

MAR 18 2003

Place On Calendar

HOUSE FILE 630  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 291)

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

**A BILL FOR**

1 An Act relating to technical amendments with regard to programs  
2 under the authority of the department of public health.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 630

1 Section 1. Section 135.105A, Code 2003, is amended to read  
2 as follows:

3 135.105A LEAD INSPECTOR AND LEAD ABATER TRAINING AND  
4 CERTIFICATION ESTABLISHED -- CIVIL PENALTY.

5 1. The department shall establish a program for the  
6 training and certification of lead inspectors and lead  
7 abaters. The department shall maintain a listing, available  
8 to the public and to city and county health departments, of  
9 lead inspector and lead abater training programs that have  
10 been approved by the department, and of lead inspectors and  
11 lead abaters who have successfully completed the training  
12 program and have been certified by the department. A person  
13 may be certified as both a lead inspector and a lead abater.  
14 However, a person who is certified as both a lead inspector  
15 and a lead abater shall not provide both inspection and  
16 abatement services at the same site unless a written consent  
17 or waiver, following full disclosure by the person, is  
18 obtained from the owner or manager of the site.

19 2. The department shall also establish a program for the  
20 training of painting, demolition, and remodeling contractors  
21 and those who ~~provide-mitigation-control-services~~ conduct  
22 interim controls of lead-based paint hazards. The training  
23 shall be completed on a voluntary basis.

24 3. A person who owns real property which includes a  
25 residential dwelling and who performs lead inspection or lead  
26 abatement of the residential dwelling is not required to  
27 obtain certification to perform these measures, unless the  
28 residential dwelling is occupied by a person other than the  
29 owner or a member of the owner's immediate family while the  
30 measures are being performed. However, the department shall  
31 encourage property owners who are not required to be certified  
32 to complete the training course to ensure the use of  
33 appropriate and safe mitigation inspection and abatement  
34 procedures.

35 4. Except as otherwise provided in this section, a person

1 shall not perform lead abatement or lead inspections unless  
2 the person has completed a training program approved by the  
3 department and has obtained certification. All lead abatement  
4 and lead inspections, and lead inspector and lead abater  
5 training programs, shall be performed and conducted in  
6 accordance with work practice standards established by the  
7 department. A person shall not conduct a training program for  
8 lead inspectors or lead abaters unless the program has been  
9 submitted to and approved by the department. A person who  
10 violates this section is subject to a civil penalty not to  
11 exceed five thousand dollars for each offense.

12 5. The department shall adopt rules regarding minimum  
13 requirements for training programs, certification, work  
14 practice standards, and suspension and revocation  
15 requirements, and shall implement the training and  
16 certification programs. The department shall seek federal  
17 funding and shall establish fees in amounts sufficient to  
18 defray the cost of the programs. Fees received shall be  
19 considered repayment receipts as defined in section 8.2.

20 Sec. 2. Section 136C.10, Code 2003, is amended by adding  
21 the following new unnumbered paragraph:

22 NEW UNNUMBERED PARAGRAPH. The department may establish and  
23 collect a fee related to transporting hazardous material if  
24 the fee is used for a purpose related to transporting  
25 hazardous material, including enforcement and planning,  
26 developing, and maintaining a capability for emergency  
27 response. The fees shall be established by rules adopted  
28 pursuant to chapter 17A, and shall be deposited into a special  
29 fund within the state treasury under the exclusive authority  
30 of the department. Amounts deposited in the special fund  
31 shall be considered repayment receipts as defined in section  
32 8.2, and shall not be transferred, used, obligated,  
33 appropriated, or otherwise encumbered except as provided in  
34 this section. Repayment receipts collected and deposited  
35 pursuant to this section that remain unencumbered or

1 unobligated at the close of the fiscal year shall not revert  
2 but shall remain available for expenditure for the purposes  
3 designated in future fiscal years.

4 Sec. 3. Section 147.153, subsection 2, Code 2003, is  
5 amended to read as follows:

6 2. For a license as an audiologist:

7 a. Possess a master's degree or its equivalent from an  
8 accredited school, college or university with a major in  
9 audiology.

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

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

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

21 Sec. 4. Section 148.10, unnumbered paragraphs 2 and 3,  
22 Code 2003, are amended by striking the unnumbered paragraphs  
23 and inserting in lieu thereof the following:

24 The temporary certificate shall be issued for a period not  
25 to exceed one year and may be renewed, but a person shall not  
26 practice medicine and surgery or osteopathic medicine and  
27 surgery in excess of three years while holding a temporary  
28 certificate. The fee for this license and the fee for renewal  
29 of this license shall be set by the medical examiners. The  
30 fees shall be based on the administrative costs of issuing and  
31 renewing the licenses.

32 Sec. 5. Section 148B.5, subsection 3, Code 2003, is  
33 amended by striking the subsection and inserting in lieu  
34 thereof the following:

35 3. Pass an examination, either in electronic or written

1 form, satisfactory to the board and in accordance with rules.  
2 Sec. 6. Section 151.12, Code 2003, is amended to read as  
3 follows:

4 151.12 TEMPORARY CERTIFICATE.

5 The chiropractic examiners may, in their discretion, issue  
6 a temporary certificate authorizing the licensee to practice  
7 chiropractic if, in the opinion of the chiropractic examiners,  
8 a need exists and the person possesses the qualifications  
9 prescribed by the chiropractic examiners for the license,  
10 which shall be substantially equivalent to those required for  
11 licensure under this chapter. The chiropractic examiners  
12 shall determine in each instance those eligible for this  
13 license, whether or not examinations shall be given, and the  
14 type of examinations. No requirements of the law pertaining  
15 to regular permanent licensure are mandatory for this  
16 temporary license except as specifically designated by the  
17 chiropractic examiners. The granting of a temporary license  
18 does not in any way indicate that the person so licensed is  
19 eligible for regular licensure, nor are the chiropractic  
20 examiners in any way obligated to so license the person.

21 The temporary certificate shall be issued for one year and  
22 at the discretion of the chiropractic examiners may be  
23 renewed, but a person shall not practice chiropractic in  
24 excess of three years while holding a temporary certificate.  
25 The fee for this license shall be set by the chiropractic  
26 examiners and if extended beyond one year a renewal fee per  
27 year shall be set by the chiropractic examiners. The fees  
28 shall be based on the administrative costs of issuing and  
29 renewing the licenses. ~~The chiropractic examiners may cancel~~  
30 ~~a temporary certificate at any time, without a hearing, for~~  
31 ~~reasons deemed sufficient to the chiropractic examiners.~~

32 ~~When the chiropractic examiners cancel a temporary~~  
33 ~~certificate they shall promptly notify the licensee by~~  
34 ~~registered mail, at the licensee's last named address, as~~  
35 ~~reflected by the files of the chiropractic examiners, and the~~

1 ~~temporary-certificate-is-terminated-and-of-no-further-force~~  
2 ~~and-effect-three-days-after-the-mailing-of-the-notice-to-the~~  
3 ~~licensee.~~

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

6 2. A temporary permit shall be issued for a period  
7 determined by the board and may be renewed at the discretion  
8 of the board. The fee for a temporary permit and the fee for  
9 renewal shall be set by the board. The fees shall be based on  
10 the administrative costs of issuing and renewing the permits.  
11 ~~The-board-may-revoke-a-temporary-permit-at-any-time,without-a~~  
12 ~~hearing,for-reasons-deemed-sufficient-by-the-board.~~

13 Sec. 8. Section 153.19, subsection 3, Code 2003, is  
14 amended by striking the subsection.

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

17 NEW SUBSECTION. 15A. "Electronic signature" means a  
18 confidential personalized digital key, code, or number used  
19 for secure electronic transmissions which identifies and  
20 authenticates the signatory.

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

23 4. The board shall establish a procedure for receiving and  
24 investigating complaints of violations of this code. The  
25 board shall investigate all complaints of violations. ~~The~~  
26 ~~results-of-an-investigation-shall-be-forwarded-to-the~~  
27 ~~complainant.~~

28 EXPLANATION

29 This bill provides for various changes in connection with  
30 programs under the authority of the Iowa department of public  
31 health.

32 The bill provides that the department shall maintain a  
33 listing of lead abater and lead inspector training programs,  
34 and that lead abatements, lead inspections, and lead inspector  
35 and lead abater training programs shall be performed and

1 conducted in accordance with work practice standards  
2 established by the department. The bill provides that a  
3 person shall not conduct a training program for lead  
4 inspectors or lead abaters unless the program has been  
5 submitted to and approved by the department. The bill  
6 provides for the adoption of rules regarding minimum  
7 requirements for training programs, certification, work  
8 practice standards, and suspension and revocation  
9 requirements, that the department shall implement the training  
10 and certification programs, and that the department shall seek  
11 federal funding and shall establish fees in amounts sufficient  
12 to defray the cost of the programs.

13 The bill provides that the department may establish and  
14 collect a fee related to transporting hazardous material if  
15 the fee is used for a purpose related to transporting  
16 hazardous material, including enforcement and planning,  
17 developing, and maintaining a capability for emergency  
18 response.

19 The bill provides that an applicant for a license as an  
20 audiologist may hold, as an alternative to a master's degree  
21 or its equivalent with a major in audiology, a doctoral degree  
22 in audiology, or its equivalent, from an accredited  
23 educational institution which incorporates the academic  
24 coursework and the minimum hours of supervised training  
25 required by rules adopted by the board.

26 The bill deletes provisions which had permitted the boards  
27 of medical examiners, dental examiners, and chiropractic  
28 examiners to cancel a temporary certificate to practice or a  
29 temporary permit without due process. The bill provides that  
30 the occupational therapy and occupational therapist  
31 examination may be taken either in electronic or written form  
32 without limitation as to how frequently the examination may be  
33 administered.

34 The bill provides a definition of "electronic signature"  
35 for purposes of electronic transmission of prescription drug

1 orders. The bill defines "electronic signature" to mean a  
2 confidential personalized digital key, code, or number used  
3 for secure electronic transmissions which identifies and  
4 authenticates the signatory.

5 The bill provides for the deletion of provisions regarding  
6 the requirement that results of an investigation of a board of  
7 pharmacy examiners employee for alleged violation of the  
8 board's code of professional responsibility shall be forwarded  
9 to the complainant in favor of provisions contained in Code  
10 section 22.7, subsection 11, dealing with confidentiality or  
11 release of personnel and investigative information.

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Granzow, Ch  
Boddicker  
Smith

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON HUMAN  
RESOURCES BILL BY  
CHAIRPERSON BODDICKER)

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