

Senate Study Bill 3084

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 various technical and substantive changes
2 relating to health licensing and related public health
3 matters.

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

5 TLSB 5253DP 81

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1 1 Section 1. Section 135.22A, subsection 3, Code Supplement
1 2 2005, is amended to read as follows:

1 3 3. The council shall be composed of a minimum of nine
1 4 members appointed by the governor in addition to the ex
1 5 officio members, and the governor may appoint additional
1 6 members. Insofar as practicable, the council shall include
1 7 persons with brain injuries, family members of persons with
1 8 brain injuries, representatives of industry, labor, business,
1 9 and agriculture, representatives of federal, state, and local
1 10 government, and representatives of religious, charitable,
1 11 fraternal, civic, educational, medical, legal, veteran,
1 12 welfare, and other professional groups and organizations.
1 13 Members shall be appointed representing every geographic and
1 14 employment area of the state and shall include members of both
1 15 sexes. A simple majority of the members appointed by the
1 16 governor shall constitute a quorum.

1 17 Sec. 2. Section 135.109, subsection 3, paragraph b, Code
1 18 2005, is amended to read as follows:

1 19 b. A licensed physician or nurse who is knowledgeable
1 20 concerning domestic abuse injuries and deaths, including
1 21 suicides.

1 22 Sec. 3. Section 135.109, subsection 4, Code 2005, is
1 23 amended by adding the following new paragraph:

1 24 NEW PARAGRAPH. j. The director of the state law
1 25 enforcement academy.

1 26 Sec. 4. Section 135.109, subsection 8, Code 2005, is
1 27 amended to read as follows:

1 28 8. Team members and their agents are immune from any
1 29 liability, civil or criminal, which might otherwise be
1 30 incurred or imposed as a result of any act, omission,
1 31 proceeding, decision, or determination undertaken or
1 32 performed, or recommendation made as a team member or agent
1 33 provided that the team members or agents acted reasonably and
1 34 in good faith and without malice in carrying out their
1 35 official duties in their official capacity. A complainant
2 1 bears the burden of proof by clear and convincing evidence in
2 2 establishing malice or unreasonableness or lack of good faith
2 3 in an action brought against team members involving the
2 4 performance of their duties and powers.

2 5 Sec. 5. Section 135.110, subsection 1, paragraph a,
2 6 unnumbered paragraph 1, Code 2005, is amended to read as
2 7 follows:

2 8 Prepare ~~an annual~~ a biennial report for the governor,
2 9 supreme court, attorney general, and the general assembly
2 10 concerning the following subjects:

2 11 Sec. 6. Section 137.6, subsection 2, paragraph a, Code
2 12 2005, is amended to read as follows:

2 13 a. Rules of a county board shall become effective upon
2 14 approval by the county board of supervisors by a motion or
2 15 resolution as defined in section 331.101, subsection 13, and
2 16 publication in a newspaper having general circulation in the

2 17 county.

2 18 Sec. 7. Section 147.153, subsection 3, Code 2005, is
2 19 amended to read as follows:

2 20 3. Pass an examination administered as determined by the
2 21 ~~board to assure the applicant's professional competence in~~
2 22 ~~speech pathology or audiology by rule.~~

2 23 Sec. 8. Section 147.155, Code 2005, is amended to read as
2 24 follows:

2 25 147.155 TEMPORARY CLINICAL LICENSE.

2 26 Any person who has fulfilled all of the requirements for
2 27 licensure under this division, except for having completed the
2 28 nine months clinical experience requirement as provided in
2 29 section 147.153, subsection 1 or 2, and the examination as
2 30 provided in section 147.153, subsection 3, may apply to the
2 31 board for a temporary clinical license. The license shall be
2 32 designated "temporary clinical license in speech pathology" or
2 33 "temporary clinical license in audiology" and shall authorize
2 34 the licensee to practice speech pathology or audiology under
2 35 the supervision of a licensed speech pathologist or licensed
3 1 audiologist, as appropriate. The license shall be valid for
3 2 one year and may be renewed once at the discretion of the
3 3 board. The fee for a temporary clinical license shall be set
3 4 by the board to cover the administrative costs of issuing the
3 5 license, and if renewed, a renewal fee as set by the board
3 6 shall be required. A temporary clinical license shall be
3 7 issued only upon evidence satisfactory to the board that the
3 8 applicant will be supervised by a person licensed as a speech
3 9 pathologist or audiologist, as appropriate. ~~The board shall~~
3 10 ~~revoke any temporary clinical license at any time it~~
3 11 ~~determines either that the work done by the temporary clinical~~
3 12 ~~licensee or the supervision being given the temporary clinical~~
3 13 ~~licensee does not conform to reasonable standards established~~
3 14 ~~by the board.~~

3 15 Sec. 9. Section 149.3, Code 2005, is amended to read as
3 16 follows:

3 17 149.3 LICENSE.

3 18 Every applicant for a license to practice podiatry shall:

3 19 1. Be a graduate of an accredited high school of podiatry.

3 20 2. Present ~~a diploma~~ an official transcript issued by a
3 21 school of podiatry approved by the board of podiatry
3 22 examiners.

3 23 3. Pass an examination ~~in the subjects of anatomy,~~
3 24 ~~chemistry, dermatology, diagnosis, pharmacy and materia~~
3 25 ~~medica, pathology, physiology, histology, bacteriology,~~
3 26 ~~neurology, practical and clinical podiatry, foot orthopedics,~~
3 27 ~~and others, as prescribed by the board of podiatry examiners~~
3 28 ~~as determined by the board by rule.~~

3 29 4. Have successfully completed a ~~one-year~~ residency or
3 30 ~~preceptorship approved by the board of podiatry examiners as~~
3 31 ~~determined by the board by rule.~~ This subsection applies to
3 32 all applicants who graduate from podiatric college on or after
3 33 January 1, 1995.

3 34 Sec. 10. Section 149.7, unnumbered paragraph 2, Code 2005,
3 35 is amended to read as follows:

4 1 The temporary certificate shall be issued for one year and
4 2 may be renewed, but a person shall not be entitled to practice
4 3 podiatry in excess of three years while holding a temporary
4 4 certificate. The fee for this certificate shall be set by the
4 5 podiatry examiners and if extended beyond one year a renewal
4 6 fee per year shall be set by the podiatry examiners. The fees
4 7 shall be based on the administrative costs of issuing and
4 8 renewing the certificates. ~~The podiatry examiners may cancel~~
4 9 ~~a temporary certificate at any time, without a hearing, for~~
4 10 ~~reasons deemed sufficient to the podiatry examiners.~~

4 11 Sec. 11. Section 149.7, unnumbered paragraphs 3 and 4,
4 12 Code 2005, are amended by striking the unnumbered paragraphs.

4 13 Sec. 12. Section 151.12, Code 2005, is amended to read as
4 14 follows:

4 15 151.12 TEMPORARY CERTIFICATE.

4 16 The chiropractic examiners may, in their discretion, issue
4 17 a temporary certificate authorizing the licensee to practice
4 18 chiropractic if, in the opinion of the chiropractic examiners,
4 19 a need exists and the person possesses the qualifications
4 20 prescribed by the chiropractic examiners for the license,
4 21 which shall be substantially equivalent to those required for
4 22 licensure under this chapter. The chiropractic examiners
4 23 shall determine in each instance those eligible for this
4 24 license, whether or not examinations shall be given, ~~and~~ the
4 25 type of examinations, and the duration of the license. No
4 26 requirements of the law pertaining to regular permanent
4 27 licensure are mandatory for this temporary license except as

4 28 specifically designated by the chiropractic examiners. The
4 29 granting of a temporary license does not in any way indicate
4 30 that the person so licensed is eligible for regular licensure,
4 31 nor are the chiropractic examiners in any way obligated to so
4 32 license the person.

4 33 The temporary certificate shall be issued for one year and
4 34 at the discretion of the chiropractic examiners may be
4 35 renewed, but a person shall not practice chiropractic in
5 1 excess of three years while holding a temporary certificate.
5 2 The fee for this license shall be set by the chiropractic
5 3 examiners and if extended beyond one year a renewal fee per
5 4 year shall be set by the chiropractic examiners. The ~~fees fee~~
5 5 ~~for the temporary license~~ shall be based on the administrative
5 6 costs of issuing ~~and renewing~~ the licenses. ~~The chiropractic~~
5 7 ~~examiners may cancel a temporary certificate at any time,~~
5 8 ~~without a hearing, for reasons deemed sufficient to the~~
5 9 ~~chiropractic examiners.~~

5 10 ~~When the chiropractic examiners cancel a temporary~~
5 11 ~~certificate they shall promptly notify the licensee by~~
5 12 ~~registered mail, at the licensee's last-named address, as~~
5 13 ~~reflected by the files of the chiropractic examiners, and the~~
5 14 ~~temporary certificate is terminated and of no further force~~
5 15 ~~and effect three days after the mailing of the notice to the~~
5 16 ~~licensee.~~

5 17 ~~Sec. 13. Section 154.3, subsection 1, Code 2005, is~~
5 18 ~~amended to read as follows:~~

5 19 ~~1. Every applicant for a license to practice optometry~~
5 20 ~~shall:~~

5 21 ~~a. Present satisfactory evidence of a preliminary~~
5 22 ~~education equivalent to at least four years study in an~~
5 23 ~~accredited high school or other secondary school. Be a~~
5 24 ~~graduate of an accredited school of optometry.~~

5 25 ~~b. Present a diploma from an official transcript issued by~~
5 26 ~~an accredited school of optometry.~~

5 27 ~~c. Pass an examination prescribed by the optometry~~
5 28 ~~examiners in the subjects of physiology of the eye, optical~~
5 29 ~~physics, anatomy of the eye, ophthalmology, and practical~~
5 30 ~~optometry as determined by the board by rule.~~

5 31 ~~Sec. 14. Section 154B.6, subsection 3, Code 2005, is~~
5 32 ~~amended to read as follows:~~

5 33 ~~3. Have not failed the examination required in subsection~~
5 34 ~~2 within the six months next sixty days preceding the date of~~
5 35 ~~the subsequent examination.~~

6 1 ~~The examinations required in this section may, at the~~
6 2 ~~discretion of the board, be waived for holders by examination~~
6 3 ~~of licenses or certificates from states whose requirements are~~
6 4 ~~substantially equivalent to those of this chapter, and for~~
6 5 ~~holders by examination of specialty diplomas from the American~~
6 6 ~~board of professional psychology.~~

6 7 ~~Any person who within one year after July 1, 1975, meets~~
6 8 ~~the requirements specified in subsection 1 shall receive~~
6 9 ~~licensure without having passed the examination required in~~
6 10 ~~subsection 2 if application for licensure is filed with the~~
6 11 ~~board of psychology examiners before July 1, 1977. Any person~~
6 12 ~~holding a certificate as a psychologist from the board of~~
6 13 ~~examiners of the Iowa psychological association on July 1,~~
6 14 ~~1977, who applies for certification before July 1, 1975, shall~~
6 15 ~~receive certification.~~

6 16 ~~Sec. 15. Section 154D.2, subsection 2, paragraph b, Code~~
6 17 ~~Supplement 2005, is amended to read as follows:~~

6 18 ~~b. Has at least two years of supervised clinical~~
6 19 ~~experience or its equivalent in assessing mental health needs~~
6 20 ~~and problems and in providing appropriate mental health~~
6 21 ~~services as approved by the board. Standards for supervision,~~
6 22 ~~including the required qualifications for supervisors, shall~~
6 23 ~~be determined by the board by rule.~~

6 24 ~~Sec. 16. Section 157.2, subsection 1, paragraph e, Code~~
6 25 ~~Supplement 2005, is amended to read as follows:~~

6 26 ~~e. Employees and residents of hospitals, health care~~
6 27 ~~facilities, orphans' homes, juvenile homes, and other similar~~
6 28 ~~facilities who shampoo, arrange, dress, or curl the hair of~~
6 29 ~~perform cosmetology services for any resident without~~
6 30 ~~receiving direct compensation from the person receiving the~~
6 31 ~~service.~~

6 32 ~~Sec. 17. Section 157.2, subsection 1, Code Supplement~~
6 33 ~~2005, is amended by adding the following new paragraph:~~

6 34 ~~NEW PARAGRAPH. ee. Volunteers for and residents of health~~
6 35 ~~care facilities, orphans' homes, juvenile homes, and other~~
7 1 ~~similar facilities who shampoo, arrange, dress, or curl the~~
7 2 ~~hair, apply makeup, or polish the nails of any resident~~
7 3 ~~without receiving compensation from the person receiving the~~

7 4 service.

7 5 Sec. 18. Section 157.10, subsection 1, Code 2005, is
7 6 amended to read as follows:

7 7 1. The course of study required for licensure for the
7 8 practice of cosmetology shall be two thousand one hundred
7 9 clock hours, or seventy semester credit hours or the
7 10 equivalent thereof as determined pursuant to administrative
7 11 rule and regulations promulgated by the United States
7 12 department of education. The clock hours, and equivalent
7 13 number of semester credit hours or the equivalent thereof as
7 14 determined pursuant to administrative rule and regulations
7 15 promulgated by the United States department of education, of a
7 16 course of study required for licensure for the practices of
7 17 electrology, esthetics, ~~and~~ nail technology, manicuring, and
7 18 pedicuring shall be established by the board. The board shall
7 19 adopt rules to define the course and content of study for each
7 20 practice of cosmetology arts and sciences.

7 21 Sec. 19. Section 157.5A, Code 2005, is repealed.

7 22 EXPLANATION

7 23 This bill makes several changes and modifications to
7 24 provisions relating to various health licensing and public
7 25 health matters.

7 26 The bill specifies a quorum requirement of a simple
7 27 majority of the members appointed by the governor for the
7 28 brain injury advisory council. With regard to the domestic
7 29 abuse death review team, the bill adds to the team, as an
7 30 alternative to the current designation of a licensed physician
7 31 who is knowledgeable concerning domestic abuse injuries and
7 32 deaths, including suicides, the designation of a nurse. Also,
7 33 the bill adds the director of the state law enforcement
7 34 academy to the list of individuals who are responsible for
7 35 designating a liaison to assist the team in fulfilling its
8 1 duties, and adds that the level of proof required in a
8 2 complaint against a team member shall be proof by clear and
8 3 convincing evidence in establishing malice, unreasonableness,
8 4 or lack of good faith.

8 5 Further, the domestic abuse death review team report shall
8 6 be required on a biennial basis, as opposed to the current
8 7 annual requirement.

8 8 The bill provides for a technical clarification regarding
8 9 the enactment of rules by motion or resolution by local boards
8 10 of health, provides for the determination of an examination
8 11 requirement by the speech pathology and audiology board by
8 12 rule, and deletes a provision permitting revocation of a
8 13 temporary clinical license for speech pathology and audiology
8 14 by the board when determined not to conform to reasonable
8 15 standards established by the board.

8 16 With regard to the board of podiatry examiners, the bill
8 17 makes changes relating to qualification for a license,
8 18 providing that an applicant be a graduate of an accredited
8 19 school of podiatry rather than an accredited high school,
8 20 providing that an official transcript be presented rather than
8 21 a diploma, providing the requirements of a licensing
8 22 examination be determined by the board by rule, and providing
8 23 that the board will determine residency requirements by rule.
8 24 Additionally, the bill deletes provisions regarding revocation
8 25 or expiration of a temporary certificate to practice podiatry
8 26 by the board under specified circumstances involving lack of a
8 27 hearing and decision making entirely in the board's
8 28 discretion.

8 29 Concerning actions of the board of chiropractic examiners,
8 30 the bill provides that the board shall determine the duration
8 31 of a temporary certificate regarding the practice of
8 32 chiropractic, makes technical changes such as changing the
8 33 word "fees" to "fee", and again deletes provisions similar to
8 34 earlier portions of the bill regarding revocation of a
8 35 temporary certificate by the board under specified

9 1 circumstances.
9 2 The bill provides that the permissible time interval
9 3 between examinations administered by the board of psychology
9 4 examiners shall be shortened from six months to 60 days, and
9 5 deletes outdated psychology license requirement language tied
9 6 to the 1970s. With regard to the board of behavioral science
9 7 examiners, the bill provides that a requirement for licensure
9 8 of at least two years of supervised clinical experience in
9 9 assessing mental health needs and problems and providing
9 10 appropriate mental health services shall be broadened to
9 11 include the equivalent of such experience. The bill specifies
9 12 that an applicant for license as an optometrist must be a
9 13 graduate of an accredited school of optometry, rather than
9 14 possessing an education equivalent of at least four years of

9 15 study in an accredited high school or other secondary school
9 16 as currently required. Also, an official transcript rather
9 17 than a diploma must be presented from an accredited school of
9 18 optometry, and the optometry examination shall be as
9 19 determined by the board by rule.

9 20 Relating to cosmetology, the bill expands basic cosmetology
9 21 services that can be provided by persons not licensed by the
9 22 cosmetology board and employed by hospitals, health care
9 23 facilities, juvenile homes, and similar facilities, and also
9 24 lists services that can be provided by volunteers for and
9 25 residents of such facilities. The bill additionally provides
9 26 that the number of hours of study required for licensure for
9 27 the practice of specified cosmetology services shall be
9 28 expanded to include manicuring and pedicuring, and deletes a
9 29 separate provision regarding license requirements for
9 30 manicurists.

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