

Senate Study Bill 3081

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 relating to programs and functions under the purview of
2 the Iowa department of public health.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5319DP 81
5 rn/cf/24

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1 1 Section 1. Section 135.2, Code 2005, is amended to read as
1 2 follows:

1 3 135.2 APPOINTMENT OF DIRECTOR AND ACTING DIRECTOR.

1 4 1. a. The governor shall appoint the director of the
1 5 department, subject to confirmation by the senate. The
1 6 director shall serve at the pleasure of the governor. The
1 7 director is exempt from the merit system provisions of chapter
1 8 8A, subchapter IV. The governor shall set the salary of the
1 9 director within the range established by the general assembly.

1 10 b. The director shall possess education and experience in
1 11 public health.

1 12 2. The director may appoint an employee of the department
1 13 to be acting director, who shall have all the powers and
1 14 duties possessed by the director. The director may appoint
1 15 more than one acting director but only one acting director
1 16 shall exercise the powers and duties of the director at any
1 17 time.

1 18 Sec. 2. NEW SECTION. 135.12 OFFICE OF MULTICULTURAL
1 19 HEALTH == ESTABLISHED == DUTIES.

1 20 The office of multicultural health is established within
1 21 the department. The office shall be responsible for all of
1 22 the following:

1 23 1. Providing comprehensive management strategies to
1 24 address culturally and linguistically appropriate services,
1 25 including strategic goals, plans, policies, and procedures,
1 26 and designating staff responsible for implementation.

1 27 2. Requiring and arranging for ongoing education and
1 28 training for administrative, clinical, and other appropriate
1 29 staff in culturally and linguistically competent health care
1 30 and service delivery.

1 31 3. Utilizing formal mechanisms for community and consumer
1 32 involvement and coordinating with other state agencies to
1 33 identify resources and programs that affect the health service
1 34 delivery systems.

1 35 Sec. 3. Section 135.63, subsection 2, paragraphs 1 and o,
2 1 Code 2005, are amended to read as follows:

2 2 1. The replacement or modernization of any institutional
2 3 health facility if the replacement or modernization does not
2 4 add new health services or additional bed capacity for
2 5 existing health services, notwithstanding any provision in
2 6 this division to the contrary. This exclusion is applicable
2 7 only if the institutional health facility ceases offering the
2 8 health services simultaneously with the initiation of the
2 9 offering of the health services by the replacement
2 10 institutional health facility or the modernized institutional
2 11 health facility.

2 12 o. The change in ownership, licensure, organizational
2 13 structure, or designation of the type of institutional health
2 14 facility if the health services offered by the successor
2 15 institutional health facility are unchanged. This exclusion
2 16 is applicable only if the institutional health facility
2 17 consents to the change in ownership, licensure, organizational

2 18 structure, or designation of the type of institutional health
2 19 facility and ceases offering the health services
2 20 simultaneously with the initiation of the offering of health
2 21 services by the successor institutional health facility.

2 22 Sec. 4. Section 135.140, subsection 6, paragraph a, Code
2 23 Supplement 2005, is amended by adding the following new
2 24 subparagraphs:

2 25 NEW SUBPARAGRAPH. (6) A natural occurrence or incident,
2 26 including but not limited to fire, flood, storm, drought,
2 27 earthquake, tornado, or windstorm.

2 28 NEW SUBPARAGRAPH. (7) A man-made occurrence or incident,
2 29 including but not limited to an attack, spill, or explosion.

2 30 Sec. 5. NEW SECTION. 139A.13A ISOLATION OR QUARANTINE ==
2 31 EMPLOYMENT PROTECTION.

2 32 1. An employer shall not discharge an employee, or take or
2 33 fail to take action regarding an employee's promotion or
2 34 proposed promotion, or take action to reduce an employee's
2 35 wages or benefits for actual time worked, due to the
3 1 compliance of an employee with a quarantine or isolation order
3 2 issued by the department or a local board.

3 3 2. An employee whose employer violates this section may
3 4 petition the court for imposition of a cease and desist order
3 5 against the person's employer and for reinstatement to the
3 6 person's previous position of employment.

3 7 Sec. 6. Section 147.82, subsection 3, Code Supplement
3 8 2005, is amended to read as follows:

3 9 3. The department may annually retain and expend not more
3 10 than one hundred thousand dollars for reduction of the number
3 11 of days necessary to process medical license requests and for
3 12 reduction of the number of days needed for consideration of
3 13 malpractice cases from fees collected pursuant to section
3 14 147.80 by the board of medical examiners ~~in the fiscal year~~
3 15 ~~beginning July 1, 2005, and ending June 30, 2006.~~ Fees

3 16 retained by the department pursuant to this subsection shall
3 17 be considered repayment receipts as defined in section 8.2 and
3 18 shall be used for the purposes described in this subsection.

3 19 Sec. 7. Section 148.2, subsection 5, Code 2005, is amended
3 20 to read as follows:

3 21 5. Physicians and surgeons of the United States army,
3 22 navy, ~~or air force, marines, public health service, or other~~
3 23 ~~uniformed service~~ when acting in the line of duty in this
3 24 state, ~~and holding a current, active permanent license in good~~
3 25 ~~standing in another state, district, or territory of the~~
3 26 ~~United States,~~ or physicians and surgeons licensed in another
3 27 state, when incidentally called into this state in
3 28 consultation with a physician and surgeon licensed in this
3 29 state.

3 30 Sec. 8. NEW SECTION. 154E.3A TEMPORARY LICENSE.

3 31 Beginning July 1, 2007, an individual who does not meet the
3 32 requirements for licensure by examination pursuant to section
3 33 154E.3 may apply for or renew a temporary license. The
3 34 temporary license shall authorize the licensee to practice as
3 35 a sign language interpreter or transliterator under the direct
4 1 supervision of a sign language interpreter or transliterator
4 2 licensed pursuant to section 154E.3. The temporary license
4 3 shall be valid for two years and may only be renewed one time
4 4 in accordance with standards established by rule. An
4 5 individual shall not practice for more than a total of four
4 6 years under a temporary license. The board may revoke a
4 7 temporary license if it determines that the temporary licensee
4 8 has violated standards established by rule. The board may
4 9 adopt requirements for temporary licensure to implement this
4 10 section.

4 11 Sec. 9. Section 154E.4, subsection 2, Code Supplement
4 12 2005, is amended by adding the following new paragraph:

4 13 NEW PARAGRAPH. e. Students enrolled in a school of
4 14 interpreting may interpret only under the direct supervision
4 15 of a permanently licensed interpreter as part of the student's
4 16 course of study.

4 17 Sec. 10. Section 157.13, subsection 1, Code Supplement
4 18 2005, is amended by striking the subsection and inserting in
4 19 lieu thereof the following:

4 20 1. It is unlawful for a person to employ an individual to
4 21 practice cosmetology arts and sciences unless that individual
4 22 is licensed or has obtained a temporary permit under this
4 23 chapter. It is unlawful for a licensee to practice with or
4 24 without compensation in any place other than a licensed salon,
4 25 a licensed school of cosmetology arts and sciences, or a
4 26 licensed barbershop as defined in section 158.1. The
4 27 following exceptions to this subsection shall apply:

4 28 a. A licensee may practice at a location which is not a

4 29 licensed salon, school of cosmetology arts and sciences, or
4 30 licensed barbershop under extenuating circumstances arising
4 31 from physical or mental disability or death of a customer.
4 32 b. Notwithstanding section 157.12, when the licensee is
4 33 employed by a physician and provides cosmetology services at
4 34 the place of practice of a physician and is under the
4 35 supervision of a physician licensed to practice pursuant to
5 1 chapter 148, 150, or 150A.

5 2 c. When the practice occurs in a facility licensed
5 3 pursuant to chapter 135B or 135C.
5 4 Sec. 11. Section 157.13, Code Supplement 2005, is amended
5 5 by adding the following new subsection:

5 6 NEW SUBSECTION. 1A. It is unlawful for a licensee to
5 7 claim to be a licensed barber, however a licensed
5 8 cosmetologist may work in a licensed barbershop. It is
5 9 unlawful for a person to employ a licensed cosmetologist,
5 10 esthetician, or electrologist to perform the services
5 11 described in section 157.3A if the licensee has not received
5 12 the additional training and met the other requirements
5 13 specified in section 157.3A.

5 14 Sec. 12. Section 272C.1, subsection 6, Code Supplement
5 15 2005, is amended by adding the following new paragraph:

5 16 NEW PARAGRAPH. ad. The director of public health in
5 17 certifying emergency medical care providers and emergency
5 18 medical care services pursuant to chapter 147A.

5 19 Sec. 13. Section 272C.6, subsection 4, unnumbered
5 20 paragraph 1, Code Supplement 2005, is amended to read as
5 21 follows:

5 22 In order to assure a free flow of information for
5 23 accomplishing the purposes of this section, and
5 24 notwithstanding section 622.10, all complaint files,
5 25 investigation files, other investigation reports, and other
5 26 investigative information in the possession of a licensing
5 27 board or peer review committee acting under the authority of a
5 28 licensing board or its employees or agents which relates to
5 29 licensee discipline are privileged and confidential, and are
5 30 not subject to discovery, subpoena, or other means of legal
5 31 compulsion for their release to a person other than the
5 32 licensee and the boards, their employees and agents involved
5 33 in licensee discipline, and are not admissible in evidence in
5 34 a judicial or administrative proceeding other than the
5 35 proceeding involving licensee discipline. However,

6 1 investigative information in the possession of a licensing
6 2 board or its employees or agents which relates to licensee
6 3 discipline may be disclosed to appropriate licensing
6 4 authorities within this state, the appropriate licensing
6 5 authority in another state, the coordinated licensure
6 6 information system provided for in the nurse licensure compact
6 7 contained in section 152E.1 or the advanced practice
6 8 registered nurse compact contained in section 152E.3, the
6 9 District of Columbia, or a territory or country in which the
6 10 licensee is licensed or has applied for a license. If the
6 11 investigative information in the possession of a licensing
6 12 board or its employees or agents indicates a crime has been
6 13 committed, the information shall be reported to the proper law
6 14 enforcement agency. ~~However, a final written decision and~~

~~6 15 finding of fact of a licensing board in a disciplinary
6 16 proceeding, including a decision referred to in section
6 17 272C.3, subsection 4, is a public record. A licensing board
6 18 is not precluded by this chapter from including investigative
6 19 information in a short and plain statement of the matters
6 20 asserted in a notice filed to commence a contested case
6 21 pursuant to section 17A.12, or from including investigative
6 22 information in a brief statement of findings of fact,
6 23 conclusions of law, and policy reasons when issuing an
6 24 emergency adjudicative order pursuant to section 17A.18A.
6 25 Documents issued by a licensing board pursuant to sections
6 26 17A.12 and 17A.18A, and a final written decision and findings
6 27 of fact of a licensing board in a disciplinary proceeding,
6 28 including a decision referred to in section 272C.3, subsection
6 29 4, are public records.~~

6 30 Sec. 14. Section 691.6, Code Supplement 2005, is amended
6 31 by adding the following new subsection:

6 32 NEW SUBSECTION. 8. To retain tissues, organs, and bodily
6 33 fluids as necessary to determine the cause and manner of death
6 34 or as deemed advisable by the state medical examiner for
6 35 medical or public health investigation, teaching, or research.
7 1 Tissues, organs, and bodily fluids shall be properly disposed
7 2 of by following procedures and precautions for handling
7 3 biologic material and blood-borne pathogens as established by
7 4 rule.

7 5 Sec. 15. 2004 Iowa Acts, chapter 1175, section 432,
7 6 subsection 3, is amended to read as follows:
7 7 3. Applicants issued a temporary license pursuant to this
7 8 section shall pass a licensure examination approved by the
7 9 board on or before July 1, 2007, in order to ~~remain licensed~~
7 10 ~~as an interpreter qualify to be licensed by examination.~~

7 11 EXPLANATION

7 12 This bill modifies several provisions relating to programs
7 13 and functions under the purview of the Iowa department of
7 14 public health.

7 15 The bill provides for the appointment of one or more acting
7 16 directors by the director of the department who may exercise
7 17 the powers and duties of the director.

7 18 The bill amends two current exceptions to the certificate
7 19 of need program requirement that approval be obtained prior to
7 20 offering certain new or changed institutional health services.
7 21 With regard to the exception relating to replacement or
7 22 modernization of an institutional health facility if the
7 23 replacement or modernization does not add new health services
7 24 or additional bed capacity for existing health services, the
7 25 bill provides that the exclusion applies only if the health
7 26 facility ceases offering the health services simultaneously
7 27 with the initiation of the offering of the health services by
7 28 the replacement institutional health facility or the
7 29 modernized institutional health facility. With regard to the
7 30 exception relating to a change in ownership, licensure,
7 31 organizational structure, or designation of the type of
7 32 institutional health facility if the health services offered
7 33 by the successor institutional health facility are unchanged,
7 34 the bill provides that the exclusion applies only if the
7 35 health facility consents to the change and ceases offering the
8 1 health services simultaneously with the initiation of the
8 2 offering of the health services by the successor institutional
8 3 health facility.

8 4 The bill amends the definition of a public health disaster
8 5 to include a natural or man-made disaster event, and creates a
8 6 new office of multicultural health to address the provision of
8 7 culturally and linguistically competent health care and
8 8 service delivery. The bill also establishes employment
8 9 protection in the event of an isolation or quarantine order
8 10 issued by the department.

8 11 The bill adds the military service branches of the air
8 12 force and marines, and a general category of other uniformed
8 13 service personnel to the categories of military or public
8 14 health service physicians or surgeons who, when acting in the
8 15 line of duty in Iowa, need not be licensed in this state as a
8 16 physician or surgeon, provided that a current, active license
8 17 in another state is possessed.

8 18 The bill also makes provision for a temporary license to
8 19 practice as a sign language interpreter or transliterator
8 20 under the direct supervision of a licensed sign language
8 21 interpreter or transliterator in this state for a specified
8 22 duration, and adds an exception to license requirements for
8 23 students working under the direct supervision of a licensed
8 24 interpreter.

8 25 With regard to prohibitions against the practice of
8 26 cosmetology arts and sciences in a place other than a licensed
8 27 salon, licensed school of cosmetology arts and sciences, or
8 28 licensed barbershop, the bill provides that the prohibition
8 29 does not apply when a licensee is employed by a licensed
8 30 physician and provides cosmetology services at the place of
8 31 practice of a physician and is under the supervision of a
8 32 physician, or when the practice occurs at a hospital or health
8 33 care facility. The bill adds certification of emergency
8 34 medical care providers and emergency medical care services
8 35 pursuant to Code chapter 147A by the director of the
9 1 department to the list of boards or activities governed by the
9 2 professional licensing standards imposed by Code chapter 272C.

9 3 Additionally, the bill provides for the authority of the
9 4 office of the state medical examiner to retain tissues,
9 5 organs, and bodily fluids as necessary to determine the cause
9 6 and manner of death, or as deemed advisable by the state
9 7 medical examiner for medical or public health investigation,
9 8 teaching, or research. Finally, the bill specifies that
9 9 documents issued by a licensing board pursuant to Code
9 10 sections 17A.12 and 17A.18A, and a final written decision and
9 11 finding of fact of a licensing board in a disciplinary
9 12 proceeding, including a decision referred to in Code section
9 13 272C.3, subsection 4, are public records.

