

Withdrawn  
4/5/04

MAR 8 2004  
APPROPRIATIONS

HOUSE FILE 2492  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 626)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for specified changes regarding programs under  
2 the purview of the department of public health, providing a  
3 penalty, and making an appropriation.

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

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HF 2492

1 Section 1. NEW SECTION. 135.39A GIFTS AND GRANTS FUND --  
2 APPROPRIATION.

3 The department is authorized to accept gifts, grants, or  
4 allotments of funds from any source to be used for programs  
5 authorized by this chapter or any other chapter which the  
6 department is responsible for administering. A public health  
7 gifts and grants fund is created as a separate fund in the  
8 state treasury under the control of the department. The fund  
9 shall consist of gift or grant moneys obtained from any  
10 source, including the federal government. The moneys  
11 collected under this section and deposited in the fund are  
12 appropriated to the department for the public health purposes  
13 specified in the gift or grant. Moneys in the fund shall not  
14 be subject to appropriation or expenditure for any other  
15 purpose. Notwithstanding section 8.33, moneys in the public  
16 health gifts and grants fund at the end of each fiscal year  
17 shall not revert to any other fund but shall remain in the  
18 public health gifts and grants fund for expenditure for  
19 subsequent fiscal years.

20 Sec. 2. Section 135.103, Code 2003, is amended to read as  
21 follows:

22 135.103 GRANT PROGRAM.

23 The department shall implement a childhood lead poisoning  
24 prevention grant program which provides matching federal,  
25 state, or other funds to local boards of health or cities for  
26 the program after standards and requirements for the local  
27 program are developed. ~~The state shall provide funds to~~  
28 ~~approved programs on the basis of three dollars for each one~~  
29 ~~dollar designated by the local board of health or city for the~~  
30 ~~program for the first two years of a program, and funds on the~~  
31 ~~basis of one dollar for each one dollar designated by the~~  
32 ~~local board of health or city for the program for the third~~  
33 ~~and subsequent years of the program if such funding is~~  
34 ~~determined necessary by the department for such subsequent~~  
35 ~~years.~~ The department may also use federal, state, or other

1 funds provided for the childhood lead poisoning prevention  
2 grant program to purchase environmental and blood testing  
3 services from a public health laboratory.

4 Sec. 3. Section 135.104, unnumbered paragraph 1, Code  
5 2003, is amended to read as follows:

6 The program by a local board of health or city receiving  
7 matching funding for an approved childhood lead poisoning  
8 prevention grant program shall include:

9 Sec. 4. Section 136B.1, subsection 2, Code 2003, is  
10 amended to read as follows:

11 2. The department shall establish programs and adopt rules  
12 for the certification of persons who test for the presence of  
13 radon gas and radon progeny in ~~buildings-and-for~~ buildings,  
14 the credentialing of persons abating the level of radon in  
15 buildings, and construction standards for radon abatement  
16 systems.

17 Sec. 5. Section 136B.3, Code 2003, is amended to read as  
18 follows:

19 136B.3 TESTING AND REPORTING OF RADON LEVEL.

20 The department or its duly authorized agents shall from  
21 time to time perform inspections and testing of the premises  
22 of a property to determine the level at which it is  
23 contaminated with radon gas or radon progeny as a spot-check  
24 of the validity of measurements or the adequacy of abatement  
25 measures performed by persons certified or credentialed under  
26 section 136B.1. Following testing the department shall  
27 provide the owner of the property with a written report of its  
28 results including the concentration of radon gas or radon  
29 progeny contamination present, an interpretation of the  
30 results, and recommendation of appropriate action. A person  
31 certified or credentialed under section 136B.1 shall also be  
32 advised of the department's results, discrepancies revealed by  
33 the spot-check, actions required of the person, and actions  
34 the department intends to take with respect to the person's  
35 continued certification or credentialing.

1 Sec. 6. Section 139A.2, subsection 20, Code Supplement  
2 2003, is amended to read as follows:

3 20. "Quarantine" means the limitation of freedom of  
4 movement of persons or animals that have been exposed to a  
5 communicable quarantinable disease within specified limits  
6 marked by placards for a period of time equal to the longest  
7 usual incubation period of the disease in such manner as to  
8 prevent the spread of a communicable quarantinable disease  
9 which affects people.

10 Sec. 7. NEW SECTION. 139A.13A ISOLATION OR QUARANTINE --  
11 EMPLOYMENT PROTECTION.

12 1. An employer shall not discharge an employee, or take or  
13 fail to take action regarding an employee's promotion or  
14 proposed promotion, or take action to reduce an employee's  
15 wages or benefits for actual time worked, due to the  
16 compliance of an employee with a quarantine or isolation order  
17 issued by the department or a local board.

18 2. An employer who violates this section commits a simple  
19 misdemeanor.

20 3. An employee whose employer violates this section shall  
21 also be entitled to recover damages from the employer  
22 including, but not limited to, actual damages, court costs,  
23 and reasonable attorney fees. The employee may also petition  
24 the court for imposition of a cease and desist order against  
25 the person's employer and for reinstatement to the person's  
26 previous position of employment.

27 Sec. 8. Section 148.3, subsection 3, Code 2003, is amended  
28 to read as follows:

29 3. Present to the medical examiners satisfactory evidence  
30 that the applicant has successfully completed one year of  
31 postgraduate internship or resident training in a hospital  
32 approved for such training by the medical examiners.

33 Beginning July 1, 2006, an applicant who holds a valid  
34 certificate issued by the educational commission for foreign  
35 medical graduates shall submit satisfactory evidence of

1 successful completion of two years of such training.

2 Sec. 9. Section 152.1, subsection 6, paragraph b, Code  
3 Supplement 2003, is amended to read as follows:

4 b. Execute regimen prescribed by a physician, an advanced  
5 registered nurse practitioner, or a physician assistant.

6 Sec. 10. Section 154A.18, Code 2003, is amended to read as  
7 follows:

8 154A.18 DISPLAY OF LICENSE.

9 A person shall not engage in business as a hearing aid  
10 dispenser, or display a sign, or in any other way advertise or  
11 claim to be a hearing aid dispenser after January 1, 1975,  
12 unless the person holds a valid license issued by the  
13 department as provided in this chapter. The license shall be  
14 conspicuously posted in the person's office-or-place-of  
15 business primary location of practice. ~~The department shall~~  
16 ~~issue duplicate licenses to valid license holders operating~~  
17 ~~more than one office.~~ A license confers upon the holder the  
18 right to operate-a-business practice as a hearing aid  
19 dispenser.

20 Sec. 11. Section 155.9, subsection 3, unnumbered paragraph  
21 2, Code 2003, is amended to read as follows:

22 The board may also accept the voluntary surrender of such  
23 license without necessity of a hearing. In the event of the  
24 inability of the regular administrator of a nursing home to  
25 perform the administrator's duties or through death or other  
26 cause the nursing home is without a licensed administrator, a  
27 provisional administrator may be appointed on a temporary  
28 basis by the nursing home owner or owners, to perform such  
29 duties for a period not to exceed ~~six-months~~ one year.

30 Sec. 12. NEW SECTION. 156.16 UNLICENSED PRACTICE --  
31 INJUNCTIONS, CIVIL PENALTIES, CONSENT AGREEMENTS.

32 1. If the board has reasonable grounds to believe that a  
33 person or establishment which is not licensed under this  
34 chapter has engaged, or is about to engage, in an act or  
35 practice which requires licensure under this chapter, or

1 otherwise violates a provision of this chapter, the board may  
2 issue an order to require the unlicensed person or  
3 establishment to comply with the provisions of this chapter,  
4 and may impose a civil penalty not to exceed one thousand  
5 dollars for each violation of this chapter by an unlicensed  
6 person or establishment. Each day of a continued violation  
7 constitutes a separate offense.

8 2. The board may conduct an investigation as needed to  
9 determine whether probable cause exists to initiate the  
10 proceedings described in this section. To aid in such an  
11 investigation or in connection with any other proceeding under  
12 this section, the board may issue subpoenas to compel  
13 witnesses to testify or persons to produce evidence consistent  
14 with the provisions of section 272C.6, subsection 3.

15 3. The board, in determining the amount of a civil penalty  
16 to be imposed, may consider any of the following:

- 17 a. Whether the amount imposed will be a substantial  
18 economic deterrent to the violation.
- 19 b. The circumstances leading to the violation.
- 20 c. The severity of the violation and the risk of harm to  
21 the public.
- 22 d. The economic benefits gained by the violator as a  
23 result of noncompliance.
- 24 e. The interest of the public.

25 4. The board, before issuing an order under this section,  
26 shall provide the person or establishment written notice and  
27 the opportunity to request a hearing. The hearing must be  
28 requested within thirty days after receipt of the notice and  
29 shall be conducted in the same manner as provided for  
30 disciplinary proceedings involving a licensee under this  
31 chapter.

32 5. The board may request the attorney general to bring an  
33 action to enforce the subpoena.

34 6. A person or establishment aggrieved by the issuance of  
35 an order or the imposition of a civil penalty under this

1 section may seek judicial review pursuant to section 17A.19.

2 7. If a person or establishment fails to pay a civil  
3 penalty within thirty days after entry of an order imposing  
4 the civil penalty, or, if the order is stayed pending an  
5 appeal, within ten days after the court enters a final  
6 judgment in favor of the board, the board shall notify the  
7 attorney general. The attorney general may commence an action  
8 to recover the amount of the penalty, including reasonable  
9 attorney fees and costs.

10 8. An action to enforce an order under this section may be  
11 joined with an action for an injunction pursuant to section  
12 147.83.

13 9. The board, in its discretion and in lieu of issuing or  
14 enforcing an order or imposing a civil penalty for an initial  
15 violation under this section, may enter into a consent  
16 agreement with a violator, or with a person who aided or  
17 abetted a violator, which acknowledges the violation and the  
18 violator's agreement to refrain from any further violation.

19 EXPLANATION

20 This bill provides for a number of technical and  
21 substantive changes regarding programs under the purview of  
22 the department of public health.

23 The bill provides for the establishment of a gifts and  
24 grants fund, and provides that the department is authorized to  
25 accept gifts, grants, or allotments of funds from any source  
26 to be used for programs the department is authorized to  
27 administer. The bill provides that the fund shall consist of  
28 gift or grant moneys obtained from any source, including the  
29 federal government, and that the moneys are appropriated to  
30 the department for the public health purposes specified in the  
31 gift or grant. The bill provides that moneys in the fund  
32 shall not be subject to appropriation or expenditure for any  
33 other purpose, and shall not revert to the general fund.

34 The bill provides for changes in funding provisions  
35 concerning the childhood lead poisoning prevention grant

1 program. The bill provides for the deletion of language  
2 currently providing for funding of \$3 by the state for every  
3 \$1 provided locally for the first two years of a program,  
4 changing to a dollar-for-dollar basis thereafter if determined  
5 necessary. Instead, the bill provides that the department may  
6 also use federal, state, or other funds provided for the  
7 childhood lead poisoning prevention program to purchase  
8 environmental and blood testing services from a public health  
9 laboratory; and deletes the word "matching" with regard to  
10 funding provided through the program.

11 The bill provides, with reference to the radon testing and  
12 abatement program contained in Code chapter 136B, that the  
13 department shall establish programs and adopt rules relating  
14 to construction standards for radon abatement systems. The  
15 bill also provides that inspections and testing of premises as  
16 a spot-check of radon contamination, currently conducted by  
17 the Iowa department of public health, may be performed either  
18 by the department or its duly authorized agents.

19 The bill provides employment protection provisions relating  
20 to individuals complying with a quarantine or isolation order  
21 issued by the department. The bill provides that an employer  
22 shall not discharge an employee, or take or fail to take  
23 action regarding an employee's promotion or proposed  
24 promotion, or take action to reduce an employee's wages or  
25 benefits for actual time worked, due to such compliance, and  
26 that an employer who violates these provisions commits a  
27 simple misdemeanor. The bill also provides that employees  
28 shall be entitled to recover damages from an employer  
29 including, and may petition the court for, imposition of a  
30 cease and desist order against an employer and for  
31 reinstatement to their previous position of employment.

32 The bill provides for changes relating to the definition of  
33 "quarantine", clarification that the practice of nursing  
34 includes execution of a regimen prescribed by an advanced  
35 registered nurse practitioner or physician assistant, and

1 expansion of the amount of postgraduate training for  
2 international medical graduates from one year to two years  
3 beginning July 1, 2006. The bill additionally provides for  
4 terminology changes regarding engaging in business as a  
5 hearing aid dispenser, providing that a license shall be  
6 displayed in the person's primary location of practice as  
7 opposed to the current requirement of posting in their office  
8 or place of business, and characterizing the business as the  
9 "practice" of hearing aid dispensing. The bill provides for  
10 an extension of time from six months to one year regarding the  
11 duration during which it is permissible for a provisional  
12 nursing home administrator to perform such duties prior to  
13 obtaining licensure.

14 The bill authorizes the board of mortuary science examiners  
15 to impose civil penalties upon a finding of unlicensed  
16 practice. The bill provides that the board may impose a civil  
17 penalty upon an unlicensed person or establishment not to  
18 exceed \$1,000 for each violation of Code chapter 156, and that  
19 each day of a continued violation constitutes a separate  
20 offense. The bill provides for board authority to conduct  
21 investigations consistent with the provisions of Code section  
22 272C.6, imposes notice and hearing requirements, specifies  
23 factors to consider regarding determination by the board of  
24 the amount of a civil penalty to be imposed, and includes  
25 other provisions related to board authority to act in  
26 unlicensed practice situations.

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Smith*

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**HSB 626**  
**HUMAN RESOURCES**

SENATE/HOUSE FILE \_\_\_\_\_

BY (PROPOSED DEPARTMENT OF  
PUBLIC HEALTH BILL)

Passed Senate, Date \_\_\_\_\_

Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act providing for specified changes regarding programs under  
2 the purview of the department of public health, providing a  
3 penalty, and making an appropriation.

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

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1 Section 1. NEW SECTION. 135.39A GIFTS AND GRANTS FUND --  
2 APPROPRIATION.

3 The department is authorized to accept gifts, grants, or  
4 allotments of funds from any source to be used for programs  
5 authorized by this chapter or any other chapter which the  
6 department is responsible for administering. A public health  
7 gifts and grants fund is created as a separate fund in the  
8 state treasury under the control of the department. The fund  
9 shall consist of gift or grant moneys obtained from any  
10 source, including the federal government. The moneys  
11 collected under this section and deposited in the fund are  
12 appropriated to the department for the public health purposes  
13 specified in the gift or grant. Moneys in the fund shall not  
14 be subject to appropriation or expenditure for any other  
15 purpose. Notwithstanding section 8.33, moneys in the public  
16 health gifts and grants fund at the end of each fiscal year  
17 shall not revert to any other fund but shall remain in the  
18 public health gifts and grants fund for expenditure for  
19 subsequent fiscal years.

20 Sec. 2. Section 135.103, Code 2003, is amended to read as  
21 follows:

22 135.103 GRANT PROGRAM.

23 The department shall implement a childhood lead poisoning  
24 prevention grant program which provides matching funds to  
25 local boards of health or cities for the program after  
26 standards and requirements for the local program are  
27 developed. The state shall provide funds to approved programs  
28 on the basis of three dollars for each one dollar designated  
29 by the local board of health or city for the program ~~for the~~  
30 ~~first two years of a program, and funds on the basis of one~~  
31 ~~dollar for each one dollar designated by the local board of~~  
32 ~~health or city for the program for the third and subsequent~~  
33 ~~years of the program if such funding is determined necessary~~  
34 ~~by the department for such subsequent years.~~ This requirement  
35 shall apply to all federal, state, and other funds received by

1 the department for the childhood lead poisoning prevention  
2 grant program. The department may also use federal, state, or  
3 other funds provided for the childhood lead poisoning  
4 prevention program to purchase environmental and blood testing  
5 from a public health laboratory. A public health laboratory  
6 shall not be required to designate matching funds.

7 Sec. 3. Section 136B.1, subsection 2, Code 2003, is  
8 amended to read as follows:

9 2. The department shall establish programs and adopt rules  
10 for the certification of persons who test for the presence of  
11 radon gas and radon progeny in ~~buildings-and-for~~ buildings,  
12 the credentialing of persons abating the level of radon in  
13 buildings, and construction standards for radon abatement  
14 systems.

15 Sec. 4. Section 136B.3, Code 2003, is amended to read as  
16 follows:

17 136B.3 TESTING AND REPORTING OF RADON LEVEL.

18 The department or its duly authorized agents shall from  
19 time to time perform inspections and testing of the premises  
20 of a property to determine the level at which it is  
21 contaminated with radon gas or radon progeny as a spot-check  
22 of the validity of measurements or the adequacy of abatement  
23 measures performed by persons certified or credentialed under  
24 section 136B.1. Following testing the department shall  
25 provide the owner of the property with a written report of its  
26 results including the concentration of radon gas or radon  
27 progeny contamination present, an interpretation of the  
28 results, and recommendation of appropriate action. A person  
29 certified or credentialed under section 136B.1 shall also be  
30 advised of the department's results, discrepancies revealed by  
31 the spot-check, actions required of the person, and actions  
32 the department intends to take with respect to the person's  
33 continued certification or credentialing.

34 Sec. 5. Section 139A.2, subsection 20, Code Supplement  
35 2003, is amended to read as follows:

1 20. "Quarantine" means the limitation of freedom of  
2 movement of persons or animals that have been exposed to a  
3 ~~communicable~~ quarantinable disease within specified limits  
4 marked by placards for a period of time equal to the longest  
5 usual incubation period of the disease in such manner as to  
6 prevent the spread of a ~~communicable~~ quarantinable disease  
7 which affects people.

8 Sec. 6. NEW SECTION. 139A.13A ISOLATION OR QUARANTINE --  
9 EMPLOYMENT PROTECTION.

10 1. An employer shall not discharge an employee, or take or  
11 fail to take action regarding an employee's promotion or  
12 proposed promotion, or take action to reduce an employee's  
13 wages or benefits for actual time worked, due to the  
14 compliance of an employee with a quarantine or isolation order  
15 issued by the department or a local board.

16 2. An employer who violates this section commits a simple  
17 misdemeanor.

18 3. An employee whose employer violates this section shall  
19 also be entitled to recover damages from the employer  
20 including, but not limited to, actual damages, court costs,  
21 and reasonable attorney fees. The employee may also petition  
22 the court for imposition of a cease and desist order against  
23 the person's employer and for reinstatement to the person's  
24 previous position of employment.

25 Sec. 7. Section 147.107, subsection 7, Code Supplement  
26 2003, is amended by striking the subsection.

27 Sec. 8. Section 148.3, subsection 3, Code 2003, is amended  
28 to read as follows:

29 3. Present to the medical examiners satisfactory evidence  
30 that the applicant has successfully completed one year of  
31 postgraduate internship or resident training in a hospital  
32 approved for such training by the medical examiners.

33 Beginning July 1, 2006, an applicant who holds a valid  
34 certificate issued by the educational commission for foreign  
35 medical graduates shall submit satisfactory evidence of

1 successful completion of two years of such training.

2 Sec. 9. Section 148C.1, subsection 4, Code Supplement  
3 2003, is amended to read as follows:

4 4. "Licensed physician assistant" means a person who is  
5 licensed by the board to practice as a physician assistant  
6 under the supervision of one or more physicians ~~specified in~~  
7 ~~the license~~. "Supervision" does not require the personal  
8 presence of the supervising physician at the place where  
9 medical services are rendered except insofar as the personal  
10 presence is expressly required by this chapter or required by  
11 rules of the board adopted pursuant to this chapter.

12 Sec. 10. Section 152.1, subsection 6, paragraph b, Code  
13 Supplement 2003, is amended to read as follows:

14 b. Execute regimen prescribed by a physician, a nurse  
15 practitioner, or a physician assistant.

16 Sec. 11. Section 154A.18, Code 2003, is amended to read as  
17 follows:

18 154A.18 DISPLAY OF LICENSE.

19 A person shall not engage in business as a hearing aid  
20 dispenser, or display a sign, or in any other way advertise or  
21 claim to be a hearing aid dispenser after January 1, 1975,  
22 unless the person holds a valid license issued by the  
23 department as provided in this chapter. The license shall be  
24 conspicuously posted in the person's ~~office or place of~~  
25 business primary location of practice. ~~The department shall~~  
26 ~~issue duplicate licenses to valid license holders operating~~  
27 ~~more than one office.~~ A license confers upon the holder the  
28 right to ~~operate a business~~ practice as a hearing aid  
29 dispenser.

30 Sec. 12. Section 155.9, subsection 3, unnumbered paragraph  
31 2, Code 2003, is amended to read as follows:

32 The board may also accept the voluntary surrender of such  
33 license without necessity of a hearing. In the event of the  
34 inability of the regular administrator of a nursing home to  
35 perform the administrator's duties or through death or other

1 cause the nursing home is without a licensed administrator, a  
2 provisional administrator may be appointed on a temporary  
3 basis by the nursing home owner or owners, to perform such  
4 duties for a period not to exceed ~~six-months~~ one year.

5 Sec. 13. NEW SECTION. 156.16 UNLICENSED PRACTICE --  
6 INJUNCTIONS, CIVIL PENALTIES, CONSENT AGREEMENTS.

7 1. If the board has reasonable grounds to believe that a  
8 person or establishment which is not licensed under this  
9 chapter has engaged, or is about to engage, in an act or  
10 practice which requires licensure under this chapter, or  
11 otherwise violates a provision of this chapter, the board may  
12 issue an order to require the unlicensed person or  
13 establishment to comply with the provisions of this chapter,  
14 and may impose a civil penalty not to exceed one thousand  
15 dollars for each violation of this chapter by an unlicensed  
16 person or establishment. Each day of a continued violation  
17 constitutes a separate offense.

18 2. The board may conduct an investigation as needed to  
19 determine whether probable cause exists to initiate the  
20 proceedings described in this section. To aid in such an  
21 investigation or in connection with any other proceeding under  
22 this section, the board may issue subpoenas to compel  
23 witnesses to testify or persons to produce evidence consistent  
24 with the provisions of section 272C.6, subsection 3.

25 3. The board, in determining the amount of a civil penalty  
26 to be imposed, may consider any of the following:

27 a. Whether the amount imposed will be a substantial  
28 economic deterrent to the violation.

29 b. The circumstances leading to the violation.

30 c. The severity of the violation and the risk of harm to  
31 the public.

32 d. The economic benefits gained by the violator as a  
33 result of noncompliance.

34 e. The interest of the public.

35 4. The board, before issuing an order under this section,

1 shall provide the person or establishment written notice and  
2 the opportunity to request a hearing. The hearing must be  
3 requested within thirty days after receipt of the notice and  
4 shall be conducted in the same manner as provided for  
5 disciplinary proceedings involving a licensee under this  
6 chapter.

7 5. The board may request the attorney general to bring an  
8 action to enforce the subpoena.

9 6. A person or establishment aggrieved by the issuance of  
10 an order or the imposition of a civil penalty under this  
11 section may seek judicial review pursuant to section 17A.19.

12 7. If a person or establishment fails to pay a civil  
13 penalty within thirty days after entry of an order imposing  
14 the civil penalty, or, if the order is stayed pending an  
15 appeal, within ten days after the court enters a final  
16 judgment in favor of the board, the board shall notify the  
17 attorney general. The attorney general may commence an action  
18 to recover the amount of the penalty, including reasonable  
19 attorney fees and costs.

20 8. An action to enforce an order under this section may be  
21 joined with an action for an injunction pursuant to section  
22 147.83.

23 9. The board, in its discretion and in lieu of issuing or  
24 enforcing an order or imposing a civil penalty for an initial  
25 violation under this section, may enter into a consent  
26 agreement with a violator, or with a person who aided or  
27 abetted a violator, which acknowledges the violation and the  
28 violator's agreement to refrain from any further violation.

29 EXPLANATION

30 This bill provides for a number of technical and  
31 substantive changes regarding programs under the purview of  
32 the department of public health.

33 The bill provides for the establishment of a gifts and  
34 grants fund, and provides that the department is authorized to  
35 accept gifts, grants, or allotments of funds from any source

1 to be used for programs the department is authorized to  
2 administer. The bill provides that the fund shall consist of  
3 gift or grant moneys obtained from any source, including the  
4 federal government, and that the moneys are appropriated to  
5 the department for the public health purposes specified in the  
6 gift or grant. The bill provides that moneys in the fund  
7 shall not be subject to appropriation or expenditure for any  
8 other purpose, and shall not revert to the general fund.

9 The bill provides for changes in funding provisions  
10 concerning the childhood lead poisoning prevention grant  
11 program. The bill provides for the deletion of language  
12 currently providing for funding of \$3 by the state for every  
13 \$1 provided locally for the first two years of a program,  
14 changing to a dollar-for-dollar basis thereafter if determined  
15 necessary. Instead, the bill provides that the \$3 to \$1 match  
16 shall apply to all federal, state, and other funds received by  
17 the department for the childhood lead poisoning prevention  
18 grant program; that the department may also use federal,  
19 state, or other funds provided for the childhood lead  
20 poisoning prevention program to purchase environmental and  
21 blood testing from a public health laboratory; and that a  
22 public health laboratory shall not be required to designate  
23 matching funds.

24 The bill provides, with reference to the radon testing and  
25 abatement program contained in Code chapter 136B, that the  
26 department shall establish programs and adopt rules relating  
27 to construction standards for radon abatement systems. The  
28 bill also provides that inspections and testing of premises as  
29 a spot-check of radon contamination, currently conducted by  
30 the Iowa department of public health, may be performed either  
31 by the department or its duly authorized agents.

32 The bill provides employment protection provisions relating  
33 to individuals complying with a quarantine or isolation order  
34 issued by the department. The bill provides that an employer  
35 shall not discharge an employee, or take or fail to take

1 action regarding an employee's promotion or proposed  
2 promotion, or take action to reduce an employee's wages or  
3 benefits for actual time worked, due to such compliance, and  
4 that an employer who violates these provisions commits a  
5 simple misdemeanor. The bill also provides that employees  
6 shall be entitled to recover damages from an employer  
7 including, and may petition the court for, imposition of a  
8 cease and desist order against an employer and for  
9 reinstatement to their previous position of employment.

10 The bill provides for changes relating to the definition of  
11 "quarantine", deletion of outdated language relating to a  
12 physician assistant rules review group, deletion of a  
13 provision regarding specification of a supervising physician  
14 in a physician assistant license, clarifying that the practice  
15 of nursing includes execution of a regimen prescribed by a  
16 nurse practitioner or physician assistant, and expansion of  
17 the amount of postgraduate training for international medical  
18 graduates from one year to two years beginning July 1, 2006.  
19 The bill additionally provides for terminology changes  
20 regarding engaging in business as a hearing aid dispenser,  
21 providing that a license shall be displayed in the person's  
22 primary location of practice as opposed to the current  
23 requirement of posting in their office or place of business,  
24 and characterizing the business as the "practice" of hearing  
25 aid dispensing. The bill provides for an extension of time  
26 from six months to one year regarding the duration during  
27 which it is permissible for a provisional nursing home  
28 administrator to perform such duties prior to obtaining  
29 licensure.

30 The bill authorizes the board of mortuary science examiners  
31 to impose civil penalties upon a finding of unlicensed  
32 practice. The bill provides that the board may impose a civil  
33 penalty upon an unlicensed person or establishment not to  
34 exceed \$1,000 for each violation of Code chapter 156, and that  
35 each day of a continued violation constitutes a separate

1 offense. The bill provides for board authority to conduct  
2 investigations consistent with the provisions of Code section  
3 272C.6, imposes notice and hearing requirements, specifies  
4 factors to consider regarding determination by the board of  
5 the amount of a civil penalty to be imposed, and includes  
6 other provisions related to board authority to act in  
7 unlicensed practice situations.

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