

# Senate File 2338 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB 3182)

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

## A BILL FOR

1 An Act relating to the regulation of health-related professions.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 5430SV 82  
4 jr/nh/5

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1 1 DIVISION I  
1 2 PROFESSIONAL LICENSURE == HEALTH-RELATED PROFESSIONS  
1 3 Section 1. Section 147.1, Code Supplement 2007, is amended  
1 4 to read as follows:  
1 5 147.1 DEFINITIONS.  
1 6 ~~1. As used in this chapter, unless the context otherwise~~  
~~1 7 requires, "book", "list", "record", or "schedule" kept by a~~  
~~1 8 county auditor, assessor, treasurer, recorder, sheriff, or~~  
~~1 9 other county officer means the county system as defined in~~  
~~1 10 section 445.1.~~  
1 11 2. For the purpose of this and the following chapters of  
1 12 this subtitle:  
1 13 a. 1. "Board" ~~shall mean~~ means one of the boards  
1 14 enumerated in section 147.13 or any other board established in  
1 15 this subtitle ~~which is whose members are~~ appointed by the  
1 16 governor to license applicants and impose licensee discipline  
1 17 as authorized by law.  
1 18 b. 2. "Department" ~~shall mean~~ means the Iowa department  
1 19 of public health.  
1 20 c. 3. "Licensed" or "certified", when applied to a  
1 21 physician and surgeon, podiatric physician, ~~osteopath,~~  
1 22 osteopathic physician and surgeon, physician assistant,  
1 23 psychologist ~~or associate psychologist,~~ chiropractor, nurse,  
1 24 dentist, dental hygienist, dental assistant, optometrist,  
1 25 speech pathologist, audiologist, pharmacist, physical  
1 26 therapist, physical therapist assistant, occupational  
1 27 therapist, occupational therapy assistant, respiratory care  
1 28 practitioner, practitioner of cosmetology arts and sciences,  
1 29 practitioner of barbering, funeral director, dietitian,  
1 30 marital and family therapist, mental health counselor, social  
1 31 worker, massage therapist, athletic trainer, acupuncturist,  
1 32 nursing home administrator, hearing aid dispenser, or sign  
1 33 language interpreter or transliterator means a person licensed  
1 34 under this subtitle.  
1 35 d. 4. "Peer review" means evaluation of professional  
2 1 services rendered by a person licensed to practice a  
2 2 profession.  
2 3 e. 5. "Peer review committee" means one or more persons  
2 4 acting in a peer review capacity who also serve as an officer,  
2 5 director, trustee, agent, or member of any of the following:  
2 6 (1) a. A state or local professional society of a  
2 7 profession for which there is peer review.  
2 8 (2) b. Any organization approved to conduct peer review  
2 9 by a society as designated in paragraph "a" of this  
2 10 subsection.  
2 11 (3) c. The medical staff of any licensed hospital.  
2 12 (4) d. A board enumerated in section 147.13 or any other  
2 13 board established in this subtitle which is appointed by the  
2 14 governor to license applicants and impose licensee discipline  
2 15 as authorized by law.  
2 16 (5) e. The board of trustees of a licensed hospital when  
2 17 performing a function relating to the reporting required by  
2 18 section 147.135, subsection 3.

2 19 (6) f. A health care entity, including but not limited to  
2 20 a group medical practice, that provides health care services  
2 21 and follows a formal peer review process for the purpose of  
2 22 furthering quality health care.

2 23 ~~f. 6.~~ "Profession" means medicine and surgery, podiatry,  
2 24 ~~osteopathy,~~ osteopathic medicine and surgery, practice as a  
2 25 physician assistant, psychology, chiropractic, nursing,  
2 26 dentistry, dental hygiene, dental assisting, optometry, speech  
2 27 pathology, audiology, pharmacy, physical therapy, physical  
2 28 therapist assisting, occupational therapy, occupational  
2 29 therapy assisting, respiratory care, cosmetology arts and  
2 30 sciences, barbering, mortuary science, marital and family  
2 31 therapy, mental health counseling, social work, dietetics,  
2 32 massage therapy, athletic training, acupuncture, nursing home  
2 33 administration, hearing aid dispensing, or sign language  
2 34 interpreting or transliterating.

2 35 Sec. 2. Section 147.2, Code Supplement 2007, is amended to  
3 1 read as follows:

3 2 147.2 LICENSE REQUIRED.

3 3 1. A person shall not engage in the practice of medicine  
3 4 and surgery, podiatry, ~~osteopathy,~~ osteopathic medicine and  
3 5 surgery, psychology, chiropractic, physical therapy, physical  
3 6 therapist assisting, nursing, dentistry, dental hygiene,  
3 7 dental assisting, optometry, speech pathology, audiology,  
3 8 occupational therapy, occupational therapy assisting,  
3 9 respiratory care, pharmacy, cosmetology arts and sciences,  
3 10 barbering, social work, dietetics, marital and family therapy  
3 11 or mental health counseling, massage therapy, mortuary  
3 12 science, athletic training, acupuncture, nursing home  
3 13 administration, hearing aid dispensing, or sign language  
3 14 interpreting or transliterating, or shall not practice as a  
3 15 physician assistant ~~as defined in the following chapters of~~  
~~this subtitle,~~ unless the person has obtained ~~from the~~  
~~department~~ a license for that purpose from the board for the  
3 18 profession.

3 19 2. For purposes of this section, a person who is licensed  
3 20 in another state and recognized for licensure in this state  
3 21 pursuant to the nurse licensure compact contained in section  
3 22 152E.1 or pursuant to the advanced practice registered nurse  
3 23 compact contained in section 152E.3 shall be considered to  
3 24 have obtained a license to practice nursing ~~from the~~  
3 25 ~~department.~~

3 26 Sec. 3. Section 147.3, Code 2007, is amended to read as  
3 27 follows:

3 28 147.3 QUALIFICATIONS.

3 29 An applicant for a license to practice a profession under  
3 30 this subtitle is not ineligible because of age, citizenship,  
3 31 sex, race, religion, marital status, or national origin,  
3 32 although the application form may require citizenship  
3 33 information. A board may consider the past felony criminal  
3 34 record of an applicant only if the ~~felony~~ conviction relates  
3 35 ~~directly~~ to the practice of the profession for which the  
4 1 applicant requests to be licensed. ~~Character references may~~  
4 2 ~~be required, but shall not be obtained from licensed members~~  
4 3 ~~of the profession.~~

4 4 Sec. 4. Section 147.4, Code 2007, is amended to read as  
4 5 follows:

4 6 147.4 GROUNDS FOR REFUSING.

4 7 ~~The department~~ A board may refuse to grant a license to  
4 8 practice a profession to any person otherwise qualified upon  
4 9 any of the grounds for which a license may be revoked or  
4 10 suspended.

4 11 Sec. 5. Section 147.5, Code Supplement 2007, is amended to  
4 12 read as follows:

4 13 147.5 LICENSE REQUIRED -- EXCEPTION.

4 14 1. Every license to practice a profession shall be in the  
4 15 form of a certificate under the seal of ~~the department,~~ signed  
4 16 ~~by the director of public health of the board.~~ Such license  
4 17 shall be issued in the name of the licensing board which  
4 18 ~~conducts examinations for that particular profession.~~

4 19 2. This section shall not apply to a person who is  
4 20 licensed in another state and recognized for licensure in this  
4 21 state pursuant to the nurse licensure compact contained in  
4 22 section 152E.1 or pursuant to the advanced practice registered  
4 23 nurse compact contained in section 152E.3.

4 24 Sec. 6. Section 147.7, Code 2007, is amended to read as  
4 25 follows:

4 26 147.7 DISPLAY OF LICENSE.

4 27 ~~Every person licensed under this subtitle to practice a~~  
4 28 ~~profession shall keep the license publicly displayed in the~~  
4 29 ~~primary place in which the person practices.~~

4 30 1. A board may require every person licensed by the board  
4 31 to display the license and evidence of current renewal  
4 32 publicly in a manner prescribed by the board.

4 33 2. This section shall not apply to a person who is  
4 34 licensed in another state and recognized for licensure in this  
4 35 state pursuant to the nurse licensure compact contained in  
5 1 section 152E.1 or pursuant to the advanced practice registered  
5 2 nurse compact contained in section 152E.3. A person licensed  
5 3 in another state and recognized for licensure in this state  
5 4 pursuant to either compact shall, however, maintain a copy of  
5 5 a license issued by the person's home state available for  
5 6 inspection when engaged in the practice of nursing in this  
5 7 state.

5 8 Sec. 7. Section 147.8, Code 2007, is amended to read as  
5 9 follows:

5 10 147.8 RECORD OF LICENSES.

5 11 The A board shall keep the following information available  
5 12 for public inspection for each person licensed by the board:

5 13 name, location, number of years of practice of the person to  
5 14 whom a license is issued to practice a profession address of  
5 15 record, the number of the certificate license, and the date of  
5 16 registration thereof shall be kept and made available in a  
5 17 manner which is open to public inspection issuance of the  
5 18 license.

5 19 Sec. 8. Section 147.9, Code 2007, is amended by striking  
5 20 the section and inserting in lieu thereof the following:

5 21 147.9 CHANGE OF ADDRESS.

5 22 Every person licensed pursuant to this chapter shall notify  
5 23 the board which issued the license of a change in the person's  
5 24 address of record within a time period established by board  
5 25 rule.

5 26 Sec. 9. Section 147.10, Code 2007, is amended to read as  
5 27 follows:

5 28 147.10 RENEWAL.

5 29 1. Every license to practice a profession shall expire in  
5 30 multiyear intervals and be renewed as determined by the board  
5 31 upon application by the licensee, without examination. Each  
5 32 board shall establish rules for license renewal and

5 33 concomitant fees. Application for renewal shall be made in  
5 34 writing to the department to the board accompanied by the  
5 35 required fee at least thirty days prior to the expiration of  
6 1 such license. Every renewal shall be displayed in connection  
6 2 with the original license. The department shall notify each  
6 3 licensee prior to the expiration of a license. Failure to  
6 4 renew the license within a reasonable time after the  
6 5 expiration shall not invalidate the license, but a reasonable  
6 6 penalty may be assessed by the board.

6 7 2. Each board may by rule establish a grace period  
6 8 following expiration of a license in which the license is not  
6 9 invalidated. Each board may assess a reasonable penalty for  
6 10 renewal of a license during the grace period. Failure of a  
6 11 licensee to renew a license within the grace period shall  
6 12 cause the license to become inactive or lapsed. A licensee  
6 13 whose license is inactive or lapsed shall not engage in the  
6 14 practice of the profession until the license is reactivated or  
6 15 reinstated.

6 16 Sec. 10. Section 147.11, Code Supplement 2007, is amended  
6 17 by striking the section and inserting in lieu thereof the  
6 18 following:

6 19 147.11 REACTIVATION AND REINSTATEMENT.

6 20 1. A licensee who allows the license to become inactive or  
6 21 lapsed by failing to renew the license, as provided in section  
6 22 147.10, may be reactivated upon payment of a reactivation fee  
6 23 and compliance with other terms established by board rule.

6 24 2. A licensee whose license has been revoked, suspended,  
6 25 or voluntarily surrendered must apply for and receive  
6 26 reinstatement of the license in accordance with board rule and  
6 27 must apply for and be granted reactivation of the license in  
6 28 accordance with board rule prior to practicing the profession.

6 29 Sec. 11. Section 147.12, Code Supplement 2007, is amended  
6 30 to read as follows:

6 31 147.12 HEALTH PROFESSION BOARDS.

6 32 1. ~~For the purpose of giving examinations to applicants~~  
6 33 ~~for licenses to practice the professions for which licenses~~  
6 34 ~~are required by this subtitle, the~~ The governor shall appoint,  
6 35 subject to confirmation by the senate, a board for each of the  
7 1 professions. The board members shall not be required to be  
7 2 members of professional societies or associations composed of  
7 3 members of their professions.

7 4 2. If a person who has been appointed by the governor to  
7 5 serve on a board has ever been disciplined in a contested case

7 6 by the board to which the person has been appointed, all board  
7 7 ~~complaints and~~ statements of charges, settlement agreements,  
7 8 findings of fact, and orders pertaining to the disciplinary  
7 9 action shall be made available to the senate committee to  
7 10 which the appointment is referred at the committee's request  
7 11 before the full senate votes on the person's appointment.

7 12 Sec. 12. Section 147.13, subsections 6, 15, 16, 18, 19,  
7 13 20, 21, 22, and 23, Code Supplement 2007, are amended to read  
7 14 as follows:

7 15 6. For physical ~~therapists therapy~~ and occupational  
7 16 ~~therapists therapy~~, the board of physical and occupational  
7 17 therapy.

7 18 15. For social ~~workers work~~, the board of social work.

7 19 16. For marital and family ~~therapists therapy~~ and mental  
7 20 health ~~counselors counseling~~, the board of behavioral science.

7 21 18. For respiratory care ~~therapists therapy~~, the board of  
7 22 respiratory care.

7 23 19. For massage ~~therapists therapy~~, the board of massage  
7 24 therapy.

7 25 20. For athletic ~~trainers training~~, the board of athletic  
7 26 training.

7 27 21. For ~~interpreters interpreting~~, the board of sign  
7 28 language interpreters and transliterators.

7 29 22. For hearing ~~aids aid dispensing~~, the board of hearing  
7 30 aid dispensers.

7 31 23. For nursing home ~~administrators administration~~, the  
7 32 board of nursing home administrators.

7 33 Sec. 13. Section 147.14, Code Supplement 2007, is amended  
7 34 to read as follows:

7 35 147.14 QUORUM == COMPOSITION OF BOARDS.

8 1 1. The board members shall consist of the following:

8 2 ~~1- a.~~ For barbering, three members licensed to practice  
8 3 barbering, and two members who are not licensed to practice  
8 4 barbering and who shall represent the general public. ~~A~~

~~8 5 quorum shall consist of a majority of the members of the~~  
~~8 6 board.~~

8 7 ~~2- b.~~ For medicine, five members licensed to practice  
8 8 medicine and surgery, two members licensed to practice  
8 9 osteopathic medicine and surgery, and three members not  
8 10 licensed to practice either medicine and surgery or  
8 11 osteopathic medicine and surgery, and who shall represent the  
8 12 general public. ~~A majority of members of the board~~

~~8 13 constitutes a quorum.~~

8 14 ~~3- c.~~ For nursing, four registered nurses, two of whom  
8 15 shall be actively engaged in practice, two of whom shall be  
8 16 nurse educators from nursing education programs; of these, one  
8 17 in higher education and one in area community and  
8 18 vocational=technical registered nurse education; one licensed  
8 19 practical nurse actively engaged in practice; and two members  
8 20 not registered nurses or licensed practical nurses and who  
8 21 shall represent the general public. The representatives of  
8 22 the general public shall not be members of health care  
8 23 delivery systems. ~~A majority of the members of the board~~

~~8 24 constitutes a quorum.~~

8 25 ~~4- d.~~ For dentistry, five members licensed to practice  
8 26 dentistry, two members licensed to practice dental hygiene,  
8 27 and two members not licensed to practice dentistry or dental  
8 28 hygiene and who shall represent the general public. ~~A~~

~~8 29 majority of the members of the board shall constitute a~~

~~8 30 quorum.~~ No member of the dental faculty of the school of  
8 31 dentistry at the state university of Iowa shall be eligible to  
8 32 be appointed. Persons appointed to the board as dental  
8 33 hygienist members shall not be employed by or receive any form  
8 34 of remuneration from a dental or dental hygiene educational  
8 35 institution. The two dental hygienist board members and one  
9 1 dentist board member shall constitute a dental hygiene  
9 2 committee of the board as provided in section 153.33A.

9 3 ~~5- e.~~ For pharmacy, five members licensed to practice  
9 4 pharmacy and two members who are not licensed to practice  
9 5 pharmacy and who shall represent the general public. ~~A~~

~~9 6 majority of the members of the board shall constitute a~~  
~~9 7 quorum.~~

9 8 ~~6- f.~~ For optometry, five members licensed to practice  
9 9 optometry and two members who are not licensed to practice  
9 10 optometry and who shall represent the general public. ~~A~~

~~9 11 majority of the members of the board shall constitute a~~  
~~9 12 quorum.~~

9 13 ~~7- g.~~ For psychology, five members who are licensed to  
9 14 practice psychology and two members not licensed to practice  
9 15 psychology and who shall represent the general public. Of the  
9 16 five members who are licensed to practice psychology, one

9 17 member shall be primarily engaged in graduate teaching in  
9 18 psychology ~~or primarily engaged in research psychology, two~~  
9 19 ~~three~~ members shall be persons who render services in  
9 20 psychology, ~~and~~ one member shall represent areas of applied  
9 21 psychology and may be affiliated with training institutions  
9 22 and shall devote a major part of the member's time to  
9 23 rendering service in psychology, ~~and one member shall be~~  
~~9 24 primarily engaged in research psychology. A majority of the~~  
~~9 25 members of the board constitutes a quorum.~~  
9 26 8. h. For chiropractic, five members licensed to practice  
9 27 chiropractic and two members who are not licensed to practice  
9 28 chiropractic and who shall represent the general public. ~~A~~  
~~9 29 majority of the members of the board shall constitute a~~  
~~9 30 quorum.~~  
9 31 9. i. For speech pathology and audiology, five members  
9 32 licensed to practice speech pathology or audiology at least  
9 33 two of which shall be licensed to practice speech pathology  
9 34 and at least two of which shall be licensed to practice  
9 35 audiology, and two members who are not licensed to practice  
10 1 speech pathology or audiology and who shall represent the  
10 2 general public. ~~A majority of the members of the board shall~~  
~~10 3 constitute a quorum.~~  
10 4 10. j. For physical therapy and occupational therapy,  
10 5 three members licensed to practice physical therapy, two  
10 6 members licensed to practice occupational therapy, and two  
10 7 members who are not licensed to practice physical therapy or  
10 8 occupational therapy and who shall represent the general  
10 9 public. ~~A quorum shall consist of a majority of the members~~  
~~10 10 of the board.~~  
10 11 11. k. For dietetics, one licensed dietitian representing  
10 12 the approved or accredited dietetic education programs, one  
10 13 licensed dietitian representing clinical dietetics ~~in~~  
~~10 14 hospitals~~, one licensed dietitian representing community  
10 15 nutrition services and two members who are not licensed  
10 16 dietitians and who shall represent the general public. ~~A~~  
~~10 17 majority of the members of the board constitutes a quorum.~~  
10 18 12. l. For the board of physician assistants, five  
10 19 members licensed to practice as physician assistants, at least  
10 20 two of whom practice in counties with a population of less  
10 21 than fifty thousand, one member licensed to practice medicine  
10 22 and surgery who supervises a physician assistant, one member  
10 23 licensed to practice osteopathic medicine and surgery who  
10 24 supervises a physician assistant, and two members who are not  
10 25 licensed to practice either medicine and surgery or  
10 26 osteopathic medicine and surgery or licensed as a physician  
10 27 assistant and who shall represent the general public. At  
10 28 least one of the physician members shall be in practice in a  
10 29 county with a population of less than fifty thousand. ~~A~~  
~~10 30 majority of members of the board constitutes a quorum.~~  
10 31 13. m. For behavioral science, three members licensed to  
10 32 practice marital and family therapy, ~~one of whom shall be~~  
~~10 33 employed in graduate teaching, training, or research in~~  
~~10 34 marital and family therapy and two of whom shall be practicing~~  
~~10 35 marital and family therapists; all of whom shall be practicing~~  
11 1 ~~marital and family therapists;~~ three members licensed to  
11 2 practice mental health counseling, one of whom shall be  
11 3 employed in graduate teaching, training, or research in mental  
11 4 health counseling and two of whom shall be practicing mental  
11 5 health counselors; and three members who are not licensed to  
11 6 practice marital and family therapy or mental health  
11 7 counseling and who shall represent the general public. ~~A~~  
~~11 8 majority of the members of the board constitutes a quorum.~~  
11 9 14. n. For cosmetology arts and sciences, a total of  
11 10 seven members, three who are licensed cosmetologists, one who  
11 11 is a licensed electrologist, esthetician, or nail  
11 12 technologist, one who is a licensed instructor of cosmetology  
11 13 arts and sciences at a public or private school and who does  
11 14 not own a school of cosmetology arts and sciences, and two who  
11 15 are not licensed in a practice of cosmetology arts and  
11 16 sciences and who shall represent the general public.  
11 17 15. o. For respiratory care, one licensed physician with  
11 18 training in respiratory care, three respiratory care  
11 19 practitioners who have practiced respiratory care for a  
11 20 minimum of six years immediately preceding their appointment  
11 21 to the board and who are recommended by the society for  
11 22 respiratory care, and one member not licensed to practice  
11 23 medicine or respiratory care who shall represent the general  
11 24 public. ~~A majority of members of the board constitutes a~~  
~~11 25 quorum.~~  
11 26 16. p. For mortuary science, four members licensed to  
11 27 practice mortuary science, one member owning, operating, or

11 28 employed by a crematory, and two members not licensed to  
11 29 practice mortuary science and not a crematory owner, operator,  
11 30 or employee who shall represent the general public. ~~A~~  
~~11 31 majority of the members of the board constitutes a quorum.~~

11 32 ~~17. g.~~ For massage therapists, four members licensed to  
11 33 practice massage therapy and three members who are not  
11 34 licensed to practice massage therapy and who shall represent  
11 35 the general public. ~~A majority of the members of the board~~  
~~12 1 constitutes a quorum.~~

12 2 ~~18. r.~~ For athletic trainers, three members licensed to  
12 3 practice athletic training, three members licensed to practice  
12 4 medicine and surgery, and one member not licensed to practice  
12 5 athletic training or medicine and surgery and who shall  
12 6 represent the general public. ~~A majority of the members of~~  
~~12 7 the board constitutes a quorum.~~

12 8 ~~19. s.~~ For podiatry, five members licensed to practice  
12 9 podiatry and two members who are not licensed to practice  
12 10 podiatry and who shall represent the general public. ~~A~~  
~~12 11 majority of the members of the board shall constitute a~~  
~~12 12 quorum.~~

12 13 ~~20. t.~~ For social work, a total of seven members, five  
12 14 who are licensed to practice social work, with at least one  
12 15 from each of three levels of licensure described in section  
12 16 154C.3, subsection 1, ~~two employed by a licensee under chapter~~  
~~12 17 237 and one employed in the area of children's social work,~~  
12 18 and two who are not licensed social workers and who shall  
12 19 represent the general public.

12 20 ~~21. u.~~ For sign language interpreting and  
12 21 transliterating, four members licensed to practice  
12 22 interpreting and transliterating, three of whom shall be  
12 23 practicing interpreters and transliterators at the time of  
12 24 appointment to the board and at least one of whom is employed  
12 25 in an educational setting; and three members who are consumers  
12 26 of interpreting or transliterating services as defined in  
12 27 section 154E.1, each of whom shall be deaf. ~~A majority of~~  
~~12 28 members of the board constitutes a quorum.~~

12 29 ~~22. v.~~ For hearing aid dispensers, three licensed hearing  
12 30 aid dispensers and two members who are not licensed hearing  
12 31 aid dispensers who shall represent the general public. ~~A~~  
~~12 32 majority of the members of the board constitutes a quorum. No~~  
~~12 33 more than two members of the board shall be employees of, or~~  
~~12 34 dispensers principally for, the same hearing aid manufacturer.~~

12 35 ~~23. w.~~ For nursing home administrators, a total of nine  
13 1 members: ~~Four, four who are licensed nursing home~~  
13 2 administrators, one of whom is the administrator of a  
13 3 nonproprietary nursing home; three licensed members of any  
13 4 profession concerned with the care and treatment of  
13 5 chronically ill or elderly patients who are not nursing home  
13 6 administrators or nursing home owners; and two members of the  
13 7 general public who are not licensed under this chapter ~~147,~~  
13 8 have no financial interest in any nursing home, and who shall  
13 9 represent the general public. ~~A majority of the members of~~  
~~13 10 the board constitutes a quorum.~~

13 11 2. A majority of the members of a board constitutes a  
13 12 quorum.

13 13 Sec. 14. Section 147.19, Code Supplement 2007, is amended  
13 14 to read as follows:  
13 15 147.19 TERMS OF OFFICE.  
13 16 The board members shall serve three-year terms, which shall  
13 17 commence and end as provided by section 69.19. Any vacancy in  
13 18 the membership of a board shall be filled by appointment of  
13 19 the governor subject to senate confirmation. A member shall  
13 20 serve no more than ~~three terms or~~ nine years in total on the  
13 21 same board.

13 22 Sec. 15. Section 147.21, Code 2007, is amended to read as  
13 23 follows:  
13 24 147.21 EXAMINATION INFORMATION.  
13 25 1. The public members of ~~the a~~ board shall be allowed to  
13 26 participate in administrative, clerical, or ministerial  
13 27 functions incident to giving the examination, but shall not  
13 28 determine the content of the examination or determine the  
13 29 correctness of the answers.  
13 30 2. A member of the board shall not disclose information  
13 31 relating to any of the following:  
13 32 ~~1. Criminal history or prior misconduct of the applicant.~~  
13 33 ~~2. a. Information relating to the The contents of the~~  
13 34 ~~examination.~~  
13 35 ~~3. b. Information relating to the The examination results~~  
14 1 other than final score except for information about the  
14 2 results of an examination which is given to the person who  
14 3 took the examination.

14 4 3. A member of the board who willfully communicates or  
14 5 seeks to communicate such information, and any person who  
14 6 willfully requests, obtains, or seeks to obtain such  
14 7 information, is guilty of a simple misdemeanor.

14 8 Sec. 16. Section 147.22, Code Supplement 2007, is amended  
14 9 to read as follows:

14 10 147.22 OFFICERS.

14 11 Each board shall ~~organize~~ annually ~~and shall~~ select a  
14 12 chairperson and a ~~secretary vice chairperson~~ from its own  
14 13 membership.

14 14 Sec. 17. Section 147.24, Code Supplement 2007, is amended  
14 15 by striking the section and inserting in lieu thereof the  
14 16 following:

14 17 147.24 COMPENSATION.

14 18 Members of a board shall receive actual expenses for their  
14 19 duties as a member of the board. Each member of each board  
14 20 shall also be eligible to receive compensation as provided in  
14 21 section 7E.6, within the limits of funds available.

14 22 Sec. 18. Section 147.25, Code Supplement 2007, is amended  
14 23 by striking the section and inserting in lieu thereof the  
14 24 following:

14 25 147.25 SYSTEM OF HEALTH PERSONNEL STATISTICS == FEE.

14 26 1. A board may establish a system to collect, maintain,  
14 27 and disseminate health personnel statistical data regarding  
14 28 board licensees, including but not limited to number of  
14 29 licensees, employment status, location of practice or place of  
14 30 employment, areas of professional specialization and ages of  
14 31 licensees, and other pertinent information bearing on the  
14 32 availability of trained and licensed personnel to provide  
14 33 services in this state.

14 34 2. In addition to any other fee provided by law, a fee may  
14 35 be set by the respective boards for each license and renewal  
15 1 of a license to practice a profession, which fee shall be  
15 2 based on the annual cost of collecting information for use by  
15 3 the board in the administration of the system of health  
15 4 personnel statistics established by this section. The fee  
15 5 shall be retained by the respective board in the manner in  
15 6 which license and renewal fees are retained in section 147.82.

15 7 Sec. 19. Section 147.28, Code Supplement 2007, is amended  
15 8 to read as follows:

15 9 147.28 NATIONAL ORGANIZATION.

15 10 Each board may maintain a membership in the national  
15 11 organization of the regulatory boards of its profession to be  
15 12 paid from ~~board funds appropriated to the board~~.

15 13 Sec. 20. Section 147.33, Code Supplement 2007, is amended  
15 14 by striking the section and inserting in lieu thereof the  
15 15 following:

15 16 147.33 PROFESSIONAL SCHOOLS.

15 17 A dean of a college or university which provides  
15 18 instruction or training in a profession shall supply  
15 19 information or data related to the college or university upon  
15 20 request of a board.

15 21 Sec. 21. Section 147.34, Code Supplement 2007, is amended  
15 22 to read as follows:

15 23 147.34 EXAMINATIONS.

~~15 24 Examinations for each profession licensed under this  
15 25 subtitle shall be conducted at least one time per year at such  
15 26 time as the department may fix in cooperation with each board.  
15 27 Examinations may be given at the state university of Iowa at  
15 28 the close of each school year for professions regulated by  
15 29 this subtitle and examinations may be given at other schools  
15 30 located in the state at which any of the professions regulated  
15 31 by this subtitle are taught. At least one session of each  
15 32 board shall be held annually at the seat of government and the  
15 33 locations of other sessions shall be determined by the board,  
15 34 unless otherwise ordered by the department.~~

~~15 35 1. Each board shall by rule prescribe the examination or  
16 1 examinations required for licensure for the profession and the  
16 2 manner in which an applicant shall complete the examination  
16 3 process. A board may develop and administer the examination,  
16 4 may designate a national, uniform, or other examination as the  
16 5 prescribed examination, or may contract for such services.  
16 6 Dentists shall pass an examination approved by a majority of  
16 7 the dentist members of the dental board.~~

~~16 8 2. When a board administers an examination, the board  
16 9 shall provide adequate public notice of the time and place of  
16 10 the examination to allow candidates to comply with the  
16 11 provisions of this subtitle. Administration of examinations,  
16 12 including location, frequency, and reexamination, may be  
16 13 determined by the board.~~

16 14 3. Applicants who fail to ~~pass~~ the examination once shall

16 15 be allowed to take the examination at the next ~~scheduled~~  
16 16 authorized time. Thereafter, applicants shall be allowed to  
16 17 take the examination at the discretion of the board.  
16 18 ~~Examinations may be given by a board which are prepared and~~  
~~16 19 scored by persons outside the state, and boards may contract~~  
~~16 20 for such services. A board may make an agreement with boards~~  
~~16 21 in other states for administering a uniform examination. An~~  
16 22 applicant who has failed an examination may request in writing  
16 23 information from the board concerning the examination grade  
16 24 and subject areas or questions which the applicant failed to  
16 25 answer correctly, except that if the board administers  
16 26 prescribes a national or uniform, standardized examination,  
16 27 the board shall only be required to provide the examination  
16 28 grade and such other information concerning the applicant's  
16 29 examination results which are available to the board.

16 30 Sec. 22. Section 147.36, Code Supplement 2007, is amended  
16 31 to read as follows:

16 32 147.36 RULES.

16 33 Each board ~~shall~~ may establish rules for any of the  
16 34 following:

- 16 35 1. The qualifications required for applicants seeking to  
17 1 take examinations.
- 17 2 2. The denial of applicants seeking to take examinations.
- 17 3 3. The conducting of examinations.
- 17 4 4. The grading of examinations and passing upon the  
17 5 technical qualifications of applicants, as shown by such  
17 6 examinations.
- 17 7 5. The minimum scores required for passing standardized  
17 8 examinations.

17 9 Sec. 23. Section 147.37, Code Supplement 2007, is amended  
17 10 to read as follows:

17 11 147.37 IDENTITY OF CANDIDATE CONCEALED.

~~17 12 All examinations in theory shall be in writing, and the~~  
~~17 13 identity of the person taking the same shall not be disclosed~~  
~~17 14 upon the examination papers in such a way as to enable the~~  
~~17 15 members of the board to know by whom written until after the~~  
~~17 16 papers have been passed upon. In examinations The identity of~~  
~~17 17 the person taking an examination shall not be disclosed during~~  
17 18 the examination process and in practice the identity of the  
17 19 candidate shall also be concealed as far as to the extent  
17 20 possible.

17 21 Sec. 24. Section 147.44, Code Supplement 2007, is amended  
17 22 by striking the section and inserting in lieu thereof the  
17 23 following:

17 24 147.44 AGREEMENTS.

17 25 A board may enter into a reciprocal agreement with a  
17 26 licensing authority of another state for the purpose of  
17 27 recognizing licenses issued by the other state, provided that  
17 28 such licensing authority imposes licensure requirements  
17 29 substantially equivalent to those imposed in this state. The  
17 30 board may establish by rule the conditions for the recognition  
17 31 of such licenses and the process for licensing such  
17 32 individuals to practice in this state.

17 33 Sec. 25. Section 147.48, Code Supplement 2007, is amended  
17 34 to read as follows:

17 35 147.48 TERMINATION OF AGREEMENTS.

18 1 If the requirements for a license in any state with which  
18 2 this state has a reciprocal agreement are changed by any law  
18 3 or rule of the authorities in that state so that such  
18 4 requirements are no longer substantially as high as equivalent  
18 5 to those existing in this state, the agreement shall be deemed  
18 6 terminated and licenses issued in that state shall not be  
18 7 recognized as a basis of granting a license in this state  
18 8 until a new agreement has been negotiated. The fact of such  
~~18 9 change shall be determined by the appropriate board and~~  
~~18 10 certified to the department for its guidance in enforcing the~~  
~~18 11 provisions of this section.~~

18 12 Sec. 26. Section 147.49, Code Supplement 2007, is amended  
18 13 to read as follows:

18 14 147.49 LICENSE OF ANOTHER STATE.

18 15 ~~The department~~ A board shall, upon presentation of a  
18 16 license to practice a profession issued by the duly  
18 17 constituted authority of another state with which this state  
18 18 has established reciprocal relations, and subject to the rules  
18 19 of the board for such profession, license the applicant to  
18 20 practice in this state, unless under the rules of the board a  
18 21 practical or jurisprudence examination is required. ~~The~~  
~~18 22 department may, upon the recommendation of the~~ The board of  
18 23 medicine, may accept in lieu of the examination prescribed in  
18 24 section 148.3 or section 150A.3 a license to practice medicine  
18 25 and surgery or osteopathic medicine and surgery, issued by the

18 26 duly constituted authority of another state, territory, or  
18 27 foreign country. Endorsement may be accepted ~~by the~~  
~~18 28 department~~ in lieu of further written examination without  
18 29 regard to the existence or nonexistence of a reciprocal  
18 30 agreement, but shall not be in lieu of the standards and  
18 31 qualifications prescribed by section 148.3 ~~or section 150A.3.~~  
18 32 Sec. 27. Section 147.53, Code Supplement 2007, is amended  
18 33 to read as follows:

18 34 147.53 POWER TO ADOPT RULES.  
18 35 ~~The department and each~~ Each board entering into a  
19 1 reciprocal agreement shall adopt necessary rules, not  
19 2 inconsistent with law, for carrying out the reciprocal  
19 3 relations with other states which are authorized by this  
19 4 chapter.

19 5 Sec. 28. Section 147.55, Code 2007, is amended to read as  
19 6 follows:

19 7 147.55 GROUNDS.  
19 8 A license to practice a profession shall be revoked, ~~or~~  
19 9 suspended, ~~or otherwise disciplined~~ when the licensee is  
19 10 guilty of any of the following acts or offenses:

- 19 11 1. Fraud in procuring a license.
- 19 12 2. Professional ~~incompetency~~ incompetence.
- 19 13 3. Knowingly making misleading, deceptive, untrue, or  
19 14 fraudulent representations in the practice of a profession or  
19 15 engaging in unethical conduct or practice harmful or  
19 16 detrimental to the public. Proof of actual injury need not be  
19 17 established.
- 19 18 4. Habitual intoxication or addiction to the use of drugs.
- 19 19 5. Conviction of a ~~felony crime~~ related to the profession  
19 20 or occupation of the licensee or the conviction of any ~~felony~~  
19 21 ~~crime~~ that would affect the licensee's ability to practice  
19 22 within a profession. A copy of the record of conviction or  
19 23 plea of guilty shall be conclusive evidence.
- 19 24 6. Fraud in representations as to skill or ability.
- 19 25 7. Use of untruthful or improbable statements in  
19 26 advertisements.
- 19 27 8. Willful or repeated violations of the provisions of  
19 28 this ~~Act chapter, chapter 272C, or a board's enabling statute.~~
- 19 29 9. Other acts or offenses as specified by board rule.

19 30 Sec. 29. Section 147.57, Code 2007, is amended to read as  
19 31 follows:

19 32 147.57 DENTAL HYGIENIST AND DENTIST.  
19 33 The practice of dentistry by a dental hygienist shall also  
19 34 be grounds for ~~the revocation discipline~~ of the dental  
19 35 ~~hygienist's license~~ hygienist, and the permitting of such  
20 1 practice by the dentist under whose supervision ~~said the~~  
20 2 dental hygienist is operating shall be grounds for ~~revoking~~  
~~20 3 the license disciplining of said the~~ dentist.

20 4 Sec. 30. Section 147.73, Code 2007, is amended to read as  
20 5 follows:

20 6 147.73 TITLES USED BY HOLDER OF DEGREE.

20 7 Nothing in section 147.72 shall be construed:

20 8 1. As authorizing any person licensed to practice a  
20 9 profession under this subtitle to use or assume any degree or  
20 10 abbreviation of the ~~same degree~~ unless such degree has been  
20 11 conferred upon ~~said the~~ person by an institution of learning  
20 12 accredited by the appropriate board ~~herein created, together~~  
~~20 13 with the director of public health~~, or by some recognized  
20 14 state or national accredited agency.

20 15 2. As prohibiting any holder of a degree conferred by an  
20 16 institution of learning accredited by the appropriate board  
20 17 ~~herein created in this chapter, together with the director of~~  
~~20 18 public health~~, or by some recognized state or national  
20 19 accrediting agency, from using the title which such degree  
20 20 authorizes the holder to use, but the holder shall not use  
20 21 such degree or abbreviation in any manner which might mislead  
20 22 the public as to the holder's qualifications to treat human  
20 23 ailments.

20 24 Sec. 31. Section 147.74, Code Supplement 2007, is amended  
20 25 to read as follows:

20 26 147.74 PROFESSIONAL TITLES OR ABBREVIATIONS == FALSE USE  
20 27 PROHIBITED.

20 28 1. Any person who falsely claims by the use of any  
20 29 professional title or abbreviation, either in writing, cards,  
20 30 signs, circulars, ~~or advertisements, the internet, or other~~  
~~20 31 written or electronic means~~, to be a practitioner of a ~~system~~  
~~20 32 of the healing arts profession~~ other than the one under which  
20 33 the person holds a license or who fails to use the ~~following~~  
20 34 designations provided in this section shall be guilty of a  
20 35 simple misdemeanor.

21 1 2. A physician or surgeon may use the prefix "Dr." or

21 2 "Doctor", and shall add after the person's name the letters,  
21 3 "M. D."

21 4 3. An ~~osteopath or~~ osteopathic physician and surgeon may  
21 5 use the prefix "Dr." or "Doctor", and shall add after the  
21 6 person's name the letters, "D. O.", or the words "~~osteopath~~  
~~or~~ "osteopathic physician and surgeon".

21 8 4. A chiropractor may use the prefix "Dr. or "Doctor",  
21 9 but shall add after the person's name the letters, "D. C." or  
21 10 the word, "chiropractor".

21 11 5. A dentist may use the prefix "Doctor", but shall add  
21 12 after the person's name the letters "D. D. S.", or "D. M. D.",  
21 13 or the word "dentist" or "dental surgeon". A dental hygienist  
21 14 may use the words "registered dental hygienist" or the letters  
21 15 "R. D. H." after the person's name. A dental assistant may  
21 16 use the words "registered dental assistant" or the letters "R.  
21 17 D. A." after the person's name.

21 18 6. A podiatric physician may use the prefix "Dr." or  
21 19 "Doctor", but shall add after the person's name the letters  
21 20 "D.P.M." or the words "podiatric physician".

21 21 7. A graduate of a school accredited by the board of  
21 22 optometry may use the prefix "Dr. or "Doctor", but shall add  
21 23 after the person's name the letters "O. D."

21 24 8. A physical therapist registered or licensed under  
21 25 chapter 148A may use the words "physical therapist" after the  
21 26 person's name or signify the same by the use of the letters  
21 27 "P. T." after the person's name. A physical therapist with an  
21 28 earned doctoral degree from an accredited school, college, or  
21 29 university may use the suffix designating the degree, or the  
21 30 prefix "Doctor" or "Dr." and add after the person's name the  
21 31 words "physical therapist". An occupational therapist  
21 32 registered or licensed under chapter 148B may use the words  
21 33 "occupational therapist" after the person's name or signify  
21 34 the same by the use of the letters "O. T." after the person's  
21 35 name. An occupational therapist with an earned doctoral  
22 1 degree from an accredited school, college, or university may  
22 2 use the suffix designating the degree, or the prefix "Doctor"  
22 3 or "Dr." and add after the person's name the words  
22 4 "occupational therapist".

22 5 9. A physical therapist assistant licensed under chapter  
22 6 148A may use the words "physical therapist assistant" after  
22 7 the person's name or signify the same by use of the letters  
22 8 "P. T. A." after the person's name. An occupational therapy  
22 9 assistant licensed under chapter 148B may use the words  
22 10 "occupational therapy assistant" after the person's name or  
22 11 signify the same by use of the letters "O. T. A." after the  
22 12 person's name.

22 13 10. A psychologist who possesses a doctoral degree ~~and who~~  
22 14 ~~claims to be a certified practicing psychologist~~ may use the  
22 15 prefix "Dr. or "Doctor" but shall add after the person's name  
22 16 the word "psychologist".

22 17 11. A speech pathologist with an earned doctoral degree in  
22 18 speech pathology obtained beyond a bachelor's degree from an  
22 19 accredited school, college, or university, may use the suffix  
22 20 designating the degree, or the prefix "Doctor" or "Dr." and  
22 21 add after the person's name the words "speech pathologist".  
22 22 An audiologist with an earned doctoral degree in audiology  
22 23 obtained beyond a bachelor's degree from an accredited school,  
22 24 college, or university, may use the suffix designating the  
22 25 degree, or the prefix "Doctor" or "Dr." and add after the  
22 26 person's name the word "audiologist".

22 27 12. A bachelor social worker licensed under chapter 154C  
22 28 may use the words "licensed bachelor social worker" or the  
22 29 letters "L. B. S. W." after the person's name. A master  
22 30 social worker licensed under chapter 154C may use the words  
22 31 "licensed master social worker" or the letters "L. M. S. W."  
22 32 after the person's name. An independent social worker  
22 33 licensed under chapter 154C may use the words "licensed  
22 34 independent social worker", or the letters "L. I. S. W." after  
22 35 the person's name.

23 1 13. A marital and family therapist licensed under chapter  
23 2 154D and this chapter may use the words "licensed marital and  
23 3 family therapist" after the person's name or signify the same  
23 4 by the use of the letters "L. M. F. T." after the person's  
23 5 name. A marital and family therapist licensed under chapter  
23 6 154D and this chapter who possesses a doctoral degree may use  
23 7 the prefix "Doctor" or "Dr." in conjunction with the person's  
23 8 name, but shall add after the person's name the words  
23 9 "licensed marital and family therapist".

23 10 14. A mental health counselor licensed under chapter 154D  
23 11 and this chapter may use the words "licensed mental health  
23 12 counselor" after the person's name. A mental health counselor

23 13 licensed under chapter 154D and this chapter who possesses a  
23 14 doctoral degree may use the prefix "Doctor" or "Dr." in  
23 15 conjunction with the person's name, but shall add after the  
23 16 person's name the words "licensed mental health counselor".  
23 17 15. A pharmacist who possesses a doctoral degree  
23 18 recognized by the ~~American council of pharmaceutical education~~  
23 19 accreditation council for pharmacy education from a college of  
23 20 pharmacy approved by the board of pharmacy or a doctor of  
23 21 philosophy degree in an area related to pharmacy may use the  
23 22 prefix "Doctor" or "Dr." but shall add after the person's name  
23 23 the word "pharmacist" or "Pharm. D."  
23 24 16. A physician assistant licensed under chapter 148C may  
23 25 use the words "physician assistant" after the person's name or  
23 26 signify the same by the use of the letters "P. A." after the  
23 27 person's name.  
23 28 17. A massage therapist licensed under chapter 152C may  
23 29 use the words "licensed massage therapist" or the initials "L.  
23 30 M. T." after the person's name.  
23 31 18. An acupuncturist licensed under chapter 148E may use  
23 32 the words "licensed acupuncturist" or the abbreviation "L.  
23 33 Ac." after the person's name.  
23 34 19. A respiratory care practitioner licensed under chapter  
23 35 152B and this chapter may use the title "respiratory care  
24 1 practitioner" or the letters "R. C. P." after the person's  
24 2 name.  
24 3 20. An athletic trainer licensed under chapter 152D and  
24 4 this chapter may use the words "licensed athletic trainer" or  
24 5 the letters "LAT" after the person's name.  
24 6 21. A registered nurse licensed under chapter 152 may use  
24 7 the words "registered nurse" or the letters "R. N." after the  
24 8 person's name. A licensed practical nurse licensed under  
24 9 chapter 152 may use the words "licensed practical nurse" or  
24 10 the letters "L. P. N." after the person's name.  
24 11 22. A sign language interpreter or transliterator licensed  
24 12 under chapter 154E and this chapter may use the title  
24 13 "licensed sign language interpreter" or the letters "L. I."  
24 14 after the person's name.  
24 15 23. No other practitioner licensed to practice a  
24 16 profession under any of the provisions of this subtitle shall  
24 17 be entitled to use the prefix "Dr." or "Doctor" unless the  
24 18 licensed practitioner possesses an earned doctoral degree.  
24 19 Such a practitioner shall reference the degree held after the  
24 20 person's name.

24 21 Sec. 32. Section 147.76, Code Supplement 2007, is amended  
24 22 to read as follows:  
24 23 147.76 RULES.  
24 24 The boards for the various professions shall adopt all  
24 25 necessary and proper rules to administer and interpret this  
24 26 chapter and chapters ~~147A~~ 148 through 158, except chapter  
24 27 148D.  
24 28 Sec. 33. Section 147.80, Code Supplement 2007, is amended  
24 29 by striking the section and inserting in lieu thereof the  
24 30 following:  
24 31 147.80 ESTABLISHMENT OF FEES == ADMINISTRATIVE COSTS.  
24 32 1. Each board may by rule establish fees for the following  
24 33 based on the costs of sustaining the board and the actual  
24 34 costs of the service:  
24 35 a. Examinations.  
25 1 b. Licensure, certification, or registration.  
25 2 c. Renewal of licensure, certification, or registration.  
25 3 d. Renewal of licensure, certification, or registration  
25 4 during the grace period.  
25 5 e. Reinstatement or reactivation of licensure,  
25 6 certification, or registration.  
25 7 f. Issuance of a certified statement that a licensee is  
25 8 licensed in this state.  
25 9 g. Issuance of a duplicate license, which shall be so  
25 10 designated on its face. A board may require satisfactory  
25 11 proof the original license issued by the board has been lost  
25 12 or destroyed.  
25 13 h. Issuance of a renewal card.  
25 14 i. Verification of licensure.  
25 15 j. Returned checks.  
25 16 k. Inspections.  
25 17 2. Each board shall annually prepare estimates of  
25 18 projected revenues to be generated by the fees received by the  
25 19 board as well as a projection of the fairly apportioned  
25 20 administrative costs and rental expenses attributable to the  
25 21 board. Each board shall annually review and adjust its  
25 22 schedule of fees to cover projected expenses.  
25 23 3. The board of medicine, the board of pharmacy, the

25 24 dental board, and the board of nursing shall retain individual  
25 25 executive officers, but shall make every effort to share  
25 26 administrative, clerical, and investigative staff to the  
25 27 greatest extent possible.

25 28 Sec. 34. Section 147.82, Code Supplement 2007, is amended  
25 29 to read as follows:

25 30 147.82 ~~FEES~~ FEE RETENTION.

25 31 All fees collected by a board listed in section ~~147.80~~  
25 32 147.13 or by the department for the bureau of professional  
25 33 licensure, and fees collected pursuant to sections 124.301 and  
25 34 147.80 and chapter 155A by the board of pharmacy, shall be  
25 35 retained by each board or by the department for the bureau of  
26 1 professional licensure. The moneys retained by a board shall  
26 2 be used for any of the board's duties, including but not  
26 3 limited to the addition of full-time equivalent positions for  
26 4 program services and investigations. Revenues retained by a  
26 5 board pursuant to this section shall be considered repayment  
26 6 receipts as defined in section 8.2. Notwithstanding section  
26 7 8.33, moneys retained by a board pursuant to this section are  
26 8 not subject to reversion to the general fund of the state.

26 9 Sec. 35. Section 147.84, Code 2007, is amended to read as  
26 10 follows:

26 11 147.84 FORGERIES.

26 12 Any person who ~~shall file files~~ or ~~attempt attempts~~ to file  
26 13 with ~~the department a board~~ any false or forged diploma, or  
26 14 certificate or affidavit of identification or qualification,  
26 15 ~~or other document~~ shall be guilty of a fraudulent practice.

26 16 Sec. 36. Section 147.85, Code 2007, is amended to read as  
26 17 follows:

26 18 147.85 FRAUD.

26 19 Any person who ~~shall present presents~~ to the department a  
26 20 ~~board~~ a diploma or certificate of which the person is not the  
26 21 rightful owner, for the purpose of procuring a license, or who  
26 22 ~~shall~~ ~~falsely personate~~ personates anyone to whom a license  
26 23 has been issued by ~~said department~~ the board shall be guilty  
26 24 of a serious misdemeanor.

26 25 Sec. 37. Section 147.87, Code Supplement 2007, is amended  
26 26 to read as follows:

26 27 147.87 ENFORCEMENT.

26 28 ~~The department~~ A board shall enforce the provisions of this  
26 29 ~~and the following chapters of this subtitle~~ chapter and its  
26 30 enabling statute and for that purpose may request the  
26 31 department of inspections and appeals to make necessary  
26 32 investigations. Every licensee and member of a board shall  
26 33 furnish the ~~department~~ board or the department of inspections  
26 34 and appeals such evidence as the member or licensee may have  
26 35 relative to any alleged violation which is being investigated.

27 1 Sec. 38. Section 147.88, Code Supplement 2007, is amended  
27 2 to read as follows:

27 3 147.88 INSPECTIONS AND INVESTIGATIONS.

27 4 The department of inspections and appeals may perform  
27 5 inspections and investigations as required by this subtitle,  
27 6 except inspections and investigations for the board of  
27 7 medicine, board of pharmacy, board of nursing, and the dental  
27 8 board. The department of inspections and appeals shall employ  
27 9 personnel related to the inspection and investigative  
27 10 functions.

27 11 Sec. 39. Section 147.89, Code Supplement 2007, is amended  
27 12 to read as follows:

27 13 147.89 REPORT OF VIOLATORS.

27 14 Every licensee and member of a board shall report, ~~also, to~~  
27 15 ~~the department to its respective board~~ the name of ~~every any~~  
27 16 person, without ~~a~~ the required license, ~~that the member or~~  
27 17 ~~licensee has reason to believe is engaged in:~~

27 18 ~~1. Practicing any profession for which a license is~~  
27 19 ~~required.~~

27 20 ~~2. Operating as an itinerant practitioner of such~~  
27 21 ~~profession if the licensee or member of the board has reason~~  
27 22 ~~to believe the person is practicing the profession without a~~  
27 23 license.

27 24 Sec. 40. Section 147.91, Code Supplement 2007, is amended  
27 25 by striking the section and inserting in lieu thereof the  
27 26 following:

27 27 147.91 PUBLICATIONS.

27 28 Each board shall provide access to the laws and rules  
27 29 regulating the board to the public upon request and shall make  
27 30 this information available through the internet.

27 31 Sec. 41. Section 147.92, Code 2007, is amended to read as  
27 32 follows:

27 33 147.92 ATTORNEY GENERAL.

27 34 Upon request of ~~the department~~ a board the attorney general

27 35 shall institute in the name of the state the proper  
28 1 proceedings against any person charged by the ~~department board~~  
28 2 with violating any provision of this or the following chapters  
28 3 of this subtitle.

28 4 Sec. 42. Section 147.93, Code 2007, is amended to read as  
28 5 follows:

28 6 147.93 PRIMA FACIE EVIDENCE.

28 7 The opening of an office or place of business for the  
28 8 practice of any profession for which a license is required by  
28 9 this subtitle, the announcing to the public in any way the  
28 10 intention to practice any such profession, the use of any  
28 11 professional degree or designation, or of any sign, card,  
28 12 circular, device, internet web site, or advertisement, as a  
28 13 practitioner of any such profession, or as a person skilled in  
28 14 the same, shall be prima facie evidence of engaging in the  
28 15 practice of such profession.

28 16 Sec. 43. Section 147.107, subsections 2 and 3, Code  
28 17 Supplement 2007, are amended to read as follows:

28 18 2. a. A pharmacist, physician, dentist, or podiatric  
28 19 physician who dispenses prescription drugs, including but not  
28 20 limited to controlled substances, for human use, may delegate  
28 21 nonjudgmental dispensing functions to staff assistants only  
28 22 when verification of the accuracy and completeness of the  
28 23 ~~prescription dispensing~~ is determined by the pharmacist or  
28 24 practitioner in the pharmacist's or practitioner's physical  
28 25 presence. However, the physical presence requirement does not  
28 26 apply when a pharmacist or practitioner is utilizing an  
28 27 automated dispensing system. When using an automated  
28 28 dispensing system the pharmacist or practitioner shall utilize  
28 29 an internal quality control assurance plan that ensures  
28 30 accuracy for dispensing. Verification of automated dispensing  
28 31 accuracy and completeness remains the responsibility of the  
28 32 pharmacist or practitioner and shall be determined in  
28 33 accordance with rules adopted by the board of pharmacy, the  
28 34 board of medicine, the dental board, and the board of podiatry  
28 35 for their respective licensees.

29 1 b. A dentist, physician, or podiatric physician who  
29 2 dispenses prescription drugs, other than drug samples,  
29 3 pursuant to this subsection, shall ~~register report~~ the fact  
29 4 that they dispense prescription drugs with the practitioner's  
29 5 respective board at least biennially.

29 6 c. A physician, dentist, or podiatric physician who  
29 7 dispenses prescription drugs, other than drug samples,  
29 8 pursuant to this subsection, shall offer to provide the  
29 9 patient with a written prescription that may be dispensed from  
29 10 a pharmacy of the patient's choice or offer to transmit the  
29 11 prescription orally, electronically, or by facsimile in  
29 12 accordance with section 155A.27 to a pharmacy of the patient's  
29 13 choice.

29 14 3. A ~~physician's~~ physician assistant or registered nurse  
29 15 may supply when pharmacist services are not reasonably  
29 16 available or when it is in the best interests of the patient,  
29 17 on the direct order of the supervising physician, a quantity  
29 18 of properly packaged and labeled prescription drugs,  
29 19 controlled substances, or contraceptive devices necessary to  
29 20 complete a course of therapy. However, a remote clinic,  
29 21 staffed by a physician's assistant or registered nurse, where  
29 22 pharmacy services are not reasonably available, shall secure  
29 23 the regular advice and consultation of a pharmacist regarding  
29 24 the distribution, storage, and appropriate use of such drugs,  
29 25 substances, and devices.

29 26 Sec. 44. Section 148.1, Code 2007, is amended to read as  
29 27 follows:

29 28 148.1 PERSONS ENGAGED IN PRACTICE.

29 29 For the purpose of this subtitle the following classes of  
29 30 persons shall be deemed to be engaged in the practice of  
29 31 medicine and surgery or osteopathic medicine and surgery:

29 32 1. Persons who publicly profess to be physicians ~~or and~~  
29 33 surgeons, osteopathic physicians and surgeons, or who publicly  
29 34 profess to assume the duties incident to the practice of  
29 35 medicine ~~or and~~ surgery or osteopathic medicine and surgery.

30 1 2. Persons who prescribe, or prescribe and furnish,  
30 2 medicine for human ailments or treat the same by surgery.

30 3 3. Persons who act as representatives of any person in  
30 4 doing any of the things mentioned in this section.

30 5 Sec. 45. Section 148.2, Code Supplement 2007, is amended  
30 6 to read as follows:

30 7 148.2 PERSONS NOT ~~REQUIRED TO QUALIFY~~ ENGAGED IN PRACTICE.

30 8 Section 148.1 shall not be construed to include the  
30 9 following classes of persons:

30 10 1. Persons who advertise or sell patent or proprietary

30 11 medicines.  
30 12 2. Persons who advertise, sell, or prescribe natural  
30 13 mineral waters flowing from wells or springs.  
30 14 3. Students of medicine ~~or~~ and surgery or osteopathic  
30 15 medicine and surgery who have completed at least two years'  
30 16 study in a medical school or a college of osteopathic medicine  
30 17 and surgery, approved by the board, and who prescribe medicine  
30 18 under the supervision of a licensed physician and surgeon or  
30 19 licensed osteopathic physician and surgeon, or who render  
30 20 gratuitous service to persons in case of emergency.  
30 21 4. Licensed podiatric physicians, ~~osteopaths, osteopathic~~  
30 22 ~~physicians and surgeons~~, chiropractors, physical therapists,  
30 23 nurses, dentists, optometrists, and pharmacists who are  
30 24 exclusively engaged in the practice of their respective  
30 25 professions.  
30 26 5. Physicians and surgeons or osteopathic physicians and  
30 27 surgeons of the United States army, navy, air force, marines,  
30 28 public health service, or other uniformed service when acting  
30 29 in the line of duty in this state, and holding a current,  
30 30 active permanent license in good standing in another state,  
30 31 district, or territory of the United States, or physicians and  
30 32 surgeons or osteopathic physicians and surgeons licensed in  
30 33 another state, when incidentally called into this state in  
30 34 consultation with a physician and surgeon or osteopathic  
30 35 physician and surgeon licensed in this state.

31 1 6. ~~A graduate of a medical school who is continuing~~  
31 2 ~~training and performing the duties of an intern, or who is~~  
31 3 ~~engaged in postgraduate training deemed the equivalent of an~~  
31 4 ~~internship in a hospital approved for training by the board.~~

31 5 Sec. 46. Section 148.2A, Code Supplement 2007, is amended  
31 6 to read as follows:

31 7 148.2A BOARD OF MEDICINE.

31 8 1. As used in this chapter, "board" means the board of  
31 9 medicine established in chapter 147.

31 10 2. Notwithstanding sections 17A.11, 69.16, 69.16A, 147.12,  
31 11 147.14, and 147.19, the board may have a pool of up to ten  
31 12 alternate members, including members licensed to practice  
31 13 under this chapter and members not licensed to practice under  
31 14 this chapter, to substitute for board members who are  
31 15 disqualified or become unavailable for any other reason for  
31 16 contested case hearings.

31 17 a. The board may recommend, subject to approval by the  
31 18 governor, up to ten people to serve in a pool of alternate  
31 19 members.

31 20 b. A person serves in the pool of alternate members at the  
31 21 discretion of the board; however, the length of time an  
31 22 alternate member may serve in the pool shall not exceed nine  
31 23 years. A person who serves as an alternate member may later  
31 24 be appointed to the board and may serve nine years, in  
31 25 accordance with sections 147.12 and 147.19. A former board  
31 26 member may serve in the pool of alternate members.

31 27 c. An alternate member licensed under this chapter shall  
31 28 hold an active license and shall have been actively engaged in  
31 29 the practice of medicine and surgery or osteopathic medicine  
31 30 and surgery in the preceding three years, with the two most  
31 31 recent years of practice being in Iowa.

31 32 d. When a sufficient number of board members are  
31 33 unavailable to hear a contested case, the board may request  
31 34 alternate members to serve.

31 35 e. Notwithstanding section 17A.11, section 147.14,  
32 1 subsection 2, and section 272C.6, subsection 5:

32 2 (1) An alternate member is deemed a member of the board  
32 3 only for the hearing panel for which the alternate member  
32 4 serves.

32 5 (2) A hearing panel containing alternate members must  
32 6 include at least six people.

32 7 (3) The majority of a hearing panel containing alternate  
32 8 members shall be members of the board.

32 9 (4) The majority of a hearing panel containing alternate  
32 10 members shall be members licensed to practice under this  
32 11 chapter.

32 12 (5) A decision of a hearing panel containing alternate  
32 13 members is considered a final decision of the board.

32 14 f. An alternate member shall not receive compensation in  
32 15 excess of that authorized by law for a board member.

32 16 Sec. 47. NEW SECTION. 148.2B EXECUTIVE DIRECTOR.

32 17 The salary of the executive director of the board shall be  
32 18 established by the governor with approval of the executive  
32 19 council pursuant to section 8A.413, subsection 2, under the  
32 20 pay plan for exempt positions in the executive branch of  
32 21 government.

32 22 Sec. 48. Section 148.3, Code Supplement 2007, is amended  
32 23 to read as follows:

32 24 ~~148.3 REQUIREMENTS FOR LICENSE TO PRACTICE.~~

32 25 1. An applicant for a license to practice medicine and  
32 26 surgery or osteopathic medicine and surgery shall present to  
32 27 the board all of the following:

32 28 ~~1- a. Present a~~ A diploma issued by a medical college or  
32 29 college of osteopathic medicine and surgery approved by the  
32 30 board, or present other evidence of equivalent medical  
32 31 education approved by the board. The board may accept, in  
32 32 lieu of a diploma from a medical college approved by ~~them~~ the  
32 33 board, all of the following:

32 34 ~~a-~~ (1) A diploma issued by a medical college or college  
32 35 of osteopathic medicine and surgery which has been neither

33 1 approved nor disapproved by the board.

33 2 ~~b-~~ (2) A valid standard certificate issued by the  
33 3 educational commission for foreign medical graduates or  
33 4 similar accrediting agency.

33 5 ~~2- b. Pass Evidence of having passed~~ an examination  
33 6 prescribed by the board which shall include subjects which  
33 7 determine the applicant's qualifications to practice medicine  
33 8 and surgery or osteopathic medicine and surgery and which  
33 9 shall be given according to the methods deemed by the board to

33 10 be the most appropriate and practicable. However, ~~the~~  
33 11 federation licensing examination one or more examinations as  
33 12 prescribed by the board or any other national standardized

33 13 examination which the board approves may be administered to  
33 14 any or all applicants in lieu of or in conjunction with other  
33 15 examinations which the board prescribes. The board may  
33 16 establish necessary achievement levels on all examinations for  
33 17 a passing grade and adopt rules relating to examinations.

33 18 ~~3- c. Present to the board satisfactory~~ Satisfactory  
33 19 evidence that the applicant has successfully completed one  
33 20 year of postgraduate internship or resident training in a  
33 21 hospital approved for such training by the board. ~~Beginning~~

33 22 July 1, 2006, an An applicant who holds a valid certificate  
33 23 issued by the educational commission for foreign medical  
33 24 graduates shall submit satisfactory evidence of successful  
33 25 completion of two years of such training.

33 26 2. An application for a license shall be made to the board  
33 27 of medicine. All license and renewal fees shall be paid to  
33 28 and collected by the board and transmitted to the board.

33 29 3. The board shall give priority to the processing of  
33 30 applications for licensure submitted by physicians and  
33 31 surgeons and osteopathic physicians and surgeons whose  
33 32 practice will primarily involve provision of service to  
33 33 underserved populations, including but not limited to  
33 34 minorities or low-income persons, or who live in rural areas.

33 35 4. The issuance of reciprocal agreements pursuant to  
34 1 section 147.44 is not required and is subject to the  
34 2 discretion of the board.

34 3 Sec. 49. Section 148.5, Code Supplement 2007, is amended  
34 4 to read as follows:

34 5 148.5 RESIDENT PHYSICIAN LICENSE.

34 6 A physician, who is a graduate of a medical school or  
34 7 college of osteopathic medicine and surgery and is serving as  
34 8 a resident physician who is not otherwise licensed to practice  
34 9 medicine and surgery or osteopathic medicine and surgery in

34 10 this state, shall be required to obtain from the board a  
34 11 license to practice as a resident physician. The license  
34 12 shall be designated "Resident Physician License" and shall  
34 13 authorize the licensee to serve as a resident physician only,  
34 14 under the supervision of a licensed practitioner of medicine  
34 15 and surgery or osteopathic medicine and surgery, in an  
34 16 institution approved for such training by the board. A

34 17 license shall be valid for a duration as determined by the  
34 18 board. The fee for each license shall be set by the board to  
34 19 cover the administrative costs of issuing the license. The  
34 20 board shall determine in each instance those eligible for a  
34 21 license, whether or not examinations shall be given, and the  
34 22 type of examinations. Requirements of the law pertaining to

34 23 regular permanent licensure shall not be mandatory for a  
34 24 resident physician license except as specifically designated  
34 25 by the board. The granting of a resident physician license  
34 26 does not in any way indicate that the person licensed is  
34 27 necessarily eligible for regular permanent licensure, or that  
34 28 the board in any way is obligated to license the individual.

34 29 Sec. 50. Section 148.6, Code Supplement 2007, is amended  
34 30 to read as follows:

34 31 148.6 ~~REVOCA~~ LICENSEE DISCIPLINE == CRIMINAL PENALTY.

34 32 1. The board, after due notice and hearing in accordance

34 33 with chapter 17A, may issue an order to discipline a licensee  
34 34 for any of the grounds set forth in section 147.55, chapter  
34 35 272C, or this subsection. Notwithstanding section 272C.3,  
35 1 licensee discipline may include a civil penalty not to exceed  
35 2 ten thousand dollars.

35 3 2. Pursuant to this section, the board may discipline a  
35 4 licensee who is guilty of any of the following acts or  
35 5 offenses:

35 6 a. Knowingly making misleading, deceptive, untrue or  
35 7 fraudulent representation in the practice of the physician's  
35 8 profession.

35 9 b. Being convicted of a felony in the courts of this state  
35 10 or another state, territory, or country. Conviction as used  
35 11 in this paragraph shall include a conviction of an offense  
35 12 which if committed in this state would be deemed a felony  
35 13 without regard to its designation elsewhere, or a criminal  
35 14 proceeding in which a finding or verdict of guilt is made or  
35 15 returned, but the adjudication of guilt is either withheld or  
35 16 not entered. A certified copy of the final order or judgment  
35 17 of conviction or plea of guilty in this state or in another  
35 18 state shall be conclusive evidence.

35 19 c. Violating a statute or law of this state, another  
35 20 state, or the United States, without regard to its designation  
35 21 as either felony or misdemeanor, which statute or law relates  
35 22 to the practice of medicine.

35 23 d. Having the license to practice medicine and surgery, or  
35 24 osteopathic medicine and surgery, ~~or osteopathy~~ revoked or  
35 25 suspended, or having other disciplinary action taken by a  
35 26 licensing authority of another state, territory, or country.  
35 27 A certified copy of the record or order of suspension,  
35 28 revocation, or disciplinary action is prima facie evidence.

35 29 e. Knowingly aiding, assisting, procuring, or advising a  
35 30 person to unlawfully practice medicine and surgery, or  
35 31 osteopathic medicine and surgery, ~~or osteopathy~~.

35 32 f. Being adjudged mentally incompetent by a court of  
35 33 competent jurisdiction. Such adjudication shall automatically  
35 34 suspend a license for the duration of the license unless the  
35 35 board orders otherwise.

36 1 g. Being guilty of a willful or repeated departure from,  
36 2 or the failure to conform to, the minimal standard of  
36 3 acceptable and prevailing practice of medicine and surgery, or  
36 4 osteopathic medicine and surgery, ~~or osteopathy~~ in which  
36 5 proceeding actual injury to a patient need not be established;  
36 6 or the committing by a physician of an act contrary to  
36 7 honesty, justice, or good morals, whether the same is  
36 8 committed in the course of the physician's practice or  
36 9 otherwise, and whether committed within or without this state.

36 10 h. Inability to practice medicine and surgery, or  
36 11 osteopathic medicine and surgery, ~~or osteopathy~~ with  
36 12 reasonable skill and safety by reason of illness, drunkenness,  
36 13 excessive use of drugs, narcotics, chemicals, or other type of  
36 14 material or as a result of a mental or physical condition.  
36 15 The board may, upon probable cause, compel a physician to  
36 16 submit to a mental or physical examination by designated  
36 17 physicians or to submit to alcohol or drug screening within a  
36 18 time specified by the board.

36 19 A person licensed to practice medicine and surgery, or  
36 20 osteopathic medicine and surgery, ~~or osteopathy~~ who makes  
36 21 application for the renewal of a license, as required by  
36 22 section 147.10, gives consent to submit to a mental or  
36 23 physical examination as provided by this lettered paragraph  
36 24 when directed in writing by the board. All objections shall  
36 25 be waived as to the admissibility of the examining physicians'  
36 26 testimony or examination reports on the grounds that they  
36 27 constitute privileged communication. The medical testimony or  
36 28 examination reports shall not be used against a physician in  
36 29 another proceeding and shall be confidential, except for other  
36 30 actions filed against a physician to revoke or suspend a  
36 31 license. ~~Failure of a physician to submit to an examination~~

~~36 32 or to submit to alcohol or drug screening shall constitute~~  
~~36 33 admission to the allegations made against the physician and~~  
~~36 34 the finding of fact and decision of the board may be entered~~  
~~36 35 without the taking of testimony or presentation of evidence.~~  
~~37 1 At reasonable intervals, a physician shall be afforded an~~  
~~37 2 opportunity to demonstrate that the physician can resume the~~  
~~37 3 competent practice of medicine with reasonable skill and~~  
~~37 4 safety to patients.~~

37 5 i. Willful or repeated violation of lawful rule or  
37 6 regulation adopted by the board or violating a lawful order of  
37 7 the board, previously entered by the board in a disciplinary  
37 8 or licensure hearing, or violating the terms and provisions of

37 9 a consent agreement or informal settlement between a licensee  
37 10 and the board.

37 11 3. A person violating the provisions of section 147.2,  
37 12 147.84, or 147.85, shall upon conviction be guilty of a class  
37 13 "D" felony.

37 14 Sec. 51. Section 148.7, Code Supplement 2007, is amended  
37 15 to read as follows:

37 16 148.7 PROCEDURE FOR ~~SUSPENSION OR REVOCATION~~ LICENSEE  
37 17 DISCIPLINE.

37 18 A proceeding for the revocation or suspension of a license  
37 19 to practice medicine and surgery, ~~or~~ osteopathic medicine and  
37 20 surgery, ~~or osteopathy~~ or to discipline a person licensed to  
37 21 practice medicine and surgery, ~~or~~ osteopathic medicine and  
37 22 surgery, ~~or osteopathy~~ shall be substantially in accord with  
37 23 the following procedure:

37 24 1. The board may, upon its own motion or upon ~~verified~~  
37 25 ~~receipt of a complaint in writing, and shall, if such~~  
37 26 ~~complaint is filed by the director of public health, issue an~~  
37 27 ~~order fixing the time and place for hearing~~ order an  
37 28 investigation. The board may, upon its own motion, order a  
37 29 hearing. A written notice of the time and place of the

37 30 hearing together with a statement of the charges shall be  
37 31 served upon the licensee at least ten days before the hearing  
37 32 in the manner required for the service of notice of the  
37 33 commencement of an ordinary action or by restricted certified  
37 34 mail.

37 35 2. ~~If the licensee has left the state, the notice and~~  
38 1 ~~statement of the charges shall be so served at least twenty~~  
38 2 ~~days before the date of the hearing, wherever the licensee may~~  
38 3 ~~be found. If the whereabouts of the licensee is unknown,~~  
38 4 ~~service may be had by publication as provided in the rules of~~  
38 5 ~~civil procedure upon filing the affidavit required by the~~  
38 6 ~~rules. In case the licensee fails to appear, either in person~~  
38 7 ~~or by counsel at the time and place designated in the notice,~~  
38 8 ~~the board shall proceed with the hearing as hereinafter~~  
38 9 ~~provided in this section.~~

38 10 3. a. The hearing shall be before a member or members  
38 11 designated by the board or before an administrative law judge  
38 12 appointed by the board according to the requirements of  
38 13 section 17A.11, subsection 1. The presiding board member or  
38 14 administrative law judge may issue subpoenas, administer  
38 15 oaths, and take or cause depositions to be taken in connection  
38 16 with the hearing. The presiding board member or  
38 17 administrative law judge shall issue subpoenas at the request  
38 18 and on behalf of the licensee. ~~The hearing shall be open to~~  
38 19 ~~the public.~~

38 20 b. The administrative law judge shall be an attorney  
38 21 vested with full authority of the board to schedule and  
38 22 conduct hearings. The administrative law judge shall prepare  
38 23 and file with the board the administrative law judge's  
38 24 findings of fact and conclusions of law, together with a  
38 25 complete written transcript of all testimony and evidence  
38 26 introduced at the hearing and all exhibits, pleas, motions,  
38 27 objections, and rulings of the administrative law judge.

38 28 4. Disciplinary hearings held pursuant to section 272C.6,  
38 29 subsection 1, shall be heard by the board, or by a panel of  
38 30 not less than six members, at least three of whom are board  
38 31 members, and the remaining appointed pursuant to section  
38 32 148.2A, with no more than three of the six being public  
38 33 members. Notwithstanding chapters 17A and 21, a disciplinary  
38 34 hearing shall be open to the public at the discretion of the  
38 35 licensee.

39 1 ~~4. 5. A stenographic record of the proceedings shall be~~  
39 2 ~~kept. The licensee shall have the opportunity to appear~~  
39 3 ~~personally and by an attorney, with the right to produce~~  
39 4 ~~evidence in on the licensee's own behalf, to examine and~~  
39 5 ~~cross-examine witnesses, and to examine documentary evidence~~  
39 6 ~~produced against the licensee.~~

39 7 ~~5. 6. If a person refuses to obey a subpoena issued by~~  
39 8 ~~the presiding member or administrative law judge or to answer~~  
39 9 ~~a proper question during the hearing, the presiding member or~~  
39 10 ~~administrative law judge may invoke the aid of a court of~~  
39 11 ~~competent jurisdiction or judge of this court in requiring the~~  
39 12 ~~attendance and testimony of the person and the production of~~  
39 13 ~~papers. A failure to obey the order of the court may be~~  
39 14 ~~punished by the court as a civil contempt may be punished.~~

39 15 ~~6. 7. Unless the hearing is before the entire board, a~~  
39 16 ~~transcript of the proceeding, together with exhibits~~  
39 17 ~~presented, shall be considered by the entire board at the~~  
39 18 ~~earliest practicable time. The licensee and the licensee's~~  
39 19 ~~attorney shall have the opportunity to appear personally to~~

39 20 present the licensee's position and arguments to the board.  
39 21 The board shall determine the charge or charges upon the  
39 22 merits on the basis of the evidence in the record before it.  
39 23 ~~7-~~ 8. If a majority of the members of the board vote in  
39 24 favor of finding the licensee guilty of an act or offense  
39 25 specified in section 147.55 or 148.6, the board shall prepare  
39 26 written findings of fact and its decision imposing one or more  
39 27 of the following disciplinary measures:

39 28 a. Suspend the licensee's license to practice the  
39 29 profession for a period to be determined by the board.  
39 30 b. Revoke the licensee's license to practice the  
39 31 profession.

39 32 c. Suspend imposition of judgment and penalty or impose  
39 33 the judgment and penalty, but suspend enforcement and place  
39 34 the physician on probation. The probation ordered may be  
39 35 vacated upon noncompliance. The board may restore and reissue  
40 1 a license to practice medicine and surgery, ~~or~~ osteopathic  
40 2 medicine and surgery, ~~or osteopathy,~~ but may impose a  
40 3 disciplinary or corrective measure which the board might  
40 4 originally have imposed. A copy of the board's order,  
40 5 findings of fact, and decision, shall be served on the  
40 6 licensee in the manner of service of an original notice or by  
40 7 certified mail return receipt requested.

40 8 ~~8-~~ 9. Judicial review of the board's action may be sought  
40 9 in accordance with the terms of the Iowa administrative  
40 10 procedure Act, chapter 17A.

40 11 ~~9-~~ 10. The board's order revoking or suspending a license  
40 12 to practice medicine and surgery, ~~or~~ osteopathic medicine and  
40 13 surgery, ~~or osteopathy~~ or to discipline a licensee shall  
40 14 remain in force and effect until the appeal is finally  
40 15 determined and disposed of upon its merit.

40 16 Sec. 52. Section 148.9, Code Supplement 2007, is amended  
40 17 to read as follows:

40 18 148.9 REINSTATEMENT.

40 19 Any person whose license has been suspended, ~~revoked, or~~  
~~40 20 placed on probation~~ may apply to the board for reinstatement  
40 21 at any time and the board may hold ~~hearings~~ a hearing on any  
40 22 such petition and may order reinstatement and impose terms and  
40 23 conditions thereof and issue a certificate of reinstatement ~~to~~  
~~40 24 the director of public health who shall thereupon issue a~~  
~~40 25 license as directed by the board.~~

40 26 Sec. 53. Section 148.10, Code Supplement 2007, is amended  
40 27 to read as follows:

40 28 148.10 TEMPORARY ~~CERTIFICATE~~ LICENSE.

40 29 1. The board may, in its discretion, issue a temporary  
40 30 ~~certificate license~~ license authorizing the licensee to practice  
40 31 medicine and surgery or osteopathic medicine and surgery in a  
40 32 specific location or locations and for a specified period of  
40 33 time if, in the opinion of the board, a need exists and the  
40 34 person possesses the qualifications prescribed by the board  
40 35 for the license, which shall be substantially equivalent to  
41 1 those required for licensure under this chapter ~~or chapter~~  
~~41 2 150A, as the case may be.~~ The board shall determine in each  
41 3 instance those eligible for ~~this the~~ the license, whether or not  
41 4 examinations shall be given, and the type of examinations. No  
41 5 requirements of the law pertaining to regular permanent  
41 6 licensure are mandatory for ~~this the~~ the temporary license except  
41 7 as specifically designated by the board. The granting of a  
41 8 temporary license does not in any way indicate that the person  
41 9 so licensed is necessarily eligible for regular licensure or  
41 10 that the board in any way is obligated to so license the  
41 11 person.

41 12 2. The temporary ~~certificate license~~ license shall be issued for a  
41 13 period not to exceed one year and may be renewed, but a person  
41 14 shall not practice medicine and surgery or osteopathic  
41 15 medicine and surgery in excess of three years while holding a  
41 16 temporary ~~certificate license~~ license. The fee for ~~this the~~ the license  
41 17 and the fee for renewal of ~~this the~~ the license shall be set by  
41 18 the board. The fees shall be based on the administrative  
41 19 costs of issuing and renewing the licenses.

41 20 Sec. 54. Section 148.11, Code Supplement 2007, is amended  
41 21 to read as follows:

41 22 148.11 SPECIAL LICENSE TO PRACTICE MEDICINE AND SURGERY ~~OR~~  
41 23 ~~OSTEOPATHIC MEDICINE AND SURGERY.~~

41 24 1. Whenever the need exists, the board may issue a special  
41 25 license. The special license shall authorize the licensee to  
41 26 practice medicine and surgery ~~or osteopathic medicine and~~  
41 27 ~~surgery~~ surgery under the policies and standards applicable to the  
41 28 health care services of a medical ~~or osteopathic medical~~  
41 29 school academic staff member or as otherwise specified in the  
41 30 special license.

41 31 2. A person applying for a special license shall:  
41 32 a. Be a physician in a professional specialty.  
41 33 b. Present a diploma issued by a medical or osteopathic  
41 34 medical college.  
41 35 c. Present evidence of an unrestricted license to practice  
42 1 medicine and surgery or osteopathic medicine and surgery which  
42 2 has been issued by a foreign state or territory or an alien  
42 3 country.  
42 4 d. Present a letter of recommendation from the dean of a  
42 5 medical or osteopathic medical school in this state indicating  
42 6 that the applicant has been invited to serve on the academic  
42 7 staff of the medical or osteopathic medical school.  
42 8 e. Present letters of recommendation from universities,  
42 9 other educational institutions, or research facilities that  
42 10 indicate the noteworthy professional attainment by the  
42 11 applicant.  
42 12 f. Present biographical background information concerning  
42 13 the applicant's education and qualifications.

42 14 3. ~~The board shall establish a fee for initial issuance~~  
42 15 ~~and renewal of a special license shall be established in an~~  
42 16 ~~amount sufficient to cover the costs of issuing the special~~  
42 17 ~~license. If the special license is extended beyond one year,~~  
42 18 ~~an annual renewal fee shall be established in an amount~~  
42 19 ~~sufficient to cover the costs of renewing the special license.~~  
42 20 The board shall establish rules for granting and renewing a  
42 21 special license consistent with those for permanent licenses.

42 22 4. ~~Notwithstanding the provisions of chapter 17A, the~~  
42 23 ~~board may cancel a special license at any time without~~  
42 24 ~~hearing. However, when such license is proposed to be~~  
42 25  ~~canceled, the board shall promptly notify the licensee by~~  
42 26 ~~certified mail sent to the last known address of the licensee.~~  
42 27 ~~Thirty days after the service of such notice, the special~~  
42 28 ~~license shall be canceled.~~

42 29 5- 4. A special license issued under this section shall  
42 30 automatically expire upon the special licensee discontinuing  
42 31 service on the academic staff of a medical or osteopathic  
42 32 medical school in this state. An expired special license  
42 33 shall not be renewed. However, a former special licensee may  
42 34 reapply for a special license.

42 35 Sec. 55. Section 148.12, Code Supplement 2007, is amended  
43 1 to read as follows:

43 2 148.12 VOLUNTARY AGREEMENTS.

43 3 The board, after due notice and hearing, may issue an order  
43 4 to revoke, suspend, or restrict a license to practice medicine  
43 5 and surgery, or osteopathic medicine and surgery, or  
43 6 ~~osteopathy,~~ or to issue a restricted license on application if  
43 7 the board determines that a physician licensed to practice  
43 8 medicine and surgery, or osteopathic medicine and surgery, or  
43 9 ~~osteopathy,~~ or an applicant for licensure has entered into a  
43 10 voluntary agreement to restrict the practice of medicine and  
43 11 surgery, or osteopathic medicine and surgery, or osteopathy in  
43 12 another state, district, territory, country, or an agency of  
43 13 the federal government. A certified copy of the voluntary  
43 14 agreement shall be considered prima facie evidence.

43 15 Sec. 56. NEW SECTION. 148.14 BOARD OF MEDICINE  
43 16 INVESTIGATORS.

43 17 The board of medicine may appoint investigators, who shall  
43 18 not be members of the board, and whose compensation shall be  
43 19 determined pursuant to chapter 8A, subchapter IV.  
43 20 Investigators appointed by the board have the powers and  
43 21 status of peace officers when enforcing this chapter and  
43 22 chapter 272C.

43 23 Sec. 57. NEW SECTION. 148C.13 INVESTIGATORS FOR  
43 24 PHYSICIAN ASSISTANTS.

43 25 1. The board may appoint investigators, who shall not be  
43 26 members of the board, to administer and aid in the enforcement  
43 27 of the provisions of law relating to physician assistants.  
43 28 The amount of compensation for the investigators shall be  
43 29 determined pursuant to chapter 8A, subchapter IV.

43 30 2. Investigators authorized by the board have the powers  
43 31 and status of peace officers when enforcing this chapter and  
43 32 chapters 147 and 272C.

43 33 Sec. 58. Section 151.2, subsection 1, Code Supplement  
43 34 2007, is amended to read as follows:

43 35 1. Licensed physicians and surgeons, licensed ~~osteopaths,~~  
44 1 ~~and licensed osteopaths and surgeons, osteopathic physicians~~  
44 2 ~~and surgeons,~~ and physical therapists who are exclusively  
44 3 engaged in the practice of their respective professions.

44 4 Sec. 59. Section 151.3, Code Supplement 2007, is amended  
44 5 to read as follows:

44 6 151.3 LICENSE.

44 7 Every applicant for a license to practice chiropractic  
44 8 shall do all of the following:

44 9 1. Present satisfactory evidence that the applicant  
44 10 possesses a preliminary education equal to the requirements  
44 11 for graduation from an accredited high school or other  
44 12 secondary school.

44 13 2. Present a diploma issued by a college of chiropractic  
44 14 approved by the board.

44 15 3. Pass an examination prescribed by the board ~~in the~~  
44 16 ~~subjects of anatomy, physiology, nutrition and dietetics,~~  
44 17 ~~symptomatology and diagnosis, hygiene and sanitation,~~  
44 18 ~~chemistry, histology, pathology, and principles and practice~~  
44 19 ~~of chiropractic, including a clinical demonstration of~~  
44 20 ~~vertebral palpation, nerve tracing, and adjusting.~~

44 21 Sec. 60. Section 151.4, Code Supplement 2007, is amended  
44 22 to read as follows:

44 23 151.4 APPROVED COLLEGE.

44 24 1. A college of chiropractic shall not be approved by the  
44 25 board as a college of recognized standing unless the college+

44 26 ~~a. Requires requires~~ for graduation or for the receipt of  
44 27 any chiropractic degree the completion of a course of study  
44 28 covering a period of four academic years ~~totaling not less~~  
44 29 ~~than four thousand sixty-minute hours in actual resident~~  
44 30 ~~attendance.~~

44 31 ~~b. Gives an adequate course of study in the subjects~~  
44 32 ~~enumerated in subsection 3 of section 151.3 and including~~  
44 33 ~~practical clinical instruction.~~

44 34 ~~c. Publishes in a regularly issued catalogue the~~  
44 35 ~~requirements for graduation and degrees as herein specified.~~

45 1 2. An approved college of chiropractic may include but is  
45 2 not limited to offerings of courses of study in procedures for  
45 3 withdrawing a patient's blood, performing or utilizing  
45 4 laboratory tests, and performing physical examinations for  
45 5 diagnostic purposes. A chiropractor, employed by an approved  
45 6 college of chiropractic and who has been trained to withdraw  
45 7 blood may withdraw blood and instruct, and supervise a student  
45 8 in the withdrawing of blood.

45 9 Sec. 61. Section 151.5, Code 2007, is amended to read as  
45 10 follows:

45 11 151.5 OPERATIVE SURGERY == DRUGS.

45 12 A license to practice chiropractic shall not authorize the  
45 13 licensee to practice operative surgery, ~~osteopathy, nor or~~  
45 14 ~~administer or prescribe any drug or medicine included in~~  
45 15 ~~materia medica prescription drugs or controlled substances~~  
45 16 ~~which can only be prescribed by persons authorized by law.~~

45 17 Sec. 62. Section 151.8, subsection 1, Code Supplement  
45 18 2007, is amended to read as follows:

45 19 1. A chiropractor shall not use in the chiropractor's  
45 20 practice the procedures otherwise authorized by law unless the  
45 21 chiropractor has received training in their use by a college  
45 22 of chiropractic offering courses of instructions approved by  
45 23 the board or by curriculum taught on a postgraduate level  
45 24 approved by the board.

45 25 Sec. 63. Section 151.9, subsection 8, Code 2007, is  
45 26 amended to read as follows:

45 27 8. Willful or repeated violations of the provisions of  
45 28 this ~~Act~~ chapter or chapter 272C.

45 29 Sec. 64. Section 151.12, Code Supplement 2007, is amended  
45 30 to read as follows:

45 31 151.12 TEMPORARY CERTIFICATE.

45 32 1. The board may, in its discretion, issue a temporary  
45 33 certificate for one year authorizing the certificate holder to  
45 34 practice chiropractic if, in the opinion of the board, a need  
45 35 exists and the person possesses the qualifications prescribed  
46 1 by the board for the certificate, which shall be substantially  
46 2 equivalent to those required for licensure under this chapter.  
46 3 ~~The board shall determine in each instance those eligible for~~  
46 4 ~~this certificate, whether or not examinations shall be given,~~  
46 5 ~~the type of examinations, and the duration of the certificate.~~

46 6 No requirements of the law pertaining to regular permanent  
46 7 licensure are mandatory for ~~this the~~ temporary certificate  
46 8 except as specifically designated by the board. The granting  
46 9 of a temporary certificate does not in any way indicate that  
46 10 the person is eligible for regular licensure or that the board  
46 11 is obligated to issue the person a regular license.

46 12 2. ~~The temporary certificate shall be issued for one year~~  
46 13 ~~and at the discretion of the board may be renewed, but a~~  
46 14 ~~person shall not practice chiropractic in excess of three~~  
46 15 ~~years while holding a temporary certificate. The fee for this~~  
46 16 ~~certificate shall be set by the board, and if extended beyond~~  
46 17 ~~one year, a renewal fee per year shall be set by the board.~~

46 18 The fee for the temporary certificate shall be based on the  
46 19 administrative costs of issuing the certificates.

46 20 Sec. 65. Section 154D.1, Code Supplement 2007, is amended  
46 21 by adding the following new subsections:

46 22 NEW SUBSECTION. 7. "Temporary license" means a license to  
46 23 practice marital and family therapy or mental health  
46 24 counseling under direct supervision of a qualified supervisor  
46 25 as determined by the board by rule to fulfill the postgraduate  
46 26 supervised clinical experience requirement in accordance with  
46 27 this chapter.

46 28 NEW SUBSECTION. 8. "Temporary licensed marital and family  
46 29 therapist" means a person licensed to practice marital and  
46 30 family therapy under supervision in accordance with section  
46 31 154D.7.

46 32 NEW SUBSECTION. 9. "Temporary licensed mental health  
46 33 counselor" means a person licensed to practice mental health  
46 34 counseling under supervision in accordance with section  
46 35 154D.7.

47 1 Sec. 66. Section 154D.2, Code 2007, is amended to read as  
47 2 follows:

47 3 154D.2 LICENSURE == MARITAL AND FAMILY THERAPY == MENTAL  
47 4 HEALTH COUNSELING.

47 5 ~~1.~~ An applicant for a license to practice marital and  
47 6 family therapy or mental health counseling shall be granted a  
47 7 license by the board when the applicant satisfies all of the  
47 8 following requirements:

47 9 ~~a.~~ 1. Possesses a master's degree in marital and family  
47 10 therapy or mental health counseling, as applicable, consisting  
47 11 of at least ~~forty-five credit~~ sixty semester hours, or its  
47 12 equivalent, from a nationally accredited institution or from a  
47 13 program approved by the board.

47 14 ~~b.~~ 2. Has at least two years of supervised clinical  
47 15 experience or its equivalent as approved by the board.  
47 16 Standards for supervision, including the required  
47 17 qualifications for supervisors, shall be determined by the  
47 18 board by rule.

47 19 ~~c.~~ 3. Passes an examination ~~administered~~ approved by the  
47 20 board.

47 21 ~~d.~~ ~~Has not failed the examination required in paragraph~~  
47 22 ~~"c" within six months of the date of the current application.~~

47 23 ~~2.~~ An applicant for a license to practice mental health  
47 24 counseling shall be granted a license by the board when the  
47 25 applicant satisfies all of the following requirements:

47 26 ~~a.~~ Possesses a master's degree in counseling consisting of  
47 27 at least ~~forty-five credit~~ hours, or its equivalent, from a  
47 28 nationally accredited institution or from a program approved  
47 29 by the board.

47 30 ~~b.~~ Has at least two years of supervised clinical  
47 31 experience or its equivalent in assessing mental health needs  
47 32 and problems and in providing appropriate mental health  
47 33 services as approved by the board. Standards for supervision,  
47 34 including the required qualifications for supervisors, shall  
47 35 be determined by the board by rule.

48 1 ~~c.~~ Passes an examination administered by the board.

48 2 Sec. 67. Section 154D.3, Code 2007, is amended to read as  
48 3 follows:

48 4 154D.3 BOARD ORGANIZATION AND AUTHORITY.

48 5 1. In addition to duties and responsibilities provided in  
48 6 chapters 147 and 272C, the board shall adopt rules relating  
48 7 to:

48 8 a. Standards required for licensees engaging in the  
48 9 professions covered by this chapter.

48 10 b. Standards for professional conduct of persons licensed  
48 11 under this chapter.

48 12 c. The administration of this chapter.

48 13 d. The status of active and inactive licensure, and  
48 14 guidelines for reentry of inactive licensees.

48 15 e. Educational activities which fulfill continuing  
48 16 education requirements for license renewals.

48 17 ~~2.~~ A separate subcommittee is established within the board  
48 18 for each of the professions under the board's jurisdiction.

48 19 The chairperson of the board shall appoint to the subcommittee  
48 20 for each profession those members of the board who represent

48 21 that profession. The chairperson shall appoint two of the  
48 22 public members of the board to serve on a subcommittee. Each

48 23 subcommittee shall, by majority vote, rule on all license  
48 24 applications within the subcommittee's assigned profession,

48 25 approve and administer the grading of the examination given to  
48 26 applicants for licenses to practice that profession, and

48 27 otherwise coordinate the board's administration of all matters  
48 28 pertinent to regulation of the practice of the profession.

48 29 3- 2. The board may establish subcommittees. A decision  
48 30 or recommendation of a subcommittee shall not become effective  
48 31 without approval of the board. The board may initiate action  
48 32 relating to either of the professions within its jurisdiction.  
48 33 ~~4. Members attending meetings of the board's subcommittees~~  
~~48 34 shall be reimbursed on the same basis as members attending~~  
~~48 35 board meetings up to a maximum of six subcommittee meetings~~  
~~49 1 per calendar year.~~

49 2 Sec. 68. Section 154D.4, subsection 2, paragraph b, Code  
49 3 2007, is amended to read as follows:

49 4 b. A person who practices marital and family therapy or  
49 5 mental health counseling under the supervision of a person  
49 6 licensed under this chapter as part of a clinical experience  
49 7 as described in section 154D.2, subsection 1, paragraph "b",  
~~49 8 or section 154D.2, subsection 2, paragraph "b" 2.~~

49 9 Sec. 69. Section 154D.5, Code 2007, is amended to read as  
49 10 follows:

49 11 154D.5 SEXUAL CONDUCT WITH CLIENT.

49 12 1. The license of a marital and family therapist or a  
49 13 mental health counselor shall be revoked if the board finds  
49 14 that the licensee engaged in sexual activity ~~or genital~~  
~~49 15 contact with a client while acting or purporting to act within~~  
~~49 16 the licensee's scope of practice, whether or not the client~~  
~~49 17 consented to the sexual activity or genital contact as~~  
~~49 18 determined by board rule.~~

49 19 2. The revocation shall be in addition to any other  
49 20 penalties provided by law.

49 21 Sec. 70. NEW SECTION. 154D.7 TEMPORARY LICENSE ==  
49 22 MARITAL AND FAMILY THERAPY == MENTAL HEALTH COUNSELING ==  
49 23 FEES.

49 24 Any person who has fulfilled all of the requirements for  
49 25 licensure under this chapter, except for having completed the  
49 26 postgraduate supervised clinical experience requirement as  
49 27 determined by the board by rule, may apply to the board for a  
49 28 temporary license. The license shall be designated "temporary  
49 29 license in marital and family therapy" or "temporary license  
49 30 in mental health counseling" and shall authorize the licensee  
49 31 to practice marital and family therapy or mental health  
49 32 counseling under the supervision of a qualified supervisor as  
49 33 determined by the board by rule. The license shall be valid  
49 34 for three years and may be renewed at the discretion of the  
49 35 board. The fee for a temporary license shall be set by the  
50 1 board to cover the administrative costs of issuing the  
50 2 license, and if renewed, a renewal fee as set by the board  
50 3 shall be required.

50 4 Sec. 71. NEW SECTION. 154F.1 DEFINITIONS.

50 5 As used in this chapter, unless the context otherwise  
50 6 requires:

50 7 1. "Audiologist" means a person who engages in the  
50 8 practice of audiology.

50 9 2. "Board" means the board of speech pathology and  
50 10 audiology established pursuant to section 147.14, subsection  
50 11 9.

50 12 3. The "practice of audiology" means the application of  
50 13 principles, methods, and procedures for measurement, testing,  
50 14 evaluation, prediction, consultation, counseling, instruction,  
50 15 habilitation, rehabilitation, or remediation related to  
50 16 hearing and disorders of hearing and associated communication  
50 17 disorders for the purpose of nonmedically evaluating,  
50 18 identifying, preventing, ameliorating, modifying, or  
50 19 remediating such disorders and conditions in individuals or  
50 20 groups of individuals, including the determination and use of  
50 21 appropriate amplification.

50 22 4. The "practice of speech pathology" means the  
50 23 application of principles, methods, and procedures for the  
50 24 measurement, testing, evaluation, prediction, consultation,  
50 25 counseling, instruction, habilitation, rehabilitation, or  
50 26 remediation related to the development and disorders of  
50 27 speech, fluency, voice, or language for the purposes of  
50 28 nonmedically evaluating, preventing, ameliorating, modifying,  
50 29 or remediating such disorders and conditions in individuals or  
50 30 groups of individuals.

50 31 5. "Speech pathologist" means a person who engages in the  
50 32 practice of speech pathology.

50 33 Sec. 72. NEW SECTION. 154F.2 APPLICABILITY.

50 34 1. Nothing contained in this chapter shall be construed to  
50 35 apply to:

51 1 a. Licensed physicians and surgeons, licensed osteopathic  
51 2 physicians and surgeons, licensed physician assistants and  
51 3 registered nurses acting under the supervision of a physician,  
51 4 persons conducting hearing tests under the direct supervision

51 5 of a licensed physician and surgeon, licensed osteopathic  
51 6 physician and surgeon, or students of medicine or surgery or  
51 7 osteopathic medicine and surgery pursuing a course of study in  
51 8 a medical school or college of osteopathic medicine and  
51 9 surgery approved by the board of medicine while performing  
51 10 functions incidental to their course of study.

51 11 b. Hearing aid fitting, the dispensing or sale of hearing  
51 12 aids, and the providing of hearing aid service and maintenance  
51 13 by a hearing aid dispenser or holder of a temporary permit as  
51 14 defined and licensed under chapter 154A.

51 15 c. Students enrolled in an accredited college or  
51 16 university pursuing a course of study leading to a degree in  
51 17 speech pathology or audiology while receiving clinical  
51 18 training as a part of the course of study and acting under the  
51 19 supervision of a licensed speech pathologist or audiologist  
51 20 provided they use the title "trainee" or similar title clearly  
51 21 indicating training status.

51 22 d. Nonprofessional aides who perform their services under  
51 23 the supervision of a speech pathologist or audiologist as  
51 24 appropriate and who meet such qualifications as may be  
51 25 established by the board for aides if they use the title  
51 26 "aide", "assistant", "technician", or other similar title  
51 27 clearly indicating their status.

51 28 e. Audiometric tests administered pursuant to the United  
51 29 States Occupational Safety and Health Act of 1970 or chapter  
51 30 88, and in accordance with regulations issued thereunder, by  
51 31 employees of a person engaged in business, including the state  
51 32 of Iowa, its various departments, agencies, and political  
51 33 subdivisions, solely to employees of such employer, while  
51 34 acting within the scope of their employment.

51 35 f. Persons certified by the department of education as  
52 1 speech clinicians or hearing clinicians and employed by a  
52 2 school district or area education agency while acting within  
52 3 the scope of their employment.

52 4 2. A person exempted from the provisions of this chapter  
52 5 by this section shall not use the title "speech pathologist"  
52 6 or "audiologist" or any title or device indicating or  
52 7 representing in any manner that the person is a speech  
52 8 pathologist or is an audiologist; provided, a hearing aid  
52 9 dispenser licensed under chapter 154A may use the title  
52 10 "certified hearing aid audiologist" when granted by the  
52 11 national hearing aid society; and provided, persons who meet  
52 12 the requirements of section 154F.3, subsection 1, who are  
52 13 certified by the department of education as speech clinicians  
52 14 may use the title "speech pathologist" and persons who meet  
52 15 the requirements of section 154F.3, subsection 2, who are  
52 16 certified by the department of education as hearing clinicians  
52 17 may use the title "audiologist", while acting within the scope  
52 18 of their employment.

52 19 Sec. 73. NEW SECTION. 154F.3 REQUIREMENTS FOR LICENSE.

52 20 Each applicant for a license as a speech pathologist or  
52 21 audiologist shall meet all of the following requirements:

52 22 1. For a license as a speech pathologist:

52 23 a. Possess a master's degree from an accredited school,  
52 24 college, or university with a major in speech pathology.

52 25 b. Show evidence of completion of not less than four  
52 26 hundred hours of supervised clinical training in speech  
52 27 pathology as a student in an accredited school, college, or  
52 28 university.

52 29 c. Show evidence of completion of not less than nine  
52 30 months clinical experience under the supervision of a licensed  
52 31 speech pathologist following the receipt of the master's  
52 32 degree.

52 33 2. For a license as an audiologist:

52 34 a. Possess a master's degree from an accredited school,  
52 35 college, or university with a major in audiology.

53 1 b. Show evidence of completion of not less than four  
53 2 hundred hours of supervised clinical training in audiology as  
53 3 a student in an accredited school, college, or university.

53 4 c. Show evidence of completion of not less than nine  
53 5 months clinical experience under the supervision of a licensed  
53 6 audiologist following the receipt of the master's degree.

53 7 d. In lieu of paragraphs "a" through "c", hold a doctoral  
53 8 degree in audiology from an accredited school, college, or  
53 9 university which incorporates the academic coursework and the  
53 10 minimum hours of supervised training required by rules adopted  
53 11 by the board.

53 12 3. Pass an examination as determined by the board in rule.

53 13 Sec. 74. NEW SECTION. 154F.4 WAIVER OF EXAMINATION  
53 14 REQUIREMENT.

53 15 The examinations required in section 154F.3, subsection 3,

53 16 may be waived by the board for holders by examination of  
53 17 licenses or certificates from states whose requirements are  
53 18 substantially equivalent to those of this chapter.  
53 19 Sec. 75. NEW SECTION. 154F.5 TEMPORARY CLINICAL LICENSE  
53 20 == FEE.

53 21 Any person who has fulfilled all of the requirements for  
53 22 licensure under this chapter, except for having completed the  
53 23 nine months clinical experience requirement as provided in  
53 24 section 154F.3, subsection 1 or 2, may apply to the board for  
53 25 a temporary clinical license. The license shall be designated  
53 26 "temporary clinical license in speech pathology" or "temporary  
53 27 clinical license in audiology" and shall authorize the  
53 28 licensee to practice speech pathology or audiology under the  
53 29 supervision of a licensed speech pathologist or licensed  
53 30 audiologist, as appropriate. The license shall be valid for  
53 31 one year and may be renewed at the discretion of the board.  
53 32 The fee for a temporary clinical license shall be set by the  
53 33 board to cover the administrative costs of issuing the  
53 34 license, and if renewed, a renewal fee as set by the board  
53 35 shall be required. A temporary clinical license shall be  
54 1 issued only upon evidence satisfactory to the board that the  
54 2 applicant will be supervised by a person licensed as a speech  
54 3 pathologist or audiologist, as appropriate.

54 4 Sec. 76. NEW SECTION. 154F.6 TEMPORARY PERMIT.  
54 5 The board may, at its discretion, issue a temporary permit  
54 6 to a nonresident authorizing the permittee to practice speech  
54 7 pathology or audiology in this state for a period not to  
54 8 exceed three months whenever, in the opinion of the board, a  
54 9 need exists and the permittee, in the opinion of the board,  
54 10 possesses the necessary qualifications which shall be  
54 11 substantially equivalent to those required for licensure by  
54 12 this chapter.

54 13 Sec. 77. Section 155A.26, Code Supplement 2007, is amended  
54 14 to read as follows:

54 15 155A.26 ENFORCEMENT == AGENTS AS PEACE OFFICERS.  
54 16 The board, its officers, agents, inspectors, and  
54 17 representatives, and all peace officers within the state, and  
54 18 all county attorneys shall enforce all provisions of this  
54 19 chapter, except those specifically delegated, and shall  
54 20 cooperate with all agencies charged with the enforcement of  
54 21 the laws of the United States, of this state, and of all other  
54 22 states relating to prescription drugs. Officers, agents,  
54 23 inspectors, and representatives of the board shall have the  
54 24 powers and status of peace officers when enforcing the  
54 25 provisions of this chapter and chapters 124, 126, and 205.  
54 26 Officers, agents, inspectors, and representatives of the board

54 27 of pharmacy may:

54 28 1. Administer oaths, acknowledge signatures, and take  
54 29 testimony.  
54 30 2. Make audits of the supply and inventory of controlled  
54 31 substances and prescription drugs in the possession of any and  
54 32 all individuals or institutions authorized to have possession  
54 33 of any controlled substances or prescription drugs.

54 34 3. Conduct routine and unannounced inspections of  
54 35 pharmacies, drug wholesalers, and the offices or business  
55 1 locations of all individuals and institutions authorized to  
55 2 have possession of prescription drugs including controlled  
55 3 substances or prescription devices.

55 4 4. Conduct inspections and investigations related to the  
55 5 practice of pharmacy and the distribution of prescription  
55 6 drugs and devices in this state.

55 7 5. Seize controlled or counterfeit substances or articles  
55 8 used in the manufacture or sale of controlled or counterfeit  
55 9 substances which they have reasonable grounds to believe are  
55 10 held in violation of law.

55 11 6. Seize prescription medications which they believe are  
55 12 held in violation of law.

55 13 7. Perform other duties as specifically authorized or  
55 14 mandated by law or rule.

55 15 Sec. 78. Sections 147.29, 147.30, 147.43, 147.51, 147.52,  
55 16 147.54, 147.58 through 147.71, 147.75, 147.90, 147.104, and  
55 17 147.153 through 147.156, Code 2007, are repealed.

55 18 Sec. 79. Sections 147.18, 147.26, 147.35, 147.39, 147.40  
55 19 through 147.42, 147.45 through 147.47, 147.50, 147.94 through  
55 20 147.96, 147.98 through 147.100, 147.102, 147.103, 147.103A,  
55 21 147.151, 147.152, 148.4, 152C.8, and 154D.6, Code Supplement  
55 22 2007, are repealed.

55 23 Sec. 80. Chapters 150 and 150A, Code and Code Supplement  
55 24 2007, are repealed.

55 27 Sec. 81. Section 85B.9, subsection 2, Code 2007, is  
55 28 amended to read as follows:

55 29 2. Audiometric examinations shall be administered by  
55 30 persons who are certified by the council for accreditation in  
55 31 occupational hearing conservation or by persons licensed as  
55 32 audiologists under chapter ~~147~~ 154F, or as physicians or  
55 33 ~~osteopathic physicians and surgeons~~ under chapter 148, ~~as~~  
55 34 ~~osteopathic physicians under chapter 150, or as osteopathic~~  
55 35 ~~physicians and surgeons under chapter 150A~~, provided the  
56 1 licensed persons are trained in audiometry.

56 2 Sec. 82. Section 124.555, subsection 1, Code Supplement  
56 3 2007, is amended to read as follows:

56 4 1. The council shall consist of eight members appointed by  
56 5 the governor. The members shall include three licensed  
56 6 pharmacists, four physicians licensed under chapter 148, ~~150,~~  
56 7 ~~or 150A~~, and one licensed prescribing practitioner who is not  
56 8 a physician. The governor shall solicit recommendations for  
56 9 council members from Iowa health professional licensing  
56 10 boards, associations, and societies. The license of each  
56 11 member appointed to and serving on the advisory council shall  
56 12 be current and in good standing with the professional's  
56 13 licensing board.

56 14 Sec. 83. Section 135.11, subsection 15, Code Supplement  
56 15 2007, is amended to read as follows:

56 16 15. Establish standards for, issue permits for, and  
56 17 exercise control over the distribution of venereal disease  
56 18 prophylactics distributed by methods not under the direct  
56 19 supervision of a physician licensed under chapter 148, ~~150, or~~  
56 20 ~~150A~~, or a pharmacist licensed under chapter 147. Any person  
56 21 selling, offering for sale, or giving away any venereal  
56 22 disease prophylactics in violation of the standards  
56 23 established by the department shall be fined not exceeding  
56 24 five hundred dollars, and the department shall revoke their  
56 25 permit.

56 26 Sec. 84. Section 135.24, subsection 2, paragraph d, Code  
56 27 Supplement 2007, is amended to read as follows:

56 28 d. Identification of the services to be provided under the  
56 29 program. The services provided may include, but shall not be  
56 30 limited to, obstetrical and gynecological medical services,  
56 31 psychiatric services provided by a physician licensed under  
56 32 chapter 148, ~~150, or 150A~~, dental services provided under  
56 33 chapter 153, or other services provided under chapter 147A,  
56 34 148A, 148B, 148C, 149, 151, 152, 152B, 152E, 154, 154B, 154C,  
56 35 154D, 154F, or 155A.

57 1 Sec. 85. Section 135.24, subsection 6, paragraph d, Code  
57 2 Supplement 2007, is amended to read as follows:

57 3 d. "Health care provider" means a physician licensed under  
57 4 chapter 148, ~~150, or 150A~~, a chiropractor licensed under  
57 5 chapter 151, a physical therapist licensed pursuant to chapter  
57 6 148A, an occupational therapist licensed pursuant to chapter  
57 7 148B, a podiatrist licensed pursuant to chapter 149, a  
57 8 physician assistant licensed and practicing under a  
57 9 supervising physician pursuant to chapter 148C, a licensed  
57 10 practical nurse, a registered nurse, or an advanced registered  
57 11 nurse practitioner licensed pursuant to chapter 152 or 152E, a  
57 12 respiratory therapist licensed pursuant to chapter 152B, a  
57 13 dentist, dental hygienist, or dental assistant registered or  
57 14 licensed to practice under chapter 153, an optometrist  
57 15 licensed pursuant to chapter 154, a psychologist licensed  
57 16 pursuant to chapter 154B, a social worker licensed pursuant to  
57 17 chapter 154C, a mental health counselor or a marital and  
57 18 family therapist licensed pursuant to chapter 154D, a  
57 19 pharmacist licensed pursuant to chapter 155A, or an emergency  
57 20 medical care provider certified pursuant to chapter 147A.

57 21 Sec. 86. Section 135.61, subsection 10, Code 2007, is  
57 22 amended to read as follows:

57 23 10. "Health care provider" means a person licensed or  
57 24 certified under chapter 147, 148, 148A, 148C, 149, ~~150, 150A,~~  
57 25 151, 152, 153, 154, 154B, 154F, or 155A to provide in this  
57 26 state professional health care service to an individual during  
57 27 that individual's medical care, treatment or confinement.

57 28 Sec. 87. Section 135.105D, subsection 1, paragraph c, Code  
57 29 Supplement 2007, is amended to read as follows:

57 30 c. "Health care provider" means a physician who is  
57 31 licensed under chapter 148, ~~150, or 150A~~, or a person who is  
57 32 licensed as a physician assistant under chapter 148C or as an  
57 33 advanced registered nurse practitioner.

57 34 Sec. 88. Section 135B.7, unnumbered paragraph 2, Code  
57 35 2007, is amended to read as follows:

58 1 The rules shall state that a hospital shall not deny  
58 2 clinical privileges to physicians and surgeons, podiatric

58 3 physicians, ~~osteopaths~~, osteopathic physicians and surgeons,  
58 4 dentists, certified health service providers in psychology,  
58 5 physician assistants, or advanced registered nurse  
58 6 practitioners licensed under chapter 148, 148C, 149, ~~150-~~  
~~58 7 150A~~, 152, or 153, or section 154B.7, solely by reason of the  
58 8 license held by the practitioner or solely by reason of the  
58 9 school or institution in which the practitioner received  
58 10 medical schooling or postgraduate training if the medical  
58 11 schooling or postgraduate training was accredited by an  
58 12 organization recognized by the council on postsecondary  
58 13 accreditation or an accrediting group recognized by the United  
58 14 States department of education. A hospital may establish  
58 15 procedures for interaction between a patient and a  
58 16 practitioner. The rules shall not prohibit a hospital from  
58 17 limiting, restricting, or revoking clinical privileges of a  
58 18 practitioner for violation of hospital rules, regulations, or  
58 19 procedures established under this paragraph, when applied in  
58 20 good faith and in a nondiscriminatory manner. This paragraph  
58 21 shall not require a hospital to expand the hospital's current  
58 22 scope of service delivery solely to offer the services of a  
58 23 class of providers not currently providing services at the  
58 24 hospital. This section shall not be construed to require a  
58 25 hospital to establish rules which are inconsistent with the  
58 26 scope of practice established for licensure of practitioners  
58 27 to whom this paragraph applies. This section shall not be  
58 28 construed to authorize the denial of clinical privileges to a  
58 29 practitioner or class of practitioners solely because a  
58 30 hospital has as employees of the hospital identically licensed  
58 31 practitioners providing the same or similar services.

58 32 Sec. 89. Section 135C.40, subsection 3, Code 2007, is  
58 33 amended to read as follows:

58 34 3. No health care facility shall be cited for any  
58 35 violation caused by any practitioner licensed pursuant to  
59 1 chapter 148, ~~150 or 150A~~ if that practitioner is not the  
59 2 licensee of and is not otherwise financially interested in the  
59 3 facility, and the licensee or the facility presents evidence  
59 4 that reasonable care and diligence have been exercised in  
59 5 notifying the practitioner of the practitioner's duty to the  
59 6 patients in the facility.

59 7 Sec. 90. Section 135H.1, subsection 7, Code 2007, is  
59 8 amended to read as follows:

59 9 7. "Physician" means a person licensed under chapter 148  
59 10 ~~or 150A~~.

59 11 Sec. 91. Section 135J.1, subsection 6, paragraph a, Code  
59 12 2007, is amended to read as follows:

59 13 a. A licensed physician pursuant to chapter 148, ~~150, or~~  
~~59 14 150A~~.

59 15 Sec. 92. Section 141A.1, subsection 8, Code Supplement  
59 16 2007, is amended to read as follows:

59 17 8. "Health care provider" means a person licensed to  
59 18 practice medicine and surgery, osteopathic medicine and  
59 19 surgery, ~~osteopathy~~, chiropractic, podiatry, nursing,  
59 20 dentistry, or optometry, or as a physician assistant, dental  
59 21 hygienist, or acupuncturist.

59 22 Sec. 93. Section 142C.7, Code Supplement 2007, is amended  
59 23 to read as follows:

59 24 142C.7 CONFIDENTIAL INFORMATION.

59 25 A hospital, licensed or certified health care professional  
59 26 pursuant to chapter 148, 148C, ~~150A~~, or 152, or medical  
59 27 examiner may release patient information to a procurement  
59 28 organization as part of a referral or retrospective review of  
59 29 the patient as a potential donor. Any information regarding a  
59 30 patient, including the patient's identity, however,  
59 31 constitutes confidential medical information and under any  
59 32 other circumstances is prohibited from disclosure without the  
59 33 written consent of the patient or the patient's legal  
59 34 representative.

59 35 Sec. 94. Section 144.29A, subsection 7, Code 2007, is  
60 1 amended to read as follows:

60 2 7. For the purposes of this section, "health care  
60 3 provider" means an individual licensed under chapter 148,  
60 4 148C, 148D, ~~150, 150A~~, or 152, or any individual who provides  
60 5 medical services under the authorization of the licensee.

60 6 Sec. 95. Section 147.106, subsection 8, paragraph b, Code  
60 7 2007, is amended to read as follows:

60 8 b. "Physician" means any person licensed to practice  
60 9 medicine and surgery, ~~or~~ osteopathic medicine and surgery, ~~or~~  
~~60 10 osteopathy~~ in this state or in another state.

60 11 Sec. 96. Section 147.108, subsections 1 and 2, Code  
60 12 Supplement 2007, are amended to read as follows:

60 13 1. A person shall not dispense or adapt contact lenses

60 14 without first receiving authorization to do so by a written,  
60 15 electronic, or facsimile prescription, except when authorized  
60 16 orally under subsection 2, from a person licensed under  
60 17 chapter 148, ~~150, 150A~~, or 154. The board of optometry shall  
60 18 adopt rules relating to electronic or facsimile transmission  
60 19 of a prescription under this section.

60 20 2. After contact lenses have been adequately adapted and  
60 21 the patient released from initial follow-up care by a person  
60 22 licensed under chapter 148, ~~150, 150A~~, or 154, the patient may  
60 23 request a copy, at no cost, of the contact lens prescription  
60 24 from that licensed person. A person licensed under chapter  
60 25 ~~148, 150, 150A~~, or 154 shall not withhold a contact lens  
60 26 prescription after the requirements of this section have been  
60 27 met. The prescription, at the option of the prescriber, may  
60 28 be given orally only to a person who is actively practicing  
60 29 and licensed under chapter 148, ~~150, 150A~~, 154, or 155A. The  
60 30 contact lens prescription shall contain an expiration date, at  
60 31 the discretion of the prescriber, but not to exceed eighteen  
60 32 months. The contact lens prescription shall contain the  
60 33 necessary requirements of the ophthalmic lens, and the  
60 34 prescription validation requirements as defined by rules  
60 35 adopted pursuant to this section. The prescription may  
61 1 contain adapting and material guidelines and may also contain  
61 2 specific instructions for use by the patient. For the purpose  
61 3 of this section, "ophthalmic lens" means one which has been  
61 4 fabricated to fill the requirements of a particular contact  
61 5 lens prescription.

61 6 Sec. 97. Section 147.109, subsections 1, 2, and 3, Code  
61 7 Supplement 2007, are amended to read as follows:

61 8 1. A person shall not dispense or adapt an ophthalmic  
61 9 spectacle lens or lenses without first receiving authorization  
61 10 to do so by a written, electronic, or facsimile prescription  
61 11 from a person licensed under chapter 148, ~~150, 150A~~, or 154.  
61 12 For the purpose of this section, "ophthalmic spectacle lens"  
61 13 means one which has been fabricated to fill the requirements  
61 14 of a particular spectacle lens prescription. The board of  
61 15 optometry shall adopt rules relating to electronic or  
61 16 facsimile transmission of a prescription under this section.

61 17 2. Upon completion of an eye examination, a person  
61 18 licensed under chapter 148, ~~150, 150A~~, or 154 shall furnish  
61 19 the patient a copy of their ophthalmic spectacle lens  
61 20 prescription at no cost. The ophthalmic spectacle lens  
61 21 prescription shall contain an expiration date. The ophthalmic  
61 22 spectacle lens prescription shall contain the requirements of  
61 23 the ophthalmic spectacle lens and the prescription validation  
61 24 requirements as defined by rules adopted pursuant to this  
61 25 section. The prescription, at the option of the prescriber,  
61 26 may contain adapting and material guidelines and may also  
61 27 contain specific instructions for use by the patient.

61 28 3. Upon request of a patient, a person licensed under  
61 29 chapter 148, ~~150, 150A~~, or 154 shall provide the prescription  
61 30 of the patient, if the prescription has not expired, at no  
61 31 cost to another person licensed under chapter 148, ~~150, 150A~~,  
61 32 or 154. The person licensed under chapter 148, ~~150, 150A~~, or  
61 33 154 shall accept the prescription and shall not require the  
61 34 patient to undergo an eye examination unless, due to  
61 35 observation or patient history, the licensee has reason to  
62 1 require an examination.

62 2 Sec. 98. Section 147.139, Code 2007, is amended to read as  
62 3 follows:

62 4 147.139 EXPERT WITNESS STANDARDS.

62 5 If the standard of care given by a physician and surgeon or  
62 6 ~~an osteopathic physician and surgeon~~ licensed pursuant to  
62 7 ~~chapter 148, or osteopathic physician and surgeon licensed~~  
62 8 ~~pursuant to chapter 150A~~, or a dentist licensed pursuant to  
62 9 chapter 153, is at issue, the court shall only allow a person  
62 10 to qualify as an expert witness and to testify on the issue of  
62 11 the appropriate standard of care if the person's medical or  
62 12 dental qualifications relate directly to the medical problem  
62 13 or problems at issue and the type of treatment administered in  
62 14 the case.

62 15 Sec. 99. Section 147A.1, subsection 9, Code 2007, is  
62 16 amended to read as follows:

62 17 9. "Physician" means an individual licensed under chapter  
62 18 ~~148, 150, or 150A~~.

62 19 Sec. 100. Section 148A.3, subsections 1 and 4, Code 2007,  
62 20 are amended to read as follows:

62 21 1. Licensed physicians and surgeons, ~~osteopaths,~~  
62 22 osteopathic physicians and surgeons, podiatric physicians,  
62 23 chiropractors, nurses, dentists, cosmetologists, and barbers,  
62 24 who are engaged in the practice of their respective

62 25 professions.

62 26 4. Nonprofessional workers not held out as physical  
62 27 therapists who are employed in hospitals, clinics, offices or  
62 28 health care facilities as defined in section 135C.1 working  
62 29 under the supervision and direction of a physical therapist or  
62 30 physician licensed pursuant to chapter 148, ~~150 or 150A.~~

62 31 Sec. 101. Section 152.1, subsection 3, Code Supplement  
62 32 2007, is amended to read as follows:

62 33 3. "Physician" means a person licensed in this state to  
62 34 practice medicine and surgery, ~~osteopathy~~ osteopathic medicine  
62 35 and surgery, ~~or osteopathy,~~ or a person licensed in this state  
63 1 to practice dentistry or podiatry when acting within the scope  
63 2 of the license. A physician licensed to practice medicine and  
63 3 surgery, or osteopathic medicine and surgery, ~~or osteopathy~~ in  
63 4 a state bordering this state shall be considered a physician  
63 5 for purposes of this chapter unless previously determined to  
63 6 be ineligible for such consideration by the board of medicine.

63 7 Sec. 102. Section 152.1, subsection 5, paragraph a, Code  
63 8 Supplement 2007, is amended to read as follows:

63 9 a. The practice of medicine and surgery and the practice  
63 10 of osteopathic medicine and surgery, as defined in chapter  
63 11 148, ~~the osteopathic practice, as defined in chapter 150, the~~  
63 12 ~~practice of osteopathic medicine and surgery, as defined in~~  
63 13 ~~chapter 150A, or the practice of pharmacy as defined in~~  
63 14 chapter 155A, except practices which are recognized by the  
63 15 medical and nursing professions and approved by the board as  
63 16 proper to be performed by a registered nurse.

63 17 Sec. 103. Section 152.8, unnumbered paragraph 1, Code  
63 18 2007, is amended to read as follows:

63 19 Notwithstanding the provisions of sections 147.44 through  
63 20 ~~147.54 147.50, and 147.53,~~ the following shall apply regarding  
63 21 applicants for nurse licensure possessing a license from  
63 22 another state:

63 23 Sec. 104. Section 152.10, subsection 1, Code 2007, is  
63 24 amended to read as follows:

63 25 1. Notwithstanding sections 147.87 to 147.89 ~~and in~~  
63 26 ~~addition to the provisions of sections 147.58 to 147.71,~~ the  
63 27 board may restrict, suspend, or revoke a license to practice  
63 28 nursing or place the licensee on probation. The board may  
63 29 also prescribe by rule conditions of license reinstatement.  
63 30 The board shall prescribe rules of procedure by which to  
63 31 restrict, suspend, or revoke a license. These procedures  
63 32 shall conform to the provisions of chapter 17A.

63 33 Sec. 105. Section 152.12, Code 2007, is amended to read as  
63 34 follows:

63 35 152.12 EXAMINATION INFORMATION.

64 1 Notwithstanding section 147.21, ~~subsection 3,~~ individual  
64 2 pass or fail examination results made available from the  
64 3 authorized national testing agency may be disclosed to the  
64 4 appropriate licensing authority in another state, the District  
64 5 of Columbia, or a territory or county, and the board-approved  
64 6 education program, for purposes of verifying accuracy of  
64 7 national data and determining program approval.

64 8 Sec. 106. Section 154.1, subsections 3 and 4, Code  
64 9 Supplement 2007, are amended to read as follows:

64 10 3. Diagnostically certified licensed optometrists may  
64 11 employ cycloplegics, mydriatics, and topical anesthetics as  
64 12 diagnostic agents topically applied to determine the condition  
64 13 of the human eye for proper optometric practice or referral  
64 14 for treatment to a person licensed under chapter 148, ~~150, or~~  
64 15 ~~150A.~~ A diagnostically certified licensed optometrist is an  
64 16 optometrist who is licensed to practice optometry in this  
64 17 state and who is certified by the board to use diagnostic  
64 18 agents.

64 19 4. Therapeutically certified optometrists may employ all  
64 20 diagnostic and therapeutic pharmaceutical agents for the  
64 21 purpose of diagnosis and treatment of conditions of the human  
64 22 eye and adnexa pursuant to this subsection, excluding the use  
64 23 of injections other than to counteract an anaphylactic  
64 24 reaction, and notwithstanding section 147.107, may without  
64 25 charge supply any of the above pharmaceuticals to commence a  
64 26 course of therapy. Therapeutically certified optometrists may  
64 27 prescribe oral steroids for a period not to exceed fourteen  
64 28 days without consultation with a physician. Therapeutically  
64 29 certified optometrists shall not prescribe oral Imuran or oral  
64 30 Methotrexate. Therapeutically certified optometrists may be  
64 31 authorized, where reasonable and appropriate, by rule of the  
64 32 board, to employ new diagnostic and therapeutic pharmaceutical  
64 33 agents approved by the United States food and drug  
64 34 administration on or after July 1, 2002, for the diagnosis and  
64 35 treatment of the human eye and adnexa. The board shall not be

65 1 required to adopt rules relating to topical pharmaceutical  
65 2 agents, oral antimicrobial agents, oral antihistamines, oral  
65 3 antiglaucoma agents, and oral analgesic agents. Superficial  
65 4 foreign bodies may be removed from the human eye and adnexa.  
65 5 The therapeutic efforts of a therapeutically certified  
65 6 optometrist are intended for the purpose of examination,  
65 7 diagnosis, and treatment of visual defects, abnormal  
65 8 conditions, and diseases of the human eye and adnexa, for  
65 9 proper optometric practice or referral for consultation or  
65 10 treatment to persons licensed under chapter 148, 150, or 150A.  
65 11 A therapeutically certified optometrist is an optometrist who  
65 12 is licensed to practice optometry in this state and who is  
65 13 certified by the board to use the agents and procedures  
65 14 authorized pursuant to this subsection.

65 15 Sec. 107. Section 154.10, Code Supplement 2007, is amended  
65 16 to read as follows:

65 17 154.10 STANDARD OF CARE.

65 18 1. A diagnostically certified licensed optometrist  
65 19 employing diagnostic pharmaceutical agents as authorized by  
65 20 section 154.1 shall be held to the same standard of care in  
65 21 the use of such agents and in diagnosis as is common to  
65 22 persons licensed under chapter 148, 150, or 150A in this  
65 23 state.

65 24 2. A therapeutically certified optometrist employing  
65 25 pharmaceutical agents as authorized by section 154.1 shall be  
65 26 held to the same standard of care in the use of such agents  
65 27 and in diagnosis and treatment as is common to persons  
65 28 licensed under chapter 148, 150, or 150A in this state.

65 29 Sec. 108. Section 154B.2, Code 2007, is amended to read as  
65 30 follows:

65 31 154B.2 PRACTICE NOT AUTHORIZED.

65 32 This chapter shall not authorize the practice of medicine  
65 33 and surgery or the practice of osteopathic medicine and  
~~65 34 surgery by any person not licensed pursuant to chapter 148-~~  
~~65 35 the practice of osteopathy by any person not licensed pursuant~~  
~~66 1 to chapter 150, or the practice of osteopathic medicine and~~  
~~66 2 surgery by any person not licensed pursuant to chapter 150A.~~

66 3 Sec. 109. Section 155.11, Code 2007, is amended to read as  
66 4 follows:

66 5 155.11 RECIPROCITY WITH OTHER STATES.

66 6 The board may issue a nursing home administrator's license,  
66 7 without examination, to any person who holds a current license  
66 8 as a nursing home administrator from another jurisdiction if  
66 9 reciprocal agreements are entered into with another  
66 10 jurisdiction under sections ~~147.45 through 147.54~~ 147.44,  
66 11 ~~147.48, 147.49, and 147.53.~~

66 12 Sec. 110. Section 156.9, subsection 1, Code Supplement  
66 13 2007, is amended to read as follows:

66 14 1. Notwithstanding section 147.87 ~~and in addition to the~~  
~~66 15 provisions of sections 147.58 through 147.71,~~ the board may  
66 16 restrict, suspend, or revoke a license to practice mortuary  
66 17 science or place a licensee on probation. The board shall  
66 18 adopt rules of procedure pursuant to chapter 17A by which to  
66 19 restrict, suspend, or revoke a license. The board may also  
66 20 adopt rules pursuant to chapter 17A relating to conditions of  
66 21 license reinstatement.

66 22 Sec. 111. Section 157.13, subsection 1, paragraph b, Code  
66 23 2007, is amended to read as follows:

66 24 b. Notwithstanding section 157.12, when the licensee is  
66 25 employed by a physician and provides cosmetology services at  
66 26 the place of practice of a physician and is under the  
66 27 supervision of a physician licensed to practice pursuant to  
66 28 chapter 148, 150, or 150A.

66 29 Sec. 112. Section 229.1, subsection 8, Code 2007, is  
66 30 amended to read as follows:

66 31 8. "Licensed physician" means an individual licensed under  
66 32 the provisions of chapter 148, 150, or 150A to practice  
66 33 medicine and surgery, ~~osteopathy,~~ or osteopathic medicine and  
66 34 surgery.

66 35 Sec. 113. Section 232.68, subsection 3, paragraph c, Code  
67 1 2007, is amended to read as follows:

67 2 c. "Physical examination" means direct physical viewing,  
67 3 touching, and medically necessary manipulation of any area of  
67 4 the child's body by a physician licensed under chapter 148 ~~or~~  
~~67 5 150A.~~

67 6 Sec. 114. Section 232.68, subsection 5, Code 2007, is  
67 7 amended to read as follows:

67 8 5. "Health practitioner" includes a licensed physician and  
67 9 surgeon, ~~osteopath,~~ osteopathic physician and surgeon,  
67 10 dentist, optometrist, podiatric physician, or chiropractor; a  
67 11 resident or intern in any of such professions; a licensed

67 12 dental hygienist, a registered nurse or licensed practical  
67 13 nurse; a physician assistant; and an emergency medical care  
67 14 provider certified under section 147A.6.

67 15 Sec. 115. Section 232.68, subsection 6, paragraph a, Code  
67 16 2007, is amended to read as follows:

67 17 a. Holds at least a master's degree in a mental health  
67 18 field, including, but not limited to, psychology, counseling,  
67 19 nursing, or social work; or is licensed to practice medicine  
67 20 pursuant to chapter 148, ~~150, or 150A.~~

67 21 Sec. 116. Section 272C.5, subsection 2, paragraph c, Code  
67 22 Supplement 2007, is amended to read as follows:

67 23 c. Shall state whether the procedures are an alternative  
67 24 to or an addition to the procedures stated in sections ~~147.58~~  
~~67 25 through 147.71,~~ 148.6 through 148.9, 152.10, 152.11, 153.33,  
67 26 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and 544B.16.

67 27 Sec. 117. Section 280.16, subsection 1, paragraph b, Code  
67 28 2007, is amended to read as follows:

67 29 b. "Physician" means a person licensed under chapter 148,  
67 30 ~~150, or 150A,~~ or a physician's assistant, advanced registered  
67 31 nurse practitioner, or other person licensed or registered to  
67 32 distribute or dispense a prescription drug or device in the  
67 33 course of professional practice in this state in accordance  
67 34 with section 147.107, or a person licensed by another state in  
67 35 a health field in which, under Iowa law, licensees in this  
68 1 state may legally prescribe drugs.

68 2 Sec. 118. Section 321.34, subsection 14, Code Supplement  
68 3 2007, is amended to read as follows:

68 4 14. PERSONS WITH DISABILITIES SPECIAL PLATES. An owner  
68 5 referred to in subsection 12 or an owner of a trailer used to  
68 6 transport a wheelchair who is a person with a disability, or  
68 7 who is the parent or guardian of a child who resides with the  
68 8 parent or guardian owner and who is a person with a  
68 9 disability, as defined in section 321L.1, may, upon written  
68 10 application to the department, order special registration  
68 11 plates with a persons with disabilities processed emblem  
68 12 designed by the department bearing the international symbol of  
68 13 accessibility. The special registration plates with a persons  
68 14 with disabilities processed emblem shall only be issued if the  
68 15 application is accompanied with a statement from a physician  
68 16 licensed under chapter 148, or 149, ~~150, or 150A,~~ a physician  
68 17 assistant licensed under chapter 148C, an advanced registered  
68 18 nurse practitioner licensed under chapter 152, or a  
68 19 chiropractor licensed under chapter 151, written on the  
68 20 physician's, physician assistant's, nurse practitioner's, or  
68 21 chiropractor's stationery, stating the nature of the  
68 22 applicant's or the applicant's child's disability and such  
68 23 additional information as required by rules adopted by the  
68 24 department, including proof of residency of a child who is a  
68 25 person with a disability. If the application is approved by  
68 26 the department, the special registration plates with a persons  
68 27 with disabilities processed emblem shall be issued to the  
68 28 applicant. There shall be no fee in addition to the regular  
68 29 annual registration fee for the special registration plates  
68 30 with a persons with disabilities processed emblem. The  
68 31 authorization for special registration plates with a persons  
68 32 with disabilities processed emblem shall not be renewed  
68 33 without the applicant furnishing evidence to the department  
68 34 that the owner of the vehicle or the owner's child is still a  
68 35 person with a disability as defined in section 321L.1. An

69 1 owner who has a child who is a person with a disability shall  
69 2 provide satisfactory evidence to the department that the child  
69 3 with a disability continues to reside with the owner. The  
69 4 registration plates with a persons with disabilities processed  
69 5 emblem shall be surrendered in exchange for regular  
69 6 registration plates as provided in subsection 12 when the  
69 7 owner of the vehicle or the owner's child no longer qualifies  
69 8 as a person with a disability as defined in section 321L.1 or  
69 9 when the owner's child who is a person with a disability no  
69 10 longer resides with the owner.

69 11 Sec. 119. Section 321.186, Code 2007, is amended to read  
69 12 as follows:

69 13 321.186 EXAMINATION OF NEW OR INCOMPETENT OPERATORS.  
69 14 1. The department may examine every new applicant for a  
69 15 driver's license or any person holding a valid driver's  
69 16 license when the department has reason to believe that the  
69 17 person may be physically or mentally incompetent to operate a  
69 18 motor vehicle, or whose driving record appears to the  
69 19 department to justify the examination. The department shall  
69 20 make every effort to accommodate a functionally illiterate  
69 21 applicant when the applicant is taking a knowledge test. The  
69 22 department shall make every effort to have an examiner conduct

69 23 the commercial driver's license driving skills tests at other  
69 24 locations in this state where skills may be adequately tested  
69 25 when requested by a person representing ten or more drivers  
69 26 requiring driving skills testing.

69 27 2. The department shall make every effort to accommodate a  
69 28 commercial driver's license applicant's need to arrange an  
69 29 appointment for a driving skills test at an established test  
69 30 site other than where the applicant passed the required  
69 31 knowledge test. The department shall report to the governor  
69 32 and the general assembly on any problems, extraordinary costs  
69 33 and recommendations regarding the appointment scheduling  
69 34 process.

69 35 3. The examination shall include a screening of the  
70 1 applicant's eyesight, a test of the applicant's ability to  
70 2 read and understand highway signs regulating, warning, and  
70 3 directing traffic, a test of the applicant's knowledge of the  
70 4 traffic laws of this state, an actual demonstration of ability  
70 5 to exercise ordinary and reasonable control in the operation  
70 6 of a motor vehicle and other physical and mental examinations  
70 7 as the department finds necessary to determine the applicant's  
70 8 fitness to operate a motor vehicle safely upon the highways.  
70 9 However, an applicant for a new driver's license other than a  
70 10 commercial driver's license need not pass a vision test  
70 11 administered by the department if the applicant files with the  
70 12 department a vision report in accordance with section 321.186A  
70 13 which shows that the applicant's visual acuity level meets or  
70 14 exceeds those required by the department.

70 15 4. A physician licensed under chapter 148, ~~150, or 150A,~~  
70 16 or an optometrist licensed under chapter 154, may report to  
70 17 the department the identity of a person who has been diagnosed  
70 18 as having a physical or mental condition which would render  
70 19 the person physically or mentally incompetent to operate a  
70 20 motor vehicle in a safe manner. The physician or optometrist  
70 21 shall make reasonable efforts to notify the person who is the  
70 22 subject of the report, in writing. The written notification  
70 23 shall state the nature of the disclosure and the reason for  
70 24 the disclosure. A physician or optometrist making a report  
70 25 under this section shall be immune from any liability, civil  
70 26 or criminal, which might otherwise be incurred or imposed as a  
70 27 result of the report. A physician or optometrist has no duty  
70 28 to make a report or to warn third parties with regard to any  
70 29 knowledge concerning a person's mental or physical competency  
70 30 to operate a motor vehicle in a safe manner. Any report  
70 31 received by the department from a physician or optometrist  
70 32 under this section shall be kept confidential. Information  
70 33 regulated by chapter 141A shall be subject to the  
70 34 confidentiality provisions and remedies of that chapter.

70 35 Sec. 120. Section 321.186A, subsection 4, Code 2007, is  
71 1 amended to read as follows:

71 2 4. As used in this section, a "licensed vision specialist"  
71 3 means a physician licensed under chapter 148, ~~150, or 150A,~~ or  
71 4 an optometrist licensed under chapter 154.

71 5 Sec. 121. Section 321.375, subsection 1, paragraph d, Code  
71 6 2007, is amended to read as follows:

71 7 d. Possess a current certificate of qualification for  
71 8 operation of a commercial motor vehicle issued by a physician  
71 9 licensed pursuant to chapter 148 ~~or 150A,~~ physician's  
71 10 assistant, advanced registered nurse practitioner, or  
71 11 chiropractor or any other person identified by federal and  
71 12 state law as authorized to perform physical examinations.

71 13 Sec. 122. Section 321.445, subsection 2, paragraph e, Code  
71 14 2007, is amended to read as follows:

71 15 e. A person possessing a written certification from a  
71 16 health care provider licensed under chapter 148, ~~150, 150A,~~ or  
71 17 151 on a form provided by the department that the person is  
71 18 unable to wear a safety belt or safety harness due to physical  
71 19 or medical reasons. The certification shall specify the time  
71 20 period for which the exemption applies. The time period shall  
71 21 not exceed twelve months, at which time a new certification  
71 22 may be issued unless the certifying health care provider is  
71 23 from a United States military facility, in which case the  
71 24 certificate may specify a longer period of time or a permanent  
71 25 exemption.

71 26 Sec. 123. Section 321.446, subsection 3, Code 2007, is  
71 27 amended to read as follows:

71 28 3. This section does not apply to peace officers acting on  
71 29 official duty. This section also does not apply to the  
71 30 transportation of children in 1965 model year or older  
71 31 vehicles, authorized emergency vehicles, buses, or motor  
71 32 homes, except when a child is transported in a motor home's  
71 33 passenger seat situated directly to the driver's right. This

71 34 section does not apply to the transportation of a child who  
71 35 has been certified by a physician licensed under chapter 148-  
72 1 ~~150, or 150A~~ as having a medical, physical, or mental  
72 2 condition that prevents or makes inadvisable securing the  
72 3 child in a child restraint system, safety belt, or safety  
72 4 harness.

72 5 Sec. 124. Section 321L.2, subsection 1, paragraph a,  
72 6 unnumbered paragraph 1, Code 2007, is amended to read as  
72 7 follows:

72 8 A resident of the state with a disability desiring a  
72 9 persons with disabilities parking permit shall apply to the  
72 10 department upon an application form furnished by the  
72 11 department providing the applicant's full legal name, address,  
72 12 date of birth, and social security number or Iowa driver's  
72 13 license number or Iowa nonoperator's identification card  
72 14 number, and shall also provide a statement from a physician  
72 15 licensed under chapter 148- ~~or 149, 150, or 150A~~, a physician  
72 16 assistant licensed under chapter 148C, an advanced registered  
72 17 nurse practitioner licensed under chapter 152, or a  
72 18 chiropractor licensed under chapter 151, or a physician,  
72 19 physician assistant, nurse practitioner, or chiropractor  
72 20 licensed to practice in a contiguous state, written on the  
72 21 physician's, physician assistant's, nurse practitioner's, or  
72 22 chiropractor's stationery, stating the nature of the  
72 23 applicant's disability and such additional information as  
72 24 required by rules adopted by the department under section  
72 25 321L.8. If the person is applying for a temporary persons  
72 26 with disabilities parking permit, the physician's, physician  
72 27 assistant's, nurse practitioner's, or chiropractor's statement  
72 28 shall state the period of time during which the person is  
72 29 expected to be disabled and the period of time for which the  
72 30 permit should be issued, not to exceed six months.

72 31 Sec. 125. Section 509.3, subsections 5 and 6, Code 2007,  
72 32 are amended to read as follows:

72 33 5. A provision shall be made available to policyholders,  
72 34 under group policies covering vision care services or  
72 35 procedures, for payment of necessary medical or surgical care  
73 1 and treatment provided by an optometrist licensed under  
73 2 chapter 154 if the care and treatment are provided within the  
73 3 scope of the optometrist's license and if the policy would pay  
73 4 for the care and treatment if the care and treatment were  
73 5 provided by a person engaged in the practice of medicine or  
73 6 surgery or osteopathic medicine and surgery as licensed under  
73 7 chapter 148 ~~or 150A~~. The policy shall provide that the  
73 8 policyholder may reject the coverage or provision if the  
73 9 coverage or provision for services which may be provided by an  
73 10 optometrist is rejected for all providers of similar vision  
73 11 care services as licensed under chapter 148-~~150A~~, or 154.  
73 12 This subsection applies to group policies delivered or issued  
73 13 for delivery after July 1, 1983, and to existing group  
73 14 policies on their next anniversary or renewal date, or upon  
73 15 expiration of the applicable collective bargaining contract,  
73 16 if any, whichever is later. This subsection does not apply to  
73 17 blanket, short-term travel, accident-only, limited or  
73 18 specified disease, or individual or group conversion policies,  
73 19 or policies designed only for issuance to persons for coverage  
73 20 under Title XVIII of the Social Security Act, or any other  
73 21 similar coverage under a state or federal government plan.

73 22 6. A provision shall be made available to policyholders  
73 23 under group policies covering diagnosis and treatment of human  
73 24 ailments for payment or reimbursement for necessary diagnosis  
73 25 or treatment provided by a chiropractor licensed under chapter  
73 26 151, if the diagnosis or treatment is provided within the  
73 27 scope of the chiropractor's license and if the policy would  
73 28 pay or reimburse for the diagnosis or treatment by a person  
73 29 licensed under chapter 148-~~150, or 150A~~ of the human ailment,  
73 30 irrespective of and disregarding variances in terminology  
73 31 employed by the various licensed professions in describing the  
73 32 human ailment or its diagnosis or its treatment. The policy  
73 33 shall provide that the policyholder may reject the coverage or  
73 34 provision if the coverage or provision for diagnosis or  
73 35 treatment of a human ailment by a chiropractor is rejected for  
74 1 all providers of diagnosis or treatment for similar human  
74 2 ailments licensed under chapter 148-~~150, 150A~~, or 151. A  
74 3 policy of group health insurance may limit or make optional  
74 4 the payment or reimbursement for lawful diagnostic or  
74 5 treatment service by all licensees under chapters 148-~~150~~,  
74 6 ~~150A~~, and 151 on any rational basis which is not solely  
74 7 related to the license under or the practices authorized by  
74 8 chapter 151 or is not dependent upon a method of  
74 9 classification, categorization, or description based directly

74 10 or indirectly upon differences in terminology used by  
74 11 different licensees in describing human ailments or their  
74 12 diagnosis or treatment. This subsection applies to group  
74 13 policies delivered or issued for delivery after July 1, 1986,  
74 14 and to existing group policies on their next anniversary or  
74 15 renewal date, or upon expiration of the applicable collective  
74 16 bargaining contract, if any, whichever is later. This  
74 17 subsection does not apply to blanket, short-term travel,  
74 18 accident-only, limited or specified disease, or individual or  
74 19 group conversion policies, or policies under Title XVIII of  
74 20 the Social Security Act, or any other similar coverage under a  
74 21 state or federal government plan.

74 22 Sec. 126. Section 514.7, unnumbered paragraphs 2 and 3,  
74 23 Code 2007, are amended to read as follows:

74 24 A provision shall be available in approved contracts with  
74 25 hospital and medical service corporate subscribers under group  
74 26 subscriber contracts or plans covering vision care services or  
74 27 procedures, for payment of necessary medical or surgical care  
74 28 and treatment provided by an optometrist licensed under  
74 29 chapter 154, if the care and treatment are provided within the  
74 30 scope of the optometrist's license and if the subscriber  
74 31 contract would pay for the care and treatment if it were  
74 32 provided by a person engaged in the practice of medicine or  
74 33 surgery as licensed under chapter 148 ~~or 150A~~. The subscriber  
74 34 contract shall also provide that the subscriber may reject the  
74 35 coverage or provision if the coverage or provision for  
75 1 services which may be provided by an optometrist is rejected  
75 2 for all providers of similar vision care services as licensed  
75 3 under chapter 148, ~~150A~~, or 154. This paragraph applies to  
75 4 group subscriber contracts delivered after July 1, 1983, and  
75 5 to group subscriber contracts on their anniversary or renewal  
75 6 date, or upon the expiration of the applicable collective  
75 7 bargaining contract, if any, whichever is the later. This  
75 8 paragraph does not apply to contracts designed only for  
75 9 issuance to subscribers eligible for coverage under Title  
75 10 XVIII of the Social Security Act, or any other similar  
75 11 coverage under a state or federal government plan.

75 12 A provision shall be made available in approved contracts  
75 13 with hospital and medical subscribers under group subscriber  
75 14 contracts or plans covering diagnosis and treatment of human  
75 15 ailments, for payment or reimbursement for necessary diagnosis  
75 16 or treatment provided by a chiropractor licensed under chapter  
75 17 151 if the diagnosis or treatment is provided within the scope  
75 18 of the chiropractor's license and if the subscriber contract  
75 19 would pay or reimburse for the diagnosis or treatment of the  
75 20 human ailments, irrespective of and disregarding variances in  
75 21 terminology employed by the various licensed professions in  
75 22 describing the human ailments or their diagnosis or treatment,  
75 23 if it were provided by a person licensed under chapter 148,  
~~75 24 150, or 150A~~. The subscriber contract shall also provide that  
75 25 the subscriber may reject the coverage or provision if the  
75 26 coverage or provision for diagnosis or treatment of a human  
75 27 ailment by a chiropractor is rejected for all providers of  
75 28 diagnosis or treatment for similar human ailments licensed  
75 29 under chapter 148, ~~150, 150A~~, or 151. A group subscriber  
75 30 contract may limit or make optional the payment or  
75 31 reimbursement for lawful diagnostic or treatment service by  
75 32 all licensees under chapters 148, ~~150, 150A~~, and 151 on any  
75 33 rational basis which is not solely related to the license  
75 34 under or the practices authorized by chapter 151 or is not  
75 35 dependent upon a method of classification, categorization, or  
76 1 description based upon differences in terminology used by  
76 2 different licensees in describing human ailments or their  
76 3 diagnosis or treatment. This paragraph applies to group  
76 4 subscriber contracts delivered after July 1, 1986, and to  
76 5 group subscriber contracts on their anniversary or renewal  
76 6 date, or upon the expiration of the applicable collective  
76 7 bargaining contract, if any, whichever is the later. This  
76 8 paragraph does not apply to contracts designed only for  
76 9 issuance to subscribers eligible for coverage under Title  
76 10 XVIII of the Social Security Act, or any other similar  
76 11 coverage under a state or federal government plan.

76 12 Sec. 127. Section 514.17, Code 2007, is amended to read as  
76 13 follows:

76 14 514.17 PHYSICIANS AND SURGEONS, PODIATRIC PHYSICIANS, OR  
76 15 DENTISTS == NUMBER REQUIRED.

76 16 No nonprofit medical service corporation shall be permitted  
76 17 to operate until it shall have entered into contracts with at  
76 18 least one hundred fifty physicians and surgeons licensed to  
76 19 practice medicine and surgery pursuant to chapter 148, or one  
76 20 hundred fifty dentists licensed to practice dentistry pursuant

76 21 to chapter 153, or at least one hundred fifty osteopathic  
76 22 physicians and surgeons licensed to practice ~~osteopathy or~~  
76 23 ~~osteopathy~~ osteopathic medicine and surgery pursuant to  
76 24 chapter ~~150~~ 148, or at least twenty-five podiatric physicians  
76 25 licensed to practice podiatry pursuant to chapter 149, who  
76 26 agree to furnish medical and surgical, podiatric, or dental  
76 27 service and be governed by the bylaws of the corporation.  
76 28 Sec. 128. Section 514B.1, subsection 5, paragraphs b and  
76 29 c, Code 2007, are amended to read as follows:

76 30 b. The health care services available to enrollees under  
76 31 prepaid group plans covering vision care services or  
76 32 procedures, shall include a provision for payment of necessary  
76 33 medical or surgical care and treatment provided by an  
76 34 optometrist licensed under chapter 154, if performed within  
76 35 the scope of the optometrist's license, and the plan would pay  
77 1 for the care and treatment when the care and treatment were  
77 2 provided by a person engaged in the practice of medicine or  
77 3 surgery as licensed under chapter 148 ~~or 150A~~. The plan shall  
77 4 provide that the plan enrollees may reject the coverage for  
77 5 services which may be provided by an optometrist if the  
77 6 coverage is rejected for all providers of similar vision care  
77 7 services as licensed under chapter 148, ~~150A~~, or 154. This  
77 8 paragraph applies to services provided under plans made after  
77 9 July 1, 1983, and to existing group plans on their next  
77 10 anniversary or renewal date, or upon the expiration of the  
77 11 applicable collective bargaining contract, if any, whichever  
77 12 is the later. This paragraph does not apply to enrollees  
77 13 eligible for coverage under Title XVIII of the Social Security  
77 14 Act or any other similar coverage under a state or federal  
77 15 government plan.

77 16 c. The health care services available to enrollees under  
77 17 prepaid group plans covering diagnosis and treatment of human  
77 18 ailments, shall include a provision for payment of necessary  
77 19 diagnosis or treatment provided by a chiropractor licensed  
77 20 under chapter 151 if the diagnosis or treatment is provided  
77 21 within the scope of the chiropractor's license and if the plan  
77 22 would pay or reimburse for the diagnosis or treatment of human  
77 23 ailment, irrespective of and disregarding variances in  
77 24 terminology employed by the various licensed professions in  
77 25 describing the human ailment or its diagnosis or its  
77 26 treatment, if it were provided by a person licensed under  
77 27 chapter 148, ~~150, or 150A~~. The plan shall also provide that  
77 28 the plan enrollees may reject the coverage for diagnosis or  
77 29 treatment of a human ailment by a chiropractor if the coverage  
77 30 is rejected for all providers of diagnosis or treatment for  
77 31 similar human ailments licensed under chapter 148, ~~150, 150A~~,  
77 32 or 151. A prepaid group plan of health care services may  
77 33 limit or make optional the payment or reimbursement for lawful  
77 34 diagnostic or treatment service by all licensees under  
77 35 chapters 148, ~~150, 150A~~, and 151 on any rational basis which  
78 1 is not solely related to the license under or the practices  
78 2 authorized by chapter 151 or is not dependent upon a method of  
78 3 classification, categorization, or description based upon  
78 4 differences in terminology used by different licensees in  
78 5 describing human ailments or their diagnosis or treatment.  
78 6 This paragraph applies to services provided under plans made  
78 7 after July 1, 1986, and to existing group plans on their next  
78 8 anniversary or renewal date, or upon the expiration of the  
78 9 applicable collective bargaining contract, if any, whichever  
78 10 is the later. This paragraph does not apply to enrollees  
78 11 eligible for coverage under Title XVIII of the Social Security  
78 12 Act, or any other similar coverage under a state or federal  
78 13 government plan.

78 14 Sec. 129. Section 514C.3, Code 2007, is amended to read as  
78 15 follows:

78 16 514C.3 DENTIST'S SERVICES UNDER ACCIDENT AND SICKNESS  
78 17 INSURANCE POLICIES.

78 18 A policy of accident and sickness insurance issued in this  
78 19 state which provides payment or reimbursement for any service  
78 20 which is within the lawful scope of practice of a licensed  
78 21 dentist shall provide benefits for the service whether the  
78 22 service is performed by a licensed physician or a licensed  
78 23 dentist. As used in this section, "licensed physician"  
78 24 includes persons licensed under chapter 148, ~~150, or 150A~~ and  
78 25 "policy of accident and sickness insurance" includes  
78 26 individual policies or contracts issued pursuant to chapter  
78 27 514, 514A, or 514B, and group policies as defined in section  
78 28 509B.1, subsection 3.

78 29 Sec. 130. Section 514C.11, Code 2007, is amended to read  
78 30 as follows:

78 31 514C.11 SERVICES PROVIDED BY LICENSED PHYSICIAN ASSISTANTS

78 32 AND LICENSED ADVANCED REGISTERED NURSE PRACTITIONERS.

78 33 Notwithstanding section 514C.6, a policy or contract  
78 34 providing for third-party payment or prepayment of health or  
78 35 medical expenses shall include a provision for the payment of  
79 1 necessary medical or surgical care and treatment provided by a  
79 2 physician assistant licensed pursuant to chapter 148C, or  
79 3 provided by an advanced registered nurse practitioner licensed  
79 4 pursuant to chapter 152 and performed within the scope of the  
79 5 license of the licensed physician assistant or the licensed  
79 6 advanced registered nurse practitioner if the policy or  
79 7 contract would pay for the care and treatment if the care and  
79 8 treatment were provided by a person engaged in the practice of  
79 9 medicine and surgery or osteopathic medicine and surgery under  
79 10 chapter 148 ~~or 150A~~. The policy or contract shall provide  
79 11 that policyholders and subscribers under the policy or  
79 12 contract may reject the coverage for services which may be  
79 13 provided by a licensed physician assistant or licensed  
79 14 advanced registered nurse practitioner if the coverage is  
79 15 rejected for all providers of similar services. A policy or  
79 16 contract subject to this section shall not impose a practice  
79 17 or supervision restriction which is inconsistent with or more  
79 18 restrictive than the restriction already imposed by law. This  
79 19 section applies to services provided under a policy or  
79 20 contract delivered, issued for delivery, continued, or renewed  
79 21 in this state on or after July 1, 1996, and to an existing  
79 22 policy or contract, on the policy's or contract's anniversary  
79 23 or renewal date, or upon the expiration of the applicable  
79 24 collective bargaining contract, if any, whichever is later.  
79 25 This section does not apply to policyholders or subscribers  
79 26 eligible for coverage under Title XVIII of the federal Social  
79 27 Security Act or any similar coverage under a state or federal  
79 28 government plan. For the purposes of this section,  
79 29 third-party payment or prepayment includes an individual or  
79 30 group policy of accident or health insurance or individual or  
79 31 group hospital or health care service contract issued pursuant  
79 32 to chapter 509, 514, or 514A, an individual or group health  
79 33 maintenance organization contract issued and regulated under  
79 34 chapter 514B, an organized delivery system contract regulated  
79 35 under rules adopted by the director of public health, or a  
80 1 preferred provider organization contract regulated pursuant to  
80 2 chapter 514F. Nothing in this section shall be interpreted to  
80 3 require an individual or group health maintenance  
80 4 organization, an organized delivery system, or a preferred  
80 5 provider organization or arrangement to provide payment or  
80 6 prepayment for services provided by a licensed physician  
80 7 assistant or licensed advanced registered nurse practitioner  
80 8 unless the physician assistant's supervising physician, the  
80 9 physician-physician assistant team, the advanced registered  
80 10 nurse practitioner, or the advanced registered nurse  
80 11 practitioner's collaborating physician has entered into a  
80 12 contract or other agreement to provide services with the  
80 13 individual or group health maintenance organization, the  
80 14 organized delivery system, or the preferred provider  
80 15 organization or arrangement.

80 16 Sec. 131. Section 514C.13, subsection 1, paragraph c, Code  
80 17 2007, is amended to read as follows:

80 18 c. "Health care provider" means a hospital licensed  
80 19 pursuant to chapter 135B, a person licensed under chapter 148,  
80 20 148C, 149, ~~150, 150A,~~ 151, or 154, or a person licensed as an  
80 21 advanced registered nurse practitioner under chapter 152.

80 22 Sec. 132. Section 514C.17, subsections 1 and 2, Code 2007,  
80 23 are amended to read as follows:

80 24 1. Except as provided under subsection 2 or 3, if a  
80 25 carrier, as defined in section 513B.2, an organized delivery  
80 26 system authorized under 1993 Iowa Acts, ch. 158, or a plan  
80 27 established pursuant to chapter 509A for public employees,  
80 28 terminates its contract with a participating health care  
80 29 provider, a covered individual who is undergoing a specified  
80 30 course of treatment for a terminal illness or a related  
80 31 condition, with the recommendation of the covered individual's  
80 32 treating physician licensed under chapter ~~148, 150, or 150A,~~  
80 33 may continue to receive coverage for treatment received from  
80 34 the covered individual's physician for the terminal illness or  
80 35 a related condition, for a period of up to ninety days.

81 1 Payment for covered benefits and benefit levels shall be  
81 2 according to the terms and conditions of the contract.

81 3 2. A covered person who makes a change in health plans  
81 4 involuntarily may request that the new health plan cover  
81 5 services of the covered person's treating physician licensed  
81 6 under chapter ~~148, 150, or 150A,~~ who is not a participating  
81 7 health care provider under the new health plan, if the covered

81 8 person is undergoing a specified course of treatment for a  
81 9 terminal illness or a related condition. Continuation of such  
81 10 coverage shall continue for up to ninety days. Payment for  
81 11 covered benefits and benefit levels shall be according to the  
81 12 terms and conditions of the contract.

81 13 Sec. 133. Section 514C.18, subsection 1, unnumbered  
81 14 paragraph 1, Code 2007, is amended to read as follows:  
81 15 Notwithstanding the uniformity of treatment requirements of  
81 16 section 514C.6, a policy or contract providing for third-party  
81 17 payment or prepayment of health or medical expenses shall  
81 18 provide coverage benefits for the cost associated with  
81 19 equipment, supplies, and self-management training and  
81 20 education for the treatment of all types of diabetes mellitus  
81 21 when prescribed by a physician licensed under chapter 148-  
~~81 22 150, or 150A.~~ Coverage benefits shall include coverage for  
81 23 the cost associated with all of the following:

81 24 Sec. 134. Section 514C.20, subsection 1, paragraphs a and  
81 25 b, Code 2007, are amended to read as follows:  
81 26 a. A child under five years of age upon a determination by  
81 27 a licensed dentist and the child's treating physician licensed  
81 28 pursuant to chapter 148, ~~150, or 150A,~~ that such child  
81 29 requires necessary dental treatment in a hospital or  
81 30 ambulatory surgical center due to a dental condition or a  
81 31 developmental disability for which patient management in the  
81 32 dental office has proved to be ineffective.

81 33 b. Any individual upon a determination by a licensed  
81 34 dentist and the individual's treating physician licensed  
81 35 pursuant to chapter 148, ~~150, or 150A,~~ that such individual  
82 1 has one or more medical conditions that would create  
82 2 significant or undue medical risk for the individual in the  
82 3 course of delivery of any necessary dental treatment or  
82 4 surgery if not rendered in a hospital or ambulatory surgical  
82 5 center.

82 6 Sec. 135. Section 514F.1, Code Supplement 2007, is amended  
82 7 to read as follows:

82 8 514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.  
82 9 The licensing boards under chapters 148, 149, ~~150, 150A,~~  
82 10 151, and 152 shall establish utilization and cost control  
82 11 review committees of licensees under the respective chapters,  
82 12 selected from licensees who have practiced in Iowa for at  
82 13 least the previous five years, or shall accredit and designate  
82 14 other utilization and cost control organizations as  
82 15 utilization and cost control committees under this section,  
82 16 for the purposes of utilization review of the appropriateness  
82 17 of levels of treatment and of giving opinions as to the  
82 18 reasonableness of charges for diagnostic or treatment services  
82 19 of licensees. Persons governed by the various chapters of  
82 20 Title XIII, subtitle 1, of the Code and self-insurers for  
82 21 health care benefits to employees may utilize the services of  
82 22 the utilization and cost control review committees upon the  
82 23 payment of a reasonable fee for the services, to be determined  
82 24 by the respective boards. The respective boards under  
82 25 chapters 148, 149, ~~150, 150A,~~ 151, and 152 shall adopt rules  
82 26 necessary and proper for the administration of this section  
82 27 pursuant to chapter 17A. It is the intent of this general  
82 28 assembly that conduct of the utilization and cost control  
82 29 review committees authorized under this section shall be  
82 30 exempt from challenge under federal or state antitrust laws or  
82 31 other similar laws in regulation of trade or commerce.

82 32 Sec. 136. Section 602.8102, subsection 33, Code Supplement  
82 33 2007, is amended to read as follows:

82 34 33. Furnish to the Iowa department of public health a  
82 35 certified copy of a judgment ~~suspending or revoking relating~~  
~~83 1 to the suspension or revocation of a professional license as~~  
~~83 2 provided in section 147.66.~~

83 3 Sec. 137. Section 702.8, Code 2007, is amended to read as  
83 4 follows:

83 5 702.8 DEATH.

83 6 "Death" means the condition determined by the following  
83 7 standard: A person will be considered dead if in the  
83 8 announced opinion of a physician licensed pursuant to chapter  
83 9 148, ~~150, or 150A,~~ a physician assistant licensed pursuant to  
83 10 chapter 148C, or a registered nurse or a licensed practical  
83 11 nurse licensed pursuant to chapter 152, based on ordinary  
83 12 standards of medical practice, that person has experienced an  
83 13 irreversible cessation of spontaneous respiratory and  
83 14 circulatory functions. In the event that artificial means of  
83 15 support preclude a determination that these functions have  
83 16 ceased, a person will be considered dead if in the announced  
83 17 opinion of two physicians, based on ordinary standards of  
83 18 medical practice, that person has experienced an irreversible

83 19 cessation of spontaneous brain functions. Death will have  
83 20 occurred at the time when the relevant functions ceased.  
83 21 Sec. 138. Section 702.17, Code 2007, is amended to read as  
83 22 follows:

83 23 702.17 SEX ACT.

83 24 The term "sex act" or "sexual activity" means any sexual  
83 25 contact between two or more persons by: penetration of the  
83 26 penis into the vagina or anus; contact between the mouth and  
83 27 genitalia or by contact between the genitalia of one person  
83 28 and the genitalia or anus of another person; contact between  
83 29 the finger or hand of one person and the genitalia or anus of  
83 30 another person, except in the course of examination or  
83 31 treatment by a person licensed pursuant to chapter 148, 148C,  
83 32 ~~150, 150A~~, 151, or 152; or by use of artificial sexual organs  
83 33 or substitutes therefor in contact with the genitalia or anus.

83 34 Sec. 139. Section 707C.4, subsection 4, Code Supplement  
83 35 2007, is amended to read as follows:

84 1 4. A person who violates this section and who is licensed  
84 2 pursuant to chapter 148, ~~150, or 150A~~ is subject to revocation  
84 3 of the person's license.

84 4 Sec. 140. Section 708.3A, subsection 5, paragraph d, Code  
84 5 2007, is amended to read as follows:

84 6 d. "Health care provider" means an emergency medical care  
84 7 provider as defined in chapter 147A or a person licensed or  
84 8 registered under chapter 148, 148C, 148D, ~~150, 150A~~, or 152  
84 9 who is providing or who is attempting to provide emergency  
84 10 medical services, as defined in section 147A.1, or who is  
84 11 providing or who is attempting to provide health services as  
84 12 defined in section 135.61 in a hospital. A person who commits  
84 13 an assault under this section against a health care provider  
84 14 in a hospital, or at the scene or during out-of-hospital  
84 15 patient transportation in an ambulance, is presumed to know  
84 16 that the person against whom the assault is committed is a  
84 17 health care provider.

84 18 Sec. 141. DIRECTIVE TO CODE EDITOR. The Code editor is  
84 19 directed to delete any other references to "osteopathy" or  
84 20 "osteopath" in the Code.

84 21 EXPLANATION

84 22 DIVISION I. This bill makes many technical and substantive  
84 23 changes to Iowa law relating to the licensing of  
84 24 health-related professions.

84 25 Code chapter 147 establishes a general paradigm for the  
84 26 operation of the health-related licensing boards. The bill  
84 27 significantly amends that Code chapter to update language and  
84 28 correct terms and references. Many of these changes involve  
84 29 adding the names of recently created boards to the appropriate  
84 30 Code sections and devolving the administrative  
84 31 responsibilities for licensing from the department to the  
84 32 various boards.

84 33 The bill contains amendments to Code section 147.3 allowing  
84 34 licensing boards to consider any criminal conviction of an  
84 35 applicant. Current law allows boards to consider only felony  
85 1 convictions.

85 2 The bill contains amendments to Code section 147.14, making  
85 3 several changes to required membership on several boards.

85 4 The bill amends Code section 147.21 to allow licensing  
85 5 boards to disclose the criminal history or prior misconduct of  
85 6 the applicant. That information is currently confidential.

85 7 Code section 147.25 currently provides for a system of  
85 8 health personnel statistics within the department. The bill  
85 9 devolves this responsibility to each of the individual boards.  
85 10 Currently that system is detailed in the statute. The bill  
85 11 eliminates most of the statutory detail.

85 12 The bill amends Code sections 147.34 through 147.43  
85 13 relating to the administration of licensure examinations.  
85 14 These revisions mandate that each board adopts rules detailing  
85 15 the examination process and eliminates most statutory detail  
85 16 relating to examinations.

85 17 The bill contains amendments to Code sections relating to  
85 18 reciprocity in licensing with other states; much statutory  
85 19 detail is eliminated, giving the boards rulemaking power in  
85 20 Code section 147.53 to resolve this process.

85 21 The bill repeals most of the disciplinary procedures set  
85 22 out in Code sections 147.55 through 147.71. The 1978  
85 23 enactment of Code chapter 272C rendered these provisions  
85 24 redundant.

85 25 The bill moves the regulation of speech pathologists and  
85 26 audiologists from Code chapter 147 to its own Code chapter  
85 27 154F.

85 28 The bill amends Code chapter 148 by combining the licensing  
85 29 of physicians and surgeons and osteopathic physicians and

85 30 surgeons into a single licensing chapter. The bill makes  
85 31 corresponding Code changes.

85 32 In Code section 148.2A a pool of alternate members for the  
85 33 board of medicine is created. When conducting disciplinary  
85 34 hearings, board members sit as a judicial panel; at times some  
85 35 members are necessarily absent or must recuse themselves from  
86 1 deliberations in a particular case. This board pool would be  
86 2 able to provide temporary alternative board members to  
86 3 substitute in specific disciplinary hearings.

86 4 An amendment to Code section 148.7 rescinds existing  
86 5 language that provides that a disciplinary hearing is open to  
86 6 the public. Code section 272C.6 was enacted subsequent to  
86 7 Code section 148.7 and allows a disciplinary hearing to be  
86 8 open to the public at the discretion of the licensee. A  
86 9 revision to Code section 148.9 eliminates current language  
86 10 that allows for the reinstatement of an individual whose  
86 11 license has been revoked or placed on probation.

86 12 The bill amends Code chapter 151, relating to the practice  
86 13 of chiropractic, by eliminating specific requirements relating  
86 14 to the prescribed course of study. The revision also limits  
86 15 temporary certificates to a single year; current law allows  
86 16 three years.

86 17 The bill contains a number of technical amendments to Code  
86 18 chapter 154D, relating to the licensing of marital and family  
86 19 therapists and mental health counselors. Education  
86 20 requirements are increased, from a master's degree with 45  
86 21 credit hours to 60 credit hours, and temporary licenses are  
86 22 authorized. The requirements for marital and family therapy  
86 23 licensing and for mental health licensing are combined.

86 24 The bill amends Code section 155A.26, relating to the board  
86 25 of pharmacy. Under this revision officers, agents,  
86 26 inspectors, and representatives of the board have the status  
86 27 of peace officers when enforcing Code chapters 124, 126, 155A,  
86 28 and 205. The amendment details the board's powers these  
86 29 officers, agents, inspectors, and representatives have in  
86 30 conducting investigations.

86 31 DIVISION II. The bill contains correlating amendments that  
86 32 mainly eliminate references to Code chapters 150 and 150A.  
86 33 The bill also eliminates references to the term "osteopathy"  
86 34 and directs the Code editor to delete any remaining references  
86 35 in the Code.

87 1 LSB 5430SV 82  
87 2 jr/nh/5