

Senate Study Bill 1214

Bill Text

PAG LIN

1 1 Section 1. Section [124.204](#), subsection 5, Code 2001, is
1 2 amended by adding the following new paragraph:

1 3 NEW PARAGRAPH. c. Gamma-hydroxybutyric acid. Some trade
1 4 or other names: GHB; gamma-hydroxybutyrate; 4-
1 5 hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate;
1 6 sodium oxybutyrate.

1 7 Sec. 2. Section [124.208](#), subsection 3, Code 2001, is
1 8 amended by adding the following new paragraph:

1 9 NEW PARAGRAPH. m. Any drug product containing gamma-
1 10 hydroxybutyric acid, including its salts, isomers, and salts
1 11 of isomers, for which an application is approved under section
1 12 505 of the federal Food, Drug, and Cosmetic Act.

1 13 Sec. 3. Section [135.11](#), subsection 25, Code 2001, is
1 14 amended to read as follows:

1 15 25. Establish ad hoc and advisory committees to the
1 16 director in areas where technical expertise is not otherwise
1 17 readily available. Members may be compensated for their
1 18 actual and necessary expenses incurred in the performance of
1 19 their duties. To encourage health consumer participation,
1 20 public members may also receive a per diem as specified in
1 21 section 7E.6 if funds are available and the per diem is
1 22 determined to be appropriate by the director. Expense moneys
1 23 paid to the members shall be paid from funds appropriated to
1 24 the department. A majority of the members of such a committee
1 25 constitutes a quorum.

1 26 Sec. 4. Section [135.105C](#), Code 2001, is amended by adding
1 27 the following new subsection:

1 28 NEW SUBSECTION. 3. A person who violates this section is
1 29 subject to a civil penalty not to exceed five thousand dollars
1 30 for each offense.

1 31 Sec. 5. Section [135I.1](#), subsection 3, Code 2001, is
1 32 amended to read as follows:

1 33 3. "Spa" means a bathing facility such as a hot tub or
1 34 whirlpool designed for recreational or therapeutic use.
1 35

~~However, "spa" does not include a facility used under direct~~

~~2 1~~

~~supervision of qualified medical personnel.~~

2 2 Sec. 6. Section [135I.2](#), Code 2001, is amended to read as
2 3 follows:

2 4 135I.2 APPLICABILITY.

2 5 This chapter applies to all swimming pools and spas owned
2 6 or operated by local or state government, or commercial
2 7 interests or private entities including, but not limited to,
2 8 facilities operated by cities, counties, public or private
2 9 school corporations, hotels, motels, camps, apartments,
2 10 condominiums, and health or country clubs. This chapter does
2 11 not apply to facilities intended for single family use or to a
2 12 swimming pool or spa operated by a homeowners' association
2 13 representing seventy-two or fewer dwelling units if the
2 14 association's bylaws, which also apply to a rental agreement
2 15 relative to any of the dwelling units, include an exemption

2 16 from the requirements of this chapter, provide for inspection
2 17 of the swimming pool or spa by an entity other than the
2 18 department or local board of health, and assume any liability
2 19 associated with operation of the swimming pool or spa. This
2 20 chapter does not apply to a swimming pool or spa used
2 21 exclusively for therapy under the direct supervision of
2 22 qualified medical personnel. To avoid duplication and promote
2 23 coordination of inspection activities, the department may
2 24 enter into agreements pursuant to chapter 28E with a local
2 25 board of health to provide for inspection and enforcement in
2 26 accordance with this chapter.

2 27 Sec. 7. Section [135I.4](#), subsection 4, Code 2001, is
2 28 amended to read as follows:

2 29 4. Establish and collect fees to defray the cost of
2 30 administering this chapter. It is the intent of the general
2 31 assembly that fees collected under this chapter be retained by
2 32 the department and used to defray the cost of administering
2 33 this chapter. However, the portion of fees needed to defray
2 34 the costs of a local board of health in implementing this
2 35 chapter shall be established by the local board of health. A
3 1 fee imposed for the inspection of a swimming pool or spa shall
3 2 not be collected until the inspection has actually been
3 3 performed.

3 4 Sec. 8. Section [147.74](#), Code 2001, is amended by adding
3 5 the following new subsection:

3 6 NEW SUBSECTION. 20A. A registered nurse licensed under
3 7 chapter 152 may use the words "registered nurse" or the
3 8 letters "R.N." after the person's name. A licensed practical
3 9 nurse licensed under chapter 152 may use the words "licensed
3 10 practical nurse" or the letters "L.P.N." after the person's
3 11 name.

3 12 Sec. 9. Section [147.80](#), subsection 16, Code 2001, is
3 13 amended to read as follows:

3 14 16. License to practice barbering on the basis of an
3 15 examination given by the board of barber examiners, license to
3 16 practice barbering under a reciprocal agreement, renewal of a
3 17 license to practice barbering, annual inspection by the
3 18 department of inspections and appeals of barber school and
3 19 annual inspection of barber shop, an original barber school
3 20 license, renewal of a barber school license, transfer of
3 21 license upon change of ownership of a barber shop or barber
3 22 school, inspection by the department of inspections and
3 23 appeals and an original barber shop license, renewal of a
3 24 barber shop license, original barber school instructor's
3 25 license, renewal of a barber school instructor's license

3 26

~~original barber assistant's license, renewal of a barber~~

3 27

~~assistant's license~~

3 28 Sec. 10. Section [147.91](#), Code 2001, is amended to read as
3 29 follows:

3 30 147.91 PUBLICATIONS.

3 31 The department shall have

~~printed in pamphlet form~~

3 32 available for each profession the following

~~matter which is~~

~~pertinent to the particular profession for which such pamphlet~~

~~is published~~
~~information:~~

- 3 35 1. The law regulating the practice of the profession.
- 4 1 2. The rules of the Iowa department of public health and
- 4 2 the department of inspections and appeals relative to
- 4 3 licenses.
- 4 4 3. The rules of the examining board relative to
- 4 5 examinations.
- 4 6 Such

~~pamphlet~~

~~information shall be supplied to any person~~
4 7 applying for the same. The department may, to the extent
4 8 feasible, make the information described in this section
4 9 available by electronic means, including, but not limited to,
4 10 access to the documents through the internet.

4 11 Sec. 11. Section 148.6, subsection 2, paragraph g, Code
4 12 2001, is amended to read as follows:

4 13 g. Being guilty of a willful or repeated departure from,
4 14 or the failure to conform to, the minimal standard of
4 15 acceptable and prevailing practice of medicine and surgery,
4 16 osteopathic medicine and surgery or osteopathy in which
4 17 proceeding actual injury to a patient need not be established;
4 18 or the committing by a physician of an act contrary to
4 19 honesty, justice, or good morals, whether the same is
4 20 committed in the course of the physician's practice or
4 21 otherwise, and whether committed within or without this state.
4 22 The medical examiners may, in the course of a disciplinary
4 23 investigation and upon a showing of probable cause, compel a
4 24 physician to submit to a competency evaluation at a physician
4 25 competency assessment program designated by the board within a
4 26 specified time. All objections shall be waived as to the
4 27 admissibility of any physician's communications, testimony, or
4 28 reports on the grounds of privileged communication. The
4 29 medical testimony or evaluation report shall not be used
4 30 against a physician in any proceeding other than one relating
4 31 to licensee discipline by the board. Failure of a physician
4 32 to submit to a board-ordered evaluation is grounds for
4 33 disciplinary action for failure to comply with an order of the
4 34 board.

4 35 Sec. 12. Section 148.6, subsection 2, paragraph h,
5 1 unnumbered paragraph 1, Code 2001, is amended to read as
5 2 follows:

5 3 Inability to practice medicine and surgery, osteopathic
5 4 medicine and surgery or osteopathy with reasonable skill and
5 5 safety by reason of illness, drunkenness, excessive use of
5 6 drugs, narcotics, chemicals, or other type of material or as a
5 7 result of a mental or physical condition. The medical
5 8 examiners may, upon probable cause, compel a physician to
5 9 submit to a mental or physical examination by designated
5 10 physicians or to submit to alcohol or drug screening within a
5 11 time specified by the medical examiners.

~~Failure of a~~

~~physician to submit to an examination or to submit to alcohol~~

~~or drug screening shall constitute admission to the~~

5 14

~~allegations made against the physician and the finding of fact~~

5 15

~~and decision of the medical examiners may be entered without~~

5 16

~~the taking of testimony or presentation of evidence. At~~

5 17

~~reasonable intervals, a physician shall be afforded an~~

5 18

~~opportunity to demonstrate that the physician can resume the~~

5 19

~~competent practice of medicine with reasonable skill and~~

5 20

~~safety to patients.~~

~~Failure of a physician to submit to a~~

5 21 board-ordered examination or screening is grounds for

5 22 disciplinary action for failure to comply with an order of the

5 23 board.

5 24 Sec. 13. Section [154.6](#), Code 2001, is amended to read as

5 25 follows:

5 26 154.6 EXPIRATION AND RENEWAL OF LICENSES.

5 27 Every license to practice optometry shall expire in

5 28 multiyear intervals as determined by the board. Application

5 29 for renewal of such license shall be made in writing to the

5 30 Iowa department of public health at least thirty days prior to

5 31 the expiration date, accompanied by the required renewal fee

5 32 and

~~the affidavit of the licensee or other proof satisfactory~~

5 33

~~to the department and to the Iowa state board of optometry~~

5 34

~~examiners, that the applicant has annually attended, since the~~

5 35

~~issuance of the last license to the applicant, an educational~~

6 1

~~program or clinic as conducted by the Iowa Optometric~~

6 2

~~Association, or its equivalent, for a period of at least two~~

6 3

~~days. The attendance requirement at the educational program~~

6 4

~~or clinic shall not be conditioned upon membership in the Iowa~~

6 5

~~Optometric Association. Nonmembers shall be admitted to the~~

6 6

~~annual educational program or clinic upon payment of their pro~~

6 7

~~rata share of the cost. In lieu of attendance at the annual~~

6 8

~~educational program or clinic, it shall be the duty of the~~

6 9

~~board of optometry examiners to recognize and approve~~

6 10

~~attendance at local optometric study group meetings as shall,~~

6 11

~~in the judgment of the board, constitute an equivalent to~~

6 12

~~attendance at the annual educational program of the~~

6 13

~~association~~

~~the licensee shall submit evidence of attendance~~
~~6 14 of continuing education in this field.~~

6 15 Sec. 14. Section [154.7](#), Code 2001, is amended to read as
6 16 follows:

6 17 154.7 NOTICE OF EXPIRATION.

6 18 Notice of expiration of the license to practice optometry
6 19 shall be given by the Iowa department of public health to all
6 20 certificate holders by mailing the notice to the last known
6 21 address of such licensee at least

~~seventy five~~

~~sixty days~~

6 22 prior to the expiration date, and the notice shall contain a
6 23 statement of the educational program attendance requirement
6 24 and the amount of legal fee required as a condition to the
6 25 renewal of the license. Subject to the provisions of this
6 26 chapter, the license shall be renewed without examination.

6 27 Sec. 15. Section [154A.14](#), Code 2001, is amended to read as
6 28 follows:

6 29 154A.14 RECIPROCITY.

6 30 If the board determines that another state or jurisdiction
6 31 has requirements equivalent to or higher than those provided
6 32 in this chapter, the department may issue a license by
6 33 reciprocity to applicants who hold valid certificates or
6 34 licenses to

~~deal in~~

- dispense and fit hearing aids in the other

6 35 state or jurisdiction. An applicant for a license by
7 1 reciprocity is not required to take a qualifying examination,
7 2 but is required to pay the license fee as provided in section
7 3 154A.17. The holder of a license of reciprocity is registered
7 4 in the same manner as the holder of a regular license. Fees,
7 5 grounds for renewal, and procedures for the suspension and
7 6 revocation of license by reciprocity are the same as for a
7 7 regular license.

7 8 Sec. 16. Section [158.9](#), unnumbered paragraph 3, Code 2001,
7 9 is amended by striking the unnumbered paragraph.

7 10 Sec. 17. Section [714.16](#), subsection 1, paragraph e, Code
7 11 2001, is amended to read as follows:

7 12 e. "Contaminant" means any particulate, chemical,
7 13 microbiological, or radiological substance in water which has
7 14 a potentially adverse health effect and for which a maximum
7 15 contaminant level (MCL) or treatment technique requirement or
7 16 an action level established in lieu of a maximum contaminant
7 17 level (MCL), has been specified in the national primary
7 18 drinking water regulations.

7 19 Sec. 18. Section [714.16](#), subsection 2, paragraph h,
7 20 subparagraph (3), subparagraph subdivision (c), Code 2001, is
7 21 amended to read as follows:

7 22 (c) Performance and test data including, but not limited
7 23 to, the list of contaminants certified to be reduced by the
7 24 water treatment system; the test influent concentration level
7 25 of each contaminant or surrogate for that contaminant; the
7 26 percentage reduction or effluent concentration of each
7 27 contaminant or surrogate; where applicable, the maximum
7 28 contaminant level (MCL) or a treatment technique requirement
7 29 or an action level established in lieu of a maximum
7 30 contaminant level (MCL) specified in the national primary
7 31 drinking water regulations; where applicable, the approximate
7 32 capacity in gallons; where applicable, the period of time
7 33 during which the unit is effective in reducing contaminants
7 34 based upon the contaminant or surrogate influent
7 35 concentrations used for the performance tests; where
8 1 applicable, the flow rate, pressure, and operational
8 2 temperature of the water during the performance tests.

8 3 Sec. 19. Section [158.11](#), Code 2001, is repealed.

8 4 Sec. 20. Sections 154A.1, 154A.2, 154A.4, 154A.9, 154A.13,
8 5 154A.18, 154A.19, 154A.20, 154A.21, 154A.23, 154A.24, and
8 6 154A.25, Code 2001, are amended by striking the word "dealer"
8 7 or "dealers" and inserting the word "dispenser" or
8 8 "dispensers".

8 9 EXPLANATION

8 10 This bill makes several technical and corrective changes
8 11 relating to the administration of programs under the purview
8 12 of the Iowa department of public health and related health
8 13 professional licensing and regulatory boards.

8 14 The bill provides for the designation of gamma-
8 15 hydroxybutyric acid (GHB) as a controlled substance. The bill
8 16 provides that the director of the Iowa department of public
8 17 health may provide a per diem to public members serving on ad
8 18 hoc advisory boards. The bill provides for the addition of a
8 19 penalty provision for a person regulated pursuant to the lead
8 20 hazard notification process under Code section 135.105C. The
8 21 bill provides that the regulation of spas does not apply to
8 22 facilities utilized exclusively for supervised medical
8 23 purposes. The bill provides that the Iowa department of
8 24 public health may retain fees established and collected by the
8 25 department relating to administering Code chapter 135I
8 26 governing swimming pools and spas.

8 27 The bill provides for the addition of registered nurse and
8 28 licensed practical nurse profession titles to the list of
8 29 titles protected pursuant to Code section 147.74. The bill

8 30 provides for the ability of the Iowa department of public
8 31 health to provide certain health professional licensure
8 32 information electronically. The bill provides for the
8 33 establishment of a competency evaluation process for the Iowa
8 34 board of medical examiners.

8 35 The bill eliminates specific provisions regarding the
9 1 continuing education requirements for optometry, and provides
9 2 that the preexpiration notice deadline shall be changed from
9 3 75 days to 60 days for individuals licensed to practice
9 4 optometry. The bill provides for the substitution of the term
9 5 hearing aid "dispenser" for the term "dealer" throughout Code
9 6 chapter 154A.

9 7 The bill provides for changes to the regulation of potable
9 8 water purification systems. The bill provides for the
9 9 elimination of outdated provisions regarding the licensure of
9 10 barber assistants.

9 11 LSB 1231DP 79

9 12 rn/cls/14.1