPLANATION

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This bill makes changes relating to programs under the purview of the Iowa department of public health and related health professional licensing and regulatory boards.

The amendment to Code section 22.7 provides the state medical examiner with similar protection, as was provided to the state medical examiner under the department of public safety for preliminary findings, reports of the findings, and investigations related to autopsies.

The amendment to Code section 125.14 requires the commission on substance abuse to specifically review requests for initial licensure and renewal of licensure of a chemical substance abuse facility, in addition to the existing requirement for review of issuance, denial, suspension, or revocation of licensure.

The amendment to Code section 125.15 strikes the requirement to inspect licensed facilities but broadens the authority of the department to inspect any substance abuse treatment program to ensure compliance with applicable laws and rules.

New Code section 135.30A authorizes a mother to breast-feed the mother's child in a public place, where the mother's presence is otherwise authorized, if breastfeeding is provided with the maximum amount of discretion possible.

The amendment to Code section 135.105C corrects the reference to "targeted housing" to read "target housing" for the purposes of lead-poisoned children, and provides that the provisions apply to a child under six years of age.

The amendment to Code section 136C.10 provides that fees associated with the licensure of radioactive materials, machines, and their inspection are appropriated to the department.

The amendment to Code section 141A.6 provides that information reported to the department relating to HIV is to include both race and ethnicity.

1 The amendments to Code section 141A.8, which relates to
2 notifying a care provider who has had a significant exposure
3 to an individual of the individual's HIV status, delete the
4 requirements to be met in obtaining consent from an individual
5 to be tested following the submission of a significant
6 exposure report by a care provider. The changes would result
7 in the individual being deemed to have provided consent to an
8 HIV test following submission of a significant exposure report
9 by the care provider. The bill also provides that the results
10 of the test may be shared with the care provider.

11 The amendment to Code section 144.43 makes changes relating
12 to vital records inspections. Currently, records of birth,
13 marriage, divorce, dissolution of marriage, annulment of
14 marriage, or death if not a fetal death, in the custody of the
15 county registrar or the state archivist, must be at least 75
16 years old to be inspected and copied as of right under Code
17 chapter 22. The bill establishes that birth records in the
18 custody of the county registrar must be at least 95 years old
19 (as opposed to the existing requirement of at least 75 years
20 old) and the person making the request must have a verifiable,
21 direct, and tangible interest in the record. A record of
22 marriage, divorce, dissolution of marriage, annulment of
23 marriage, or death if not a fetal death, in the custody of the
24 county registrar, under the bill, would now be available for
25 inspection and copying as of right under Code chapter 22
26 without any time period restrictions. Additionally, under the
27 bill, records of birth in the custody of the state archivist
28 must be at least 95 years old (as opposed to the existing
29 requirement of at least 75 years old), and records of
30 marriage, divorce, dissolution of marriage, annulment of
31 marriage, or death if not a fetal death, must be at least 50
32 years old (as opposed to the existing requirement of at least
33 75 years old) to be inspected and copied as of right under
34 Code chapter 22. The bill also provides that all such records
35 existing on or before January 1, 2000, that were open for

1 inspection and copying at that time, are to remain open for
2 inspection and copying.

3 The amendment to Code section 148.5 changes the period of
4 licensure for resident physicians from one year to a period as
5 determined by the board of medical examiners.

6 The amendment to Code section 148A.6 eliminates the right
7 of a physical therapist assistant to petition the physical
8 therapy examiners board for a waiver of the education
9 requirements otherwise required.

10 New Code section 148B.3A provides that occupational
11 therapists may provide occupational therapy without referral
12 from a physician, podiatric physician, dentist, or
13 chiropractor, except that a hospital may require review and
14 authorization by a member of the hospital medical staff prior
15 to performance of the occupational therapy.

16 The amendment to Code section 148B.5 corrects language
17 relating to the organization specified to accredit
18 occupational therapy education programs.

19 The amendment to Code section 150A.9 changes the period of
20 licensure for osteopathic physicians and surgeons from one
21 year to a period as determined by the board of medical
22 examiners.

23 The amendments to Code sections 154A.11 and 154A.12
24 eliminate the use of practical examinations for licensure of
25 audiologists.

26 The amendment to Code section 154C.3 requires an applicant
27 for licensure as an independent social worker to possess a
28 master's or doctoral degree specifically in social work.

29 The amendments to Code section 156.4 eliminate oral
30 examinations and an internship proficiency requirement for
31 licensure as a funeral director.

32 New Code section 156.8A provides for the establishment of
33 practicums in mortuary science through rule of the board of
34 mortuary science examiners and directs the board, by rule, to
35 regulate the registration, training, and fees for such

1 practicums.

2 The amendment to Code section 595.13 eliminates the
3 required issuance of a copy of a marriage certificate by the
4 officiating minister or magistrate to the parties to the
5 marriage.

6 The amendment to Code section 691.6 expands the duties of
7 the state medical examiner. The bill authorizes the state
8 medical examiner to retain fees associated with autopsies and
9 stipulates that any funds collected by the state medical
10 examiner, which remain unexpended at the end of the state
11 fiscal year, are not to revert to the general fund of the
12 state. The bill authorizes the state medical examiner to
13 conduct death investigations, inquiries, and hearings, and
14 provides the office with administrative subpoena power. The
15 bill directs the state medical examiner to adopt
16 administrative rules governing the state medical examiners
17 office and the relationship between the state office and
18 county medical examiners.

19 The amendment to Code section 801.4 provides that the state
20 medical examiner, a deputy of the state medical examiner, and
21 any employee of the office of the state medical examiner
22 designated by the state medical examiner, are included in the
23 definition of a peace officer.

24 The bill directs the Iowa department of public health in
25 cooperation with the labor commissioner to conduct a study of
26 state and federal laws and regulations relating to protection
27 of persons who may be at risk of needlestick injuries in the
28 course of employment, with a report to be submitted to the
29 governor and the general assembly by December 15, 2000.

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FEB 28 2000
APPROPRIATIONS

HOUSE FILE **2476**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 618)

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

A BILL FOR

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2 purview of the Iowa department of public health and the
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HF 2476

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7 immediate facts and circumstances surrounding a crime or
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9 as defined in section 331.802, shall not be kept confidential
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11 clearly jeopardize an investigation or pose a clear and
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14 Sec. 2. Section 125.14, Code 1999, is amended to read as
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16 125.14 LICENSES -- RENEWAL -- FEES.

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23 renewed upon timely application made in the same manner as for
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33 The department ~~shall~~ may inspect the facilities and review
34 the procedures utilized by ~~each-licensed-program~~ any chemical
35 substitutes or antagonists program, residential program, or

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3 or chronic substance abusers, for the purpose of ensuring
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14 mother's presence is otherwise authorized.

15 Sec. 5. Section 135.105C, Code 1999, is amended to read as
16 follows:

17 135.105C RENOVATION, REMODELING, AND REPAINTING -- LEAD
18 HAZARD NOTIFICATION PROCESS ESTABLISHED.

19 1. A person who performs renovation, remodeling, or
20 repainting services of targeted target housing for
21 compensation shall provide an approved lead hazard information
22 pamphlet to the owner and occupant of the housing prior to
23 commencing the services.

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

33 Sec. 6. Section 135.107, subsection 3, unnumbered
34 paragraph 1, Code 1999, is amended to read as follows:

35 The center for rural health and primary care shall

1 establish a primary care provider recruitment and retention
2 endeavor, to be known as PRIMECARRE. The endeavor shall
3 include a community grant program, a primary care provider
4 loan repayment program, and a primary care provider community
5 scholarship program, ~~and the establishment of area health~~
6 ~~education centers~~. The endeavor shall be developed and
7 implemented in a manner to promote and accommodate local
8 creativity in efforts to recruit and retain health care
9 professionals to provide services in the locality. The focus
10 of the endeavor shall be to promote and assist local efforts
11 in developing health care provider recruitment and retention
12 programs. Eligibility under any of the programs established
13 under the primary care provider recruitment and retention
14 endeavor shall be based upon a community health services
15 assessment completed under subsection 2, paragraph "a". A
16 community or region, as applicable, shall submit a letter of
17 intent to conduct a community health services assessment and
18 to apply for assistance under this subsection. The letter
19 shall be in a form and contain information as determined by
20 the center. A letter of intent shall be submitted to the
21 center by January 1 preceding the fiscal year for which an
22 application for assistance is to be made. Assistance under
23 this subsection shall not be granted until such time as the
24 community or region making application has completed the
25 community health services assessment and adopted a long-term
26 community health services assessment and developmental plan.
27 In addition to any other requirements, a developmental plan
28 shall include a clear commitment to informing high school
29 students of the health care opportunities which may be
30 available to such students.

31 Sec. 7. Section 135.107, subsection 3, paragraph d, Code
32 1999, is amended by striking the paragraph.

33 Sec. 8. Section 135.107, subsection 4, Code 1999, is
34 amended by striking the subsection.

35 Sec. 9. Section 136C.10, Code 1999, is amended to read as

1 follows:

2 136C.10 FEES.

3 The department shall establish and collect fees for the
4 licensing and amendment of licenses for radioactive materials,
5 the registration of radiation machines, the periodic
6 inspection of radiation machines and radioactive materials,
7 and the implementation of section 136C.3, subsection 2. Fees
8 shall be established in amounts sufficient to defray the cost
9 of administering this chapter and are appropriated to and
10 shall be retained by the department. The license fee may
11 include the cost of environmental surveillance activities to
12 assess the radiological impact of activities conducted by
13 licensees. ~~Fees collected shall be remitted to the treasurer~~
14 ~~of state who shall deposit the funds in the general fund of~~
15 ~~the state~~. When a registrant or licensee fails to pay the
16 applicable fee the department may suspend or revoke the
17 registration or license or may issue an appropriate order.
18 Fees for the license, amendment of a license, and inspection
19 of radioactive material shall not exceed the fees prescribed
20 by the United States nuclear regulatory commission.

21 Sec. 10. Section 141A.6, subsection 6, paragraph e, Code
22 Supplement 1999, is amended to read as follows:

23 e. The race ~~or~~ and ethnicity of the patient.

24 Sec. 11. Section 141A.8, subsection 1, Code Supplement
25 1999, is amended by striking the subsection and inserting in
26 lieu thereof the following:

27 1. If a care provider in the course of providing care
28 sustains a significant exposure on the premises of a health
29 facility or while engaged in rendering aid or providing
30 transportation to an individual in circumstances which lead to
31 the individual's presence at a health facility, the individual
32 to whom the care provider was exposed is deemed to consent to
33 a test to be administered by the health facility upon the
34 submission of a significant exposure report by the exposed
35 care provider for the express purpose of determining the

1 presence of HIV infection in that individual and notifying the
2 health care provider of the HIV test results of the
3 individual. The sample and test results shall only be
4 identified by a number and no reports otherwise required by
5 this chapter shall be made which identify the individual
6 tested. However, if the test results are positive, the health
7 facility shall notify the individual tested and ensure the
8 performance of counseling and reporting requirements of this
9 chapter in the same manner as for an individual from whom
10 actual consent was obtained.

11 Sec. 12. Section 141A.8, subsection 7, Code Supplement
12 1999, is amended by striking the subsection.

13 Sec. 13. Section 141A.8, subsection 9, Code Supplement
14 1999, is amended to read as follows:

15 9. Notifications made pursuant to this section shall not
16 disclose the identity of the individual who is diagnosed or
17 confirmed as having HIV infection unless the individual
18 provides a specific written release ~~as provided in subsection~~
19 ~~17-paragraph-"b"~~. If the care provider determines the
20 identity of the individual, the identity of the individual
21 shall be confidential information and shall not be disclosed
22 by the care provider to any other person unless a specific
23 written release is obtained from the individual.

24 Sec. 14. Section 147.5, Code 1999, is amended to read as
25 follows:

26 147.5 FORM.

27 Every license to practice a profession shall be in the form
28 of a certificate under the seal of the department, signed by
29 the director of public health. Such license shall be issued
30 in the name of the examining board which conducts examinations
31 for that particular profession. ~~The number of the book and~~
32 ~~page containing the entry of said license in the office of the~~
33 ~~department shall be noted on the face of the license.~~

34 Sec. 15. Section 147.40, Code 1999, is amended to read as
35 follows:

1 147.40 CERTIFICATION OF APPLICANTS.

2 Every examination shall be passed upon in accordance with
3 the established rules of the examining board and shall be
4 satisfactory to at least a majority of the professional
5 members of the board. In the case of the board of dental
6 examiners, only licensed dentist members of the board shall
7 determine whether an applicant has passed the examination to
8 practice as a licensed dentist. After each examination, the
9 examining board shall certify the names of the successful
10 applicants to the department in the manner prescribed by it.
11 The department shall then issue the proper license and make
12 ~~the-required-entry-in-the-registry-book.~~

13 Sec. 16. Section 148.5, Code 1999, is amended to read as
14 follows:

15 148.5 RESIDENT PHYSICIAN LICENSE.

16 A physician, who is a graduate of a medical school and is
17 serving as a resident physician who is not otherwise licensed
18 to practice medicine and surgery in this state, shall be
19 required to obtain from the medical examiners a license to
20 practice as a resident physician. The license shall be
21 designated "Resident Physician License" and shall authorize
22 the licensee to serve as a resident physician only, under the
23 supervision of a licensed practitioner of medicine and surgery
24 or osteopathic medicine and surgery, in an institution
25 approved for such training by the medical examiners. Such A
26 license shall be valid for ~~one-year-and-may-be-renewed-at-the~~
27 ~~discretion-of-the-medical-examiners~~ a duration as determined
28 by the board. The fee for each license shall be set by the
29 medical examiners to cover the administrative costs of issuing
30 the license, ~~and-if-extended-beyond-one-year,-a-renewal-fee-as~~
31 ~~set-by-the-medical-examiners-shall-be-required.~~ The medical
32 examiners shall determine in each instance those eligible for
33 a license, whether or not examinations shall be given, and the
34 type of examinations. ~~No-requirements~~ Requirements of the law
35 pertaining to regular permanent licensure shall not be

1 mandatory for a resident physician license except as
2 specifically designated by the medical examiners. The
3 granting of a resident physician license does not in any way
4 indicate that the person so licensed is necessarily eligible
5 for regular permanent licensure, nor are the medical examiners
6 in any way obligated to so license such the individual.

7 Sec. 17. Section 148A.6, subsection 3, paragraph c, Code
8 1999, is amended by striking the paragraph.

9 Sec. 18. NEW SECTION. 148B.3A OCCUPATIONAL THERAPY --
10 REFERRAL.

11 Occupational therapy may be provided by an occupational
12 therapist without referral from a physician, podiatric
13 physician, dentist, or chiropractor, except that a hospital
14 may require that occupational therapy provided in the hospital
15 be performed only following prior review by and authorization
16 of the performance of the occupational therapy by a member of
17 the hospital medical staff.

18 Sec. 19. Section 148B.5, subsection 1, paragraph a,
19 subparagraph (1), Code 1999, is amended to read as follows:

20 (1) For an occupational therapist, the program must be one
21 accredited by the ~~American-medical-association-in~~
22 ~~collaboration-with~~ accreditation council for occupational
23 therapy education of the American occupational therapy
24 association.

25 Sec. 20. Section 150A.9, Code 1999, is amended to read as
26 follows:

27 150A.9 RESIDENT LICENSE.

28 An osteopathic physician and surgeon who is a graduate of a
29 college of osteopathic medicine and surgery and is serving as
30 a resident physician and who is not licensed to practice
31 osteopathic medicine and surgery in this state, shall be
32 required to obtain from the medical examiners a license to
33 practice as a resident osteopathic physician and surgeon. The
34 license shall be designated "Resident Osteopathic Physician
35 and Surgeon License", and shall authorize the licensee to

1 serve as a resident physician only, under the supervision of a
2 licensed practitioner of osteopathic medicine and surgery or
3 licensed practitioner of medicine and surgery, in an
4 institution approved for such training by the medical
5 examiners., A license shall be valid for ~~one-year-and-may-be~~
6 ~~renewed-at-the-discretion-of-the-medical-examiners~~ a duration
7 as determined by the board. The fee for each license shall be
8 set by the medical examiners and based on the administrative
9 cost of issuing the license, ~~and-if-extended-beyond-one-year,~~
10 ~~a-renewal-fee-shall-be-required~~. The medical examiners shall
11 determine in each instance those eligible for a license,
12 whether or not examinations shall be given, and the type of
13 examinations. ~~No-requirements~~ Requirements of the law
14 pertaining to regular permanent licensure shall not be
15 mandatory for a resident osteopathic physician and surgeon's
16 license except as specifically designated by the medical
17 examiners. The granting of a resident osteopathic physician
18 and surgeon's license does not in any way indicate that the
19 person ~~so~~ licensed is necessarily eligible for regular
20 permanent licensure, nor are the medical examiners in any way
21 obligated to ~~so~~ license ~~such~~ the individual.

22 Sec. 21. Section 152.7, unnumbered paragraph 2, Code 1999,
23 is amended by striking the unnumbered paragraph.

24 Sec. 22. Section 154A.11, unnumbered paragraph 2, Code
25 1999, is amended to read as follows:

26 All examinations in theory shall be in writing and the
27 identity of the person taking the examination shall be
28 concealed until after the examination papers have been graded.
29 ~~For-examinations-in-practice, the-identity-of-the-person~~
30 ~~taking-the-examination-shall-also-be-concealed-as-far-as~~
31 ~~possible.~~

32 Sec. 23. Section 154A.12, subsections 2, 5, and 6, Code
33 1999, are amended by striking the subsections.

34 Sec. 24. Section 154C.3, subsection 1, paragraph c,
35 subparagraph (1), Code 1999, is amended to read as follows:

1 (1) Possesses a master's or doctoral degree in social work
2 from an accredited college or university approved by the
3 board.

4 Sec. 25. Section 156.4, subsections 4 and 5, Code 1999,
5 are amended to read as follows:

6 4. Written ~~and-oral~~ examinations for a funeral director's
7 license shall be held at least once a year at a time and place
8 to be designated by the board. The examination shall include
9 the subjects of funeral directing, burial or other disposition
10 of dead human bodies, sanitary science, embalming, restorative
11 art, anatomy, public health, transportation, business ethics,
12 and such other subjects as the board may designate.

13 5. After the applicant ~~shall-have~~ has completed
14 satisfactorily the course of instruction in mortuary science
15 in an accredited school approved by the board, the applicant
16 must pass the examination prescribed by the board as provided
17 in section 147.34. The applicant may then receive an
18 internship certificate and shall then complete a minimum one-
19 year internship as determined by the board. ~~After-completion~~
20 ~~of-the-internship,-the-applicant-shall-demonstrate-proficiency~~
21 ~~as-directed-by-the-board.~~

22 Sec. 26. NEW SECTION. 156.8A STUDENT PRACTICUM.

23 The board, by rule, shall provide for practicums in
24 mortuary science for students available through any school
25 accredited by the American board of funeral service education
26 and shall regulate the registration, training, and fees for
27 such practicums.

28 Sec. 27. Section 595.13, Code 1999, is amended to read as
29 follows:

30 595.13 CERTIFICATE -- RETURN.

31 After the marriage has been solemnized, the officiating
32 minister or magistrate shall:

33 ~~1:-Give-each-of-the-parties-a-certificate-of-the-same.~~

34 ~~2:-Make~~ return of the certificate of marriage within
35 fifteen days to the county registrar, ~~who-issued~~ issuing the

1 marriage license upon the blank provided for that purpose.

2 Sec. 28. Section 691.6, Code Supplement 1999, is amended
3 by adding the following new subsections:

4 NEW SUBSECTION. 4. To collect autopsy fees as established
5 by rule and the fees are appropriated to the state medical
6 examiner. Notwithstanding section 8.33, any fees collected by
7 the state medical examiner that remain unexpended at the end
8 of the fiscal year shall not revert to the general fund of the
9 state.

10 NEW SUBSECTION. 5. To conduct an inquiry, investigation,
11 or hearing and administer oaths and receive testimony under
12 oath relative to the matter of inquiry, investigation, or
13 hearing, and to subpoena witnesses and require the production
14 of records, papers, and documents pertinent to the death
15 investigation.

16 NEW SUBSECTION. 6. To adopt rules pursuant to chapter 17A
17 relating to the duties, responsibilities, and operations of
18 the office of the state medical examiner and shall specify the
19 duties, responsibilities, and operations of the county medical
20 examiner in relationship to the office of the state medical
21 examiner.

22 Sec. 29. Section 801.4, subsection 11, Code 1999, is
23 amended by adding the following new paragraph after paragraph
24 i:

25 NEW PARAGRAPH. ii. The state medical examiner, a deputy
26 medical examiner, and employees of the office of the state
27 medical examiner as designated by state medical examiner.

28 Sec. 30. Section 135.19, Code 1999, is repealed.

29 Sec. 31. STUDY -- NEEDLESTICK PROTECTION. The Iowa
30 department of public health, in cooperation with the labor
31 commissioner, shall conduct a study of state and federal laws
32 and regulations relating to protection of persons who may be
33 at risk of needlestick injuries in the course of employment.
34 The study shall include the review of the current national
35 institute for occupational safety and health of the centers

1 for disease control and prevention recommendations to reduce
2 workplace needlestick injuries. The department shall submit a
3 report to the governor and the general assembly by December
4 15, 2000, which shall include any recommendations for changes
5 in state law or rules, which are not in conflict with federal
6 law or regulations, to improve protective measures relating to
7 needlestick injuries.

8

EXPLANATION

9 This bill makes changes relating to programs under the
10 purview of the Iowa department of public health including
11 those related to health professional licensing and regulatory
12 boards.

13 The amendment to Code section 22.7 provides the state
14 medical examiner with similar protection, as was provided to
15 the state medical examiner under the department of public
16 safety for preliminary findings, reports of the findings, and
17 investigations related to autopsies.

18 The amendment to Code section 125.14 requires the
19 commission on substance abuse to specifically review requests
20 for initial licensure and renewal of licensure of a chemical
21 substance abuse facility, in addition to the existing
22 requirement for review of issuance, denial, suspension, or
23 revocation of licensure.

24 The amendment to Code section 125.15 strikes the
25 requirement to inspect licensed facilities but broadens the
26 authority of the department to inspect any substance abuse
27 treatment program to ensure compliance with applicable laws
28 and rules.

29 New Code section 135.30A authorizes a mother to breast-feed
30 the mother's child in a public place, where the mother's
31 presence is otherwise authorized, if breastfeeding is provided
32 with the maximum amount of discretion possible.

33 The amendment to Code section 135.105C corrects the
34 reference to "targeted housing" to read "target housing" for
35 the purposes of lead-poisoned children, and provides that the

1 provisions apply to a child under six years of age.

2 The amendment to Code section 135.107, subsection 3,
3 unnumbered paragraph 1, is a conforming amendment related to
4 the amendment to Code section 137.107, subsection 3, paragraph
5 "d" which strikes the paragraph, thereby eliminating the
6 requirement of IDPH to develop and establish area health
7 education centers in cooperation with several other entities.
8 The amendment to Code section 135.107, subsection 4, strikes
9 the subsection, thereby eliminating the requirement of the
10 director of public health to establish a primary care
11 collaborative work group.

12 The amendment to Code section 136C.10 provides that fees
13 associated with the licensure of radioactive materials,
14 machines, and their inspection are appropriated to the
15 department.

16 The amendment to Code section 141A.6 provides that
17 information reported to the department relating to HIV is to
18 include both race and ethnicity.

19 The amendments to Code section 141A.8, which relates to
20 notifying a care provider who has had a significant exposure
21 to an individual of the individual's HIV status, delete the
22 requirements to be met in obtaining consent from an individual
23 to be tested following the submission of a significant
24 exposure report by a care provider. The changes would result
25 in the individual being deemed to have provided consent to an
26 HIV test following submission of a significant exposure report
27 by the care provider. The bill also provides that the results
28 of the test may be shared with the care provider.

29 The amendments to Code section 147.5 and to Code section
30 147.40 eliminate the requirement that health care professional
31 licensing boards maintain a handwritten registry book and
32 identify on every license issued, the entry into the registry
33 book of such license.

34 The amendment to Code section 148.5 changes the period of
35 licensure for resident physicians from one year to a period as

1 determined by the board of medical examiners.

2 The amendment to Code section 148A.6 eliminates the right
3 of a physical therapist assistant to petition the physical
4 therapy examiners board for a waiver of the education
5 requirements otherwise required.

6 New Code section 148B.3A provides that occupational
7 therapists may provide occupational therapy without referral
8 from a physician, podiatric physician, dentist, or
9 chiropractor, except that a hospital may require review and
10 authorization by a member of the hospital medical staff prior
11 to performance of the occupational therapy.

12 The amendment to Code section 148B.5 corrects language
13 relating to the organization specified to accredit
14 occupational therapy education programs.

15 The amendment to Code section 150A.9 changes the period of
16 licensure for osteopathic physicians and surgeons from one
17 year to a period as determined by the board of medical
18 examiners.

19 The amendment to Code section 152.7 eliminates language
20 which provided a means for students who were enrolled in a
21 course of study for registered nurses on June 30, 1995, and
22 thereby impacted by changes in the law made in 1995, to apply
23 that education to a license as a practical nurse.

24 The amendments to Code sections 154A.11 and 154A.12
25 eliminate the use of practical examinations for licensure of
26 audiologists.

27 The amendment to Code section 154C.3 requires an applicant
28 for licensure as an independent social worker to possess a
29 master's or doctoral degree specifically in social work.

30 The amendments to Code section 156.4 eliminate oral
31 examinations and an internship proficiency requirement for
32 licensure as a funeral director.

33 New Code section 156.8A provides for the establishment of
34 practicums in mortuary science through rule of the board of
35 mortuary science examiners and directs the board, by rule, to

1 regulate the registration, training, and fees for such
2 practicums.

3 The amendment to Code section 595.13 eliminates the
4 required issuance of a copy of a marriage certificate by the
5 officiating minister or magistrate to the parties to the
6 marriage.

7 The amendment to Code section 691.6 expands the duties of
8 the state medical examiner. The bill authorizes the state
9 medical examiner to retain fees associated with autopsies and
10 stipulates that any funds collected by the state medical
11 examiner, which remain unexpended at the end of the state
12 fiscal year, are not to revert to the general fund of the
13 state. The bill authorizes the state medical examiner to
14 conduct death investigations, inquiries, and hearings, and
15 provides the office with administrative subpoena power. The
16 bill directs the state medical examiner to adopt
17 administrative rules governing the state medical examiners
18 office and the relationship between the state office and
19 county medical examiners.

20 The amendment to Code section 801.4 provides that the state
21 medical examiner, a deputy of the state medical examiner, and
22 any employee of the office of the state medical examiner
23 designated by the state medical examiner, are included in the
24 definition of a peace officer.

25 The bill repeals Code section 135.19, thereby eliminating
26 the requirement that the department of agriculture and land
27 stewardship and the board of pharmacy examiners collect and
28 deliver samples of venereal disease prophylactics to the IDPH.

29 The bill directs the Iowa department of public health in
30 cooperation with the labor commissioner to conduct a study of
31 state and federal laws and regulations relating to protection
32 of persons who may be at risk of needlestick injuries in the
33 course of employment, with a report to be submitted to the
34 governor and the general assembly by December 15, 2000.

35

HOUSE FILE 2476

H-8085

- 1 Amend House File 2476 as follows:
- 2 1. Page 2, by striking line 12, and inserting the
- 3 following: "a mother may, with discretion,".

By BLODGETT of Cerro Gordo

H-8085 FILED FEBRUARY 29, 2000

HOUSE FILE 2476

H-8104

- 1 Amend House File 2476 as follows:
- 2 1. Page 2, by striking line 12 and inserting the
- 3 following: "a mother may".

By REYNOLDS of Van Buren
GREIMANN of Story

H-8104 FILED FEBRUARY 29, 2000

HOUSE FILE 2476

H-8196

- 1 Amend House File 2476 as follows:
- 2 1. Page 10, line 18, by striking the word "shall"
- 3 and inserting the following: "to".
- 4 2. Page 10, line 27, by inserting after the word
- 5 "by" the following: "the".

By BLODGETT of Cerro Gordo

H-8196 FILED MARCH 6, 2000

**HOUSE FILE 2476
FISCAL NOTE**

A fiscal note for **House File 2476** 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.

House File 2476 makes changes relating to programs under the purview of the Department of Public Health including those related to health professional licensing and regulatory boards.

ASSUMPTIONS

1. Section 9 of the Bill would permit the Department of Public Health to retain fees for licensing of radioactive materials, registration of radiation machines, and inspection of radiation machines and radioactive materials. The estimated amount of these fees would total \$650,000 in FY 2001.
2. Section 26 of the Bill would permit the Department of Public Health to regulate the registration, training, and practicum fees for mortuary science students. The Department estimates four students per year and practicum costs of \$25 per student.
3. Section 28 of the Bill would permit the Department of Public Health to collect and retain autopsy fees totaling approximately \$400,000 in FY 2001.

FISCAL IMPACT

The provisions of Section 9 of House File 2476 would decrease revenues to the General Fund by approximately \$650,000 in FY 2001 and each year thereafter. The bill allows the Department of Public Health to collect and retain the fees.

Section 28 of the Bill will also allow the Department to collect and retain autopsy fees. Autopsy fee collections are estimated to be \$400,000 annually.

SOURCE

Department of Public Health

(LSB 5320hv, VMT)

FILED MARCH 13, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR