

FEB 4 2004
STATE GOVERNMENT

HOUSE FILE 2164
BY MASCHER

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

A BILL FOR

1 An Act relating to professional licensing boards, authorizing
2 specified licensing boards to obtain criminal history data
3 relating to applicants for licensure and licensees, and
4 authorizing the collection of fees for related costs.

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

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HF 2164

1 Section 1. Section 272C.3, subsection 1, Code Supplement
2 2003, is amended by adding the following new paragraph:
3 NEW PARAGRAPH. 1. Request and obtain, notwithstanding
4 section 692.2, subsection 5, a criminal history record check
5 on any applicant for an initial license, any applicant for
6 reinstatement of a license, or any licensee who is being
7 monitored as a result of a board order or agreement with a
8 board's licensee review committee established under paragraph
9 "k", for the purpose of evaluating the applicant's or
10 licensee's eligibility for licensure or suitability for
11 continued practice of the profession. The board shall inform
12 the applicant or licensee of the criminal history requirement
13 and obtain a signed waiver from the applicant or licensee
14 prior to submitting a criminal history request. Requests for
15 a criminal history shall be submitted to the department of
16 public safety, division of criminal investigation and bureau
17 of identification, pursuant to section 692.2, subsection 1.
18 The board may also require such applicants and licensees to
19 provide a full set of fingerprints, in a form and manner
20 prescribed by the board. Such fingerprints may be submitted
21 to the federal bureau of investigation through the state
22 central criminal history repository for the purpose of
23 obtaining national criminal history record information. The
24 board may, in addition to any other fees, charge and collect
25 such amounts as may be incurred by the board, by the
26 department of public safety, or by the federal bureau of
27 investigation in obtaining criminal history information.
28 Amounts collected shall be considered repayment receipts as
29 defined in section 8.2, subsection 8. Criminal history
30 information relating to an applicant or licensee obtained by
31 the board pursuant to this paragraph is confidential. Such
32 information may, however, be used by the board in a license
33 denial proceeding. In a disciplinary proceeding, such
34 information shall constitute investigative information under
35 section 272C.6, subsection 4, and may be used for purposes

1 consistent with that section. This lettered paragraph shall
2 only apply to the boards of dental examiners, medical
3 examiners, pharmacy examiners, and nursing.

4 EXPLANATION

5 This bill provides that the boards of dental examiners,
6 medical examiners, pharmacy examiners, and nursing, regulated
7 pursuant to Code chapter 272C, may obtain criminal history
8 information relating to individuals applying for licensure and
9 existing licensees.

10 The bill authorizes a board to request and obtain a
11 criminal history record check on an applicant for an initial
12 license, an applicant for reinstatement of a license, or any
13 licensee who is being monitored as a result of a board order
14 or agreement with a board's licensee review committee, in the
15 process of evaluating the applicant's or licensee's
16 eligibility for licensure or suitability for continued
17 practice of the particular profession. The bill provides that
18 an applicant or licensee shall be informed of the criminal
19 history requirement and shall sign a waiver prior to
20 submission of a request for such data by the board. The bill
21 provides that requests for a criminal history shall be
22 submitted to the department of public safety, division of
23 criminal investigation and bureau of identification, pursuant
24 to the provisions of Code section 692.2, subsection 1. The
25 board may also require applicants and licensees to provide
26 fingerprints, which may be submitted to the federal bureau of
27 investigation through the state central criminal history
28 repository to obtain national criminal history record
29 information.

30 The bill additionally provides that the board may collect
31 amounts that are incurred in obtaining criminal history
32 information, with the amounts collected considered repayment
33 receipts as defined in Code section 8.2, subsection 8. The
34 bill further provides that such information is confidential
35 and may be used in a license denial proceeding or as

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1 investigative information in a disciplinary proceeding.

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