

MAR 19 2003  
Place On Calendar

HOUSE FILE 641  
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 269)

Passed House, Date Passed 3/31/03 Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved 4/28/03

**A BILL FOR**

1 An Act providing for changes relating to programs under the  
2 purview of the Iowa department of public health.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HOUSE FILE 641

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**S-3230**

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1 Amend House File 641, as passed by the House, as  
2 follows:

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3 1. Page 1, by inserting before line 1, the  
4 following:

9

5 "Section 1. Section 135.61, subsection 14,  
6 paragraph "f", Code 2003, is amended by striking the  
7 paragraph.

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8 Sec. 2. Section 135.61, subsection 18, Code 2003,

12

9 is amended by adding the following new paragraph:

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10 NEW PARAGRAPH. n. Any of the following relative  
11 to a birth center:

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12 (1) Any capital expenditure in excess of five  
13 hundred thousand dollars.

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14 (2) Bed capacity in excess of three beds.

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15 (3) Performance of cesarean sections or operative  
16 deliveries, or the use of regional anesthesia by the  
17 birth center."

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18 2. By renumbering as necessary.

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By NEAL SCHUERER  
JACK HATCH

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S-3230 FILED APRIL 16, 2003  
WITHDRAWN

HF 641

1 Section 1. Section 139A.8, subsection 1, Code 2003, is  
2 amended to read as follows:

3 1. A parent or legal guardian shall assure that the  
4 person's minor children residing in the state are adequately  
5 immunized against diphtheria, pertussis, tetanus,  
6 poliomyelitis, rubeola, and rubella, and varicella according  
7 to recommendations provided by the department subject to the  
8 provisions of subsections 3 and 4.

9 Sec. 2. Section 139A.8, subsection 2, paragraph a, Code  
10 2003, is amended to read as follows:

11 a. A person shall not be enrolled in any licensed child  
12 care center or elementary or secondary school in Iowa without  
13 evidence of adequate immunizations against diphtheria,  
14 pertussis, tetanus, poliomyelitis, rubeola, and rubella, and  
15 varicella.

16 Sec. 3. Section 139A.8, subsection 4, paragraph a, Code  
17 2003, is amended to read as follows:

18 a. The applicant, or if the applicant is a minor, the  
19 applicant's parent or legal guardian, submits to the admitting  
20 official a statement signed by a physician, advanced  
21 registered nurse practitioner, or physician assistant who is  
22 licensed by the ~~state~~ board of medical examiners, board of  
23 nursing, or board of physician assistant examiners that, ~~in~~  
24 ~~the physician's opinion,~~ the immunizations required would be  
25 injurious to the health and well-being of the applicant or ~~any~~  
26 member of the applicant's family.

27 Sec. 4. Section 152.1, subsection 5, paragraph b, Code  
28 2003, is amended by striking the paragraph and inserting in  
29 lieu thereof the following:

30 b. The performance of nursing services by an unlicensed  
31 student enrolled in a nursing education program if performance  
32 is part of the course of study. Individuals who have been  
33 licensed as registered nurses or licensed practical or  
34 vocational nurses in any state or jurisdiction of the United  
35 States are not subject to this exemption.

1     Sec. 5. Section 152.1, subsection 5, paragraph c, Code  
2 2003, is amended to read as follows:

3     c. The performance of services by employed unlicensed  
4 workers employed in offices, hospitals, or health care  
5 facilities, as defined in section 135C.1, under the  
6 supervision of a physician or a nurse licensed under this  
7 chapter, or employed in the office of a psychologist,  
8 podiatric physician, optometrist, chiropractor, speech  
9 pathologist, audiologist, or physical therapist licensed to  
10 practice in this state, and when acting while within the scope  
11 of the employer's license.

12     Sec. 6. Section 272C.3, subsection 1, paragraph k, Code  
13 2003, is amended to read as follows:

14     k. Establish a licensee review committee for the purpose  
15 of evaluating and monitoring licensees who self-report  
16 physical-or-mental-impairments-to-the-board are impaired as a  
17 result of alcohol or drug abuse, dependency, or addiction, or  
18 by any mental or physical disorder or disability, and who  
19 self-report the impairment to the committee, or who are  
20 referred by the board to the committee. The board shall adopt  
21 rules for the establishment and administration of the  
22 committee, including but not limited to establishment of the  
23 criteria for eligibility for referral to the committee and the  
24 grounds for disciplinary action for noncompliance with  
25 committee decisions. Information in the possession of the  
26 board or the licensee review committee, under this paragraph,  
27 shall be subject to the confidentiality requirements of  
28 section 272C.6. Referral of a licensee by the board to a  
29 licensee review committee shall not relieve the board of any  
30 duties of the board and shall not divest the board of any  
31 authority or jurisdiction otherwise provided. A licensee who  
32 violates section 272C.10 or the rules of the board while under  
33 review by the licensee review committee shall be referred to  
34 the board for appropriate action.

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EXPLANATION

1 This bill provides for several changes relating to programs  
2 under the purview of the Iowa department of public health.

3 The bill provides for the addition of varicella  
4 (chickenpox) to the list of required childhood immunizations,  
5 and adds advanced registered nurse practitioners and physician  
6 assistants as health professionals authorized to sign  
7 immunization medical waivers.

8 The bill modifies exemption provisions relating to  
9 activities constituting the practice of nursing, to make clear  
10 that the performance of nursing services by students who are  
11 licensed as registered nurses or practical or vocational  
12 nurses in any United States jurisdiction will not fall within  
13 the exemption and will be subject to the jurisdiction of the  
14 board.

15 The bill provides that licensee review committees  
16 established for the purpose of evaluating and monitoring  
17 licensees who self-report, or are referred by the board for,  
18 an impairment relating to alcohol or drug abuse, dependency,  
19 or addiction, or any mental or physical disorder or  
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*Boddicker  
Hedders  
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HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL BY  
CHAIRPERSON BODDICKER)

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

**A BILL FOR**

1 An Act providing for changes relating to programs under the  
2 purview of the Iowa department of public health.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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7 to recommendations provided by the department subject to the  
8 provisions of subsections 3 and 4.

9 Sec. 2. Section 139A.8, subsection 2, paragraph a, Code  
10 2003, is amended to read as follows:

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24 ~~the physician's opinion,~~ the immunizations required would be  
25 injurious to the health and well-being of the applicant or any  
26 member of the applicant's family.

27 Sec. 4. Section 152.1, subsection 5, paragraph b, Code  
28 2003, is amended by striking the paragraph and inserting in  
29 lieu thereof the following:

30 b. The performance of nursing services by an unlicensed  
31 student enrolled in a nursing education program if performance  
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35 States are not subject to this exemption.

1 Sec. 5. Section 152.1, subsection 5, paragraph c, Code  
2 2003, is amended to read as follows:

3 c. The performance of services by employed unlicensed  
4 workers employed in offices, hospitals, or health care  
5 facilities, as defined in section 135C.1, under the  
6 supervision of a physician or a nurse licensed under this  
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12 Sec. 6. Section 272C.3, subsection 1, paragraph k, Code  
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HOUSE FILE 641

AN ACT

PROVIDING FOR CHANGES RELATING TO PROGRAMS UNDER THE PURVIEW OF THE IOWA DEPARTMENT OF PUBLIC HEALTH.

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

Section 1. Section 139A.8, subsection 1, Code 2003, is amended to read as follows:

1. A parent or legal guardian shall assure that the person's minor children residing in the state are adequately immunized against diphtheria, pertussis, tetanus, poliomyelitis, rubeola, and rubella, and varicella according to recommendations provided by the department subject to the provisions of subsections 3 and 4.

Sec. 2. Section 139A.8, subsection 2, paragraph a, Code 2003, is amended to read as follows:

a. A person shall not be enrolled in any licensed child care center or elementary or secondary school in Iowa without evidence of adequate immunizations against diphtheria, pertussis, tetanus, poliomyelitis, rubeola, and rubella, and varicella.

Sec. 3. Section 139A.8, subsection 4, paragraph a, Code 2003, is amended to read as follows:

a. The applicant, or if the applicant is a minor, the applicant's parent or legal guardian, submits to the admitting official a statement signed by a physician, advanced registered nurse practitioner, or physician assistant who is licensed by the state board of medical examiners, board of nursing, or board of physician assistant examiners ~~that, in the physician's opinion,~~ the immunizations required would be injurious to the health and well-being of the applicant or any member of the applicant's family.

Sec. 4. Section 152.1, subsection 5, paragraph b, Code 2003, is amended by striking the paragraph and inserting in lieu thereof the following:

b. The performance of nursing services by an unlicensed student enrolled in a nursing education program if performance is part of the course of study. Individuals who have been licensed as registered nurses or licensed practical or vocational nurses in any state or jurisdiction of the United States are not subject to this exemption.

Sec. 5. Section 152.1, subsection 5, paragraph c, Code 2003, is amended to read as follows:

c. The performance of services by employed unlicensed workers employed in offices, hospitals, or health care facilities, as defined in section 135C.1, under the supervision of a physician or a nurse licensed under this chapter, or employed in the office of a psychologist, podiatric physician, optometrist, chiropractor, speech pathologist, audiologist, or physical therapist licensed to practice in this state, and when acting while within the scope of the employer's license.

Sec. 6. Section 272C.3, subsection 1, paragraph k, Code 2003, is amended to read as follows:

k. Establish a licensee review committee for the purpose of evaluating and monitoring licensees who self-report physical or mental impairments to the board are impaired as a result of alcohol or drug abuse, dependency, or addiction, or by any mental or physical disorder or disability, and who self-report the impairment to the committee, or who are referred by the board to the committee. The board shall adopt rules for the establishment and administration of the committee, including but not limited to establishment of the criteria for eligibility for referral to the committee and the grounds for disciplinary action for noncompliance with committee decisions. Information in the possession of the board or the licensee review committee, under this paragraph,

shall be subject to the confidentiality requirements of section 272C.6. Referral of a licensee by the board to a licensee review committee shall not relieve the board of any duties of the board and shall not divest the board of any authority or jurisdiction otherwise provided. A licensee who violates section 272C.10 or the rules of the board while under review by the licensee review committee shall be referred to the board for appropriate action.

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CHRISTOPHER C. RANTS  
Speaker of the House

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MARY E. KRAMER  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 641, Eightieth General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved \_\_\_\_\_, 2003

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THOMAS J. VILSACK  
Governor