

# House Study Bill 20

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 renaming health-related examining boards as licensing  
2 boards and providing for the nonreversion of fees collected by  
3 the boards.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 1207XD 82  
6 jr/sh/8

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1 1 Section 1. Section 3.20, subsection 2, Code 2007, is  
1 2 amended to read as follows:  
1 3 2. The ~~examining licensing~~ board shall pursue a meaningful  
1 4 examination and enforcement procedure which upholds the level  
1 5 of competency of the licensee to insure that the public  
1 6 interest is protected.  
1 7 Sec. 2. Section 7E.4, subsection 2, Code 2007, is amended  
1 8 to read as follows:  
1 9 2. a. "Board" means a policymaking ~~or rulemaking~~ body  
1 10 that has the power to hear contested cases.  
1 11 b. ~~A policymaking body that has powers for both rulemaking~~  
1 12 ~~and hearing contested cases shall be termed a "board".~~  
1 13 "Board" includes a professional licensing board which sets  
1 14 standards of professional competence and conduct for the  
1 15 profession or occupation under its supervision, which may  
1 16 prepare and grade the examinations of prospective new  
1 17 practitioners when authorized by law, which may issue licenses  
1 18 when authorized by law, which investigates complaints of  
1 19 alleged unprofessional conduct, and which performs other  
1 20 functions assigned to it by law.  
1 21 Sec. 3. Section 7E.4, subsection 8, Code 2007, is amended  
1 22 by striking the subsection.  
1 23 Sec. 4. Section 8A.101, subsection 1, unnumbered paragraph  
1 24 1, Code 2007, is amended to read as follows:  
1 25 "Agency" or "state agency" means a unit of state  
1 26 government, which is an authority, board, commission,  
1 27 committee, council, department, ~~examining or licensing~~ board,  
1 28 or independent agency as defined in section 7E.4, including  
1 29 but not limited to each principal central department  
1 30 enumerated in section 7E.5. However, "agency" or "state  
1 31 agency" does not mean any of the following:  
1 32 Sec. 5. Section 8F.2, subsection 1, Code 2007, is amended  
1 33 to read as follows:  
1 34 1. "Agency" means a unit of state government, which is an  
1 35 authority, board, commission, committee, council, department,  
2 1 ~~examining or licensing~~ board, or independent agency as defined  
2 2 in section 7E.4, including but not limited to each principal  
2 3 central department enumerated in section 7E.5. However,  
2 4 "agency" does not mean the Iowa public employees' retirement  
2 5 system created under chapter 97B, the public broadcasting  
2 6 division of the department of education created under section  
2 7 256.81, the statewide fire and police retirement system  
2 8 created under chapter 411, or an agricultural commodity  
2 9 promotion board subject to a producer referendum.  
2 10 Sec. 6. Section 10A.402, subsection 1, Code 2007, is  
2 11 amended to read as follows:  
2 12 1. Investigations relative to the practice of regulated  
2 13 professions and occupations, except those within the  
2 14 jurisdiction of the board of ~~medical examiners~~ medicine, the  
2 15 board of pharmacy ~~examiners~~, the board of ~~dental examiners~~  
2 16 dentistry, and the board of nursing.  
2 17 Sec. 7. Section 80.33, Code 2007, is amended to read as  
2 18 follows:

2 19 80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

2 20 A person required by law to keep records, and a carrier  
2 21 maintaining records with respect to any shipment containing  
2 22 any controlled or counterfeit substances shall, upon request  
2 23 of an authorized peace officer of the department, designated  
2 24 by the commissioner, permit such peace officer at reasonable  
2 25 times to have access to and copy such records. For the  
2 26 purpose of examining and verifying such records, an authorized  
2 27 peace officer of the department, designated by the  
2 28 commissioner, may enter at reasonable times any place or  
2 29 vehicle in which any controlled or counterfeit substance is  
2 30 held, manufactured, dispensed, compounded, processed, sold,  
2 31 delivered, or otherwise disposed of and inspect such place or  
2 32 vehicle and the contents of such place or vehicle. For the  
2 33 purpose of enforcing laws relating to controlled or  
2 34 counterfeit substances, and upon good cause shown, a peace  
2 35 officer of the department shall be allowed to inspect audits  
3 1 and records in the possession of the ~~state~~ board of pharmacy  
3 2 ~~examiners~~.

3 3 Sec. 8. Section 124.101, subsection 3, Code 2007, is  
3 4 amended to read as follows:

3 5 3. "Board" means the ~~state~~ board of pharmacy ~~examiners~~.

3 6 Sec. 9. Section 124.204, subsection 4, paragraph m, Code  
3 7 2007, is amended to read as follows:

3 8 m. Marijuana, except as otherwise provided by rules of the  
3 9 board of ~~pharmacy examiners~~ for medicinal purposes.

3 10 Sec. 10. Section 124.204, subsection 4, paragraph u,  
3 11 unnumbered paragraph 1, Code 2007, is amended to read as  
3 12 follows:

3 13 Tetrahydrocannabinols, except as otherwise provided by  
3 14 rules of the board of ~~pharmacy examiners~~ for medicinal  
3 15 purposes. Synthetic equivalents of the substances contained  
3 16 in the plant, or in the resinous extractives of Cannabis sp.,  
3 17 and synthetic substances, derivatives, and their isomers with  
3 18 similar chemical structure and pharmacological activity such  
3 19 as the following:

3 20 Sec. 11. Section 124.204, subsection 7, Code 2007, is  
3 21 amended to read as follows:

3 22 7. EXCLUSIONS. This section does not apply to marijuana,  
3 23 tetrahydrocannabinols or chemical derivatives of  
3 24 tetrahydrocannabinol when utilized for medicinal purposes  
3 25 pursuant to rules of the ~~state~~ board of ~~pharmacy examiners~~.

3 26 Sec. 12. Section 124.206, subsection 7, paragraph a, Code  
3 27 2007, is amended to read as follows:

3 28 a. Marijuana when used for medicinal purposes pursuant to  
3 29 rules of the board of ~~pharmacy examiners~~.

3 30 Sec. 13. Section 124.206, subsection 8, Code 2007, is  
3 31 amended to read as follows:

3 32 8. The board of ~~pharmacy examiners~~, by rule, may except  
3 33 any compound, mixture, or preparation containing any stimulant  
3 34 listed in subsection 4 from the application of all or any part  
3 35 of this chapter if the compound, mixture, or preparation  
4 1 contains one or more active medicinal ingredients not having a  
4 2 stimulant effect on the central nervous system, and if the  
4 3 admixtures are included in such combinations, quantity,  
4 4 proportion, or concentration as to vitiate the potential for  
4 5 abuse of the substances which have a stimulant or depressant  
4 6 effect on the central nervous system.

4 7 Sec. 14. Section 124A.2, subsection 4, Code 2007, is  
4 8 amended to read as follows:

4 9 4. "Imitation controlled substance" means a substance  
4 10 which is not a controlled substance but which by color, shape,  
4 11 size, markings, and other aspects of dosage unit appearance,  
4 12 and packaging or other factors, appears to be or resembles a  
4 13 controlled substance.

4 14 The ~~state~~ board of pharmacy ~~examiners~~ may designate a  
4 15 substance as an imitation controlled substance pursuant to the  
4 16 board's rulemaking authority and in accordance with chapter  
4 17 17A.

4 18 Sec. 15. Section 124A.2, subsection 43, unnumbered  
4 19 paragraph 1, Code 2007, is amended to read as follows:

4 20 When a substance has not been designated as an imitation  
4 21 controlled substance by the ~~state~~ board of pharmacy ~~examiners~~  
4 22 and when dosage unit appearance alone does not establish that  
4 23 a substance is an imitation controlled substance the following  
4 24 factors may be considered in determining whether the substance  
4 25 is an imitation controlled substance:

4 26 Sec. 16. Section 124B.1, Code 2007, subsection 1, is  
4 27 amended to read as follows:

4 28 1. "Board" means the board of pharmacy ~~examiners~~.

4 29 Sec. 17. Section 126.2, subsection 3, Code 2007, is

4 30 amended to read as follows:

4 31 3. "Board" means the board of pharmacy ~~examiners~~.

4 32 Sec. 18. Section 135.11, subsection 9, Code 2007, is

4 33 amended to read as follows:

4 34 9. Exercise sole jurisdiction over the disposal and  
4 35 transportation of the dead bodies of human beings and  
5 1 prescribe the methods to be used in preparing such bodies for  
5 2 disposal and transportation. However, the department may  
5 3 approve a request for an exception to the application of  
5 4 specific embalming and disposition rules adopted pursuant to  
5 5 this subsection if such rules would otherwise conflict with  
5 6 tenets and practices of a recognized religious denomination to  
5 7 which the deceased individual adhered or of which denomination  
5 8 the deceased individual was a member. The department shall  
5 9 inform the board of mortuary science ~~examiners~~ of any such  
5 10 approved exception which may affect services provided by a  
5 11 funeral director licensed pursuant to chapter 156.

5 12 Sec. 19. Section 135.11A, Code 2007, is amended to read as  
5 13 follows:

5 14 135.11A PROFESSIONAL LICENSURE DIVISION == OTHER LICENSING  
5 15 BOARDS == EXPENSES == FEES.

5 16 There shall be a professional licensure division within the  
5 17 department of public health. Each board of ~~examiners~~

5 18 ~~specified~~ under chapter 147 or under the administrative

5 19 authority of the department, except the ~~state~~ board of  
5 20 nursing, ~~state~~ board of ~~medical examiners~~ medicine, ~~state~~  
5 21 board of ~~dental examiners~~ dentistry, and ~~state~~ board of  
5 22 pharmacy ~~examiners~~, shall receive administrative and clerical  
5 23 support from the division and may not employ its own support  
5 24 staff for administrative and clerical duties.

5 25 The professional licensure division and the licensing  
5 26 boards may expend funds in addition to amounts budgeted, if  
5 27 those additional expenditures are directly the result of  
5 28 actual examination and exceed funds budgeted for examinations.  
5 29 Before the division or a licensing board expends or encumbers  
5 30 an amount in excess of the funds budgeted for examinations,  
5 31 the director of the department of management shall approve the  
5 32 expenditure or encumbrance. Before approval is given, the  
5 33 department of management shall determine that the examination  
5 34 expenses exceed the funds budgeted by the general assembly to  
5 35 the division or board and the division or board does not have  
6 1 other funds from which examination expenses can be paid. Upon  
6 2 approval of the department of management, the division or  
6 3 licensing board may expend and encumber funds for excess  
6 4 examination expenses. The amounts necessary to fund the  
6 5 excess examination expenses shall be collected as fees from  
6 6 additional examination applicants and shall be treated as  
6 7 repayment receipts as defined in section 8.2.

6 8 Sec. 20. Section 135.24, subsection 2, paragraph a, Code  
6 9 2007, is amended to read as follows:

6 10 a. Procedures for registration of health care providers  
6 11 deemed qualified by the board of ~~medical examiners~~ medicine,  
6 12 the board of physician ~~assistant examiners~~ assistants, the  
6 13 board of ~~dental examiners~~ dentistry, the board of nursing, the  
6 14 board of chiropractic ~~examiners~~, the board of psychology  
6 15 ~~examiners~~, the board of social work ~~examiners~~, the board of  
6 16 behavioral science ~~examiners~~, the board of pharmacy ~~examiners~~,  
6 17 the board of optometry ~~examiners~~, the board of podiatry  
6 18 ~~examiners~~, the board of physical and occupational therapy  
6 19 ~~examiners~~, the ~~state~~ board for respiratory care, and the Iowa  
6 20 department of public health, as applicable.

6 21 Sec. 21. Section 135.31, Code 2007, is amended to read as  
6 22 follows:

6 23 135.31 LOCATION OF BOARDS == RULEMAKING.

6 24 The offices for the ~~state~~ board of ~~medical examiners~~  
6 25 medicine, the ~~state~~ board of pharmacy ~~examiners~~, the ~~state~~  
6 26 board of nursing, and the ~~state~~ board of ~~dental examiners~~  
6 27 dentistry shall be located within the department of public  
6 28 health. The individual boards shall have policymaking and  
6 29 rulemaking authority.

6 30 Sec. 22. Section 135M.3, subsection 1, Code 2007, is  
6 31 amended to read as follows:

6 32 1. The department, in cooperation with the board of  
6 33 pharmacy ~~examiners~~, may establish and maintain a prescription  
6 34 drug donation repository program under which any person may  
6 35 donate prescription drugs and supplies for use by an  
7 1 individual who meets eligibility criteria specified by the  
7 2 department by rule. The department may contract with a third  
7 3 party to implement and administer the program.

7 4 Sec. 23. Section 136C.3, subsection 2, unnumbered  
7 5 paragraph 1, Code 2007, is amended to read as follows:

7 6 Establish minimum training standards including continuing  
7 7 education requirements, and administer examinations and  
7 8 disciplinary procedures for operators of radiation machines  
7 9 and users of radioactive materials. A state of Iowa license  
7 10 to practice medicine, osteopathy, chiropractic, podiatry,  
7 11 dentistry, dental hygiene, or veterinary medicine, or  
7 12 licensure as a physician assistant pursuant to chapter 148C,  
7 13 or certification by the board of ~~dental examiners~~ dentistry in  
7 14 dental radiography, or by the board of podiatry ~~examiners~~ in  
7 15 podiatric radiography, or enrollment in a program or course of  
7 16 study approved by the Iowa department of public health which  
7 17 includes the application of radiation to humans satisfies the  
7 18 minimum training standards for operation of radiation machines  
7 19 only.

7 20 Sec. 24. Section 139A.8, subsection 4, paragraph a, Code  
7 21 2007, is amended to read as follows:

7 22 a. The applicant, or if the applicant is a minor, the  
7 23 applicant's parent or legal guardian, submits to the admitting  
7 24 official a statement signed by a physician, advanced  
7 25 registered nurse practitioner, or physician assistant who is  
7 26 licensed by the board of ~~medical examiners~~ medicine, board of  
7 27 nursing, or board of physician ~~assistant examiners~~ assistants  
7 28 that the immunizations required would be injurious to the  
7 29 health and well-being of the applicant or any member of the  
7 30 applicant's family.

7 31 Sec. 25. Section 139A.22, subsections 1, 3, 6, and 7, Code  
7 32 2007, are amended to read as follows:

7 33 1. A hospital shall adopt procedures requiring the  
7 34 establishment of protocols applicable on a case-by-case basis  
7 35 to a health care provider determined to be infected with HIV  
8 1 or HBV who ordinarily performs exposure-prone procedures as  
8 2 determined by an expert review panel, within the hospital  
8 3 setting. The protocols established shall be in accordance  
8 4 with the recommendations issued by the centers for disease  
8 5 control and prevention of the United States department of  
8 6 health and human services. The expert review panel may be an  
8 7 established committee of the hospital. The procedures may  
8 8 provide for referral of the health care provider to the expert  
8 9 review panel established by the department pursuant to  
8 10 subsection 3 for establishment of the protocols. The  
8 11 procedures shall require reporting noncompliance with the  
8 12 protocols by a health care provider to the ~~examining~~ licensing  
8 13 board with jurisdiction over the relevant health care  
8 14 providers.

8 15 3. The department shall establish an expert review panel  
8 16 to determine on a case-by-case basis under what circumstances,  
8 17 if any, a health care provider determined to be infected with  
8 18 HIV or HBV practicing outside the hospital setting or referred  
8 19 to the panel by a hospital or health care facility may perform  
8 20 exposure-prone procedures. If a health care provider  
8 21 determined to be infected with HIV or HBV does not comply with  
8 22 the determination of the expert review panel, the panel shall  
8 23 report the noncompliance to the ~~examining~~ licensing board with  
8 24 jurisdiction over the health care provider. A determination  
8 25 of an expert review panel pursuant to this section is a final  
8 26 agency action appealable pursuant to section 17A.19.

8 27 6. The board of ~~medical examiners~~ medicine, the board of  
8 28 physician ~~assistant examiners~~ assistants, the board of  
8 29 podiatry ~~examiners~~, the board of nursing, the board of ~~dental~~  
8 30 ~~examiners~~ dentistry, and the board of optometry ~~examiners~~  
8 31 shall require that licensees comply with the recommendations  
8 32 issued by the centers for disease control and prevention of  
8 33 the United States department of health and human services for  
8 34 preventing transmission of human immunodeficiency virus and  
8 35 hepatitis B virus to patients during exposure-prone invasive  
9 1 procedures, with the recommendations of the expert review  
9 2 panel established pursuant to subsection 3, with hospital  
9 3 protocols established pursuant to subsection 1, and with  
9 4 health care facility procedures established pursuant to  
9 5 subsection 2, as applicable.

9 6 7. Information relating to the HIV status of a health care  
9 7 provider is confidential and subject to the provisions of  
9 8 section 141A.9. A person who intentionally or recklessly  
9 9 makes an unauthorized disclosure of such information is  
9 10 subject to a civil penalty of one thousand dollars. The  
9 11 attorney general or the attorney general's designee may  
9 12 maintain a civil action to enforce this section. Proceedings  
9 13 maintained under this section shall provide for the anonymity  
9 14 of the health care provider and all documentation shall be  
9 15 maintained in a confidential manner. Information relating to  
9 16 the HBV status of a health care provider is confidential and

9 17 shall not be accessible to the public. Information regulated  
9 18 by this section, however, may be disclosed to members of the  
9 19 expert review panel established by the department or a panel  
9 20 established by hospital protocol under this section. The  
9 21 information may also be disclosed to the appropriate ~~examining~~  
9 22 licensing board by filing a report as required by this  
9 23 section. The ~~examining licensing~~ board shall consider the  
9 24 report a complaint subject to the confidentiality provisions  
9 25 of section 272C.6. A licensee, upon the filing of a formal  
9 26 charge or notice of hearing by the ~~examining licensing~~ board  
9 27 based on such a complaint, may seek a protective order from  
9 28 the board.

9 29 Sec. 26. Section 147.1, subsection 2, paragraphs b, c, and  
9 30 f, Code 2007, are amended to read as follows:

9 31 b. ~~"Examining board"~~ "Board" shall mean one of the boards  
9 32 enumerated in section 147.13 or any other board established in  
9 33 this subtitle which is appointed by the governor to give  
9 34 examinations to license applicants for licenses and impose  
9 35 licensee discipline as authorized by law.

10 1 c. "Licensed" or "certified" when applied to a physician  
10 2 and surgeon, podiatric physician, osteopath, osteopathic  
10 3 physician and surgeon, physician assistant, psychologist or  
10 4 associate psychologist, chiropractor, nurse, dentist, dental  
10 5 hygienist, optometrist, speech pathologist, audiologist,  
10 6 pharmacist, physical therapist, occupational therapist,  
10 7 respiratory care practitioner, practitioner of cosmetology  
10 8 arts and sciences, practitioner of barbering, funeral  
10 9 director, dietitian, marital and family therapist, mental  
10 10 health counselor, social worker, massage therapist, athletic  
10 11 trainer, acupuncturist, or ~~interpreter for the hearing~~  
10 12 ~~impaired sign language interpreter or transliterator~~ means a  
10 13 person licensed under this subtitle.

10 14 f. "Profession" means medicine and surgery, podiatry,  
10 15 osteopathy, osteopathic medicine and surgery, practice as a  
10 16 physician assistant, psychology, chiropractic, nursing,  
10 17 dentistry, dental hygiene, optometry, speech pathology,  
10 18 audiology, pharmacy, physical therapy, occupational therapy,  
10 19 respiratory care, cosmetology arts and sciences, barbering,  
10 20 mortuary science, marital and family therapy, mental health  
10 21 counseling, social work, dietetics, massage therapy, athletic  
10 22 training, acupuncture, or ~~interpreting for the hearing~~  
10 23 ~~impaired sign language interpreting or transliterating.~~

10 24 Sec. 27. Section 147.1, subsection 2, paragraph e,  
10 25 subparagraph (4), Code 2007, is amended to read as follows:

10 26 (4) ~~An examining~~ A board enumerated in section 147.13 or  
10 27 any other board established in this subtitle which is  
10 28 appointed by the governor to license applicants and impose  
10 29 licensee discipline as authorized by law.

10 30 Sec. 28. Section 147.2, unnumbered paragraph 1, Code 2007,  
10 31 is amended to read as follows:

10 32 A person shall not engage in the practice of medicine and  
10 33 surgery, podiatry, osteopathy, osteopathic medicine and  
10 34 surgery, psychology, chiropractic, physical therapy, nursing,  
10 35 dentistry, dental hygiene, optometry, speech pathology,  
11 1 audiology, occupational therapy, respiratory care, pharmacy,  
11 2 cosmetology, barbering, social work, dietetics, marital and  
11 3 family therapy or mental health counseling, massage therapy,  
11 4 mortuary science, athletic training, acupuncture, or  
11 5 ~~interpreting for the hearing~~ impaired sign language  
11 6 interpreting or transliterating, or shall not practice as a

11 7 physician assistant as defined in the following chapters of  
11 8 this subtitle, unless the person has obtained from the  
11 9 department a license for that purpose.

11 10 Sec. 29. Section 147.5, unnumbered paragraph 1, Code 2007,  
11 11 is amended to read as follows:

11 12 Every license to practice a profession shall be in the form  
11 13 of a certificate under the seal of the department, signed by  
11 14 the director of public health. Such license shall be issued  
11 15 in the name of the ~~examining licensing~~ board which conducts  
11 16 examinations for that particular profession.

11 17 Sec. 30. Section 147.11, Code 2007, is amended to read as  
11 18 follows:

11 19 147.11 REINSTATEMENT.

11 20 Any licensee who allows the license to lapse by failing to  
11 21 renew the same, as provided in section 147.10, may be  
11 22 reinstated without examination upon recommendation of the  
11 23 ~~examining licensing~~ board for the licensee's profession and  
11 24 upon payment of the renewal fees then due.

11 25 Sec. 31. Section 147.12, Code 2007, is amended to read as  
11 26 follows:

11 27 147.12 ~~EXAMINING~~ HEALTH PROFESSION BOARDS.

11 28 For the purpose of giving examinations to applicants for  
11 29 licenses to practice the professions for which licenses are  
11 30 required by this subtitle, the governor shall appoint, subject  
11 31 to confirmation by the senate, a board of ~~examiners~~ for each  
11 32 of the professions. The board members shall not be required  
11 33 to be members of professional societies or associations  
11 34 composed of members of their professions.

11 35 If a person who has been appointed by the governor to serve  
12 1 on an ~~examining~~ a board has ever been disciplined in a  
12 2 contested case by the board to which the person has been  
12 3 appointed, all board complaints and statements of charges,  
12 4 settlement agreements, findings of fact, and orders pertaining  
12 5 to the disciplinary action shall be made available to the  
12 6 senate committee to which the appointment is referred at the  
12 7 committee's request before the full senate votes on the  
12 8 person's appointment.

12 9 Sec. 32. Section 147.13, Code 2007, is amended to read as  
12 10 follows:

12 11 147.13 DESIGNATION OF BOARDS.

12 12 The ~~examining~~ boards provided in section 147.12 shall be  
12 13 designated as follows:

12 14 1. For medicine and surgery, osteopathy, osteopathic  
12 15 medicine and surgery, and acupuncture, ~~medical examiners the~~  
12 16 ~~board of medicine~~.

12 17 2. For physician assistants, ~~the board of physician~~  
12 18 ~~assistant examiners assistants~~.

12 19 3. For psychology, ~~the board of psychology~~ ~~examiners~~.

12 20 4. For podiatry, ~~the board of podiatry~~ ~~examiners~~.

12 21 5. For chiropractic, ~~the board of chiropractic~~ ~~examiners~~.

12 22 6. For physical therapists and occupational therapists,  
12 23 ~~the board of physical and occupational therapy~~ ~~examiners~~.

12 24 7. For nursing, ~~the board of nursing~~.

12 25 8. For dentistry, dental hygiene, and dental assisting,  
12 26 ~~dental examiners the board of dentistry~~.

12 27 9. For optometry, ~~the board of optometry~~ ~~examiners~~.

12 28 10. For speech pathology and audiology, ~~the board of~~  
12 29 ~~speech pathology and audiology~~ ~~examiners~~.

12 30 11. For cosmetology arts and sciences, ~~the board of~~  
12 31 ~~cosmetology arts and sciences~~ ~~examiners~~.

12 32 12. For barbering, ~~barber examiners the board of~~  
12 33 ~~barbering~~.

12 34 13. For pharmacy, ~~the board of pharmacy~~ ~~examiners~~.

12 35 14. For mortuary science, ~~the board of mortuary science~~  
13 1 ~~examiners~~.

13 2 15. For social workers, ~~the board of social work~~  
13 3 ~~examiners~~.

13 4 16. For marital and family therapists and mental health  
13 5 counselors, ~~the board of behavioral science~~ ~~examiners~~.

13 6 17. For dietetics, ~~dietetic examiners the board of~~  
13 7 ~~dietetics~~.

13 8 18. For respiratory care therapists, ~~the board of~~  
13 9 ~~respiratory care~~ ~~examiners~~.

13 10 19. For massage therapists, ~~the board of massage therapy~~  
13 11 ~~examiners~~.

13 12 20. For athletic trainers, ~~the board of athletic training~~  
13 13 ~~examiners~~.

13 14 21. For interpreters, ~~interpreter for the hearing impaired~~  
13 15 ~~examiners the board of sign language interpreters and~~  
13 16 ~~translitterators~~.

13 17 22. For hearing aids, ~~the board of hearing aid dispenser~~  
13 18 ~~examiners dispensers~~.

13 19 23. For nursing home administrators, ~~the board of nursing~~  
13 20 ~~home administrators~~ ~~examiners~~.

13 21 Sec. 33. Section 147.14, Code 2007, is amended to read as  
13 22 follows:

13 23 147.14 COMPOSITION OF BOARDS.

13 24 The ~~boards of examiners board members~~ shall consist of the  
13 25 following:

13 26 1. For barbering, three members licensed to practice  
13 27 barbering, and two members who are not licensed to practice  
13 28 barbering and who shall represent the general public. A  
13 29 quorum shall consist of a majority of the members of the  
13 30 board.

13 31 2. For ~~medical examiners medicine~~, five members licensed  
13 32 to practice medicine and surgery, two members licensed to  
13 33 practice osteopathic medicine and surgery, and three members  
13 34 not licensed to practice either medicine and surgery or  
13 35 osteopathic medicine and surgery, and who shall represent the  
14 1 general public. A majority of members of the board  
14 2 constitutes a quorum.

14 3 3. For ~~the board of~~ nursing, four registered nurses, two

14 4 of whom shall be actively engaged in practice, two of whom  
14 5 shall be nurse educators from nursing education programs; of  
14 6 these, one in higher education and one in area community and  
14 7 vocational=technical registered nurse education; one licensed  
14 8 practical nurse actively engaged in practice; and two members  
14 9 not registered nurses or licensed practical nurses and who  
14 10 shall represent the general public. The representatives of  
14 11 the general public shall not be members of health care  
14 12 delivery systems. A majority of the members of the board  
14 13 constitutes a quorum.

14 14 4. For ~~dental examiners dentistry~~, five members ~~shall be~~  
14 15 licensed to practice dentistry, two members ~~shall be~~ licensed  
14 16 to practice dental hygiene, and two members not licensed to  
14 17 practice dentistry or dental hygiene and who shall represent  
14 18 the general public. A majority of the members of the board  
14 19 shall constitute a quorum. No member of the dental faculty of  
14 20 the school of dentistry at the state university of Iowa shall  
14 21 be eligible to be appointed. ~~Beginning January 1, 2000,~~  
~~14 22 persons~~ Persons appointed to the board as dental hygienist  
14 23 members shall not be employed by or receive any form of  
14 24 remuneration from a dental or dental hygiene educational  
14 25 institution. The two dental hygienist board members and one  
14 26 dentist board member shall constitute a dental hygiene  
14 27 committee of the board as provided in section 153.33A.

14 28 5. For pharmacy ~~examiners~~, five members licensed to  
14 29 practice pharmacy and two members who are not licensed to  
14 30 practice pharmacy and who shall represent the general public.  
14 31 A majority of the members of the board shall constitute a  
14 32 quorum.

14 33 6. For optometry ~~examiners~~, five members licensed to  
14 34 practice optometry and two members who are not licensed to  
14 35 practice optometry and who shall represent the general public.  
15 1 A majority of the members of the board shall constitute a  
15 2 quorum.

15 3 7. For psychology ~~examiners~~, five members who are licensed  
15 4 to practice psychology and two members not licensed to  
15 5 practice psychology and who shall represent the general  
15 6 public. Of the five members who are licensed to practice  
15 7 psychology, one member shall be primarily engaged in graduate  
15 8 teaching in psychology, two members shall be persons who  
15 9 render services in psychology, one member shall represent  
15 10 areas of applied psychology and may be affiliated with  
15 11 training institutions and shall devote a major part of the  
15 12 member's time to rendering service in psychology, and one  
15 13 member shall be primarily engaged in research psychology. A  
15 14 majority of the members of the board constitutes a quorum.

15 15 8. For chiropractic ~~examiners~~, five members licensed to  
15 16 practice chiropractic and two members who are not licensed to  
15 17 practice chiropractic and who shall represent the general  
15 18 public. A majority of the members of the board shall  
15 19 constitute a quorum.

15 20 9. For speech pathology and audiology ~~examiners~~, five  
15 21 members licensed to practice speech pathology or audiology at  
15 22 least two of which shall be licensed to practice speech  
15 23 pathology and at least two of which shall be licensed to  
15 24 practice audiology, and two members who are not licensed to  
15 25 practice speech pathology or audiology and who shall represent  
15 26 the general public. A majority of the members of the board  
15 27 shall constitute a quorum.

15 28 10. For physical therapy and occupational therapy, three  
15 29 members licensed to practice physical therapy, two members  
15 30 licensed to practice occupational therapy, and two members who  
15 31 are not licensed to practice physical therapy or occupational  
15 32 therapy and who shall represent the general public. A quorum  
15 33 shall consist of a majority of the members of the board.

15 34 11. For ~~dietetic examiners dietetics~~, one licensed  
15 35 dietitian representing the approved or accredited dietetic  
16 1 education programs, one licensed dietitian representing  
16 2 clinical dietetics in hospitals, one licensed dietitian  
16 3 representing community nutrition services and two members who  
16 4 are not licensed dietitians and who shall represent the  
16 5 general public. A majority of the members of the board  
16 6 constitutes a quorum.

16 7 12. For the board of physician ~~assistant examiners~~  
16 8 assistants, three members licensed to practice as physician  
16 9 assistants, at least two of whom practice in counties with a  
16 10 population of less than fifty thousand, one member licensed to  
16 11 practice medicine and surgery who supervises a physician  
16 12 assistant, one member licensed to practice osteopathic  
16 13 medicine and surgery who supervises a physician assistant, and  
16 14 two members who are not licensed to practice either medicine

16 15 and surgery or osteopathic medicine and surgery or licensed as  
16 16 a physician assistant and who shall represent the general  
16 17 public. At least one of the physician members shall be in  
16 18 practice in a county with a population of less than fifty  
16 19 thousand. A majority of members of the board constitutes a  
16 20 quorum.

16 21 13. For behavioral science ~~examiners~~, three members  
16 22 licensed to practice marital and family therapy, one of whom  
16 23 shall be employed in graduate teaching, training, or research  
16 24 in marital and family therapy and two of whom shall be  
16 25 practicing marital and family therapists; three members  
16 26 licensed to practice mental health counseling, one of whom  
16 27 shall be employed in graduate teaching, training, or research  
16 28 in mental health counseling and two of whom shall be  
16 29 practicing mental health counselors; and three members who are  
16 30 not licensed to practice marital and family therapy or mental  
16 31 health counseling and who shall represent the general public.  
16 32 A majority of the members of the board constitutes a quorum.

16 33 14. For cosmetology arts and sciences ~~examiners~~, a total  
16 34 of seven members, three who are licensed cosmetologists, one  
16 35 who is a licensed electrologist, esthetician, or nail  
17 1 technologist, one who is a licensed instructor of cosmetology  
17 2 arts and sciences at a public or private school and who does  
17 3 not own a school of cosmetology arts and sciences, and two who  
17 4 are not licensed in a practice of cosmetology arts and  
17 5 sciences and who shall represent the general public.

17 6 15. For respiratory care, one licensed physician with  
17 7 training in respiratory care, three respiratory care  
17 8 practitioners who have practiced respiratory care for a  
17 9 minimum of six years immediately preceding their appointment  
17 10 to the board and who are recommended by the society for  
17 11 respiratory care, and one member not licensed to practice  
17 12 medicine or respiratory care who shall represent the general  
17 13 public. A majority of members of the board constitutes a  
17 14 quorum.

17 15 16. For mortuary science ~~examiners~~, four members licensed  
17 16 to practice mortuary science, one member owning, operating, or  
17 17 employed by a crematory, and two members not licensed to  
17 18 practice mortuary science and not a crematory owner, operator,  
17 19 or employee who shall represent the general public. A  
17 20 majority of the members of the board constitutes a quorum.

17 21 17. For massage therapists, four members licensed to  
17 22 practice massage therapy and three members who are not  
17 23 licensed to practice massage therapy and who shall represent  
17 24 the general public. A majority of the members of the board  
17 25 constitutes a quorum.

17 26 18. For athletic trainers, three members licensed to  
17 27 practice athletic training, three members licensed to practice  
17 28 medicine and surgery, and one member not licensed to practice  
17 29 athletic training or medicine and surgery and who shall  
17 30 represent the general public. A majority of the members of  
17 31 the board constitutes a quorum.

17 32 19. For podiatry ~~examiners~~, five members licensed to  
17 33 practice podiatry and two members who are not licensed to  
17 34 practice podiatry and who shall represent the general public.  
17 35 A majority of the members of the board shall constitute a  
18 1 quorum.

18 2 20. For social work ~~examiners~~, a total of seven members,  
18 3 five who are licensed to practice social work, with at least  
18 4 one from each of three levels of licensure described in  
18 5 section 154C.3, subsection 1, two employed by a licensee under  
18 6 chapter 237, and two who are not licensed social workers and  
18 7 who shall represent the general public.

18 8 21. For sign language interpreting ~~for the hearing~~  
~~impaired and transliterating~~, four members licensed to  
18 10 practice interpreting and transliterating, three of whom shall  
18 11 be practicing interpreters and transliterators at the time of  
18 12 appointment to the board and at least one of whom is employed  
18 13 in an educational setting; and three members who are consumers  
18 14 of interpreting or transliterating services as defined in  
18 15 section 154E.1, each of whom shall be deaf. A majority of  
18 16 members of the board constitutes a quorum.

18 17 22. For hearing aid dispensers, three licensed hearing aid  
dispensers and two members who are not licensed hearing aid  
dispensers who shall represent the general public. A majority  
of the members of the board constitutes a quorum.

18 21 23. For nursing home administrators, a total of nine  
members: Four licensed nursing home administrators, one of  
whom is the administrator of a nonproprietary nursing home;  
three licensed members of any profession concerned with the  
care and treatment of chronically ill or elderly patients who



18 26 are not nursing home administrators or nursing home owners;  
18 27 and two members of the general public who are not licensed  
18 28 under chapter 147, have no financial interest in any nursing  
18 29 home, and who shall represent the general public. A majority  
18 30 of the members of the board constitutes a quorum.

18 31 Sec. 34. Section 147.16, Code 2007, is amended to read as  
18 32 follows:

18 33 147.16 ~~EXAMINERS BOARD MEMBERS.~~

18 34 Each licensed ~~examiner board member~~ shall be actively  
18 35 engaged in the practice or the instruction of the ~~examiner's~~  
19 1 ~~board member's~~ profession and shall have been so engaged for a  
19 2 period of five years just preceding the ~~examiner's board~~  
19 3 ~~member's~~ appointment, the last two of which shall be in this  
19 4 state.

19 5 However, each licensed physician assistant member of the  
19 6 board of physician ~~assistant examiners~~ assistants shall be  
19 7 actively engaged in practice as a physician assistant and  
19 8 shall have been so engaged for a period of three years just  
19 9 preceding the member's appointment, the last year of which  
19 10 shall be in this state.

19 11 Sec. 35. Section 147.18, Code 2007, is amended to read as  
19 12 follows:

19 13 147.18 ~~DISQUALIFICATIONS.~~

19 14 ~~No examiner~~ A board member shall not be connected in any  
19 15 manner with any wholesale or jobbing house dealing in supplies  
19 16 or have a financial interest in or be an instructor at a  
19 17 proprietary school.

19 18 Sec. 36. Section 147.19, Code 2007, is amended to read as  
19 19 follows:

19 20 147.19 ~~TERMS OF OFFICE.~~

19 21 The board members shall serve three-year terms, which shall  
19 22 commence and end as provided by section 69.19. Any vacancy in  
19 23 the membership of ~~an examining~~ a board shall be filled by  
19 24 appointment of the governor subject to senate confirmation. A  
19 25 member shall serve no more than three terms or nine years.

19 26 Sec. 37. Section 147.20, Code 2007, is amended to read as  
19 27 follows:

19 28 147.20 ~~NOMINATION OF EXAMINERS BOARD MEMBERS.~~

19 29 The regular state association or society for each  
19 30 profession may recommend the names of potential board members  
19 31 to the governor, but the governor shall not be bound by the  
19 32 recommendations.

19 33 Sec. 38. Section 147.22, Code 2007, is amended to read as  
19 34 follows:

19 35 147.22 ~~OFFICERS.~~

20 1 Each ~~examining~~ board shall organize annually and shall  
20 2 select a chairperson and a secretary from its own membership.

20 3 Sec. 39. Section 147.24, Code 2007, is amended to read as  
20 4 follows:

20 5 147.24 ~~COMPENSATION.~~

20 6 Members of ~~an examining~~ a board shall receive actual  
20 7 expenses for their duties as a member of the ~~examining~~ board.  
20 8 Each member of each board may also be eligible to receive  
20 9 compensation as provided in section 7E.6. The funds shall be  
20 10 appropriated to the department and allocated to each ~~examining~~  
20 11 board within the limits of funds.

20 12 Sec. 40. Section 147.25, unnumbered paragraphs 3 and 4,  
20 13 Code 2007, are amended to read as follows:

20 14 ~~Examining boards~~ Boards collecting information necessary  
20 15 for the division for records and statistics to carry out the  
20 16 provisions of this section shall provide the department with  
20 17 the information which may be gathered by means including, but  
20 18 not limited to, questionnaires forwarded to applicants for a  
20 19 license or renewal of a license.

20 20 In addition to any other fee provided by law, a fee may be  
20 21 set by the respective ~~examining~~ boards for each license and  
20 22 renewal of a license to practice a profession, which fee shall  
20 23 be based on the annual cost of collecting information for use  
20 24 by the department in the administration of the system of  
20 25 health personnel statistics established by this section. The  
20 26 fee shall be collected, transmitted to the treasurer of state,  
20 27 and deposited in the general fund of the state in the manner  
20 28 in which license and renewal fees of the respective  
20 29 professions are collected, transmitted, and deposited in the  
20 30 general fund.

20 31 Sec. 41. Section 147.26, Code 2007, is amended to read as  
20 32 follows:

20 33 147.26 ~~SUPPLIES AND EXAMINATION QUARTERS.~~

20 34 The department shall furnish each ~~examining~~ board with all  
20 35 articles and supplies required for the public use and  
21 1 necessary to enable ~~said~~ the board to perform the duties

21 2 imposed upon it by law. Such articles and supplies shall be  
21 3 obtained by the department in the same manner in which the  
21 4 regular supplies for the department are obtained and the cost  
21 5 shall be assessed to the ~~examining~~ board. The director of the  
21 6 department of administrative services shall furnish each  
21 7 ~~examining~~ board with suitable quarters in which to conduct the  
21 8 examination and the cost of the quarters shall be assessed to  
21 9 the ~~examining~~ board.

21 10 Sec. 42. Section 147.28, Code 2007, is amended to read as  
21 11 follows:

21 12 147.28 NATIONAL ORGANIZATION.

21 13 Each ~~examining~~ board may maintain a membership in the  
21 14 national organization of the ~~state-examining~~ regulatory boards  
21 15 of its profession to be paid from funds appropriated to the  
21 16 board.

21 17 Sec. 43. Section 147.28A, Code 2007, is amended to read as  
21 18 follows:

21 19 147.28A SCOPE OF PRACTICE REVIEW COMMITTEES == FUTURE

21 20 REPEAL.

21 21 1. The department shall utilize scope of practice review  
21 22 committees to evaluate and make recommendations to the general  
21 23 assembly and to the appropriate ~~examining~~ boards regarding all  
21 24 of the following issues:

21 25 a. Requests from practitioners seeking to become newly  
21 26 licensed health professionals or to establish their own  
21 27 ~~examining~~ boards.

21 28 b. Requests from health professionals seeking to expand or  
21 29 narrow the scope of practice of a health profession.

21 30 c. Unresolved administrative rulemaking disputes between  
21 31 ~~examining~~ boards.

21 32 2. A scope of practice review committee established under  
21 33 this section shall evaluate the issues specified in subsection  
21 34 1 and make recommendations regarding proposed changes to the  
21 35 general assembly based on the following standards and  
22 1 guidelines:

22 2 a. The proposed change does not pose a significant new  
22 3 danger to the public.

22 4 b. Enacting the proposed change will benefit the health,  
22 5 safety, or welfare of the public.

22 6 c. The public cannot be effectively protected by other  
22 7 more cost-effective means.

22 8 3. A scope of practice review committee shall be limited  
22 9 to five members as follows:

22 10 a. One member representing the profession seeking  
22 11 licensure, a new ~~examining~~ board, or a change in scope of  
22 12 practice.

22 13 b. One member of the health profession directly impacted  
22 14 by, or opposed to, the proposed change.

22 15 c. One impartial health professional who is not directly  
22 16 or indirectly affected by the proposed change.

22 17 d. Two impartial members of the general public.

22 18 4. The department may contract with a school or college of  
22 19 public health to assist in ~~implementing~~ administering this  
22 20 section.

22 21 5. The department shall submit an annual progress report  
22 22 to the governor and the general assembly by January 15 and  
22 23 shall include any recommendations for legislative action as a  
22 24 result of review committee activities.

22 25 6. The department shall adopt rules in accordance with  
22 26 chapter 17A to ~~implement~~ administer this section.

22 27 7. This section is repealed July 1, 2007.

22 28 Sec. 44. Section 147.33, Code 2007, is amended to read as  
22 29 follows:

22 30 147.33 PROFESSIONAL SCHOOLS.

22 31 As a basis for such action on the part of the ~~examining~~  
22 32 board, the registrar of the state university of Iowa and the  
22 33 dean of the professional school of ~~said institution~~ which  
22 34 teaches the profession for which ~~said the~~ board gives license  
22 35 examinations, shall supply such data relative to any such  
23 1 professional school as ~~said the~~ board may request.

23 2 Sec. 45. Section 147.34, Code 2007, is amended to read as  
23 3 follows:

23 4 147.34 EXAMINATIONS.

23 5 Examinations for each profession licensed under this  
23 6 subtitle shall be conducted at least one time per year at such  
23 7 time as the department may fix in cooperation with each  
23 8 ~~examining~~ board. Examinations may be given at the state  
23 9 university of Iowa at the close of each school year for  
23 10 professions regulated by this subtitle and examinations may be  
23 11 given at other schools located in the state at which any of  
23 12 the professions regulated by this subtitle are taught. At

23 13 least one session of each ~~examining~~ board shall be held  
23 14 annually at the seat of government and the locations of other  
23 15 sessions shall be determined by the ~~examining~~ board, unless  
23 16 otherwise ordered by the department. Applicants who fail to  
23 17 pass the examination once shall be allowed to take the  
23 18 examination at the next scheduled time. Thereafter,  
23 19 applicants shall be allowed to take the examination at the  
23 20 discretion of the board. Examinations may be given by ~~an~~  
~~23 21 examining~~ a board which are prepared and scored by persons  
23 22 outside the state, and ~~examining~~ boards may contract for such  
23 23 services. ~~An examining~~ A board may make an agreement with  
23 24 ~~examining~~ boards in other states for administering a uniform  
23 25 examination. An applicant who has failed an examination may  
23 26 request in writing information from the ~~examining~~ board  
23 27 concerning the examination grade and subject areas or  
23 28 questions which the applicant failed to answer correctly,  
23 29 except that if the ~~examining~~ board administers a uniform,  
23 30 standardized examination, the ~~examining~~ board shall only be  
23 31 required to provide the examination grade and such other  
23 32 information concerning the applicant's examination results  
23 33 which are available to the ~~examining~~ board.

23 34 Sec. 46. Section 147.35, Code 2007, is amended to read as  
23 35 follows:

24 1 147.35 NAMES OF ELIGIBLE CANDIDATES.

24 2 Prior to each examination the department shall transmit to  
24 3 each ~~examining~~ board the list of candidates who are eligible  
24 4 to take the examination given by such board. In making up  
24 5 such list the department may call upon any ~~examining~~ board, or  
24 6 any member thereof, for information relative to the  
24 7 eligibility of any applicant.

24 8 Sec. 47. Section 147.36, unnumbered paragraph 1, Code  
24 9 2007, is amended to read as follows:

24 10 Each ~~examining~~ board shall establish rules for:

24 11 Sec. 48. Section 147.37, Code 2007, is amended to read as  
24 12 follows:

24 13 147.37 IDENTITY OF CANDIDATE CONCEALED.

24 14 All examinations in theory shall be in writing, and the  
24 15 identity of the person taking the same shall not be disclosed  
24 16 upon the examination papers in such a way as to enable the  
24 17 members of the ~~examining~~ board to know by whom written until  
24 18 after the papers have been passed upon. In examinations in  
24 19 practice the identity of the candidate shall also be concealed  
24 20 as far as possible.

24 21 Sec. 49. Section 147.39, Code 2007, is amended to read as  
24 22 follows:

24 23 147.39 CLERK.

24 24 Upon the request of any ~~examining~~ board, the department  
24 25 shall detail some employee to act as clerk of any examination  
24 26 given by ~~said examining the~~ board. Such clerk shall have  
24 27 charge of the candidates during the examination and perform  
24 28 such other duties as the ~~examining~~ board may direct. If the  
24 29 duties of such clerk are performed away from the seat of  
24 30 government, the clerk shall receive necessary travel and  
24 31 expenses, which shall be paid from the appropriations to the  
24 32 ~~examining~~ board in the same manner in which other similar  
24 33 expenses are paid. The department shall be reimbursed by the  
24 34 ~~examining~~ board for costs incurred.

24 35 Sec. 50. Section 147.40, Code 2007, is amended to read as  
25 1 follows:

25 2 147.40 CERTIFICATION OF APPLICANTS.

25 3 Every examination shall be passed upon in accordance with  
25 4 the established rules of the ~~examining~~ board and shall be  
25 5 satisfactory to at least a majority of the professional  
25 6 members of the board. In the case of the board of ~~dental~~  
~~25 7 examiners dentistry~~, only licensed dentist members of the  
25 8 board shall determine whether an applicant has passed the  
25 9 examination to practice as a licensed dentist. After each  
25 10 examination, the ~~examining~~ board shall certify the names of  
25 11 the successful applicants to the department in the manner  
25 12 prescribed by it. The department shall then issue the proper  
25 13 license.

25 14 Sec. 51. Section 147.41, unnumbered paragraph 1, Code  
25 15 2007, is amended to read as follows:

25 16 Any ~~examining~~ board may provide for a partial examination  
25 17 for a license to practice a profession to any applicant who  
25 18 has completed a portion of the professional course. For such  
25 19 purpose ~~said the~~ board shall establish by rule:

25 20 Sec. 52. Section 147.42, Code 2007, is amended to read as  
25 21 follows:

25 22 147.42 RULES RELATIVE TO PARTIAL EXAMINATIONS.

25 23 ~~In case any examining~~ If a board ~~shall provide~~ provides for

25 24 partial examinations under section 147.41, the department  
25 25 shall adopt rules establishing:

25 26 1. The portion of the license fee fixed in this chapter  
25 27 which shall be paid for a partial examination.

25 28 2. The credentials which shall be presented to the  
25 29 department by an applicant showing the applicant's  
25 30 qualifications to take such examination.

25 31 3. The method of certifying the list of the eligible  
25 32 applicants for such examination to the ~~proper examining~~  
25 33 appropriate board.

25 34 4. The method of certifying back to the department the  
25 35 list of applicants who successfully pass such examination.

26 1 5. The method of keeping the records of such applicants  
26 2 for use at the time of completing the examination for a  
26 3 license.

26 4 6. The credentials which shall be presented to the  
26 5 department by such an applicant upon the completion of the  
26 6 professional course.

26 7 7. The method of certifying such applicant to the proper  
26 8 ~~examining~~ board for the remainder of the examination.

26 9 8. Such other matters of procedure as are necessary to  
26 10 carry into effect section 147.41.

26 11 Sec. 53. Section 147.44, Code 2007, is amended to read as  
26 12 follows:

26 13 147.44 AGREEMENTS.

26 14 For the purpose of recognizing licenses which have been  
26 15 issued in other states to practice any profession for which a  
26 16 license is required by this subtitle, the department shall  
26 17 enter into a reciprocal agreement with every state which is  
26 18 certified to ~~it the department~~ by the ~~proper examining~~  
26 19 appropriate board under the provisions of section 147.45 and  
26 20 with which this state does not have an existing agreement at  
26 21 the time of such certification.

26 22 Sec. 54. Section 147.45, Code 2007, is amended to read as  
26 23 follows:

26 24 147.45 STATES ENTITLED TO RECIPROCAL RELATIONS.

26 25 The department shall at least once each year lay before the  
26 26 ~~proper examining appropriate~~ board the requirements of the  
26 27 several states for a license to practice the profession for  
26 28 which ~~such examining the~~ board conducts examinations for  
26 29 licenses in this state. ~~Said examining~~ The board shall  
26 30 immediately examine such requirements and after making such  
26 31 other inquiries as it deems necessary, shall certify to the  
26 32 department the states having substantially equivalent  
26 33 requirements to those existing in this state for that  
26 34 particular profession and with which ~~said examining the~~ board  
26 35 desires this state to enter into reciprocal relations.

27 1 Sec. 55. Section 147.46, subsection 2, Code 2007, is  
27 2 amended to read as follows:

27 3 2. SPECIAL CONDITIONS. When any ~~examining~~ board has  
27 4 established by rule any special condition upon which  
27 5 reciprocal agreements shall be entered into, as provided in  
27 6 section 147.47, such condition shall be incorporated into the  
27 7 reciprocal agreements negotiated with reference to licenses to  
27 8 practice the professions for which ~~such examining the~~ board  
27 9 conducts examinations.

27 10 Sec. 56. Section 147.47, Code 2007, is amended to read as  
27 11 follows:

27 12 147.47 SPECIAL CONDITIONS.

27 13 ~~An examining~~ A board shall have power to provide by rule  
27 14 that no reciprocal relation shall be entered into by the  
27 15 department with any state with reference to licenses to  
27 16 practice the profession for which ~~such examining the~~ board  
27 17 conducts examinations, unless every person licensed in another  
27 18 state when applying for a license to practice in this state  
27 19 shall comply with one or both of the following conditions:

27 20 1. Furnish satisfactory proof to the department that the  
27 21 person has been actively engaged in the practice of the  
27 22 profession for a certain period of years to be fixed by ~~such~~  
27 23 ~~examining the~~ board.

27 24 2. Pass a practical examination in the practice of the  
27 25 person's particular profession as prescribed by ~~such examining~~  
27 26 the board.

27 27 Sec. 57. Section 147.48, Code 2007, is amended to read as  
27 28 follows:

27 29 147.48 TERMINATION OF AGREEMENTS.

27 30 ~~When if~~ If the requirements for a license in any state with  
27 31 which this state has a reciprocal agreement are changed by any  
27 32 law or rule of the authorities ~~therein in that state~~ so that  
27 33 such requirements are no longer substantially as high as those  
27 34 existing in this state, ~~then such the~~ agreement shall be

27 35 deemed terminated and licenses issued in ~~such that~~ state shall  
28 1 not be recognized as a basis of granting a license in this  
28 2 state until a new agreement has been negotiated. The fact of  
28 3 such change shall be determined by the ~~proper examining~~  
28 4 appropriate board and certified to the department for its  
28 5 guidance in enforcing the provisions of this section.

28 6 Sec. 58. Section 147.49, Code 2007, is amended to read as  
28 7 follows:

28 8 147.49 LICENSE OF ANOTHER STATE.

28 9 The department shall, upon presentation of a license to  
28 10 practice a profession issued by the duly constituted authority  
28 11 of another state, with which this state has established  
28 12 reciprocal relations, and subject to the rules of the  
28 13 ~~examining~~ board for such profession, license ~~said the~~  
28 14 applicant to practice in this state, unless under the rules of  
28 15 ~~said examining the~~ board a practical examination is required  
28 16 ~~in such cases~~. The department may, upon the recommendation of  
28 17 the ~~medical examiners~~ board of medicine, accept in lieu of the  
28 18 examination prescribed in section 148.3 or section 150A.3 a  
28 19 license to practice medicine and surgery or osteopathic  
28 20 medicine and surgery, issued by the duly constituted authority  
28 21 of another state, territory, or foreign country. Endorsement  
28 22 may be accepted by the department in lieu of further written  
28 23 examination without regard to the existence or nonexistence of  
28 24 a reciprocal agreement, but shall not be in lieu of the  
28 25 standards and qualifications prescribed by section 148.3 or  
28 26 section 150A.3.

28 27 Sec. 59. Section 147.50, Code 2007, is amended to read as  
28 28 follows:

28 29 147.50 PRACTICAL EXAMINATIONS.

28 30 If the rules of any ~~examining~~ board require an applicant  
28 31 for a license under a reciprocal agreement to pass a practical  
28 32 examination in the practice of the applicant's profession,  
28 33 ~~then such the~~ applicant shall make application ~~therefore for~~  
28 34 ~~the license~~ to the department upon a form provided by ~~it the~~  
28 35 department.

29 1 Sec. 60. Section 147.53, Code 2007, is amended to read as  
29 2 follows:

29 3 147.53 POWER TO ADOPT RULES.

29 4 The department and each ~~examining~~ board shall ~~have power to~~  
29 5 ~~establish the~~ adopt necessary rules, not inconsistent with  
29 6 law, for carrying out the reciprocal relations with other  
29 7 states which are authorized by this chapter.

29 8 Sec. 61. Section 147.74, subsections 7, 15, and 22, Code  
29 9 2007, are amended to read as follows:

29 10 7. A graduate of a school accredited ~~on by~~ the board of  
29 11 ~~optometric examiners~~ optometry may use the prefix "Doctor",  
29 12 but shall add after the person's name the letters "O. D."

29 13 15. A pharmacist who possesses a doctoral degree  
29 14 recognized by the American council of pharmaceutical education  
29 15 from a college of pharmacy approved by the board of pharmacy  
29 16 ~~examiners~~ or a doctor of philosophy degree in an area related  
29 17 to pharmacy may use the prefix "Doctor" or "Dr." but shall add  
29 18 after the person's name the word "pharmacist" or "Pharm. D."

29 19 22. ~~An A sign language~~ interpreter licensed under chapter  
29 20 154E and this chapter may use the title "licensed sign  
29 21 language interpreter" or the letters "L. I." after the  
29 22 person's name.

29 23 Sec. 62. Section 147.76, Code 2007, is amended to read as  
29 24 follows:

29 25 147.76 RULES.

29 26 The ~~examining~~ boards for the various professions shall  
29 27 adopt all necessary and proper rules to ~~implement~~ administer  
29 28 and interpret this chapter and chapters 147A through 158,  
29 29 except chapter 148D.

29 30 Sec. 63. Section 147.80, Code 2007, is amended to read as  
29 31 follows:

29 32 147.80 LICENSE == EXAMINATION == FEES.

29 33 ~~An examining~~ Each board shall set the fees for the  
29 34 examination of applicants, which fees shall be based upon the  
29 35 cost of administering the examinations. ~~An examining~~ A board  
30 1 shall set the license fees and renewal fees required for any  
30 2 of the following based upon the cost of sustaining the board  
30 3 and the actual costs of licensing:

30 4 1. License to practice dentistry issued upon the basis of  
30 5 an examination given by the board of ~~dental examiners~~  
30 6 dentistry, license to practice dentistry issued under a  
30 7 reciprocal agreement, resident dentist's license, renewal of a  
30 8 license to practice dentistry.

30 9 2. License to practice pharmacy issued upon the basis of  
30 10 an examination given by the board of pharmacy ~~examiners~~,

30 11 license to practice pharmacy issued under a reciprocal  
30 12 agreement, renewal of a license to practice pharmacy.

30 13 3. License to practice medicine and surgery, osteopathic  
30 14 medicine and surgery, or osteopathy and renewal of a license  
30 15 to practice medicine and surgery, osteopathic medicine and  
30 16 surgery, or osteopathy.

30 17 4. Certificate to practice psychology or associate  
30 18 psychology issued on the basis of an examination given by the  
30 19 board of psychology ~~examiners~~, or certificate to practice  
30 20 psychology or associate psychology issued under a reciprocity  
30 21 agreement or by endorsement, renewal of a certificate to  
30 22 practice psychology or associate psychology.

30 23 5. Application for a license to practice as a physician  
30 24 assistant, issuance of a license to practice as a physician  
30 25 assistant issued upon the basis of an examination given or  
30 26 approved by the board of physician ~~assistant-examiners~~  
30 27 assistants, issuance of a license to practice as a physician  
30 28 assistant issued under a reciprocal agreement, renewal of a  
30 29 license to practice as a physician assistant, temporary  
30 30 license to practice as a physician assistant.

30 31 6. License to practice chiropractic issued on the basis of  
30 32 an examination given by the board of chiropractic ~~examiners~~.  
30 33 License to practice chiropractic issued by endorsement or  
30 34 under a reciprocal agreement, renewal of a license to practice  
30 35 chiropractic.

31 1 7. License to practice podiatry issued upon the basis of  
31 2 an examination given by the board of podiatry ~~examiners~~,  
31 3 license to practice podiatry issued under a reciprocal  
31 4 agreement, renewal of a license to practice podiatry.

31 5 8. License to practice physical therapy issued upon the  
31 6 basis of an examination given by the board of physical and  
31 7 occupational therapy ~~examiners~~, license to practice physical  
31 8 therapy issued under a reciprocal agreement, renewal of a  
31 9 license to practice physical therapy.

31 10 9. License to practice as a physical therapist assistant  
31 11 issued on the basis of an examination given by the board of  
31 12 physical and occupational therapy ~~examiners~~, license to  
31 13 practice as a physical therapist assistant issued under a  
31 14 reciprocal agreement, renewal of a license to practice as a  
31 15 physical therapist assistant.

31 16 10. For a license to practice optometry issued upon the  
31 17 basis of an examination given by the board of optometry  
31 18 ~~examiners~~, license to practice optometry issued under a  
31 19 reciprocal agreement, renewal of a license to practice  
31 20 optometry.

31 21 11. License to practice dental hygiene issued upon the  
31 22 basis of an examination given by the board of ~~dental-examiners~~  
31 23 dentistry, license to practice dental hygiene issued under a  
31 24 reciprocal agreement, renewal of a license to practice dental  
31 25 hygiene.

31 26 12. License to practice mortuary science issued upon the  
31 27 basis of an examination given by the board of mortuary science  
31 28 ~~examiners~~, license to practice mortuary science issued under a  
31 29 reciprocal agreement, renewal of a license to practice  
31 30 mortuary science.

31 31 13. License to practice nursing issued upon the basis of  
31 32 an examination given by the board of nursing; license to  
31 33 practice nursing based on an endorsement from another state,  
31 34 territory, or foreign country; renewal of a license to  
31 35 practice nursing.

32 1 14. A nurse who does not engage in nursing during the year  
32 2 succeeding the expiration of the license shall notify the  
32 3 board to place the nurse upon the inactive list and the nurse  
32 4 shall not be required to pay the renewal fee so long as the  
32 5 nurse remains inactive and so notifies the board. To resume  
32 6 nursing, the nurse shall notify the board and remit the  
32 7 renewal fee for the current period.

32 8 15. License to practice cosmetology arts and sciences  
32 9 issued upon the basis of an examination given by the board of  
32 10 cosmetology arts and sciences ~~examiners~~, license to practice  
32 11 cosmetology arts and sciences under a reciprocal agreement,  
32 12 renewal of a license to practice cosmetology arts and  
32 13 sciences, temporary permit to practice as a cosmetology arts  
32 14 and sciences trainee, original license to conduct a school of  
32 15 cosmetology arts and sciences, renewal of license to conduct a  
32 16 school of cosmetology arts and sciences, original license to  
32 17 operate a salon, renewal of a license to operate a salon,  
32 18 original license to practice manicuring and pedicuring,  
32 19 renewal of a license to practice manicuring and pedicuring,  
32 20 annual inspection of a school of cosmetology arts and  
32 21 sciences, annual inspection of a salon, original cosmetology

32 22 arts and sciences school instructor's license, and renewal of  
32 23 cosmetology arts and sciences school instructor's license.  
32 24 16. License to practice barbering on the basis of an  
32 25 examination given by the board of ~~barber examiners~~ barbering,  
32 26 license to practice barbering under a reciprocal agreement,  
32 27 renewal of a license to practice barbering, annual inspection  
32 28 by the department of inspections and appeals of barber school  
32 29 and annual inspection of barber shop, an original barber  
32 30 school license, renewal of a barber school license, transfer  
32 31 of license upon change of ownership of a barber shop or barber  
32 32 school, inspection by the department of inspections and  
32 33 appeals and an original barber shop license, renewal of a  
32 34 barber shop license, original barber school instructor's  
32 35 license, renewal of a barber school instructor's license.  
33 1 17. License to practice speech pathology or audiology  
33 2 issued on the basis of an examination given by the board of  
33 3 speech pathology and audiology, or license to practice speech  
33 4 pathology or audiology issued under a reciprocity agreement,  
33 5 renewal of a license to practice speech pathology or  
33 6 audiology.  
33 7 18. License to practice occupational therapy issued upon  
33 8 the basis of an examination given by the board of physical and  
33 9 occupational therapy ~~examiners~~, license to practice  
33 10 occupational therapy issued under a reciprocal agreement,  
33 11 renewal of a license to practice occupational therapy.  
33 12 19. License to assist in the practice of occupational  
33 13 therapy issued upon the basis of an examination given by the  
33 14 board of physical and occupational therapy ~~examiners~~, license  
33 15 to assist in the practice of occupational therapy issued under  
33 16 a reciprocal agreement, renewal of a license to assist in the  
33 17 practice of occupational therapy.  
33 18 20. License to practice social work issued on the basis of  
33 19 an examination by the board of social work ~~examiners~~, or  
33 20 license to practice social work issued under a reciprocity  
33 21 agreement, or renewal of a license to practice social work.  
33 22 21. License to practice marital and family therapy issued  
33 23 upon the basis of an examination given by the board of  
33 24 behavioral science ~~examiners~~, license to practice marital and  
33 25 family therapy issued under a reciprocal agreement, or renewal  
33 26 of a license to practice marital and family therapy.  
33 27 22. License to practice mental health counseling issued  
33 28 upon the basis of an examination given by the board of  
33 29 behavioral science ~~examiners~~, license to practice mental  
33 30 health counseling issued under a reciprocal agreement, or  
33 31 renewal of a license to practice mental health counseling.  
33 32 23. License to practice dietetics issued upon the basis of  
33 33 an examination given by the board of ~~dietetic examiners~~  
33 34 dietetics, license to practice dietetics issued under a  
33 35 reciprocal agreement, or renewal of a license to practice  
34 1 dietetics.  
34 2 24. License to practice acupuncture, license to practice  
34 3 acupuncture under a reciprocal agreement, or renewal of a  
34 4 license to practice acupuncture.  
34 5 25. License to practice respiratory care, license to  
34 6 practice respiratory care under a reciprocal license, or  
34 7 renewal of a license to practice respiratory care.  
34 8 26. License to practice massage therapy, license to  
34 9 practice massage therapy under a reciprocal license, or  
34 10 renewal of a license to practice massage therapy.  
34 11 27. License to practice athletic training, license to  
34 12 practice athletic training under a reciprocal license, or  
34 13 renewal of a license to practice athletic training.  
34 14 28. Registration to practice as a dental assistant,  
34 15 registration to practice as a dental assistant under a  
34 16 reciprocal agreement, or renewal of registration to practice  
34 17 as a dental assistant.  
34 18 29. License to practice sign language interpreting and  
34 19 transliterating, license to practice sign language  
34 20 interpreting and transliterating under a reciprocal license,  
34 21 or renewal of a license to practice sign language interpreting  
34 22 and transliterating.  
34 23 30. License to practice hearing aid dispensing, license to  
34 24 practice hearing aid dispensing under a reciprocal license, or  
34 25 renewal of a license to practice hearing aid dispensing.  
34 26 31. License to practice nursing home administration,  
34 27 license to practice nursing home administration under a  
34 28 reciprocal license, or renewal of a license to practice  
34 29 nursing home administration.  
34 30 32. For a certified statement that a licensee is licensed  
34 31 in this state.  
34 32 33. Duplicate license, which shall be so designated on its

34 33 face, upon satisfactory proof the original license issued by  
34 34 the department has been destroyed or lost.

34 35 The licensing and certification division shall prepare  
35 1 estimates of projected revenues to be generated by the  
35 2 licensing, certification, and examination fees of each board  
35 3 as well as a projection of the fairly apportioned  
35 4 administrative costs and rental expenses attributable to each  
35 5 board. Each board shall annually review and adjust its  
35 6 schedule of fees so that, as nearly as possible, projected  
35 7 revenues equal projected costs and any imbalance in revenues  
35 8 and costs in a fiscal year is offset in a subsequent fiscal  
35 9 year.

35 10 The board of ~~medical examiners medicine~~, the board of  
35 11 pharmacy ~~examiners~~, the board of ~~dental examiners dentistry~~,  
35 12 and the board of nursing shall retain individual executive  
35 13 officers, but shall make every effort to share administrative,  
35 14 clerical, and investigative staffs to the greatest extent  
35 15 possible. The department shall annually submit a status  
35 16 report to the general assembly in December regarding the  
35 17 sharing of staff during the previous fiscal year.

35 18 Sec. 64. Section 147.82, Code 2007, is amended to read as  
35 19 follows:

35 20 147.82 FEES.

35 21 Notwithstanding section 12.10, all fees collected under  
35 22 this chapter by ~~an examining~~ a board or the department shall  
35 23 be paid to the treasurer of state and credited to the general  
35 24 fund of the state, except for the following:

35 25 1. The department may retain and expend or encumber a  
35 26 portion of fees collected under this chapter for ~~an examining~~  
35 27 a board if the expenditure or encumbrance is directly the  
35 28 result of an unanticipated litigation expense or an expense  
35 29 associated with a scope of practice review committee created  
35 30 pursuant to section 147.28A. Before the department retains,  
35 31 expends, or encumbers funds for an unanticipated litigation  
35 32 expense or a scope of practice review committee, the director  
35 33 of the department of management shall approve the expenditure  
35 34 or encumbrance. The amount of fees retained pursuant to this  
35 35 subsection shall not exceed five percent of the average annual  
36 1 fees generated by the affected ~~examining~~ board for the two  
36 2 previous fiscal years. The amount of fees retained shall be  
36 3 considered repayment receipts as defined in section 8.2.

36 4 2. The department may annually retain and expend not more  
36 5 than two hundred ninety-seven thousand nine hundred sixty-one  
36 6 dollars for lease and maintenance expenses from fees collected  
36 7 pursuant to section 147.80 by the board of ~~dental examiners~~  
36 8 ~~dentistry~~, the board of pharmacy ~~examiners~~, the board of  
36 9 ~~medical examiners medicine~~, and the board of nursing. Fees  
36 10 retained by the department pursuant to this subsection shall  
36 11 be considered repayment receipts as defined in section 8.2.

36 12 3. The department may annually retain and expend not more  
36 13 than one hundred thousand dollars for reduction of the number  
36 14 of days necessary to process medical license requests and for  
36 15 reduction of the number of days needed for consideration of  
36 16 malpractice cases from fees collected pursuant to section  
36 17 147.80 by the board of medical examiners. Fees retained by  
36 18 the department pursuant to this subsection shall be considered  
36 19 repayment receipts as defined in section 8.2 and shall be used  
36 20 for the purposes described in this subsection.

36 21 4. The board of ~~dental examiners dentistry~~ may annually  
36 22 retain and expend not more than one hundred forty-eight  
36 23 thousand sixty dollars from revenues generated pursuant to  
36 24 section 147.80. Fees retained by the board pursuant to this  
36 25 subsection shall be considered repayment receipts as defined  
36 26 in section 8.2 and shall be used for the purposes of  
36 27 regulating dental assistants.

36 28 5. The board of nursing may annually retain and expend  
36 29 ninety percent of the revenues generated from an increase in  
36 30 license and renewal fees established pursuant to section  
36 31 147.80 for the practice of nursing, above the license and  
36 32 renewal fees in effect as of July 1, 2003. The moneys  
36 33 retained shall be used for any of the board's duties,  
36 34 including but not limited to the addition of full-time  
36 35 equivalent positions for program services and investigations.  
37 1 Revenues retained by the board pursuant to this subsection  
37 2 shall be considered repayment receipts as defined in section  
37 3 8.2, and shall be used for the purposes described in this  
37 4 subsection.

37 5 6. The board of pharmacy ~~examiners~~ may annually retain and  
37 6 expend ninety percent of the revenues generated from an  
37 7 increase in license and renewal fees established pursuant to  
37 8 sections 124.301 and 147.80, and chapter 155A, for the



37 9 practice of pharmacy, above the license and renewal fees in  
37 10 effect as of July 1, 2004. The moneys retained shall be used  
37 11 for any of the board's duties, including but not limited to  
37 12 the addition of full-time equivalent positions for program  
37 13 services and investigations. Revenues retained by the board  
37 14 pursuant to this subsection shall be considered repayment  
37 15 receipts as defined in section 8.2, and shall be used for the  
37 16 purposes described in this subsection.

37 17 7. In addition to the amounts authorized in subsections 1  
37 18 through 6, the ~~examining~~ boards listed in section 147.80 may  
37 19 retain and expend ninety percent of the revenue generated from  
37 20 an increase in license and renewal fees established pursuant  
37 21 to section 147.80 for the practice of the licensed profession  
37 22 for which ~~an examining~~ a board conducts examinations above the  
37 23 license and renewal fees in effect as of June 30, 2005. The  
37 24 moneys retained by ~~an examining~~ a board shall be used for any  
37 25 of the board's duties, including but not limited to addition  
37 26 of full-time equivalent positions for program services and  
37 27 investigations. Revenues retained by ~~an examining~~ a board  
37 28 pursuant to this subsection shall be considered repayment  
37 29 receipts as defined in section 8.2. Notwithstanding section  
37 30 8.33, revenues retained by a board pursuant to this subsection  
37 31 are not subject to reversion to the general fund of the state.

37 32 Sec. 65. Section 147.87, Code 2007, is amended to read as  
37 33 follows:

37 34 147.87 ENFORCEMENT.

37 35 The department shall enforce the provisions of this and the  
38 1 following chapters of this subtitle and for that purpose may  
38 2 request the department of inspections and appeals to make  
38 3 necessary investigations. Every licensee and member of ~~an~~  
38 4 ~~examining~~ a board shall furnish the department or the  
38 5 department of inspections and appeals such evidence as the  
38 6 member or licensee may have relative to any alleged violation  
38 7 which is being investigated.

38 8 Sec. 66. Section 147.88, Code 2007, is amended to read as  
38 9 follows:

38 10 147.88 INSPECTIONS.

38 11 The department of inspections and appeals may perform  
38 12 inspections as required by this subtitle, except for the board  
38 13 of ~~medical examiners~~ medicine, board of pharmacy ~~examiners~~,  
38 14 board of nursing, and the board of ~~dental examiners~~ dentistry.  
38 15 The department of inspections and appeals shall employ  
38 16 personnel related to the inspection functions.

38 17 Sec. 67. Section 147.89, unnumbered paragraph 1, Code  
38 18 2007, is amended to read as follows:

38 19 Every licensee and member of ~~an examining~~ a board shall  
38 20 report, also, to the department the name of every person,  
38 21 without a license, that the member or licensee has reason to  
38 22 believe is engaged in:

38 23 Sec. 68. Section 147.91, subsection 3, Code 2007, is  
38 24 amended to read as follows:

38 25 3. The rules of the ~~examining~~ board relative to  
38 26 examinations.

38 27 Sec. 69. Section 147.94, subsections 1, 2, 3, and 4, Code  
38 28 2007, are amended to read as follows:

38 29 1. Every application for a license to practice pharmacy  
38 30 shall be made to the ~~secretary~~ executive director of the board  
38 31 of pharmacy ~~examiners~~.

38 32 2. A license and all renewals of a license shall be issued  
38 33 by the board of pharmacy ~~examiners~~.

38 34 3. Every reciprocal agreement for the recognition of any  
38 35 license issued in another state shall be negotiated by the  
39 1 board of pharmacy ~~examiners~~.

39 2 4. All records in connection with the licensing of  
39 3 pharmacists shall be kept by the ~~secretary~~ executive director  
39 4 of the board of pharmacy ~~examiners~~.

39 5 Sec. 70. Section 147.95, Code 2007, is amended to read as  
39 6 follows:

39 7 147.95 ENFORCEMENT == AGENTS AS PEACE OFFICERS.

39 8 The provisions of this subtitle insofar as they affect the  
39 9 practice of pharmacy shall be enforced by the board of  
39 10 pharmacy ~~examiners~~ and the provisions of sections 147.87,  
39 11 147.88, and 147.89 shall not apply to said profession.  
39 12 Officers, agents, inspectors, and representatives of the board  
39 13 of pharmacy ~~examiners~~ shall have the powers and status of  
39 14 peace officers when enforcing the provisions of this subtitle.

39 15 Sec. 71. Section 147.96, Code 2007, is amended to read as  
39 16 follows:

39 17 147.96 BOARD OF PHARMACY EXAMINERS.

39 18 In discharging the duties and exercising the powers  
39 19 provided for in sections 147.94 and 147.95, the board of

39 20 pharmacy ~~examiners and their secretary~~ the executive director  
39 21 of the board shall be governed by all the provisions of this  
39 22 chapter which govern the department when discharging a similar  
39 23 duty or exercising a similar power with reference to any of  
39 24 the professions regulated by this subtitle.

39 25 Sec. 72. Section 147.98, Code 2007, is amended to read as  
39 26 follows:

39 27 147.98 ~~SECRETARY OF PHARMACY EXAMINERS~~ EXECUTIVE DIRECTOR  
39 28 OF THE BOARD OF PHARMACY.

39 29 The board of pharmacy ~~examiners~~ shall have the right to may  
39 30 employ a full-time ~~secretary executive director~~, who shall not  
39 31 be a member of the examining board, at such compensation as  
39 32 may be fixed pursuant to chapter 8A, subchapter IV, but the  
39 33 provisions of section 147.22 providing for a secretary for  
39 34 each examining board shall not apply to the board of pharmacy  
39 35 examiners.

40 1 Sec. 73. Section 147.99, Code 2007, is amended to read as  
40 2 follows:

40 3 147.99 DUTIES OF ~~SECRETARY~~ EXECUTIVE DIRECTOR.

40 4 The ~~secretary executive director~~ of the board of pharmacy  
40 5 ~~examiners~~ shall, upon the direction of the board, make  
40 6 inspections of alleged violations of the provisions of this  
40 7 subtitle relative to the practice of pharmacy and of chapters  
40 8 124, 126, and 205. The ~~secretary executive director~~ shall be  
40 9 allowed necessary traveling and hotel expenses in making such  
40 10 inspections.

40 11 Sec. 74. Section 147.100, Code 2007, is amended to read as  
40 12 follows:

40 13 147.100 EXPIRATIONS AND RENEWALS.

40 14 Licenses shall expire in multiyear intervals as determined  
40 15 by ~~the examining each~~ board. A person who fails to renew a  
40 16 license by the expiration date shall be allowed to do so  
40 17 within thirty days following its expiration, but the ~~examining~~  
40 18 board may assess a reasonable penalty.

40 19 Sec. 75. Section 147.102, Code 2007, is amended to read as  
40 20 follows:

40 21 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

40 22 Notwithstanding the provisions of this subtitle, every  
40 23 application for a license to practice psychology,  
40 24 chiropractic, or dentistry shall be made directly to the  
40 25 chairperson, executive director, or secretary of the ~~examining~~  
40 26 board of such profession, and every reciprocal agreement for  
40 27 the recognition of any such license issued in another state  
40 28 shall be negotiated by the ~~examining~~ board for such  
40 29 profession. All examination, license, and renewal fees  
40 30 received from persons licensed to practice any of such  
40 31 professions shall be paid to and collected by the chairperson,  
40 32 executive director, or secretary of the ~~examining~~ board of  
40 33 such profession. The salary of the secretary shall be  
40 34 established by the governor with the approval of the executive  
40 35 council pursuant to section 8A.413, subsection 2, under the  
41 1 pay plan for exempt positions in the executive branch of  
41 2 government.

41 3 Sec. 76. Section 147.103, Code 2007, is amended to read as  
41 4 follows:

41 5 147.103 INVESTIGATORS FOR PHYSICIAN ASSISTANTS.

41 6 The board of physician ~~assistant-examiners~~ assistants may  
41 7 appoint investigators, who shall not be members of the  
41 8 ~~examining~~ board, to administer and aid in the enforcement of  
41 9 the provisions of law relating to physician assistants. The  
41 10 amount of compensation for the investigators shall be  
41 11 determined pursuant to chapter 8A, subchapter IV.

41 12 Investigators authorized by the board of physician  
41 13 ~~assistant-examiners~~ assistants have the powers and status of  
41 14 peace officers when enforcing this chapter and chapters 148C  
41 15 and 272C.

41 16 Sec. 77. Section 147.103A, unnumbered paragraph 1, Code  
41 17 2007, is amended to read as follows:

41 18 This chapter shall apply to the licensing of persons to  
41 19 practice as physicians and surgeons, osteopaths, and  
41 20 osteopathic physicians and surgeons by the board of ~~medical~~  
41 21 ~~examiners medicine~~ subject to the following provisions:

41 22 Sec. 78. Section 147.103A, subsection 3, Code 2007, is  
41 23 amended to read as follows:

41 24 3. The board may appoint investigators, who shall not be  
41 25 members of the ~~examining~~ board, and whose compensation shall  
41 26 be determined pursuant to chapter 8A, subchapter IV.  
41 27 Investigators appointed by the board have the powers and  
41 28 status of peace officers when enforcing this chapter and  
41 29 chapters 148, 150, 150A, and 272C.

41 30 Sec. 79. Section 147.107, subsections 2, 4, 5, and 8, Code

41 31 2007, are amended to read as follows:

41 32 2. A pharmacist, physician, dentist, or podiatric  
41 33 physician who dispenses prescription drugs, including but not  
41 34 limited to controlled substances, for human use, may delegate  
41 35 nonjudgmental dispensing functions to staff assistants only  
42 1 when verification of the accuracy and completeness of the  
42 2 prescription is determined by the pharmacist or practitioner  
42 3 in the pharmacist's or practitioner's physical presence.  
42 4 However, the physical presence requirement does not apply when  
42 5 a pharmacist or practitioner is utilizing an automated  
42 6 dispensing system. When using an automated dispensing system  
42 7 the pharmacist or practitioner shall utilize an internal  
42 8 quality control assurance plan that ensures accuracy for  
42 9 dispensing. Verification of automated dispensing accuracy and  
42 10 completeness remains the responsibility of the pharmacist or  
42 11 practitioner and shall be determined in accordance with rules  
42 12 adopted by the ~~state~~ board of pharmacy ~~examiners~~, the ~~state~~  
42 13 board of ~~medical-examiners~~ medicine, the ~~state~~ board of ~~dental~~  
42 14 ~~examiners~~ dentistry, and the ~~state~~ board of podiatry ~~examiners~~  
42 15 for their respective licensees.

42 16 A dentist, physician, or podiatric physician who dispenses  
42 17 prescription drugs, other than drug samples, pursuant to this  
42 18 subsection, shall register the fact that they dispense  
42 19 prescription drugs with the practitioner's respective  
42 20 ~~examining~~ board at least biennially.

42 21 A physician, dentist, or podiatric physician who dispenses  
42 22 prescription drugs, other than drug samples, pursuant to this  
42 23 subsection, shall offer to provide the patient with a written  
42 24 prescription that may be dispensed from a pharmacy of the  
42 25 patient's choice or offer to transmit the prescription orally,  
42 26 electronically, or by facsimile in accordance with section  
42 27 155A.27 to a pharmacy of the patient's choice.

42 28 4. Notwithstanding subsection 3, a physician assistant  
42 29 shall not dispense prescription drugs as an incident to the  
42 30 practice of the supervising physician or the physician  
42 31 assistant, but may supply, when pharmacist services are not  
42 32 reasonably available, or when it is in the best interests of  
42 33 the patient, a quantity of properly packaged and labeled  
42 34 prescription drugs, controlled substances, or medical devices  
42 35 necessary to complete a course of therapy. However, a remote  
43 1 clinic, staffed by a physician assistant, where pharmacy  
43 2 services are not reasonably available, shall secure the  
43 3 regular advice and consultation of a pharmacist regarding the  
43 4 distribution, storage, and appropriate use of such drugs,  
43 5 substances, and devices. Prescription drugs supplied under  
43 6 the provisions of this subsection shall be supplied for the  
43 7 purpose of accommodating the patient and shall not be sold for  
43 8 more than the cost of the drug and reasonable overhead costs,  
43 9 as they relate to supplying prescription drugs to the patient,  
43 10 and not at a profit to the physician or the physician  
43 11 assistant. If prescription drug supplying authority is  
43 12 delegated by a supervising physician to a physician assistant,  
43 13 a nurse or staff assistant may assist the physician assistant  
43 14 in providing that service. Rules shall be adopted by the  
43 15 board of physician ~~assistant-examiners~~ assistants, after  
43 16 consultation with the board of pharmacy ~~examiners~~, to  
43 17 implement this subsection.

43 18 5. Notwithstanding subsection 1 and any other provision of  
43 19 this section to the contrary, a physician may delegate the  
43 20 function of prescribing drugs, controlled substances, and  
43 21 medical devices to a physician assistant licensed pursuant to  
43 22 chapter 148C. When delegated prescribing occurs, the  
43 23 supervising physician's name shall be used, recorded, or  
43 24 otherwise indicated in connection with each individual  
43 25 prescription so that the individual who dispenses or  
43 26 administers the prescription knows under whose delegated  
43 27 authority the physician assistant is prescribing. Rules  
43 28 relating to the authority of physician assistants to prescribe  
43 29 drugs, controlled substances, and medical devices pursuant to  
43 30 this subsection shall be adopted by the board of physician  
43 31 ~~assistant-examiners~~ assistants, after consultation with the  
43 32 board of ~~medical-examiners~~ medicine and the board of pharmacy  
43 33 ~~examiners~~. However, the rules shall prohibit the prescribing  
43 34 of schedule II controlled substances which are listed as  
43 35 depressants pursuant to chapter 124.

44 1 8. Notwithstanding subsection 1, but subject to the  
44 2 limitations contained in subsections 2 and 3, a registered  
44 3 nurse who is licensed and registered as an advanced registered  
44 4 nurse practitioner and who qualifies for and is registered in  
44 5 a recognized nursing specialty may prescribe substances or  
44 6 devices, including controlled substances or devices, if the

44 7 nurse is engaged in the practice of a nursing specialty  
44 8 regulated under rules adopted by the board of nursing in  
44 9 consultation with the board of ~~medical examiners~~ medicine and  
44 10 the board of pharmacy ~~examiners~~.

44 11 Sec. 80. Section 147.108, subsection 1, Code 2007, is  
44 12 amended to read as follows:

44 13 1. A person shall not dispense or adapt contact lenses  
44 14 without first receiving authorization to do so by a written,  
44 15 electronic, or facsimile prescription, except when authorized  
44 16 orally under subsection 2, from a person licensed under  
44 17 chapter 148, 150, 150A, or 154. The board of optometry  
44 18 ~~examiners~~ shall adopt rules relating to electronic or  
44 19 facsimile transmission of a prescription under this section.

44 20 Sec. 81. Section 147.109, subsection 1, Code 2007, is  
44 21 amended to read as follows:

44 22 1. A person shall not dispense or adapt an ophthalmic  
44 23 spectacle lens or lenses without first receiving authorization  
44 24 to do so by a written, electronic, or facsimile prescription  
44 25 from a person licensed under chapter 148, 150, 150A, or 154.  
44 26 For the purpose of this section, "ophthalmic spectacle lens"  
44 27 means one which has been fabricated to fill the requirements  
44 28 of a particular spectacle lens prescription. The board of  
44 29 optometry ~~examiners~~ shall adopt rules relating to electronic  
44 30 or facsimile transmission of a prescription under this  
44 31 section.

44 32 Sec. 82. Section 147.114, Code 2007, is amended to read as  
44 33 follows:

44 34 147.114 INSPECTOR.

44 35 An inspector may be appointed by the board of ~~dental~~  
45 1 ~~examiners~~ dentistry pursuant to the provisions of chapter 8A,  
45 2 subchapter IV.

45 3 Sec. 83. Section 147.135, subsections 2 and 3, Code 2007,  
45 4 are amended to read as follows:

45 5 2. As used in this subsection, "peer review records" means  
45 6 all complaint files, investigation files, reports, and other  
45 7 investigative information relating to licensee discipline or  
45 8 professional competence in the possession of a peer review  
45 9 committee or an employee of a peer review committee. As used  
45 10 in this subsection, "peer review committee" does not include  
45 11 ~~examining~~ licensing boards. Peer review records are  
45 12 privileged and confidential, are not subject to discovery,  
45 13 subpoena, or other means of legal compulsion for release to a  
45 14 person other than an affected licensee or a peer review  
45 15 committee and are not admissible in evidence in a judicial or  
45 16 administrative proceeding other than a proceeding involving  
45 17 licensee discipline or a proceeding brought by a licensee who  
45 18 is the subject of a peer review record and whose competence is  
45 19 at issue. A person shall not be liable as a result of filing  
45 20 a report or complaint with a peer review committee or  
45 21 providing information to such a committee, or for disclosure  
45 22 of privileged matter to a peer review committee. A person  
45 23 present at a meeting of a peer review committee shall not be  
45 24 permitted to testify as to the findings, recommendations,  
45 25 evaluations, or opinions of the peer review committee in any  
45 26 judicial or administrative proceeding other than a proceeding  
45 27 involving licensee discipline or a proceeding brought by a  
45 28 licensee who is the subject of a peer review committee meeting  
45 29 and whose competence is at issue. Information or documents  
45 30 discoverable from sources other than the peer review committee  
45 31 do not become nondiscoverable from the other sources merely  
45 32 because they are made available to or are in the possession of  
45 33 a peer review committee. However, such information relating  
45 34 to licensee discipline may be disclosed to an appropriate  
45 35 licensing authority in any jurisdiction in which the licensee  
46 1 is licensed or has applied for a license. If such information  
46 2 indicates a crime has been committed, the information shall be  
46 3 reported to the proper law enforcement agency. This  
46 4 subsection shall not preclude the discovery of the  
46 5 identification of witnesses or documents known to a peer  
46 6 review committee. Any final written decision and finding of  
46 7 fact by a licensing board in a disciplinary proceeding is a  
46 8 public record. Upon appeal by a licensee of a decision of a  
46 9 ~~licensing~~ board, the entire case record shall be submitted to  
46 10 the reviewing court. In all cases where privileged and  
46 11 confidential information under this subsection becomes  
46 12 discoverable, admissible, or part of a court record the  
46 13 identity of an individual whose privilege has been  
46 14 involuntarily waived shall be withheld.

46 15 3. A full and confidential report concerning any final  
46 16 hospital disciplinary action approved by a hospital board of  
46 17 trustees that results in a limitation, suspension, or

46 18 revocation of a physician's privilege to practice for reasons  
46 19 relating to the physician's professional competence or  
46 20 concerning any voluntary surrender or limitation of privileges  
46 21 for reasons relating to professional competence shall be made  
46 22 to the board of ~~medical examiners~~ medicine by the hospital  
46 23 administrator or chief of medical staff within ten days of  
46 24 such action. The board of ~~medical examiners~~ medicine shall  
46 25 investigate the report and take appropriate action. These  
46 26 reports shall be privileged and confidential as though  
46 27 included in and subject to the requirements for peer review  
46 28 committee information in subsection 2. Persons making these  
46 29 reports and persons participating in resulting proceedings  
46 30 related to these reports shall be immune from civil liability  
46 31 with respect to the making of the report or participation in  
46 32 resulting proceedings. As used in this subsection,  
46 33 "physician" means a person licensed pursuant to chapter 148,  
46 34 chapter 150, or chapter 150A.

46 35 Notwithstanding subsection 2, if the board of ~~medical~~  
47 1 ~~examiners~~ medicine conducts an investigation based on a  
47 2 complaint received or upon its own motion, a hospital pursuant  
47 3 to subpoena shall make available information and documents  
47 4 requested by the board, specifically including reports or  
47 5 descriptions of any complaints or incidents concerning an  
47 6 individual who is the subject of the board's investigation,  
47 7 even though the information and documents are also kept for,  
47 8 are the subject of, or are being used in peer review by the  
47 9 hospital. However, the deliberations, testimony, decisions,  
47 10 conclusions, findings, recommendations, evaluations, work  
47 11 product, or opinions of a peer review committee or its members  
47 12 and those portions of any documents or records containing or  
47 13 revealing information relating thereto shall not be subject to  
47 14 the board's request for information, subpoena, or other legal  
47 15 compulsion. All information and documents received by the  
47 16 board from a hospital under this section shall be confidential  
47 17 pursuant to section 272C.6, subsection 4.

47 18 Sec. 84. Section 147.151, subsection 2, Code 2007, is  
47 19 amended to read as follows:

47 20 2. "Board" means the ~~Iowa~~ board of speech pathology and  
47 21 audiology ~~examiners~~ established pursuant to section 147.14,  
47 22 subsection 9.

47 23 Sec. 85. Section 147.152, subsection 1, Code 2007, is  
47 24 amended to read as follows:

47 25 1. Licensed physicians and surgeons, licensed osteopathic  
47 26 physicians and surgeons, licensed osteopaths, approved  
47 27 physician assistants and registered nurses acting under the  
47 28 supervision of a physician, persons conducting hearing tests  
47 29 under the direct supervision of a licensed physician and  
47 30 surgeon, licensed osteopathic physician and surgeon, or  
47 31 licensed osteopath, or students of medicine or surgery or  
47 32 osteopathic medicine and surgery pursuing a course of study in  
47 33 a medical school or college of osteopathic medicine and  
47 34 surgery approved by the ~~medical examiners~~ board of medicine  
47 35 while performing functions incidental to their course of  
48 1 study.

48 2 Sec. 86. Section 147A.13, subsection 1, Code 2007, is  
48 3 amended to read as follows:

48 4 1. Documentation has been reviewed and approved at the  
48 5 local level by the medical director of the ambulance, rescue,  
48 6 or first response service in accordance with the rules of the  
48 7 board of physician ~~assistant examiners~~ assistants developed  
48 8 after consultation with the department.

48 9 Sec. 87. Section 148.2, subsections 3 and 6, Code 2007,  
48 10 are amended to read as follows:

48 11 3. Students of medicine or surgery who have completed at  
48 12 least two years' study in a medical school, approved by the  
48 13 ~~medical examiners~~ board, and who prescribe medicine under the  
48 14 supervision of a licensed physician and surgeon, or who render  
48 15 gratuitous service to persons in case of emergency.

48 16 6. A graduate of a medical school who is continuing  
48 17 training and performing the duties of an intern, or who is  
48 18 engaged in postgraduate training deemed the equivalent of an  
48 19 internship in a hospital approved for training by the ~~medical~~  
48 20 ~~examiners~~ board.

48 21 Sec. 88. Section 148.2A, Code 2007, is amended to read as  
48 22 follows:

48 23 148.2A BOARD OF ~~MEDICAL EXAMINERS~~ MEDICINE.

48 24 As used in this chapter, "board" and "~~medical examiners~~"  
48 25 ~~mean~~ means the board of ~~medical examiners~~ medicine established  
48 26 in chapter 147.

48 27 Sec. 89. Section 148.3, Code 2007, is amended to read as  
48 28 follows:

48 29 148.3 REQUIREMENTS FOR LICENSE.

48 30 An applicant for a license to practice medicine and surgery  
48 31 shall:

48 32 1. Present a diploma issued by a medical college approved  
48 33 by the ~~medical examiners board~~, or present other evidence of  
48 34 equivalent medical education approved by the ~~medical examiners~~  
48 35 ~~board~~. The ~~medical examiners board~~ may accept, in lieu of a  
49 1 diploma from a medical college approved by them, all of the  
49 2 following:

49 3 a. A diploma issued by a medical college which has been  
49 4 neither approved nor disapproved by the ~~medical examiners; and~~  
49 5 ~~board~~.

49 6 b. A valid standard certificate issued by the educational  
49 7 commission for foreign medical graduates or similar  
49 8 accrediting agency.

49 9 2. Pass an examination prescribed by the ~~medical examiners~~  
49 10 ~~board~~ which shall include subjects which determine the  
49 11 applicant's qualifications to practice medicine and surgery  
49 12 and which shall be given according to the methods deemed by  
49 13 the ~~medical examiners board~~ to be the most appropriate and  
49 14 practicable. However, the federation licensing examination  
49 15 (FLEX) or any other national standardized examination which  
49 16 the ~~medical examiners shall approve board approves~~ may be  
49 17 administered to any or all applicants in lieu of or in  
49 18 conjunction with other examinations which the ~~medical~~  
49 19 ~~examiners shall prescribe board prescribes~~. The ~~medical~~  
49 20 ~~examiners board~~ may establish necessary achievement levels on  
49 21 all examinations for a passing grade and adopt rules relating  
49 22 to examinations.

49 23 3. Present to the ~~medical examiners board~~ satisfactory  
49 24 evidence that the applicant has successfully completed one  
49 25 year of postgraduate internship or resident training in a  
49 26 hospital approved for such training by the ~~medical examiners~~  
49 27 ~~board~~. Beginning July 1, 2006, an applicant who holds a valid  
49 28 certificate issued by the educational commission for foreign  
49 29 medical graduates shall submit satisfactory evidence of  
49 30 successful completion of two years of such training.

49 31 Sec. 90. Section 148.4, Code 2007, is amended to read as  
49 32 follows:

49 33 148.4 CERTIFICATES OF NATIONAL BOARD.

49 34 The ~~medical examiners board of medicine~~ may accept in lieu  
49 35 of the examination prescribed in section 148.3 a certificate  
50 1 of examination issued by the national board of medical  
50 2 examiners of the United States of America, but every applicant  
50 3 for a license upon the basis of such certificate shall be  
50 4 required to pay the fee prescribed by the ~~medical examiners~~  
50 5 ~~board of medicine~~ for licenses.

50 6 Sec. 91. Section 148.5, Code 2007, is amended to read as  
50 7 follows:

50 8 148.5 RESIDENT PHYSICIAN LICENSE.

50 9 A physician, who is a graduate of a medical school and is  
50 10 serving as a resident physician who is not otherwise licensed  
50 11 to practice medicine and surgery in this state, shall be  
50 12 required to obtain from the ~~medical examiners board~~ a license  
50 13 to practice as a resident physician. The license shall be  
50 14 designated "Resident Physician License" and shall authorize  
50 15 the licensee to serve as a resident physician only, under the  
50 16 supervision of a licensed practitioner of medicine and surgery  
50 17 or osteopathic medicine and surgery, in an institution  
50 18 approved for such training by the ~~medical examiners board~~. A  
50 19 license shall be valid for a duration as determined by the  
50 20 board. The fee for each license shall be set by the ~~medical~~  
50 21 ~~examiners board~~ to cover the administrative costs of issuing  
50 22 the license. The ~~medical examiners board~~ shall determine in  
50 23 each instance those eligible for a license, whether or not  
50 24 examinations shall be given, and the type of examinations.  
50 25 Requirements of the law pertaining to regular permanent  
50 26 licensure shall not be mandatory for a resident physician  
50 27 license except as specifically designated by the ~~medical~~  
50 28 ~~examiners board~~. The granting of a resident physician license  
50 29 does not in any way indicate that the person licensed is  
50 30 necessarily eligible for regular permanent licensure, ~~nor are~~  
50 31 ~~the medical examiners or that the board~~ in any way ~~is~~  
50 32 obligated to license the individual.

50 33 Sec. 92. Section 148.6, Code 2007, is amended to read as  
50 34 follows:

50 35 148.6 REVOCATION.

51 1 1. The ~~medical examiners board~~, after due notice and  
51 2 hearing in accordance with chapter 17A, may issue an order to  
51 3 discipline a licensee for any of the grounds set forth in  
51 4 section 147.55, chapter 272C, or this subsection.

51 5 Notwithstanding section 272C.3, licensee discipline may  
51 6 include a civil penalty not to exceed ten thousand dollars.

51 7 2. Pursuant to this section, the board of ~~medical~~  
51 8 ~~examiners~~ may discipline a licensee who is guilty of any of  
51 9 the following acts or offenses:

51 10 a. Knowingly making misleading, deceptive, untrue or  
51 11 fraudulent representation in the practice of the physician's  
51 12 profession.

51 13 b. Being convicted of a felony in the courts of this state  
51 14 or another state, territory, or country. Conviction as used  
51 15 in this paragraph shall include a conviction of an offense  
51 16 which if committed in this state would be deemed a felony  
51 17 without regard to its designation elsewhere, or a criminal  
51 18 proceeding in which a finding or verdict of guilt is made or  
51 19 returned, but the adjudication of guilt is either withheld or  
51 20 not entered. A certified copy of the final order or judgment  
51 21 of conviction or plea of guilty in this state or in another  
51 22 state shall be conclusive evidence.

51 23 c. Violating a statute or law of this state, another  
51 24 state, or the United States, without regard to its designation  
51 25 as either felony or misdemeanor, which statute or law relates  
51 26 to the practice of medicine.

51 27 d. Having the license to practice medicine and surgery,  
51 28 osteopathic medicine and surgery, or osteopathy revoked or  
51 29 suspended, or having other disciplinary action taken by a  
51 30 licensing authority of another state, territory, or country.  
51 31 A certified copy of the record or order of suspension,  
51 32 revocation, or disciplinary action is prima facie evidence.

51 33 e. Knowingly aiding, assisting, procuring, or advising a  
51 34 person to unlawfully practice medicine and surgery,  
51 35 osteopathic medicine and surgery, or osteopathy.

52 1 f. Being adjudged mentally incompetent by a court of  
52 2 competent jurisdiction. Such adjudication shall automatically  
52 3 suspend a license for the duration of the license unless the  
52 4 board orders otherwise.

52 5 g. Being guilty of a willful or repeated departure from,  
52 6 or the failure to conform to, the minimal standard of  
52 7 acceptable and prevailing practice of medicine and surgery,  
52 8 osteopathic medicine and surgery, or osteopathy in which  
52 9 proceeding actual injury to a patient need not be established;  
52 10 or the committing by a physician of an act contrary to  
52 11 honesty, justice, or good morals, whether the same is  
52 12 committed in the course of the physician's practice or  
52 13 otherwise, and whether committed within or without this state.

52 14 h. Inability to practice medicine and surgery, osteopathic  
52 15 medicine and surgery, or osteopathy with reasonable skill and  
52 16 safety by reason of illness, drunkenness, excessive use of  
52 17 drugs, narcotics, chemicals, or other type of material or as a  
52 18 result of a mental or physical condition. The ~~medical~~

~~52 19 examiners board~~ may, upon probable cause, compel a physician  
52 20 to submit to a mental or physical examination by designated  
52 21 physicians or to submit to alcohol or drug screening within a  
52 22 time specified by the ~~medical-examiners board~~. Failure of a  
52 23 physician to submit to an examination or to submit to alcohol  
52 24 or drug screening shall constitute admission to the  
52 25 allegations made against the physician and the finding of fact  
52 26 and decision of the ~~medical-examiners board~~ may be entered  
52 27 without the taking of testimony or presentation of evidence.  
52 28 At reasonable intervals, a physician shall be afforded an  
52 29 opportunity to demonstrate that the physician can resume the  
52 30 competent practice of medicine with reasonable skill and  
52 31 safety to patients.

52 32 A person licensed to practice medicine and surgery,  
52 33 osteopathic medicine and surgery, or osteopathy who makes  
52 34 application for the renewal of a license, as required by  
52 35 section 147.10, gives consent to submit to a mental or  
53 1 physical examination as provided by this paragraph when  
53 2 directed in writing by the ~~medical-examiners board~~. All  
53 3 objections shall be waived as to the admissibility of the  
53 4 examining physicians' testimony or examination reports on the  
53 5 grounds that they constitute privileged communication. The  
53 6 medical testimony or examination reports shall not be used  
53 7 against a physician in another proceeding and shall be  
53 8 confidential, except for other actions filed against a  
53 9 physician to revoke or suspend a license.

53 10 i. Willful or repeated violation of lawful rule or  
53 11 regulation adopted by the board or violating a lawful order of  
53 12 the board, previously entered by the board in a disciplinary  
53 13 or licensure hearing, or violating the terms and provisions of  
53 14 a consent agreement or informal settlement between a licensee  
53 15 and the board.

53 16 Sec. 93. Section 148.7, subsections 1, 2, 3, 7, and 9,  
53 17 Code 2007, are amended to read as follows:

53 18 1. The ~~medical examiners board~~ may, upon ~~their~~ its own  
53 19 motion or upon verified complaint in writing, and shall, if  
53 20 such complaint is filed by the director of public health,  
53 21 issue an order fixing the time and place for hearing. A  
53 22 written notice of the time and place of the hearing together  
53 23 with a statement of the charges shall be served upon the  
53 24 licensee at least ten days before the hearing in the manner  
53 25 required for the service of notice of the commencement of an  
53 26 ordinary action or by restricted certified mail.

53 27 2. If the licensee has left the state, the notice and  
53 28 statement of the charges shall be so served at least twenty  
53 29 days before the date of the hearing, wherever the licensee may  
53 30 be found. If the whereabouts of the licensee is unknown,  
53 31 service may be had by publication as provided in the rules of  
53 32 civil procedure upon filing the affidavit required by ~~said the~~  
53 33 rules. In case the licensee fails to appear, either in person  
53 34 or by counsel at the time and place designated in ~~said the~~  
53 35 notice, the ~~medical examiners board~~ shall proceed with the  
54 1 hearing as hereinafter provided.

54 2 3. The hearing shall be before a member or members  
54 3 designated by the board or before an administrative law judge  
54 4 appointed by the board according to the requirements of  
54 5 section 17A.11, subsection 1. The presiding board member or  
54 6 administrative law judge may issue subpoenas, administer  
54 7 oaths, and take or cause depositions to be taken in connection  
54 8 with the hearing. The presiding board member or  
54 9 administrative law judge shall issue subpoenas at the request  
54 10 and on behalf of the licensee. The hearing shall be open to  
54 11 the public.

54 12 The administrative law judge shall be an attorney vested  
54 13 with full authority of the board to schedule and conduct  
54 14 hearings. The administrative law judge shall prepare and file  
54 15 with the ~~medical examiners board~~ the administrative law  
54 16 judge's findings of fact and conclusions of law, together with  
54 17 a complete written transcript of all testimony and evidence  
54 18 introduced at the hearing and all exhibits, pleas, motions,  
54 19 objections, and rulings of the administrative law judge.

54 20 7. If a majority of the members of the board vote in favor  
54 21 of finding the licensee guilty of an act or offense specified  
54 22 in section 147.55 or 148.6, the board shall prepare written  
54 23 findings of fact and its decision imposing one or more of the  
54 24 following disciplinary measures:

54 25 a. Suspend the licensee's license to practice the  
54 26 profession for a period to be determined by the board.

54 27 b. Revoke the licensee's license to practice the  
54 28 profession.

54 29 c. Suspend imposition of judgment and penalty or impose  
54 30 the judgment and penalty, but suspend enforcement and place  
54 31 the physician on probation. The probation ordered may be  
54 32 vacated upon noncompliance. The ~~medical examiners board~~ may  
54 33 restore and reissue a license to practice medicine and  
54 34 surgery, osteopathic medicine and surgery, or osteopathy, but  
54 35 may impose a disciplinary or corrective measure which ~~it the~~

~~55 1 board might originally have imposed. A copy of the ~~medical~~~~  
~~55 2 ~~examiners' board's~~ order, findings of fact, and decision,~~  
55 3 shall be served on the licensee in the manner of service of an  
55 4 original notice or by certified mail return receipt requested.

55 5 9. The ~~medical examiners' board's~~ order revoking or  
55 6 suspending a license to practice medicine and surgery,  
55 7 osteopathic medicine and surgery, or osteopathy or to  
55 8 discipline a licensee shall remain in force and effect until  
55 9 the appeal is finally determined and disposed of upon its  
55 10 merit.

55 11 Sec. 94. Section 148.8, Code 2007, is amended to read as  
55 12 follows:

55 13 148.8 VOLUNTARY SURRENDER OF LICENSE.

55 14 The ~~medical examiners board~~ may accept the voluntary  
55 15 surrender of a license if accompanied by a written statement  
55 16 of intention. A voluntary surrender, when accepted, has the  
55 17 same force and effect as an order of revocation.

55 18 Sec. 95. Section 148.9, Code 2007, is amended to read as  
55 19 follows:

55 20 148.9 REINSTATEMENT.

55 21 Any person whose license has been suspended, revoked, or  
55 22 placed on probation may apply to the board ~~of medical~~  
~~55 23 ~~examiners~~~~ for reinstatement at any time and the board may hold  
55 24 hearings on any such petition and may order reinstatement and  
55 25 impose terms and conditions thereof and issue a certificate of  
55 26 reinstatement to the director of public health who shall



55 27 thereupon issue a license as directed by the board.  
55 28 Sec. 96. Section 148.10, Code 2007, is amended to read as  
55 29 follows:

55 30 148.10 TEMPORARY CERTIFICATE.

55 31 The ~~medical examiners board~~ may, in their discretion, issue  
55 32 a temporary certificate authorizing the licensee to practice  
55 33 medicine and surgery or osteopathic medicine and surgery in a  
55 34 specific location or locations and for a specified period of  
55 35 time if, in the opinion of the ~~medical examiners board~~, a need  
56 1 exists and the person possesses the qualifications prescribed  
56 2 by the ~~medical examiners board~~ for the license, which shall be  
56 3 substantially equivalent to those required for licensure under  
56 4 this chapter or chapter 150A, as the case may be. The ~~medical~~  
~~56 5 examiners board~~ shall determine in each instance those  
56 6 eligible for this license, whether or not examinations shall  
56 7 be given, and the type of examinations. No requirements of  
56 8 the law pertaining to regular permanent licensure are  
56 9 mandatory for this temporary license except as specifically  
56 10 designated by the ~~medical examiners board~~. The granting of a  
56 11 temporary license does not in any way indicate that the person  
56 12 so licensed is necessarily eligible for regular licensure, ~~nor~~  
~~56 13 are the medical examiners or that the board in any way is~~  
56 14 obligated to so license the person.

56 15 The temporary certificate shall be issued for a period not  
56 16 to exceed one year and may be renewed, but a person shall not  
56 17 practice medicine and surgery or osteopathic medicine and  
56 18 surgery in excess of three years while holding a temporary  
56 19 certificate. The fee for this license and the fee for renewal  
56 20 of this license shall be set by the ~~medical examiners board~~.  
56 21 The fees shall be based on the administrative costs of issuing  
56 22 and renewing the licenses.

56 23 Sec. 97. Section 148.11, subsection 1, Code 2007, is  
56 24 amended to read as follows:

56 25 1. Whenever the need exists, the board of ~~medical~~  
~~56 26 examiners~~ may issue a special license. The special license  
56 27 shall authorize the licensee to practice medicine and surgery  
56 28 under the policies and standards applicable to the health care  
56 29 services of a medical school academic staff member or as  
56 30 otherwise specified in the special license.

56 31 Sec. 98. Section 148.12, Code 2007, is amended to read as  
56 32 follows:

56 33 148.12 VOLUNTARY AGREEMENTS.

56 34 The ~~medical examiners board~~, after due notice and hearing,  
56 35 may issue an order to revoke, suspend, or restrict a license  
57 1 to practice medicine and surgery, osteopathic medicine and  
57 2 surgery, or osteopathy, or to issue a restricted license on  
57 3 application if the ~~medical examiners determine board~~  
~~57 4 determines~~ that a physician licensed to practice medicine and  
57 5 surgery, osteopathic medicine and surgery, or osteopathy, or  
57 6 an applicant for licensure has entered into a voluntary  
57 7 agreement to restrict the practice of medicine and surgery,  
57 8 osteopathic medicine and surgery, or osteopathy in another  
57 9 state, district, territory, country, or an agency of the  
57 10 federal government. A certified copy of the voluntary  
57 11 agreement shall be considered prima facie evidence.

57 12 Sec. 99. Section 148.13, Code 2007, is amended to read as  
57 13 follows:

57 14 148.13 AUTHORITY OF BOARD AS TO SUPERVISING PHYSICIANS AND  
57 15 REVIEW OF CONTESTED CASES UNDER CHAPTER 148C == RULES.

57 16 1. The board of ~~medical examiners medicine~~ shall adopt  
57 17 rules setting forth in detail its criteria and procedures for  
57 18 determining the ineligibility of a physician to serve as a  
57 19 supervising physician under chapter 148C. The rules shall  
57 20 provide that a physician may serve as a supervising physician  
57 21 under chapter 148C until such time as the board of ~~medicine~~  
57 22 determines, following normal disciplinary procedures, that the  
57 23 physician is ineligible to serve in that capacity.

57 24 2. The board of ~~medical examiners medicine~~ shall establish  
57 25 by rule specific procedures for consulting with and  
57 26 considering the advice of the board of physician ~~assistant~~  
~~57 27 examiners assistants~~ in determining whether to initiate a  
57 28 disciplinary proceeding under chapter 17A against a licensed  
57 29 physician in a matter involving the supervision of a physician  
57 30 assistant.

57 31 3. In exercising their respective authorities, the board  
57 32 of ~~medical examiners medicine~~ and the board of physician  
57 33 ~~assistant examiners assistants~~ shall cooperate with the goal  
57 34 of encouraging the utilization of physician assistants in a  
57 35 manner that is consistent with the provision of quality health  
58 1 care and medical services for the citizens of Iowa.

58 2 4. The board of ~~medical examiners medicine~~ shall adopt

58 3 rules requiring a physician serving as a supervising physician  
58 4 to notify the board of medicine of the identity of a physician  
58 5 assistant the physician is supervising, and of any change in  
58 6 the status of the supervisory relationship.  
58 7 Sec. 100. Section 148A.1, Code 2007, is amended by adding  
58 8 the following unnumbered paragraph:  
58 9 NEW PARAGRAPH. As used in this chapter, "board" means the  
58 10 board of physical and occupational therapy, created under  
58 11 chapter 147.  
58 12 Sec. 101. Section 148A.4, Code 2007, is amended to read as  
58 13 follows:  
58 14 148A.4 REQUIREMENTS TO PRACTICE.  
58 15 Each applicant for a license to practice physical therapy  
58 16 shall:  
58 17 1. Complete a course of study in, and hold a diploma or  
58 18 certificate issued by, a school of physical therapy accredited  
58 19 by the American physical therapy association or another  
58 20 appropriate accrediting body, and meet requirements as  
58 21 established by rules of the board of physical and occupational  
58 22 ~~therapy examiners.~~  
58 23 2. Have passed an examination administered by the board of  
58 24 ~~physical and occupational therapy examiners.~~  
58 25 Sec. 102. Section 148A.6, Code 2007, is amended to read as  
58 26 follows:  
58 27 148A.6 PHYSICAL THERAPIST ASSISTANT.  
58 28 1. A licensed physical therapist assistant is required to  
58 29 function under the direction and supervision of a licensed  
58 30 physical therapist to perform physical therapy procedures  
58 31 delegated and supervised by the licensed physical therapist in  
58 32 a manner consistent with the rules adopted by the board of  
58 33 ~~physical and occupational therapy examiners.~~ Selected and  
58 34 delegated tasks of physical therapist assistants may include,  
58 35 but are not limited to, therapeutic procedures and related  
59 1 tasks, routine operational functions, documentation of  
59 2 treatment progress, and the use of selected physical agents.  
59 3 The ability of the licensed physical therapist assistant to  
59 4 perform the selected and delegated tasks shall be assessed on  
59 5 an ongoing basis by the supervising physical therapist. The  
59 6 licensed physical therapist assistant shall not interpret  
59 7 referrals, perform initial evaluation or reevaluations,  
59 8 initiate physical therapy treatment programs, change specified  
59 9 treatment programs, or discharge a patient from physical  
59 10 therapy services.  
59 11 2. Each applicant for a license to practice as a physical  
59 12 therapist assistant shall:  
59 13 a. Successfully complete a course of study for the  
59 14 physical therapist assistant accredited by the commission on  
59 15 accreditation in education of the American physical therapy  
59 16 association, or another appropriate accrediting body, and meet  
59 17 other requirements established by the rules of the board of  
59 18 ~~physical and occupational therapy examiners.~~  
59 19 b. Have passed an examination administered by the board of  
59 20 ~~physical and occupational therapy examiners.~~  
59 21 3. This section does not prevent a person not licensed as  
59 22 a physical therapist assistant from performing services  
59 23 ordinarily performed by a physical therapy aide, assistant, or  
59 24 technician, provided that the person does not represent to the  
59 25 public that the person is a licensed physical therapist  
59 26 assistant, or use the title "physical therapist assistant" or  
59 27 the letters "P.T.A.", and provided that the person performs  
59 28 services consistent with the supervision requirements of the  
59 29 ~~board of physical and occupational therapy examiners~~ for  
59 30 persons not licensed as physical therapist assistants.  
59 31 Sec. 103. Section 148B.2, subsection 1, Code 2007, is  
59 32 amended to read as follows:  
59 33 1. "Board" means the board of physical and occupational  
59 34 ~~therapy examiners, created under chapter 147.~~  
59 35 Sec. 104. Section 148B.7, Code 2007, is amended to read as  
60 1 follows:  
60 2 148B.7 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY  
60 3 ~~EXAMINERS == POWERS AND DUTIES.~~  
60 4 The board shall adopt rules relating to professional  
60 5 conduct to carry out the policy of this chapter, including but  
60 6 not limited to rules relating to professional licensing and to  
60 7 the establishment of ethical standards of practice for persons  
60 8 holding a license to practice occupational therapy in this  
60 9 state.  
60 10 Sec. 105. Section 148B.8, Code 2007, is amended to read as  
60 11 follows:  
60 12 148B.8 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY  
60 13 ~~EXAMINERS == ADMINISTRATIVE PROVISIONS.~~

60 14 The board may employ an executive secretary and officers  
60 15 and employees as necessary, and shall determine their duties  
60 16 and fix their compensation.

60 17 Sec. 106. Section 148C.1, subsection 2, Code 2007, is  
60 18 amended to read as follows:

60 19 2. "Board" means the board of physician ~~assistant~~  
~~60 20 examiners assistants, created under chapter 147.~~

60 21 Sec. 107. Section 148C.3, subsection 6, Code 2007, is  
60 22 amended to read as follows:

60 23 6. The board shall adopt rules pursuant to this section  
60 24 after consultation with the board of ~~medical examiners~~  
60 25 medicine.

60 26 Sec. 108. Section 148E.1, subsection 3, Code 2007, is  
60 27 amended to read as follows:

60 28 3. "Board" means the board of ~~medical examiners~~ medicine,  
60 29 established in chapter 147.

60 30 Sec. 109. Section 149.1, Code 2007, is amended by adding  
60 31 the following new subsection:

60 32 NEW SECTION. 1A. As used in this chapter, "board" means  
60 33 the board of podiatry, created under chapter 147.

60 34 Sec. 110. Section 149.3, subsection 2, Code 2007, is  
60 35 amended to read as follows:

61 1 2. Present an official transcript issued by a school of  
61 2 podiatry approved by the board of ~~podiatry examiners~~.

61 3 Sec. 111. Section 149.4, Code 2007, is amended to read as  
61 4 follows:

61 5 149.4 APPROVED SCHOOL.

61 6 A school of podiatry shall not be approved by the board of  
~~61 7 podiatry examiners~~ as a school of recognized standing unless  
61 8 the school:

61 9 1. Requires for graduation or the receipt of any podiatric  
61 10 degree the completion of a course of study covering a period  
61 11 of at least eight months in each of four calendar years.

61 12 2. ~~After January 1, 1962, a~~ A school of podiatry shall not  
61 13 be approved by the board of ~~podiatry examiners~~ which does not  
61 14 have as an additional entrance requirement two years study in  
61 15 a recognized college, university, or academy.

61 16 Sec. 112. Section 149.7, Code 2007, is amended to read as  
61 17 follows:

61 18 149.7 TEMPORARY CERTIFICATE.

61 19 The ~~podiatry examiners~~ board may issue a temporary  
61 20 certificate authorizing the licensee named in the certificate  
61 21 to practice podiatry if, in the opinion of the ~~podiatry~~  
~~61 22 examiners board~~, a need exists and the person possesses the  
61 23 qualifications prescribed by the ~~podiatry examiners~~ board for  
61 24 the certificate, which shall be substantially equivalent to  
61 25 those required for regular licensure under this chapter. The  
61 26 ~~podiatry examiners~~ board shall determine in each instance the  
61 27 applicant's eligibility for the certificate, whether or not an  
61 28 examination shall be given, and the type of examination. The  
61 29 requirements of the law pertaining to regular permanent  
61 30 licensure shall not be mandatory for this temporary  
61 31 certificate except as specifically designated by the ~~podiatry~~  
~~61 32 examiners board~~. The granting of a temporary certificate does  
61 33 not in any way indicate that the person licensed is  
61 34 necessarily eligible for regular licensure, and the ~~podiatry~~  
~~61 35 examiners are board~~ is not obligated to license the person.

62 1 The temporary certificate shall be issued for one year and  
62 2 may be renewed, but a person shall not be entitled to practice  
62 3 podiatry in excess of three years while holding a temporary  
62 4 certificate. The fee for this certificate shall be set by the  
62 5 ~~podiatry examiners~~ board, and if extended beyond one year, a  
62 6 renewal fee per year shall be set by the ~~podiatry examiners~~  
62 7 board. The fees shall be based on the administrative costs of  
62 8 issuing and renewing the certificates.

62 9 Sec. 113. Section 150.11, Code 2007, is amended to read as  
62 10 follows:

62 11 150.11 OSTEOPATHY DISCONTINUED.

62 12 After May 10, 1963, no license to practice osteopathy shall  
62 13 be issued, provided that the Iowa department of public health  
62 14 shall issue renewal licenses to practice osteopathy as  
62 15 provided in chapter 147 and the department, upon  
62 16 recommendation of the ~~medical examiners~~ board of medicine, may  
62 17 grant a license to practice osteopathy by reciprocity or  
62 18 endorsement if the applicant holds a valid license to practice  
62 19 osteopathy or osteopathic medicine and surgery issued by  
62 20 another state prior to May 10, 1963.

62 21 Sec. 114. NEW SECTION. 150A.1A DEFINITION.

62 22 As used in this chapter, "board" means the board of  
62 23 medicine, created under chapter 147.

62 24 Sec. 115. Section 150A.2, subsection 3, Code 2007, is

62 25 amended to read as follows:

62 26 3. Students of medicine or surgery or osteopathic medicine  
62 27 and surgery, who have completed at least two years study in a  
62 28 medical school or college of osteopathic medicine and surgery  
62 29 approved by the ~~medical-examiners board~~, and who prescribe  
62 30 medicine under the supervision of a licensed physician and  
62 31 surgeon or osteopathic physician and surgeon, or who render  
62 32 gratuitous service to persons in case of emergency.

62 33 Sec. 116. Section 150A.3, Code 2007, is amended to read as  
62 34 follows:

62 35 150A.3 REQUIREMENTS TO PRACTICE.

63 1 Each applicant for a license to practice osteopathic  
63 2 medicine and surgery shall:

63 3 1. Either comply with all of the following:

63 4 a. Present a diploma issued, after May 10, 1963, by a  
63 5 college of osteopathic medicine and surgery approved by the  
63 6 ~~medical-examiners board~~ or present other evidence of  
63 7 equivalent medical education approved by the ~~medical-examiners~~  
63 8 ~~board~~.

63 9 b. Pass an examination prescribed by the ~~medical-examiners~~  
63 10 ~~board~~ in subjects including anatomy, chemistry, physiology,  
63 11 materia medica and therapeutics, obstetrics, pathology,  
63 12 medicine, public health and hygiene, and surgery. The board  
63 13 of ~~medical-examiners~~ may require written, oral, and practical  
63 14 examinations of the applicant.

63 15 c. Present to the Iowa department of public health  
63 16 satisfactory evidence that the applicant has completed one  
63 17 year of internship or resident training in a hospital approved  
63 18 for such training by the medical examiners.

63 19 2. Or comply with the following:

63 20 a. Present a valid license to practice osteopathy in this  
63 21 state together with satisfactory evidence that the applicant  
63 22 has completed either: (1) a two-year postgraduate course, of  
63 23 nine months each, in an accredited college of osteopathy,  
63 24 osteopathic medicine and surgery or medicine approved by the  
63 25 board of ~~medical-examiners of Iowa~~, involving a thorough and  
63 26 intensive study of the subject of surgery as prescribed by  
63 27 ~~such medical-examiners the board~~, or (2) a one-year  
63 28 postgraduate course of nine months in such accredited college,  
63 29 and in addition thereto, has completed a one-year course of  
63 30 training as a surgical assistant in a hospital having at least  
63 31 twenty-five beds for patients and equipped for doing surgical  
63 32 work.

63 33 b. Pass an examination as prescribed by the ~~medical-~~  
63 34 ~~examiners board~~ in the subject of surgery, which shall be of  
63 35 such character as to thoroughly test the qualifications of the  
64 1 applicant as a practitioner of major surgery.

64 2 Sec. 117. Section 150A.4, Code 2007, is amended to read as  
64 3 follows:

64 4 150A.4 APPROVED COLLEGES.

64 5 Any college of osteopathic medicine and surgery which does  
64 6 not permit the ~~medical-examiners board~~ to make such reasonable  
64 7 annual inspection as ~~they desire the board desires~~ shall not  
64 8 be approved by the ~~medical-examiners board~~. Until July 1,  
64 9 1968, any college of osteopathic medicine and surgery which is  
64 10 accredited by the American ~~Osteopathic Association osteopathic~~  
64 11 ~~association~~ shall, by virtue thereof, stand as provisionally  
64 12 approved by the ~~medical-examiners board~~ unless the ~~medical-~~  
64 13 ~~examiners board~~, by majority action including the osteopathic  
64 14 physician and surgeon member, shall disapprove.

64 15 Sec. 118. Section 150A.7, Code 2007, is amended to read as  
64 16 follows:

64 17 150A.7 NATIONAL BOARD CERTIFICATE.

64 18 The Iowa department of public health may, with the approval  
64 19 of the ~~medical-examiners board~~, accept in lieu of the  
64 20 examination prescribed in section 150A.3 a certificate of  
64 21 examination issued by the ~~National Board national board of~~  
64 22 ~~Osteopathic Examiners osteopathic examiners~~ of the United  
64 23 States of America, but every applicant for a license upon the  
64 24 basis of such certificate shall be required to pay the fee  
64 25 prescribed for license issued under reciprocal agreements.

64 26 Sec. 119. Section 150A.9, Code 2007, is amended to read as  
64 27 follows:

64 28 150A.9 RESIDENT LICENSE.

64 29 An osteopathic physician and surgeon, who is a graduate of  
64 30 a college of osteopathic medicine and surgery and is serving  
64 31 as a resident physician and who is not licensed to practice  
64 32 osteopathic medicine and surgery in this state, shall be  
64 33 required to obtain from the ~~medical-examiners board~~ a license  
64 34 to practice as a resident osteopathic physician and surgeon.  
64 35 The license shall be designated "Resident Osteopathic

65 1 Physician and Surgeon License", and shall authorize the  
65 2 licensee to serve as a resident physician only, under the  
65 3 supervision of a licensed practitioner of osteopathic medicine  
65 4 and surgery or licensed practitioner of medicine and surgery,  
65 5 in an institution approved for such training by the ~~medical~~  
~~65 6 examiners board~~. A license shall be valid for a duration as  
65 7 determined by the board. The fee for each license shall be  
65 8 set by the ~~medical examiners board~~ and based on the  
65 9 administrative cost of issuing the license. The ~~medical~~  
~~65 10 examiners board~~ shall determine in each instance those  
65 11 eligible for a license, whether or not examinations shall be  
65 12 given, and the type of examinations. Requirements of the law  
65 13 pertaining to regular permanent licensure shall not be  
65 14 mandatory for a resident osteopathic physician and surgeon's  
65 15 license except as specifically designated by the ~~medical~~  
~~65 16 examiners board~~. The granting of a resident osteopathic  
65 17 physician and surgeon's license does not in any way indicate  
65 18 that the person licensed is necessarily eligible for regular  
65 19 permanent licensure, ~~nor are or that the medical examiners in~~  
~~65 20 any way board is~~ obligated to license the individual person.

65 21 Sec. 120. NEW SECTION. 151.1A BOARD DEFINED.

65 22 As used in this chapter, "board" means the board of  
65 23 chiropractic, created under chapter 147.

65 24 Sec. 121. Section 151.2, subsection 3, Code 2007, is  
65 25 amended to read as follows:

65 26 3. Students of chiropractic who have entered upon a  
65 27 regular course of study in a chiropractic college approved by  
65 28 the ~~chiropractic examiners board~~, who practice chiropractic  
65 29 under the direction of a licensed chiropractor and in  
65 30 accordance with the rules of ~~said examiners the board~~.

65 31 Sec. 122. Section 151.3, subsections 2 and 3, Code 2007,  
65 32 are amended to read as follows:

65 33 2. Present a diploma issued by a college of chiropractic  
65 34 approved by the ~~chiropractic examiners board~~.

~~65 35 3. Pass an examination prescribed by the chiropractic~~  
~~66 1 examiners board~~ in the subjects of anatomy, physiology,  
66 2 nutrition and dietetics, symptomatology and diagnosis, hygiene  
66 3 and sanitation, chemistry, histology, pathology, and  
66 4 principles and practice of chiropractic, including a clinical  
66 5 demonstration of vertebral palpation, nerve tracing, and  
66 6 adjusting.

66 7 Sec. 123. Section 151.4, unnumbered paragraph 1, Code  
66 8 2007, is amended to read as follows:

66 9 ~~No~~ A college of chiropractic shall not be approved by the  
66 10 ~~chiropractic examiners board~~ as a college of recognized  
66 11 standing unless ~~said the~~ college:

66 12 Sec. 124. Section 151.8, Code 2007, is amended to read as  
66 13 follows:

66 14 151.8 TRAINING IN PROCEDURES USED IN PRACTICE.

66 15 A chiropractor shall not use in the chiropractor's practice  
66 16 the procedures otherwise authorized by law unless the  
66 17 chiropractor has received training in their use by a college  
66 18 of chiropractic offering courses of instructions approved by  
66 19 the board of ~~chiropractic examiners~~.

66 20 Any chiropractor licensed as of July 1, 1974, may use the  
66 21 procedures authorized by law if the chiropractor files with  
66 22 the board of ~~chiropractic examiners~~ an affidavit that the  
66 23 chiropractor has completed the necessary training and is fully  
66 24 qualified in these procedures and possesses that degree of  
66 25 proficiency and will exercise that care which is common to  
66 26 physicians in this state.

66 27 A chiropractor using the additional procedures and  
66 28 practices authorized by this ~~Act chapter~~ shall be held to the  
66 29 standard of care applicable to any other health care  
66 30 practitioner in this state.

66 31 Sec. 125. Section 151.11, Code 2007, is amended to read as  
66 32 follows:

66 33 151.11 RULES.

66 34 The board of ~~chiropractic examiners~~ shall adopt rules  
66 35 necessary to administer section 151.1, to protect the health,  
67 1 safety, and welfare of the public, including rules governing  
67 2 the practice of chiropractic and defining any terms, whether  
67 3 or not specified in section 151.1, subsection 3. Such rules  
67 4 shall not be inconsistent with the practice of chiropractic  
67 5 and shall not expand the scope of practice of chiropractic or  
67 6 authorize the use of procedures not authorized by this  
67 7 chapter. These rules shall conform with chapter 17A.

67 8 Sec. 126. Section 151.12, Code 2007, is amended to read as  
67 9 follows:

67 10 151.12 TEMPORARY CERTIFICATE.

67 11 The ~~chiropractic examiners board~~ may, in their its

67 12 discretion, issue a temporary certificate authorizing the  
67 13 licensee to practice chiropractic if, in the opinion of the  
67 14 chiropractic examiners, a need exists and the person possesses  
67 15 the qualifications prescribed by the ~~chiropractic examiners~~  
67 16 board for the license, which shall be substantially equivalent  
67 17 to those required for licensure under this chapter. The  
67 18 ~~chiropractic examiners board~~ shall determine in each instance  
67 19 those eligible for this license, whether or not examinations  
67 20 shall be given, the type of examinations, and the duration of  
67 21 the license. No requirements of the law pertaining to regular  
67 22 permanent licensure are mandatory for this temporary license  
67 23 except as specifically designated by the ~~chiropractic~~  
~~67 24 examiners board~~. The granting of a temporary license does not  
67 25 in any way indicate that the person so licensed is eligible  
67 26 for regular licensure, ~~nor are or that the chiropractic~~  
~~67 27 examiners in any way board is~~ obligated to so license the  
67 28 person.

67 29 The temporary certificate shall be issued for one year and  
67 30 at the discretion of the ~~chiropractic examiners board~~ may be  
67 31 renewed, but a person shall not practice chiropractic in  
67 32 excess of three years while holding a temporary certificate.  
67 33 The fee for this license shall be set by the ~~chiropractic~~  
~~67 34 examiners board~~, and if extended beyond one year, a renewal  
67 35 fee per year shall be set by the ~~chiropractic examiners board~~.

68 1 The fee for the temporary license shall be based on the  
68 2 administrative costs of issuing the licenses.

68 3 Sec. 127. Section 152.1, subsection 3, Code 2007, is  
68 4 amended to read as follows:

68 5 3. "Physician" means a person licensed in this state to  
68 6 practice medicine and surgery, osteopathy and surgery, or  
68 7 osteopathy, or a person licensed in this state to practice  
68 8 dentistry or podiatry when acting within the scope of the  
68 9 license. A physician licensed to practice medicine and  
68 10 surgery, osteopathic medicine and surgery, or osteopathy in a  
68 11 state bordering this state shall be considered a physician for  
68 12 purposes of this chapter unless previously determined to be  
68 13 ineligible for such consideration by the ~~Iowa board of medical~~  
~~68 14 examiners medicine~~.

68 15 Sec. 128. Section 152A.1, subsection 1, Code 2007, is  
68 16 amended to read as follows:

68 17 1. "Board" means the board of ~~dietetic examiners~~  
68 18 dietetics, created under chapter 147.

68 19 Sec. 129. Section 152B.1, subsection 1, Code 2007, is  
68 20 amended to read as follows:

68 21 1. "Board" means the ~~state~~ board for respiratory care,  
68 22 created under chapter 147.

68 23 Sec. 130. Section 152B.13, subsection 1, unnumbered  
68 24 paragraph 1, Code 2007, is amended to read as follows:

68 25 ~~A state~~ The board for respiratory care is established to  
68 26 administer this chapter. Membership of the board shall be  
68 27 established pursuant to section 147.14, subsection 15.

68 28 Sec. 131. Section 152C.1, subsection 1, Code 2007, is  
68 29 amended to read as follows:

68 30 1. "Board" means the board of ~~examiners for~~ massage  
68 31 therapy, created under chapter 147.

68 32 Sec. 132. Section 152D.1, subsection 5, Code 2007, is  
68 33 amended to read as follows:

68 34 5. "Board" means the board of ~~examiners for~~ athletic  
68 35 training, created under chapter 147.

69 1 Sec. 133. NEW SECTION. 153.12 BOARD DEFINED.

69 2 As used in this chapter, "board" means the board of  
69 3 dentistry, created under chapter 147.

69 4 Sec. 134. Section 153.14, subsection 1, Code 2007, is  
69 5 amended to read as follows:

69 6 1. Students of dentistry who practice dentistry upon  
69 7 patients at clinics in connection with their regular course of  
69 8 instruction at the state dental college, students of dental  
69 9 hygiene who practice upon patients at clinics in connection  
69 10 with their regular course of instruction at state-approved  
69 11 schools, and students of dental assisting who practice upon  
69 12 patients at clinics in connection with a regular course of  
69 13 instruction determined by the board ~~of dentistry~~ pursuant to  
69 14 section 153.39.

69 15 Sec. 135. Section 153.15, Code 2007, is amended to read as  
69 16 follows:

69 17 153.15 DENTAL HYGIENISTS == SCOPE OF TERM.

69 18 A licensed dental hygienist may perform those services  
69 19 which are educational, therapeutic, and preventive in nature  
69 20 which attain or maintain optimal oral health as determined by  
69 21 the board ~~of dentistry~~ and may include but are not necessarily  
69 22 limited to complete oral prophylaxis, application of

69 23 preventive agents to oral structures, exposure and processing  
69 24 of radiographs, administration of medicaments prescribed by a  
69 25 licensed dentist, obtaining and preparing nonsurgical,  
69 26 clinical and oral diagnostic tests for interpretation by the  
69 27 dentist, and preparation of preliminary written records of  
69 28 oral conditions for interpretation by the dentist. Such  
69 29 services shall be performed under supervision of a licensed  
69 30 dentist and in a dental office, a public or private school,  
69 31 public health agencies, hospitals, and the armed forces, but  
69 32 nothing herein shall be construed to authorize a dental  
69 33 hygienist to practice dentistry.

69 34 Sec. 136. Section 153.22, Code 2007, is amended to read as  
69 35 follows:

70 1 153.22 RESIDENT LICENSE.

70 2 A dentist or dental hygienist who is serving only as a  
70 3 resident, intern, or graduate student and who is not licensed  
70 4 to practice in this state is required to obtain from the board  
70 5 ~~of dentistry~~ a temporary or special license to practice as a  
70 6 resident, intern, or graduate student. The license shall be  
70 7 designated "Resident License" and shall authorize the licensee  
70 8 to serve as a resident, intern, or graduate student only,  
70 9 under the supervision of a licensed practitioner, in an  
70 10 institution approved for this purpose by the board. Such  
70 11 license shall be renewed at the discretion of the board. The  
70 12 fee for a resident license and the renewal fee shall be set by  
70 13 the board based upon the cost of issuance of the license. The  
70 14 board shall determine in each instance those eligible for a  
70 15 resident license, whether or not examinations shall be given,  
70 16 and the type of examination. None of the requirements for  
70 17 regular permanent licensure are mandatory for resident  
70 18 licensure except as specifically designated by the board. The  
70 19 issuance of a resident license shall not in any way indicate  
70 20 that the person so licensed is necessarily eligible for  
70 21 regular licensure, ~~nor is or that the board in any way is~~  
70 22 obligated to so license ~~such individual the person~~. The board  
70 23 may revoke a resident license at any time it shall determine  
70 24 either that the caliber of work done by a licensee or the type  
70 25 of supervision being given such licensee does not conform to  
70 26 reasonable standards established by the board.

70 27 Sec. 137. Section 153.33, subsection 2, Code 2007, is  
70 28 amended to read as follows:

70 29 2. To appoint investigators, who shall not be members of  
70 30 the ~~examining~~ board, to administer and aid in the enforcement  
70 31 of the provisions of law relating to those persons licensed to  
70 32 practice dentistry and dental hygiene, and persons registered  
70 33 as dental assistants. The amount of compensation for the  
70 34 investigators shall be determined pursuant to chapter 8A,  
70 35 subchapter IV. Investigators authorized by the board ~~of~~  
71 1 ~~dental examiners~~ have the powers and status of peace officers  
71 2 when enforcing this chapter and chapters 147 and 272C.

71 3 Sec. 138. Section 153.33A, subsection 1, Code 2007, is  
71 4 amended to read as follows:

71 5 1. A three-member dental hygiene committee of the board ~~of~~  
71 6 ~~dental examiners~~ is created, consisting of the two dental  
71 7 hygienist members of the board and one dentist member of the  
71 8 board. The dentist member of the committee must have  
71 9 supervised and worked in collaboration with a dental hygienist  
71 10 for a period of at least three years immediately preceding  
71 11 election to the committee. The dentist member shall be  
71 12 elected to the committee annually by a majority vote of board  
71 13 members.

71 14 Sec. 139. Section 153.34, subsection 4, Code 2007, is  
71 15 amended to read as follows:

71 16 4. For willful or repeated violations of this chapter,  
71 17 this subtitle, or the rules of the ~~state board of dentistry~~.

71 18 Sec. 140. Section 153.36, subsections 2 and 3, Code 2007,  
71 19 are amended to read as follows:

71 20 2. In addition to the provisions of section 272C.2,  
71 21 subsection 4, a person licensed by the board ~~of dental~~  
71 22 ~~examiners~~ shall also be deemed to have complied with  
71 23 continuing education requirements of this state if, during  
71 24 periods that the person practiced the profession in another  
71 25 state or district, the person met all of the continuing  
71 26 education and other requirements of that state or district for  
71 27 the practice of the occupation or profession.

71 28 3. Notwithstanding the panel composition provisions in  
71 29 section 272C.6, subsection 1, the ~~board of dental examiners~~  
71 30 ~~board's~~ disciplinary hearing panels shall be comprised of  
71 31 three board members, at least two of which are licensed in the  
71 32 profession.

71 33 Sec. 141. Section 153.37, Code 2007, is amended to read as

71 34 follows:

71 35 153.37 DENTAL COLLEGE AND DENTAL HYGIENE PROGRAM FACULTY  
72 1 PERMITS.

72 2 The ~~state board of dental examiners~~ may issue a faculty  
72 3 permit entitling the holder to practice dentistry or dental  
72 4 hygiene within a college of dentistry or a dental hygiene  
72 5 program and affiliated teaching facilities as an adjunct to  
72 6 the faculty member's teaching position, associated  
72 7 responsibilities, and functions. The dean of the college of  
72 8 dentistry or chairperson of a dental hygiene program shall  
72 9 certify to the ~~state board of dental examiners~~ those bona fide  
72 10 members of the college's or a dental hygiene program's faculty  
72 11 who are not licensed and registered to practice dentistry or  
72 12 dental hygiene in Iowa. Any faculty member so certified  
72 13 shall, prior to commencing the member's duties in the college  
72 14 of dentistry or a dental hygiene program, make written  
72 15 application to the ~~state board of dental examiners~~ for a  
72 16 permit. The permit shall be for a period determined by the  
72 17 board and may be renewed at the discretion of the ~~state board~~  
72 18 ~~of dental examiners~~. The fee for the faculty permit and the  
72 19 renewal shall be set by the ~~state board of dental examiners~~  
72 20 based upon the administrative cost of issuance of the permit.  
72 21 The fee shall be deposited in the same manner as fees provided  
72 22 for in section 147.82. The faculty permit shall be valid  
72 23 during the time the holder remains a member of the faculty and  
72 24 shall subject the holder to all provisions of this chapter.

72 25 Sec. 142. Section 153.38, Code 2007, is amended to read as  
72 26 follows:

72 27 153.38 DENTAL ASSISTANTS == SCOPE OF PRACTICE.

72 28 A registered dental assistant may perform those services of  
72 29 assistance to a licensed dentist as determined by the board ~~of~~  
72 30 ~~dentistry~~ by rule. Such services shall be performed under  
72 31 supervision of a licensed dentist in a dental office, a public  
72 32 or private school, public health agencies, hospitals, and the  
72 33 armed forces, but shall not be construed to authorize a dental  
72 34 assistant to practice dentistry or dental hygiene. Every  
72 35 licensed dentist who utilizes the services of a registered  
73 1 dental assistant for the purpose of assistance in the practice  
73 2 of dentistry shall be responsible for acts delegated to the  
73 3 registered dental assistant. A dentist shall delegate to a  
73 4 registered dental assistant only those acts which are  
73 5 authorized to be delegated to registered dental assistants by  
73 6 the board ~~of dentistry~~.

73 7 Sec. 143. Section 154.1, Code 2007, is amended to read as  
73 8 follows:

73 9 154.1 BOARD DEFINED == OPTOMETRY == CERTIFIED LICENSED  
73 10 OPTOMETRISTS == THERAPEUTICALLY CERTIFIED OPTOMETRISTS.

73 11 1. As used in this chapter, "board" means the board of  
73 12 optometry, created under chapter 147.

73 13 2. For the purpose of this subtitle, the following classes  
73 14 of persons shall be deemed to be engaged in the practice of  
73 15 optometry:

73 16 1- a. Persons employing any means other than the use of  
73 17 drugs, medicine, or surgery for the measurement of the visual  
73 18 power and visual efficiency of the human eye; the prescribing  
73 19 and adapting of lenses, prisms and contact lenses, and the  
73 20 using or employing of visual training or ocular exercise, for  
73 21 the aid, relief, or correction of vision.

73 22 2- b. Persons who allow the public to use any mechanical  
73 23 device for such purpose.

73 24 3- c. Persons who publicly profess to be optometrists and  
73 25 to assume the duties incident to said profession.

73 26 3. Certified licensed optometrists may employ  
73 27 cycloplegics, mydriatics, and topical anesthetics as  
73 28 diagnostic agents topically applied to determine the condition  
73 29 of the human eye for proper optometric practice or referral  
73 30 for treatment to a person licensed under chapter 148 or 150A.

73 31 A certified licensed optometrist is an optometrist who is  
73 32 licensed to practice optometry in this state and who is  
73 33 certified by the board ~~of optometry examiners~~ to use  
73 34 diagnostic agents. A certified licensed optometrist shall be  
73 35 provided with a distinctive certificate by the board which  
74 1 shall be displayed for viewing by the patients of the  
74 2 optometrist.

74 3 4. Therapeutically certified optometrists may employ all  
74 4 diagnostic and therapeutic pharmaceutical agents for the  
74 5 purpose of diagnosis and treatment of conditions of the human  
74 6 eye and adnexa pursuant to this paragraph, excluding the use  
74 7 of injections other than to counteract an anaphylactic  
74 8 reaction, and notwithstanding section 147.107, may without  
74 9 charge supply any of the above pharmaceuticals to commence a



74 10 course of therapy. Therapeutically certified optometrists may  
74 11 prescribe oral steroids for a period not to exceed fourteen  
74 12 days without consultation with a primary care physician.  
74 13 Therapeutically certified optometrists shall not prescribe  
74 14 oral Imuran or oral Methotrexate. Therapeutically certified  
74 15 optometrists may be authorized, where reasonable and  
74 16 appropriate, by rule of the board, to employ new diagnostic  
74 17 and therapeutic pharmaceutical agents approved by the United  
74 18 States food and drug administration on or after July 1, 2002,  
74 19 for the diagnosis and treatment of the human eye and adnexa.  
74 20 The board shall not be required to adopt rules relating to  
74 21 topical pharmaceutical agents, oral antimicrobial agents, oral  
74 22 antihistamines, oral antiglaucoma agents, and oral analgesic  
74 23 agents. Superficial foreign bodies may be removed from the  
74 24 human eye and adnexa. The therapeutic efforts of a  
74 25 therapeutically certified optometrist are intended for the  
74 26 purpose of examination, diagnosis, and treatment of visual  
74 27 defects, abnormal conditions, and diseases of the human eye  
74 28 and adnexa, for proper optometric practice or referral for  
74 29 consultation or treatment to persons licensed under chapter  
74 30 148 or 150A. A therapeutically certified optometrist is an  
74 31 optometrist who is licensed to practice optometry in this  
74 32 state and who is certified by the board of ~~optometry examiners~~  
74 33 to use the agents and procedures authorized pursuant to this  
74 34 paragraph. A therapeutically certified optometrist shall be  
74 35 provided with a distinctive certificate by the board which  
75 1 shall be displayed for viewing by the patients of the  
75 2 optometrist.

75 3 Sec. 144. Section 154.3, subsections 3, 4, 5, 6, and 8,  
75 4 Code 2007, are amended to read as follows:

75 5 3. A person licensed as an optometrist prior to January 1,  
75 6 1980, who applies to be a certified licensed optometrist shall  
75 7 first satisfactorily complete a course consisting of at least  
75 8 one hundred contact hours in pharmacology as it applies to  
75 9 optometry including clinical training as it applies to  
75 10 optometry with particular emphasis on the topical application  
75 11 of diagnostic agents to the human eye and possible adverse  
75 12 reactions thereto, for the purpose of examination of the human  
75 13 eye and the diagnosis of conditions of the human eye, provided  
75 14 by an institution accredited by a regional or professional  
75 15 accreditation organization which is recognized or approved by  
75 16 the council on postsecondary accreditation or the United  
75 17 States office of education, and approved by the board of  
~~75 18 optometry examiners.~~

75 19 4. In addition to the examination required by subsection  
75 20 1, paragraph "c", a person applying to be a certified licensed  
75 21 optometrist shall also pass an examination prescribed by the  
75 22 ~~optometry examiners board~~ in the subjects of physiology and  
75 23 pathology appropriate to the use of diagnostic pharmaceutical  
75 24 agents and diagnosis of conditions of the human eye, and  
75 25 pharmacology including systemic effects of ophthalmic  
75 26 diagnostic pharmaceutical agents and the possible adverse  
75 27 reactions thereto, authorized for use by optometrists by  
75 28 section 154.1.

75 29 5. A person applying to be licensed as an optometrist  
75 30 after January 1, 1986, shall also apply to be a  
75 31 therapeutically certified optometrist and shall, in addition  
75 32 to satisfactorily completing all requirements for a license to  
75 33 practice optometry, satisfactorily complete a course as  
75 34 defined by rule of the ~~state board of optometry examiners~~ with  
75 35 particular emphasis on the examination, diagnosis and  
76 1 treatment of conditions of the human eye and adnexa provided  
76 2 by an institution accredited by a regional or professional  
76 3 accreditation organization which is recognized or approved by  
76 4 the council on postsecondary accreditation of the United  
76 5 States office of education, and approved by the board of  
~~76 6 optometry examiners.~~ The ~~rule~~ rules of the board shall

76 7 require a course including a minimum of forty hours of  
76 8 didactic education and sixty hours of approved supervised  
76 9 clinical training in the examination, diagnosis, and treatment  
76 10 of conditions of the human eye and adnexa. The board may  
76 11 also, by rule, provide a procedure by which an applicant who  
76 12 has received didactic education meeting the requirements of  
76 13 rules adopted pursuant to this subsection at an approved  
76 14 school of optometry may apply to the board for a waiver of the  
76 15 didactic education requirements of this subsection.

76 16 6. A person licensed in any state as an optometrist prior  
76 17 to January 1, 1986, who applies to be a therapeutically  
76 18 certified optometrist shall first satisfactorily complete a  
76 19 course as defined by rule of the board of ~~optometry examiners~~  
76 20 with particular emphasis on the examination, diagnosis, and

76 21 treatment of conditions of the human eye and adnexa provided  
76 22 by an institution accredited by a regional or professional  
76 23 accreditation organization which is recognized or approved by  
76 24 the council on postsecondary accreditation of the United  
76 25 States office of education, and approved by the board of  
~~76 26 optometry examiners.~~ The rule of the board shall require a  
76 27 course including a minimum of forty hours of didactic  
76 28 education and sixty hours of approved supervised clinical  
76 29 training in the examination, diagnosis, and treatment of  
76 30 conditions of the human eye and adnexa. Effective July 1,  
76 31 1987, the board shall require that therapeutically certified  
76 32 optometrists prior to the utilization of topical and oral  
76 33 antiglaucoma agents, oral antimicrobial agents, and oral  
76 34 analgesic agents shall complete an additional forty-four hours  
76 35 of education with emphasis on treatment and management of  
77 1 glaucoma and use of oral pharmaceutical agents for treatment  
77 2 and management of ocular diseases, provided by an institution  
77 3 accredited by a regional or professional accreditation  
77 4 organization which is recognized or approved by the council on  
77 5 postsecondary accreditation of the United States office of  
77 6 education, and approved by the board of ~~optometry examiners.~~  
77 7 Upon completion of the additional forty-four hours of  
77 8 education, a therapeutically certified optometrist shall also  
77 9 pass an oral or written examination prescribed by the board.  
77 10 The board shall suspend the optometrist's therapeutic  
77 11 certificate for failure to comply with this subsection by July  
77 12 1, 1988.

77 13 The board shall adopt rules requiring an additional twenty  
77 14 hours per biennium of continuing education in the treatment  
77 15 and management of ocular disease for all therapeutically  
77 16 certified optometrists. The department of ophthalmology of  
77 17 the school of medicine of the state university of Iowa shall  
77 18 be one of the providers of this continuing education.

77 19 8. In addition to the examination required by subsection  
77 20 1, paragraph "c", a person applying to be a therapeutically  
77 21 certified optometrist shall also pass an examination  
77 22 prescribed by the board of ~~optometry examiners~~ in the  
77 23 examination, diagnosis, and treatment of diseases of the human  
77 24 eye and adnexa.

77 25 Sec. 145. Section 154.5, unnumbered paragraph 1, Code  
77 26 2007, is amended to read as follows:

77 27 ~~No~~ A school of optometry shall not be approved by the  
77 28 ~~optometry examiners board~~ as a school of recognized standing  
77 29 unless ~~said~~ the school:

77 30 Sec. 146. Section 154A.1, subsection 1, Code 2007, is  
77 31 amended to read as follows:

77 32 1. "Board" means the board of ~~examiners for the licensing~~  
~~77 33 and regulation of hearing aid dispensers.~~

77 34 Sec. 147. Section 154A.24, subsection 3, paragraph e, Code  
77 35 2007, is amended to read as follows:

78 1 e. Representing that the service or advice of a person  
78 2 licensed to practice medicine, or one who is certificated as a  
78 3 clinical audiologist by the board of ~~examiners~~ of speech  
78 4 pathology and audiology or its equivalent, will be used or  
78 5 made available in the fitting or selection, adjustment,  
78 6 maintenance, or repair of hearing aids when that is not true,  
78 7 or using the words "doctor", "clinic", "clinical audiologist",  
78 8 "state approved", or similar words, abbreviations, or symbols  
78 9 which tend to connote the medical or other professions, except  
78 10 where the title "certified hearing aid audiologist" has been  
78 11 granted by the national hearing aid society, or that the  
78 12 hearing aid dispenser has been recommended by this state or  
78 13 the board when such is not accurate.

78 14 Sec. 148. Section 154C.1, subsection 1, Code 2007, is  
78 15 amended to read as follows:

78 16 1. "Board" means the board of social work, ~~examiners~~  
78 17 established in chapter 147.

78 18 Sec. 149. Section 154C.3, subsection 1, paragraph c,  
78 19 subparagraph (5), Code 2007, is amended to read as follows:

78 20 (5) Supervision shall be provided in any of the following  
78 21 manners:

78 22 (a) By a social worker licensed at least at the level of  
78 23 the social worker being supervised and qualified under this  
78 24 section to practice without supervision.

78 25 (b) By another qualified professional, if the board of  
~~78 26 social work examiners~~ determines that supervision by a social  
78 27 worker as defined in subparagraph subdivision (a) is  
78 28 unobtainable or in other situations considered appropriate by  
78 29 the board.

78 30 Additional standards for supervision shall be determined by  
78 31 the board of ~~social work examiners.~~

78 32 Sec. 150. Section 154D.1, subsection 1, Code 2007, is  
78 33 amended to read as follows:

78 34 1. "Board" means the board of behavioral science  
78 35 ~~examiners~~, established in ~~section 147.13~~ chapter 147.

79 1 Sec. 151. Section 154E.1, subsection 1, Code 2007, is  
79 2 amended to read as follows:

79 3 1. "Board" means the board of ~~interpreter for the hearing~~  
79 4 ~~impaired examiners sign language interpreters and~~  
79 5 ~~transliterators~~, established in chapter 147.

79 6 Sec. 152. Section 155.1, subsection 1, Code 2007, is  
79 7 amended to read as follows:

79 8 1. "Board" means the ~~Iowa state~~ board of ~~examiners for~~  
79 9 ~~nursing home administrators hereinafter created~~, established  
79 10 ~~in chapter 147~~.

79 11 Sec. 153. Section 155.2, unnumbered paragraph 1, Code  
79 12 2007, is amended to read as follows:

79 13 There is established a ~~state~~ board of ~~examiners for~~ nursing  
79 14 home administrators which shall consist of nine members  
79 15 appointed by the governor subject to confirmation by the  
79 16 senate as follows:

79 17 Sec. 154. Section 155A.3, subsection 3, Code 2007, is  
79 18 amended to read as follows:

79 19 3. "Board" means the board of pharmacy ~~examiners~~.

79 20 Sec. 155. Section 155A.21, subsection 2, Code 2007, is  
79 21 amended to read as follows:

79 22 2. Subsection 1 does not apply to a licensed pharmacy,  
79 23 licensed wholesaler, physician, veterinarian, dentist,  
79 24 podiatric physician, therapeutically certified optometrist,  
79 25 advanced registered nurse practitioner, physician assistant, a  
79 26 nurse acting under the direction of a physician, or the board  
79 27 of pharmacy ~~examiners~~, its officers, agents, inspectors, and  
79 28 representatives, ~~nor or~~ to a common carrier, manufacturer's  
79 29 representative, or messenger when transporting the drug or  
79 30 device in the same unbroken package in which the drug or  
79 31 device was delivered to that person for transportation.

79 32 Sec. 156. Section 155A.26, Code 2007, is amended to read  
79 33 as follows:

79 34 155A.26 ENFORCEMENT == AGENTS AS PEACE OFFICERS.

79 35 The board of ~~pharmacy examiners~~, its officers, agents,  
80 1 inspectors, and representatives, and all peace officers within  
80 2 the state, and all county attorneys shall enforce all  
80 3 provisions of this chapter, except those specifically  
80 4 delegated, and shall cooperate with all agencies charged with  
80 5 the enforcement of the laws of the United States, of this  
80 6 state, and of all other states relating to prescription drugs.  
80 7 Officers, agents, inspectors, and representatives of the board  
80 8 of ~~pharmacy examiners~~ shall have the powers and status of  
80 9 peace officers when enforcing the provisions of this chapter.

80 10 Sec. 157. Section 156.1, subsection 1, Code 2007, is  
80 11 amended to read as follows:

80 12 1. "Board" means the board of mortuary science ~~examiners~~.

80 13 Sec. 158. Section 157.1, subsection 1, Code 2007, is  
80 14 amended to read as follows:

80 15 1. "Board" means the board of cosmetology arts and  
80 16 sciences ~~examiners~~.

80 17 Sec. 159. Section 157.1, subsection 6, paragraph e, Code  
80 18 2007, is amended to read as follows:

80 19 e. Manicuring and pedicuring.

80 20 Sec. 160. Section 158.1, subsection 5, Code 2007, is  
80 21 amended to read as follows:

80 22 5. "Board" means the board of ~~barber examiners~~ barbering.

80 23 Sec. 161. Section 205.6, Code 2007, is amended to read as  
80 24 follows:

80 25 205.6 POISON REGISTER.

80 26 It shall be unlawful for any pharmacist to sell at retail  
80 27 any of the poisons enumerated in section 205.5 unless the  
80 28 pharmacist ascertains that the purchaser is aware of the  
80 29 character of the drug and the purchaser represents that it is  
80 30 to be used for a proper purpose and every sale of any poison  
80 31 enumerated in section 205.5 shall be entered in a book kept  
80 32 for that purpose, to be known as a "Poison Register" and the  
80 33 same shall show the date of the sale, the name and address of  
80 34 the purchaser, the name of the poison, the purpose for which  
80 35 it was represented to be purchased, and the name of the  
81 1 natural person making the sale, which book or books shall be  
81 2 open for inspection by the board of pharmacy examiners, or any  
81 3 magistrate or peace officer of this state, and preserved for  
81 4 at least five years after the date of the last sale therein  
81 5 recorded.

81 6 Sec. 162. Section 205.11, Code 2007, is amended to read as  
81 7 follows:

81 8 205.11 ENFORCEMENT.

81 9 The provisions of this chapter and chapters 124 and 126  
81 10 shall be administered and enforced by the board of pharmacy  
81 11 ~~examiners~~. In discharging any duty or exercising any power  
81 12 under those chapters, the board of pharmacy ~~examiners~~ shall be  
81 13 governed by all the provisions of chapter 189, which govern  
81 14 the department of agriculture and land stewardship when  
81 15 discharging a similar duty or exercising a similar power with  
81 16 reference to any of the articles dealt with in this subtitle,  
81 17 to the extent that chapter 189 is not inconsistent with this  
81 18 chapter and chapters 124 and 126.

81 19 Sec. 163. Section 205.12, Code 2007, is amended to read as  
81 20 follows:

81 21 205.12 CHEMICAL ANALYSIS OF DRUGS.

81 22 Any chemical analysis deemed necessary by the board of  
81 23 pharmacy ~~examiners~~ in the enforcement of this chapter and  
81 24 chapters 124 and 126 shall be made by the department of  
81 25 agriculture and land stewardship when requested by the board  
81 26 of pharmacy ~~examiners~~.

81 27 Sec. 164. Section 205.13, Code 2007, is amended to read as  
81 28 follows:

81 29 205.13 APPLICABILITY OF OTHER STATUTES.

81 30 Insofar as applicable the provisions of chapter 189 shall  
81 31 apply to the articles dealt with in this chapter and chapters  
81 32 124 and 126. The powers vested in the department of  
81 33 agriculture and land stewardship by chapter 189 shall be  
81 34 deemed for the purpose of this chapter and chapters 124 and  
81 35 126 to be vested in the board of pharmacy ~~examiners~~.

82 1 Sec. 165. Section 232.69, subsection 3, paragraph a, Code  
82 2 2007, is amended to read as follows:

82 3 a. For the purposes of this subsection, "licensing board"  
82 4 means ~~an examining~~ a board designated in section 147.13, the  
82 5 board of educational examiners created in section 272.2, or a  
82 6 licensing board as defined in section 272C.1.

82 7 Sec. 166. Section 232.69, subsection 3, paragraph d,  
82 8 subparagraph (1), Code 2007, is amended to read as follows:

82 9 (1) A continuing education program required under chapter  
82 10 272C and approved by the appropriate licensing ~~or examining~~  
82 11 board.

82 12 Sec. 167. Section 235A.15, subsection 2, paragraph d,  
82 13 subparagraph (7), Code 2007, is amended to read as follows:

82 14 (7) Each licensing board ~~of examiners~~ specified under  
82 15 chapter 147 and the Iowa department of public health for the  
82 16 purpose of licensure, certification or registration,  
82 17 disciplinary investigation, or the renewal of licensure,  
82 18 certification or registration, or disciplinary proceedings of  
82 19 health care professionals.

82 20 Sec. 168. Section 235B.6, subsection 2, paragraph b,  
82 21 subparagraph (7), Code 2007, is amended to read as follows:

82 22 (7) Each board ~~of examiners~~ specified under chapter 147  
82 23 and the Iowa department of public health for the purpose of  
82 24 licensure, certification or registration, disciplinary  
82 25 investigation, or the renewal of licensure, certification or  
82 26 registration, or disciplinary proceedings of health care  
82 27 professionals.

82 28 Sec. 169. Section 235B.16, subsection 5, paragraph a, Code  
82 29 2007, is amended to read as follows:

82 30 a. For the purposes of this subsection, "licensing board"  
82 31 means ~~an examining~~ a board designated in section 147.13, the  
82 32 board of educational examiners created in section 272.2, or a  
82 33 licensing board as defined in section 272C.1.

82 34 Sec. 170. Section 235B.16, subsection 5, paragraph d,  
82 35 subparagraph (1), Code 2007, is amended to read as follows:

83 1 (1) A continuing education program required under chapter  
83 2 272C and approved by the appropriate licensing ~~or examining~~  
83 3 board.

83 4 Sec. 171. Section 235B.16, subsection 5, paragraph e, Code  
83 5 2007, is amended to read as follows:

83 6 e. A person required to complete both child abuse and  
83 7 dependent adult abuse mandatory reporter training may complete  
83 8 the training through a program which combines child abuse and  
83 9 dependent adult abuse curricula and thereby meet the training  
83 10 requirements of both this subsection and section 232.69  
83 11 simultaneously. A person who is a mandatory reporter for both  
83 12 child abuse and dependent adult abuse may satisfy the combined  
83 13 training requirements of this subsection and section 232.69  
83 14 through completion of a two-hour training program, if the  
83 15 training program curriculum is approved by the appropriate  
83 16 licensing ~~or examining~~ board or the abuse education review  
83 17 panel established by the director of public health pursuant to  
83 18 section 135.11.

83 19 Sec. 172. Section 272C.1, subsection 6, Code 2007, is  
83 20 amended to read as follows:  
83 21 6. "Licensing board" or "board" includes the following  
83 22 boards:  
83 23 a. The state board of engineering and land surveying  
83 24 examiners, created pursuant to chapter 542B.  
83 25 b. The board of examiners of shorthand reporters created  
83 26 pursuant to article 3 of chapter 602.  
83 27 c. The Iowa accountancy examining board, created pursuant  
83 28 to chapter 542.  
83 29 d. The Iowa real estate commission, created pursuant to  
83 30 chapter 543B.  
83 31 e. The board of architectural examiners, created pursuant  
83 32 to chapter 544A.  
83 33 f. The Iowa board of landscape architectural examiners,  
83 34 created pursuant to chapter 544B.  
83 35 g. The board of ~~barber examiners~~ barbering, created  
84 1 pursuant to chapter 147.  
84 2 h. The board of chiropractic ~~examiners~~, created pursuant  
84 3 to chapter 147.  
84 4 i. The board of cosmetology arts and sciences ~~examiners~~,  
84 5 created pursuant to chapter 147.  
84 6 j. The board of ~~dental examiners~~ dentistry, created  
84 7 pursuant to chapter 147.  
84 8 k. The board of mortuary science ~~examiners~~, created  
84 9 pursuant to chapter 147.  
84 10 l. The board of ~~medical examiners~~ medicine, created  
84 11 pursuant to chapter 147.  
84 12 m. The board of physician ~~assistant examiners~~ assistants,  
84 13 created pursuant to chapter 148C.  
84 14 n. The board of nursing, created pursuant to chapter 147.  
84 15 o. The board of ~~examiners for~~ nursing home administrators,  
84 16 created pursuant to chapter 155.  
84 17 p. The board of optometry ~~examiners~~, created pursuant to  
84 18 chapter 147.  
84 19 q. The board of pharmacy ~~examiners~~, created pursuant to  
84 20 chapter 147.  
84 21 r. The board of physical and occupational therapy  
84 22 examiners, created pursuant to chapter 147.  
84 23 s. The board of podiatry ~~examiners~~, created pursuant to  
84 24 chapter 147.  
84 25 t. The board of psychology ~~examiners~~, created pursuant to  
84 26 chapter 147.  
84 27 u. The board of speech pathology and audiology ~~examiners~~,  
84 28 created pursuant to chapter 147.  
84 29 v. The board ~~for the licensing and regulation~~ of hearing  
84 30 aid dispensers, created pursuant to chapter 154A.  
84 31 w. The board of veterinary medicine, created pursuant to  
84 32 chapter 169.  
84 33 x. The director of the department of natural resources in  
84 34 certifying water treatment operators as provided in sections  
84 35 455B.211 through 455B.224.  
85 1 y. Any professional or occupational licensing board  
85 2 created after January 1, 1978.  
85 3 z. The ~~state~~ board of respiratory care in licensing  
85 4 respiratory care practitioners pursuant to chapter 152B.  
85 5 aa. The board of ~~examiners for~~ athletic training in  
85 6 licensing athletic trainers pursuant to chapter 152D.  
85 7 ab. The board of ~~examiners for~~ massage therapy in  
85 8 licensing massage therapists pursuant to chapter 152C.  
85 9 ac. The board of ~~interpreter for the hearing impaired~~  
85 10 ~~examiners sign language interpreters and transliterators~~,  
85 11 created pursuant to chapter 154E.  
85 12 ad. The director of public health in certifying emergency  
85 13 medical care providers and emergency medical care services  
85 14 pursuant to chapter 147A.  
85 15 Sec. 173. Section 272C.2, subsections 4 and 5, Code 2007,  
85 16 are amended to read as follows:  
85 17 4. A person licensed to practice an occupation or  
85 18 profession in this state shall be deemed to have complied with  
85 19 the continuing education requirements of this state during  
85 20 periods that the person serves honorably on active duty in the  
85 21 military services, or for periods that the person is a  
85 22 resident of another state or district having a continuing  
85 23 education requirement for the occupation or profession and  
85 24 meets all requirements of that state or district for practice  
85 25 therein, or for periods that the person is a government  
85 26 employee working in the person's licensed specialty and  
85 27 assigned to duty outside of the United States, or for other  
85 28 periods of active practice and absence from the state approved  
85 29 by the appropriate licensing board ~~of examiners~~.

85 30 5. A person licensed to sell real estate in this state  
85 31 shall be deemed to have complied with the continuing education  
85 32 requirements of this state during periods that the person  
85 33 serves honorably on active duty in the military services, or  
85 34 for periods that the person is a resident of another state or  
85 35 district having a continuing education requirement for the  
86 1 occupation or profession and meets all requirements of that  
86 2 state or district for practice therein, if the state or  
86 3 district accords the same privilege to Iowa residents, or for  
86 4 periods that the person is a government employee working in  
86 5 the person's licensed specialty and assigned to duty outside  
86 6 of the United States, or for other periods of active practice  
86 7 and absence from the state approved by the appropriate  
86 8 licensing board of examiners.

86 9 Sec. 174. Section 272C.2A, Code 2007, is amended to read  
86 10 as follows:

86 11 272C.2A CONTINUING EDUCATION MINIMUM REQUIREMENTS ==  
86 12 BARBERING AND COSMETOLOGY ARTS AND SCIENCES.

86 13 The board of ~~barber examiners~~ barbering and the board of  
86 14 cosmetology arts and sciences ~~examiners~~, created pursuant to  
86 15 chapter 147, shall each require, as a condition of license  
86 16 renewal, a minimum of six hours of continuing education in the  
86 17 two years immediately prior to a licensee's license renewal.  
86 18 The board of cosmetology arts and sciences ~~examiners~~ may  
86 19 notify cosmetology arts and sciences licensees on a quarterly  
86 20 basis regarding continuing education opportunities.

86 21 Sec. 175. Section 321J.2, subsection 7, paragraph a, Code  
86 22 2007, is amended to read as follows:

86 23 a. This section does not apply to a person operating a  
86 24 motor vehicle while under the influence of a drug if the  
86 25 substance was prescribed for the person and was taken under  
86 26 the prescription and in accordance with the directions of a  
86 27 medical practitioner as defined in chapter 155A or if the  
86 28 substance was dispensed by a pharmacist without a prescription  
86 29 pursuant to the rules of the board of pharmacy ~~examiners~~, if  
86 30 there is no evidence of the consumption of alcohol and the  
86 31 medical practitioner or pharmacist had not directed the person  
86 32 to refrain from operating a motor vehicle.

86 33 Sec. 176. Section 331.756, subsection 40, Code 2007, is  
86 34 amended to read as follows:

86 35 40. Prosecute violations of the Iowa drug, device, and  
87 1 cosmetic Act as requested by the board of pharmacy ~~examiners~~  
87 2 as provided in section 126.7.

87 3 Sec. 177. Section 462A.14, subsection 7, paragraph a, Code  
87 4 2007, is amended to read as follows:

87 5 a. This section does not apply to a person operating a  
87 6 motorboat or sailboat while under the influence of a drug if  
87 7 the substance was prescribed for the person and was taken  
87 8 under the prescription and in accordance with the directions  
87 9 of a medical practitioner as defined in chapter 155A or if the  
87 10 substance was dispensed by a pharmacist without a prescription  
87 11 pursuant to the rules of the board of pharmacy ~~examiners~~, if  
87 12 there is no evidence of the consumption of alcohol and the  
87 13 medical practitioner or pharmacist had not directed the person  
87 14 to refrain from operating a motor vehicle, or motorboat or  
87 15 sailboat.

87 16 Sec. 178. Section 514F.1, Code 2007, is amended to read as  
87 17 follows:

87 18 514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.

87 19 The licensing boards of examiners under chapters 148, 149,  
87 20 150, 150A, 151, and 152 shall establish utilization and cost  
87 21 control review committees of licensees under the respective  
87 22 chapters, selected from licensees who have practiced in Iowa  
87 23 for at least the previous five years, or shall accredit and  
87 24 designate other utilization and cost control organizations as  
87 25 utilization and cost control committees under this section,  
87 26 for the purposes of utilization review of the appropriateness  
87 27 of levels of treatment and of giving opinions as to the  
87 28 reasonableness of charges for diagnostic or treatment services  
87 29 of licensees. Persons governed by the various chapters of  
87 30 Title XIII, subtitle 1, of the Code and self-insurers for  
87 31 health care benefits to employees may utilize the services of  
87 32 the utilization and cost control review committees upon the  
87 33 payment of a reasonable fee for the services, to be determined  
87 34 by the respective boards of ~~examiners~~. The respective boards  
87 35 of ~~examiners~~ under chapters 148, 149, 150, 150A, 151, and 152  
88 1 shall adopt rules necessary and proper for the implementation  
88 2 administration of this section pursuant to chapter 17A. It is  
88 3 the intent of this general assembly that conduct of the  
88 4 utilization and cost control review committees authorized  
88 5 under this section shall be exempt from challenge under

88 6 federal or state antitrust laws or other similar laws in  
88 7 regulation of trade or commerce.

88 8 Sec. 179. Section 523A.813, Code 2007, is amended to read  
88 9 as follows:

88 10 523A.813 LICENSE REVOCATION == RECOMMENDATION BY  
88 11 COMMISSIONER TO BOARD OF MORTUARY SCIENCE ~~EXAMINERS~~.

88 12 Upon a determination by the commissioner that grounds exist  
88 13 for an administrative license revocation or suspension action  
88 14 by the board of mortuary science ~~examiners~~ under chapter 156,  
88 15 the commissioner may forward to the board the grounds for the  
88 16 determination, including all evidence in the possession of the  
88 17 commissioner, so that the board may proceed with the matter as  
88 18 deemed appropriate.

88 19 Sec. 180. Section 622.10, subsection 5, Code 2007, is  
88 20 amended to read as follows:

88 21 5. For the purposes of this section, "mental health  
88 22 professional" means a psychologist licensed under chapter  
88 23 154B, a registered nurse licensed under chapter 152, a social  
88 24 worker licensed under chapter 154C, a marital and family  
88 25 therapist licensed under chapter 154D, a mental health  
88 26 counselor licensed under chapter 154D, or an individual  
88 27 holding at least a master's degree in a related field as  
88 28 deemed appropriate by the board of behavioral science  
88 29 ~~examiners~~.

88 30 Sec. 181. Section 622.31, Code 2007, is amended to read as  
88 31 follows:

88 32 622.31 EVIDENCE OF REGRET OR SORROW.

88 33 In any civil action for professional negligence, personal  
88 34 injury, or wrongful death or in any arbitration proceeding for  
88 35 professional negligence, personal injury, or wrongful death  
89 1 against a person in a profession represented by the ~~examining~~  
89 2 boards listed in section 272C.1 and any other licensed  
89 3 profession recognized in this state, a hospital licensed  
89 4 pursuant to chapter 135B, or a health care facility licensed  
89 5 pursuant to chapter 135C, based upon the alleged negligence in  
89 6 the practice of that profession or occupation, that portion of  
89 7 a statement, affirmation, gesture, or conduct expressing  
89 8 sorrow, sympathy, commiseration, condolence, compassion, or a  
89 9 general sense of benevolence that was made by the person to  
89 10 the plaintiff, relative of the plaintiff, or decision maker  
89 11 for the plaintiff that relates to the discomfort, pain,  
89 12 suffering, injury, or death of the plaintiff as a result of an  
89 13 alleged breach of the applicable standard of care is  
89 14 inadmissible as evidence. Any response by the plaintiff,  
89 15 relative of the plaintiff, or decision maker for the plaintiff  
89 16 to such statement, affirmation, gesture, or conduct is  
89 17 similarly inadmissible as evidence.

89 18 Sec. 182. Section 707.8A, subsection 7, Code 2007, is  
89 19 amended to read as follows:

89 20 7. a. A licensed physician subject to the authority of  
89 21 the ~~state board of medical examiners~~ medicine who is accused  
89 22 of a violation of subsection 2 may seek a hearing before the  
89 23 board on whether the physician's conduct was necessary to save  
89 24 the life of the mother whose life was endangered by a physical  
89 25 disorder, physical illness, or physical injury.

89 26 b. The board's findings concerning the physician's conduct  
89 27 are admissible at the criminal trial of the physician. Upon a  
89 28 motion of the physician, the court shall delay the beginning  
89 29 of the trial for not more than thirty days to permit the  
89 30 hearing before the board of ~~medical examiners~~ medicine to take  
89 31 place.

89 32 Sec. 183. Section 714.25, unnumbered paragraph 2, Code  
89 33 2007 is amended to read as follows:

89 34 A proprietary school shall, prior to the time a student is  
89 35 obligated for payment of any moneys, inform the student, the  
90 1 college student aid commission, and in the case of a school  
90 2 licensed under section 157.8, the board of cosmetology  
90 3 ~~examiners~~ arts and sciences or in the case of a school  
90 4 licensed under section 158.7, the board of ~~barber examiners~~  
90 5 barbering, of all of the following:

90 6 Sec. 184. Section 729.6, subsection 1, paragraph e, Code  
90 7 2007, is amended to read as follows:

90 8 e. "Licensing agency" means a board, commission,  
90 9 committee, council, department, ~~examining board~~, or officer,  
90 10 except a judicial officer, in the state, or in a city, county,  
90 11 township, or local government, authorized to grant, deny,  
90 12 renew, revoke, suspend, annul, withdraw, or amend a license or  
90 13 certificate of registration.

90 14 EXPLANATION

90 15 The department of public health contains 23 health-related  
90 16 licensing boards. This bill strikes the word "examiners" from

90 17 the name of only these health-related boards, clarifying that  
90 18 boards do much more than test applicants for licensure. The  
90 19 bill also renames the secretary of the pharmacy board as the  
90 20 executive director. Conforming amendments are included in  
90 21 numerous chapters throughout the Code.  
90 22 The bill also makes revenues that are generated and  
90 23 retained by the licensing boards not subject to reversion to  
90 24 the general fund of the state.  
90 25 LSB 1207XD 82  
90 26 jr:rj/sh/8.1