

Withdrawn
3/30/04

FEB 24 2004
WAYS AND MEANS

HOUSE FILE 2345
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

1 An Act relating to programs under the authority of the department
2 of public health.

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

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HF 2345

1 Section 1. Section 135.11, Code Supplement 2003, is
2 amended by adding the following new subsection:

3 NEW SUBSECTION. 29. Administer annual grants to county
4 boards of health for the purpose of conducting programs for
5 the testing of private water supply wells, the closing of
6 abandoned private water supply wells, and the renovation or
7 rehabilitation of private water supply wells. Grants shall be
8 funded through moneys transferred to the department from the
9 agriculture management account of the groundwater protection
10 fund pursuant to section 455E.11, subsection 2, paragraph "b",
11 subparagraph (3), subparagraph subdivision (b). The
12 department shall adopt rules relating to the awarding of the
13 grants.

14 Sec. 2. Section 135.105A, Code 2003, is amended to read as
15 follows:

16 135.105A LEAD INSPECTOR AND LEAD ABATER TRAINING AND
17 CERTIFICATION ESTABLISHED -- CIVIL PENALTY.

18 1. The department shall establish a program for the
19 training and certification of lead inspectors and lead
20 abaters. The department shall maintain a listing, available
21 to the public and to city and county health departments, of
22 lead inspector and lead abater training programs that have
23 been approved by the department, and of lead inspectors and
24 lead abaters who have successfully completed the training
25 program and have been certified by the department. A person
26 may be certified as both a lead inspector and a lead abater.
27 However, a person who is certified as both a lead inspector
28 and a lead abater shall not provide both inspection and
29 abatement services at the same site unless a written consent
30 or waiver, following full disclosure by the person, is
31 obtained from the owner or manager of the site.

32 2. The department shall also establish a program for the
33 training of painting, demolition, and remodeling contractors
34 and those who ~~provide-mitigation-control-services~~ conduct
35 interim controls of lead-based paint hazards. The training

1 shall be completed on a voluntary basis.

2 3. A person who owns real property which includes a
3 residential dwelling and who performs lead inspection or lead
4 abatement of the residential dwelling is not required to
5 obtain certification to perform these measures, unless the
6 residential dwelling is occupied by a person other than the
7 owner or a member of the owner's immediate family while the
8 measures are being performed. However, the department shall
9 encourage property owners who are not required to be certified
10 to complete the training course to ensure the use of
11 appropriate and safe mitigation inspection and abatement
12 procedures.

13 4. Except as otherwise provided in this section, a person
14 shall not perform lead abatement or lead inspections unless
15 the person has completed a training program approved by the
16 department and has obtained certification. All lead abatement
17 and lead inspections, and lead inspector and lead abater
18 training programs, shall be performed and conducted in
19 accordance with work practice standards established by the
20 department. A person shall not conduct a training program for
21 lead inspectors or lead abaters unless the program has been
22 submitted to and approved by the department. A person who
23 violates this section is subject to a civil penalty not to
24 exceed five thousand dollars for each offense.

25 5. The department shall adopt rules regarding minimum
26 requirements for training programs, certification, work
27 practice standards, and suspension and revocation
28 requirements, and shall implement the training and
29 certification programs. The department shall seek federal
30 funding and shall establish fees in amounts sufficient to
31 defray the cost of the programs. Fees received shall be
32 considered repayment receipts as defined in section 8.2.

33 Sec. 3. Section 136C.10, Code 2003, is amended by adding
34 the following new unnumbered paragraph:

35 NEW UNNUMBERED PARAGRAPH. The department may establish and

1 collect a fee related to transporting radioactive material if
2 the fee is used for a purpose related to transporting
3 radioactive material, including enforcement and planning,
4 developing, and maintaining a capability for emergency
5 response. The fees shall be established by rules adopted
6 pursuant to chapter 17A, and shall be deposited into a special
7 fund within the state treasury under the exclusive authority
8 of the department. Amounts deposited in the special fund
9 shall be considered repayment receipts as defined in section
10 8.2, and shall not be transferred, used, obligated,
11 appropriated, or otherwise encumbered except as provided in
12 this section. Repayment receipts collected and deposited
13 pursuant to this section that remain unencumbered or
14 unobligated at the close of the fiscal year shall not revert
15 but shall remain available for expenditure for the purposes
16 designated in future fiscal years.

17 Sec. 4. Section 147.153, subsection 2, Code 2003, is
18 amended to read as follows:

19 2. For a license as an audiologist:

20 a. Possess a master's degree or its equivalent from an
21 accredited school, college or university with a major in
22 audiology.

23 b. Show evidence of completion of not less than three
24 hundred hours of supervised clinical training in audiology as
25 a student in an accredited school, college or university.

26 c. Show evidence of completion of not less than nine
27 months clinical experience under the supervision of a licensed
28 audiologist following the receipt of the master's degree.

29 d. In lieu of paragraphs "a" through "c", hold a doctoral
30 degree in audiology, or its equivalent, from an accredited
31 school, college, or university which incorporates the academic
32 coursework and the minimum hours of supervised training
33 required by rules adopted by the board.

34 Sec. 5. Section 148.10, unnumbered paragraphs 2 and 3,
35 Code 2003, are amended by striking the unnumbered paragraphs

1 and inserting in lieu thereof the following:

2 The temporary certificate shall be issued for a period not
3 to exceed one year and may be renewed, but a person shall not
4 practice medicine and surgery or osteopathic medicine and
5 surgery in excess of three years while holding a temporary
6 certificate. The fee for this license and the fee for renewal
7 of this license shall be set by the medical examiners. The
8 fees shall be based on the administrative costs of issuing and
9 renewing the licenses.

10 Sec. 6. Section 148B.5, subsection 3, Code 2003, is
11 amended by striking the subsection and inserting in lieu
12 thereof the following:

13 3. Pass an examination, either in electronic or written
14 form, satisfactory to the board and in accordance with rules.

15 Sec. 7. Section 153.19, subsection 2, Code 2003, is
16 amended to read as follows:

17 2. A temporary permit shall be issued for a period
18 determined by the board and may be renewed at the discretion
19 of the board. The fee for a temporary permit and the fee for
20 renewal shall be set by the board. The fees shall be based on
21 the administrative costs of issuing and renewing the permits.
22 ~~The board may revoke a temporary permit at any time, without a~~
23 ~~hearing, for reasons deemed sufficient by the board.~~

24 Sec. 8. Section 153.19, subsection 3, Code 2003, is
25 amended by striking the subsection.

26 Sec. 9. Section 155A.3, Code 2003, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 15A. "Electronic signature" means a
29 confidential personalized digital key, code, or number used
30 for secure electronic transmissions which identifies and
31 authenticates the signatory.

32 Sec. 10. Section 155A.37, subsection 4, Code 2003, is
33 amended to read as follows:

34 4. The board shall establish a procedure for receiving and
35 investigating complaints of violations of this code. The

1 board shall investigate all complaints of violations. The
2 ~~results-of-an-investigation-shall-be-forwarded-to-the~~
3 ~~complainant.~~

4 Sec. 11. Section 455B.172, subsection 5, Code 2003, is
5 amended to read as follows:

6 5. The department shall maintain jurisdiction over and
7 regulate the direct discharge to a water of the state. The
8 department shall retain concurrent authority to enforce state
9 standards for private water supply and private sewage disposal
10 facilities within a county, and exercise departmental
11 authority if the county board of health fails to fulfill board
12 responsibilities pursuant to this section.

13 The department shall by rule adopt standards for the
14 commercial cleaning of private sewage disposal facilities,
15 including but not limited to septic tanks and pits used to
16 collect waste in livestock confinement structures, and for the
17 disposal of waste from the facilities. The standards shall
18 not be in conflict with the state building code. A person
19 shall not commercially clean such facilities or dispose of
20 waste from such facilities unless the person has been issued a
21 license by the department. The department shall be
22 exclusively responsible for adopting the standards and issuing
23 licenses. However, county boards of health shall enforce the
24 standards and licensing requirements established by the
25 department. Application for the license shall be made in the
26 manner provided by the department. Licenses expire one year
27 from the date of issue unless revoked and may be renewed in
28 the manner provided by the department. The license or license
29 renewal fee is twenty-five dollars. A person violating this
30 section or the rules adopted pursuant to this section, is
31 subject to a civil penalty of not more than twenty-five
32 dollars. Each day that a violation continues constitutes a
33 separate offense. However, the total civil penalty shall not
34 exceed five hundred dollars per year. The penalty shall be
35 assessed for a violation occurring ten days following written

1 notice of the violation delivered to the person by the
2 department or a county board of health. Moneys collected by
3 the department or a county board of health from the imposition
4 of civil penalties shall be deposited in the general fund of
5 the state.

6 ~~The commission shall make grants to counties for the~~
7 ~~purpose of conducting programs for the testing of private,~~
8 ~~rural water supply wells and for the proper closing of~~
9 ~~abandoned, rural, private water supply wells within the~~
10 ~~jurisdiction of the county. Grants shall be funded through~~
11 ~~allocation of the agriculture management account of the~~
12 ~~groundwater protection fund. Grants awarded, continued, or~~
13 ~~renewed shall be subject to the following conditions:~~

14 a. ~~An application for a grant shall be in a form and shall~~
15 ~~contain information as prescribed by rule of the commission.~~

16 b. ~~Nothing in this section shall be construed to prohibit~~
17 ~~the department from making grants to one or more counties to~~
18 ~~carry out the purpose of the grant on a joint, multicounty~~
19 ~~basis.~~

20 c. ~~A grant shall be awarded on an annual basis to cover a~~
21 ~~fiscal year from July 1 to June 30 of the following calendar~~
22 ~~year.~~

23 d. ~~The continuation or renewal of a grant shall be~~
24 ~~contingent upon the county's acceptable performance in~~
25 ~~carrying out its responsibilities, as determined by the~~
26 ~~director. The director, subject to approval by the~~
27 ~~commission, may deny the awarding of a grant or withdraw a~~
28 ~~grant awarded if, by determination of the director, the county~~
29 ~~has not carried out the responsibilities for which the grant~~
30 ~~was awarded, or cannot reasonably be expected to carry out the~~
31 ~~responsibilities for which the grant would be awarded.~~

32 Sec. 12. Section 455B.173, subsection 10, Code 2003, is
33 amended by striking the subsection.

34 EXPLANATION

35 This bill provides for various changes in connection with

1 programs under the authority of the Iowa department of public
2 health.

3 The bill provides for the transfer of administration of an
4 annual grant program relating to private water supply wells
5 from the department of natural resources to the department of
6 public health, and makes corresponding changes to the
7 applicable Code sections.

8 The bill provides that the department shall maintain a
9 listing of lead abater and lead inspector training programs,
10 and that lead abatements, lead inspections, and lead inspector
11 and lead abater training programs shall be performed and
12 conducted in accordance with work practice standards
13 established by the department. The bill provides that a
14 person shall not conduct a training program for lead
15 inspectors or lead abaters unless the program has been
16 submitted to and approved by the department. The bill
17 provides for the adoption of rules regarding minimum
18 requirements for training programs, certification, work
19 practice standards, and suspension and revocation
20 requirements, that the department shall implement the training
21 and certification programs, and that the department shall seek
22 federal funding and shall establish fees in amounts sufficient
23 to defray the cost of the programs.

24 The bill provides that the department may establish and
25 collect a fee related to transporting radioactive material if
26 the fee is used for a purpose related to transporting
27 radioactive material, including enforcement and planning,
28 developing, and maintaining a capability for emergency
29 response.

30 The bill provides that an applicant for a license as an
31 audiologist may hold, as an alternative to a master's degree
32 or its equivalent with a major in audiology, a doctoral degree
33 in audiology, or its equivalent, from an accredited
34 educational institution which incorporates the academic
35 coursework and the minimum hours of supervised training

1 required by rules adopted by the board.

2 The bill deletes provisions which had permitted the boards
3 of medical examiners and dental examiners to cancel a
4 temporary certificate to practice or a temporary permit
5 without due process. The bill provides that the occupational
6 therapy and occupational therapist examination may be taken
7 either in electronic or written form without limitation as to
8 how frequently the examination may be administered.

9 The bill provides a definition of "electronic signature"
10 for purposes of electronic transmission of prescription drug
11 orders. The bill defines "electronic signature" to mean a
12 confidential personalized digital key, code, or number used
13 for secure electronic transmissions which identifies and
14 authenticates the signatory.

15 The bill provides for the deletion of provisions regarding
16 the requirement that results of an investigation of a board of
17 pharmacy examiners employee for alleged violation of the
18 board's code of professional responsibility shall be forwarded
19 to the complainant in favor of provisions contained in Code
20 section 22.7, subsection 11, dealing with confidentiality or
21 release of personnel and investigative information.

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HSB 618

HUMAN RESOURCES

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON BODDICKER)

*Stranow
Lukan
Jacoby*

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

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19 to the complainant in favor of provisions contained in Code
20 section 22.7, subsection 11, dealing with confidentiality or
21 release of personnel and investigative information.

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