

Senate Study Bill 1078

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL
BY CHAIRPERSON RAGAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act renaming health-related examining boards as licensing
2 boards and providing for the nonreversion of fees collected by
3 the boards.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1207XC 82
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1 1 Section 1. Section 3.20, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. The ~~examining~~ licensing board shall pursue a meaningful
1 4 examination and enforcement procedure which upholds the level
1 5 of competency of the licensee to insure that the public
1 6 interest is protected.
1 7 Sec. 2. Section 7E.4, subsection 2, Code 2007, is amended
1 8 to read as follows:
1 9 2. a. "Board" means a policymaking or rulemaking body
1 10 that has the power to hear contested cases.
1 11 b. ~~A policymaking body that has powers for both rulemaking~~
1 12 ~~and hearing contested cases shall be termed a "board".~~
1 13 "Board" includes a professional licensing board which sets
1 14 standards of professional competence and conduct for the
1 15 profession or occupation under its supervision, which may
1 16 prepare and grade the examinations of prospective new
1 17 practitioners when authorized by law, which may issue licenses
1 18 when authorized by law, which investigates complaints of
1 19 alleged unprofessional conduct, and which performs other
1 20 functions assigned to it by law.
1 21 Sec. 3. Section 7E.4, subsection 8, Code 2007, is amended
1 22 by striking the subsection.
1 23 Sec. 4. Section 8A.101, subsection 1, unnumbered paragraph
1 24 1, Code 2007, is amended to read as follows:
1 25 "Agency" or "state agency" means a unit of state
1 26 government, which is an authority, board, commission,
1 27 committee, council, department, examining or licensing board,
1 28 or independent agency as defined in section 7E.4, including
1 29 but not limited to each principal central department
1 30 enumerated in section 7E.5. However, "agency" or "state
1 31 agency" does not mean any of the following:
1 32 Sec. 5. Section 8F.2, subsection 1, Code 2007, is amended
1 33 to read as follows:
1 34 1. "Agency" means a unit of state government, which is an
1 35 authority, board, commission, committee, council, department,
2 1 examining or licensing board, or independent agency as defined
2 2 in section 7E.4, including but not limited to each principal
2 3 central department enumerated in section 7E.5. However,
2 4 "agency" does not mean the Iowa public employees' retirement
2 5 system created under chapter 97B, the public broadcasting
2 6 division of the department of education created under section
2 7 256.81, the statewide fire and police retirement system
2 8 created under chapter 411, or an agricultural commodity
2 9 promotion board subject to a producer referendum.
2 10 Sec. 6. Section 10A.402, subsection 1, Code 2007, is
2 11 amended to read as follows:
2 12 1. Investigations relative to the practice of regulated
2 13 professions and occupations, except those within the
2 14 jurisdiction of the board of ~~medical examiners~~ medicine, the
2 15 board of pharmacy ~~examiners~~, the board of ~~dental examiners~~
2 16 dentistry, and the board of nursing.
2 17 Sec. 7. Section 80.33, Code 2007, is amended to read as

2 18 follows:

2 19 80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 29 Sec. 17. Section 126.2, subsection 3, Code 2007, is
4 30 amended to read as follows:

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

4 32 Sec. 18. Section 135.11, subsection 9, Code 2007, is
4 33 amended to read as follows:

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

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

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

5 16 There shall be a professional licensure division within the
5 17 department of public health. Each board of ~~examiners~~
5 18 ~~specified~~ under chapter 147 or under the administrative
5 19 authority of the department, except the ~~state~~ board of
5 20 nursing, ~~state~~ board of ~~medical-examiners~~ medicine, ~~state~~
5 21 board of ~~dental-examiners~~ dentistry, and ~~state~~ board of
5 22 pharmacy ~~examiners~~, shall receive administrative and clerical
5 23 support from the division and may not employ its own support
5 24 staff for administrative and clerical duties.

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

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

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

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

6 23 135.31 LOCATION OF BOARDS == RULEMAKING.

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

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

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

7 4 Sec. 23. Section 136C.3, subsection 2, unnumbered

7 5 paragraph 1, Code 2007, is amended to read as follows:

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

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

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

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

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

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

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

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

9 16 the HBV status of a health care provider is confidential and
9 17 shall not be accessible to the public. Information regulated
9 18 by this section, however, may be disclosed to members of the
9 19 expert review panel established by the department or a panel
9 20 established by hospital protocol under this section. The
9 21 information may also be disclosed to the appropriate ~~examining~~
9 22 licensing board by filing a report as required by this
9 23 section. The ~~examining licensing~~ board shall consider the
9 24 report a complaint subject to the confidentiality provisions
9 25 of section 272C.6. A licensee, upon the filing of a formal
9 26 charge or notice of hearing by the ~~examining licensing~~ board
9 27 based on such a complaint, may seek a protective order from
9 28 the board.

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

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

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

~~10 12 impaired sign language interpreter or transliterator~~ means a
10 13 person licensed under this subtitle.

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

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

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

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

10 32 A person shall not engage in the practice of medicine and
10 33 surgery, podiatry, osteopathy, osteopathic medicine and
10 34 surgery, psychology, chiropractic, physical therapy, nursing,
10 35 dentistry, dental hygiene, optometry, speech pathology,
11 1 audiology, occupational therapy, respiratory care, pharmacy,
11 2 cosmetology, barbering, social work, dietetics, marital and
11 3 family therapy or mental health counseling, massage therapy,
11 4 mortuary science, athletic training, acupuncture, or
11 5 ~~interpreting for the hearing impaired sign language~~
11 6 ~~interpreting or transliterating~~, or shall not practice as a
11 7 physician assistant as defined in the following chapters of
11 8 this subtitle, unless the person has obtained from the
11 9 department a license for that purpose.

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

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

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

11 19 147.11 REINSTATEMENT.

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

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

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

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

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

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

12 11 147.13 DESIGNATION OF BOARDS.

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

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

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

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

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

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

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

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

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

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

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

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

12 31 cosmetology arts and sciences examiners.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 23 147.14 COMPOSITION OF BOARDS.

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

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

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

14 3 3. For ~~the board of~~ nursing, four registered nurses, two
14 4 of whom shall be actively engaged in practice, two of whom
14 5 shall be nurse educators from nursing education programs; of
14 6 these, one in higher education and one in area community and
14 7 vocational-technical registered nurse education; one licensed
14 8 practical nurse actively engaged in practice; and two members
14 9 not registered nurses or licensed practical nurses and who
14 10 shall represent the general public. The representatives of
14 11 the general public shall not be members of health care
14 12 delivery systems. A majority of the members of the board
14 13 constitutes a quorum.

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

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

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

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

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

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

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

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

16 7 12. For the board of physician ~~assistant examiners~~
16 8 assistants, three members licensed to practice as physician
16 9 assistants, at least two of whom practice in counties with a
16 10 population of less than fifty thousand, one member licensed to
16 11 practice medicine and surgery who supervises a physician
16 12 assistant, one member licensed to practice osteopathic
16 13 medicine and surgery who supervises a physician assistant, and

16 14 two members who are not licensed to practice either medicine
16 15 and surgery or osteopathic medicine and surgery or licensed as
16 16 a physician assistant and who shall represent the general
16 17 public. At least one of the physician members shall be in
16 18 practice in a county with a population of less than fifty
16 19 thousand. A majority of members of the board constitutes a
16 20 quorum.

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

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

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

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

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

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

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

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

18 8 21. For sign language interpreting for the hearing
~~18 9 impaired and transliterating~~, four members licensed to
18 10 practice interpreting and transliterating, three of whom shall
18 11 be practicing interpreters and transliterators at the time of
18 12 appointment to the board and at least one of whom is employed
18 13 in an educational setting; and three members who are consumers
18 14 of interpreting or transliterating services as defined in
18 15 section 154E.1, each of whom shall be deaf. A majority of
18 16 members of the board constitutes a quorum.

18 17 22. For hearing aid dispensers, three licensed hearing aid
18 18 dispensers and two members who are not licensed hearing aid
18 19 dispensers who shall represent the general public. A majority
18 20 of the members of the board constitutes a quorum.

18 21 23. For nursing home administrators, a total of nine
18 22 members: Four licensed nursing home administrators, one of
18 23 whom is the administrator of a nonproprietary nursing home;
18 24 three licensed members of any profession concerned with the

18 25 care and treatment of chronically ill or elderly patients who
18 26 are not nursing home administrators or nursing home owners;
18 27 and two members of the general public who are not licensed
18 28 under chapter 147, have no financial interest in any nursing
18 29 home, and who shall represent the general public. A majority
18 30 of the members of the board constitutes a quorum.

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

18 33 147.16 ~~EXAMINERS BOARD MEMBERS.~~

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

19 4 state.
19 5 However, each licensed physician assistant member of the
19 6 board of physician ~~assistant-examiners~~ assistants shall be
19 7 actively engaged in practice as a physician assistant and
19 8 shall have been so engaged for a period of three years just
19 9 preceding the member's appointment, the last year of which
19 10 shall be in this state.

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

19 13 147.18 DISQUALIFICATIONS.

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

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

19 20 147.19 TERMS OF OFFICE.

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

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

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

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

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

19 35 147.22 OFFICERS.

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

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

20 5 147.24 COMPENSATION.

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

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

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

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

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

20 33 147.26 SUPPLIES AND EXAMINATION QUARTERS.

20 34 The department shall furnish each ~~examining~~ board with all
20 35 articles and supplies required for the public use and

21 1 necessary to enable ~~said the~~ board to perform the duties
21 2 imposed upon it by law. Such articles and supplies shall be
21 3 obtained by the department in the same manner in which the
21 4 regular supplies for the department are obtained and the cost
21 5 shall be assessed to the ~~examining~~ board. The director of the
21 6 department of administrative services shall furnish each
21 7 ~~examining~~ board with suitable quarters in which to conduct the
21 8 examination and the cost of the quarters shall be assessed to
21 9 the ~~examining~~ board.

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

21 12 147.28 NATIONAL ORGANIZATION.

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

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

21 19 147.28A SCOPE OF PRACTICE REVIEW COMMITTEES == FUTURE
21 20 REPEAL.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 30 147.33 PROFESSIONAL SCHOOLS.

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

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

23 4 147.34 EXAMINATIONS.

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

23 12 the professions regulated by this subtitle are taught. At
23 13 least one session of each ~~examining~~ board shall be held
23 14 annually at the seat of government and the locations of other
23 15 sessions shall be determined by the ~~examining~~ board, unless
23 16 otherwise ordered by the department. Applicants who fail to
23 17 pass the examination once shall be allowed to take the
23 18 examination at the next scheduled time. Thereafter,
23 19 applicants shall be allowed to take the examination at the
23 20 discretion of the board. Examinations may be given by ~~an~~
~~23 21 examining~~ a board which are prepared and scored by persons
23 22 outside the state, and ~~examining~~ boards may contract for such
23 23 services. ~~An examining~~ A board may make an agreement with
23 24 ~~examining~~ boards in other states for administering a uniform
23 25 examination. An applicant who has failed an examination may
23 26 request in writing information from the ~~examining~~ board
23 27 concerning the examination grade and subject areas or
23 28 questions which the applicant failed to answer correctly,
23 29 except that if the ~~examining~~ board administers a uniform,
23 30 standardized examination, the ~~examining~~ board shall only be
23 31 required to provide the examination grade and such other
23 32 information concerning the applicant's examination results
23 33 which are available to the ~~examining~~ board.

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

24 1 147.35 NAMES OF ELIGIBLE CANDIDATES.

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

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

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

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

24 13 147.37 IDENTITY OF CANDIDATE CONCEALED.

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

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

24 23 147.39 CLERK.

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

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

25 2 147.40 CERTIFICATION OF APPLICANTS.

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

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

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

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

25 22 147.42 RULES RELATIVE TO PARTIAL EXAMINATIONS.

25 23 ~~In case any examining board shall provide~~ provides for
25 24 partial examinations under section 147.41, the department
25 25 shall adopt rules establishing:

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

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

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

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

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

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

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

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

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

26 13 147.44 AGREEMENTS.

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

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

26 24 147.45 STATES ENTITLED TO RECIPROCAL RELATIONS.

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

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

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

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

27 12 147.47 SPECIAL CONDITIONS.

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

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

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

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

27 29 147.48 TERMINATION OF AGREEMENTS.

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

27 34 existing in this state, ~~then such the~~ agreement shall be
27 35 deemed terminated and licenses issued in ~~such that~~ state shall
28 1 not be recognized as a basis of granting a license in this
28 2 state until a new agreement has been negotiated. The fact of
28 3 such change shall be determined by the ~~proper examining~~
28 4 appropriate board and certified to the department for its
28 5 guidance in enforcing the provisions of this section.

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

28 8 147.49 LICENSE OF ANOTHER STATE.

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

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

28 29 147.50 PRACTICAL EXAMINATIONS.

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

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

29 3 147.53 POWER TO ADOPT RULES.

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

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

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

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

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

29 22 person's name.

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

29 25 147.76 RULES.

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

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

29 32 147.80 LICENSE == EXAMINATION == FEES.

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

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

30 9 2. License to practice pharmacy issued upon the basis of

30 10 an examination given by the board of pharmacy ~~examiners~~,
30 11 license to practice pharmacy issued under a reciprocal
30 12 agreement, renewal of a license to practice pharmacy.
30 13 3. License to practice medicine and surgery, osteopathic
30 14 medicine and surgery, or osteopathy and renewal of a license
30 15 to practice medicine and surgery, osteopathic medicine and
30 16 surgery, or osteopathy.
30 17 4. Certificate to practice psychology or associate
30 18 psychology issued on the basis of an examination given by the
30 19 board of psychology ~~examiners~~, or certificate to practice
30 20 psychology or associate psychology issued under a reciprocity
30 21 agreement or by endorsement, renewal of a certificate to
30 22 practice psychology or associate psychology.
30 23 5. Application for a license to practice as a physician
30 24 assistant, issuance of a license to practice as a physician
30 25 assistant issued upon the basis of an examination given or
30 26 approved by the board of physician ~~assistant-examiners~~
30 27 assistants, issuance of a license to practice as a physician
30 28 assistant issued under a reciprocal agreement, renewal of a
30 29 license to practice as a physician assistant, temporary
30 30 license to practice as a physician assistant.
30 31 6. License to practice chiropractic issued on the basis of
30 32 an examination given by the board of chiropractic ~~examiners~~.
30 33 License to practice chiropractic issued by endorsement or
30 34 under a reciprocal agreement, renewal of a license to practice
30 35 chiropractic.
31 1 7. License to practice podiatry issued upon the basis of
31 2 an examination given by the board of podiatry ~~examiners~~,
31 3 license to practice podiatry issued under a reciprocal
31 4 agreement, renewal of a license to practice podiatry.
31 5 8. License to practice physical therapy issued upon the
31 6 basis of an examination given by the board of physical and
31 7 occupational therapy ~~examiners~~, license to practice physical
31 8 therapy issued under a reciprocal agreement, renewal of a
31 9 license to practice physical therapy.
31 10 9. License to practice as a physical therapist assistant
31 11 issued on the basis of an examination given by the board of
31 12 physical and occupational therapy ~~examiners~~, license to
31 13 practice as a physical therapist assistant issued under a
31 14 reciprocal agreement, renewal of a license to practice as a
31 15 physical therapist assistant.
31 16 10. For a license to practice optometry issued upon the
31 17 basis of an examination given by the board of optometry
31 18 ~~examiners~~, license to practice optometry issued under a
31 19 reciprocal agreement, renewal of a license to practice
31 20 optometry.
31 21 11. License to practice dental hygiene issued upon the
31 22 basis of an examination given by the board of ~~dental-examiners~~
31 23 dentistry, license to practice dental hygiene issued under a
31 24 reciprocal agreement, renewal of a license to practice dental
31 25 hygiene.
31 26 12. License to practice mortuary science issued upon the
31 27 basis of an examination given by the board of mortuary science
31 28 ~~examiners~~, license to practice mortuary science issued under a
31 29 reciprocal agreement, renewal of a license to practice
31 30 mortuary science.
31 31 13. License to practice nursing issued upon the basis of
31 32 an examination given by the board of nursing; license to
31 33 practice nursing based on an endorsement from another state,
31 34 territory, or foreign country; renewal of a license to
31 35 practice nursing.
32 1 14. A nurse who does not engage in nursing during the year
32 2 succeeding the expiration of the license shall notify the
32 3 board to place the nurse upon the inactive list and the nurse
32 4 shall not be required to pay the renewal fee so long as the
32 5 nurse remains inactive and so notifies the board. To resume
32 6 nursing, the nurse shall notify the board and remit the
32 7 renewal fee for the current period.
32 8 15. License to practice cosmetology arts and sciences
32 9 issued upon the basis of an examination given by the board of
32 10 cosmetology arts and sciences ~~examiners~~, license to practice
32 11 cosmetology arts and sciences under a reciprocal agreement,
32 12 renewal of a license to practice cosmetology arts and
32 13 sciences, temporary permit to practice as a cosmetology arts
32 14 and sciences trainee, original license to conduct a school of
32 15 cosmetology arts and sciences, renewal of license to conduct a
32 16 school of cosmetology arts and sciences, original license to
32 17 operate a salon, renewal of a license to operate a salon,
32 18 original license to practice manicuring and pedicuring,
32 19 renewal of a license to practice manicuring and pedicuring,
32 20 annual inspection of a school of cosmetology arts and

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

34 32 33. Duplicate license, which shall be so designated on its
34 33 face, upon satisfactory proof the original license issued by
34 34 the department has been destroyed or lost.

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

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

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

35 20 147.82 FEES.

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

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

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

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

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

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

37 5 6. The board of pharmacy ~~examiners~~ may annually retain and
37 6 expend ninety percent of the revenues generated from an
37 7 increase in license and renewal fees established pursuant to

37 8 sections 124.301 and 147.80, and chapter 155A, for the
37 9 practice of pharmacy, above the license and renewal fees in
37 10 effect as of July 1, 2004. The moneys retained shall be used
37 11 for any of the board's duties, including but not limited to
37 12 the addition of full-time equivalent positions for program
37 13 services and investigations. Revenues retained by the board
37 14 pursuant to this subsection shall be considered repayment
37 15 receipts as defined in section 8.2, and shall be used for the
37 16 purposes described in this subsection.

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

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

37 34 147.87 ENFORCEMENT.

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

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

38 10 147.88 INSPECTIONS.

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

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

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

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

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

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

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

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

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

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

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

39 7 147.95 ENFORCEMENT == AGENTS AS PEACE OFFICERS.

39 8 The provisions of this subtitle insofar as they affect the
39 9 practice of pharmacy shall be enforced by the board of
39 10 pharmacy ~~examiners~~ and the provisions of sections 147.87,
39 11 147.88, and 147.89 shall not apply to said profession.

39 12 Officers, agents, inspectors, and representatives of the board
39 13 of pharmacy ~~examiners~~ shall have the powers and status of
39 14 peace officers when enforcing the provisions of this subtitle.

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

39 17 147.96 BOARD OF PHARMACY EXAMINERS.

39 18 In discharging the duties and exercising the powers

39 19 provided for in sections 147.94 and 147.95, the board of
39 20 pharmacy examiners and their secretary the executive director
39 21 of the board shall be governed by all the provisions of this
39 22 chapter which govern the department when discharging a similar
39 23 duty or exercising a similar power with reference to any of
39 24 the professions regulated by this subtitle.

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

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

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

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

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

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

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

40 13 147.100 EXPIRATIONS AND RENEWALS.

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

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

40 21 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

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

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

41 5 147.103 INVESTIGATORS FOR PHYSICIAN ASSISTANTS.

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

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

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

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

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

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

41 30 Sec. 79. Section 147.107, subsections 2, 4, 5, and 8, Code
41 31 2007, are amended to read as follows:

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

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

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

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

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

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

44 6 devices, including controlled substances or devices, if the
44 7 nurse is engaged in the practice of a nursing specialty
44 8 regulated under rules adopted by the board of nursing in
44 9 consultation with the board of ~~medical examiners~~ medicine and
44 10 the board of pharmacy ~~examiners~~.

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

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

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

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

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

44 34 147.114 INSPECTOR.

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

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

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

46 15 3. A full and confidential report concerning any final
46 16 hospital disciplinary action approved by a hospital board of

46 17 trustees that results in a limitation, suspension, or
46 18 revocation of a physician's privilege to practice for reasons
46 19 relating to the physician's professional competence or
46 20 concerning any voluntary surrender or limitation of privileges
46 21 for reasons relating to professional competence shall be made
46 22 to the board of ~~medical examiners~~ medicine by the hospital
46 23 administrator or chief of ~~medical staff~~ within ten days of
46 24 such action. The board of ~~medical examiners~~ medicine shall
46 25 investigate the report and take appropriate action. These
46 26 reports shall be privileged and confidential as though
46 27 included in and subject to the requirements for peer review
46 28 committee information in subsection 2. Persons making these
46 29 reports and persons participating in resulting proceedings
46 30 related to these reports shall be immune from civil liability
46 31 with respect to the making of the report or participation in
46 32 resulting proceedings. As used in this subsection,
46 33 "physician" means a person licensed pursuant to chapter 148,
46 34 chapter 150, or chapter 150A.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48 28 follows:

48 29 148.3 REQUIREMENTS FOR LICENSE.

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

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

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

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

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

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

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

49 33 148.4 CERTIFICATES OF NATIONAL BOARD.

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

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

50 8 148.5 RESIDENT PHYSICIAN LICENSE.

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

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

50 35 148.6 REVOCATION.

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

51 4 section 147.55, chapter 272C, or this subsection.
51 5 Notwithstanding section 272C.3, licensee discipline may
51 6 include a civil penalty not to exceed ten thousand dollars.
51 7 2. Pursuant to this section, the board of ~~medical~~
51 8 ~~examiners~~ may discipline a licensee who is guilty of any of
51 9 the following acts or offenses:
51 10 a. Knowingly making misleading, deceptive, untrue or
51 11 fraudulent representation in the practice of the physician's
51 12 profession.
51 13 b. Being convicted of a felony in the courts of this state
51 14 or another state, territory, or country. Conviction as used
51 15 in this paragraph shall include a conviction of an offense
51 16 which if committed in this state would be deemed a felony
51 17 without regard to its designation elsewhere, or a criminal
51 18 proceeding in which a finding or verdict of guilt is made or
51 19 returned, but the adjudication of guilt is either withheld or
51 20 not entered. A certified copy of the final order or judgment
51 21 of conviction or plea of guilty in this state or in another
51 22 state shall be conclusive evidence.
51 23 c. Violating a statute or law of this state, another
51 24 state, or the United States, without regard to its designation
51 25 as either felony or misdemeanor, which statute or law relates
51 26 to the practice of medicine.
51 27 d. Having the license to practice medicine and surgery,
51 28 osteopathic medicine and surgery, or osteopathy revoked or
51 29 suspended, or having other disciplinary action taken by a
51 30 licensing authority of another state, territory, or country.
51 31 A certified copy of the record or order of suspension,
51 32 revocation, or disciplinary action is prima facie evidence.
51 33 e. Knowingly aiding, assisting, procuring, or advising a
51 34 person to unlawfully practice medicine and surgery,
51 35 osteopathic medicine and surgery, or osteopathy.
52 1 f. Being adjudged mentally incompetent by a court of
52 2 competent jurisdiction. Such adjudication shall automatically
52 3 suspend a license for the duration of the license unless the
52 4 board orders otherwise.
52 5 g. Being guilty of a willful or repeated departure from,
52 6 or the failure to conform to, the minimal standard of
52 7 acceptable and prevailing practice of medicine and surgery,
52 8 osteopathic medicine and surgery, or osteopathy in which
52 9 proceeding actual injury to a patient need not be established;
52 10 or the committing by a physician of an act contrary to
52 11 honesty, justice, or good morals, whether the same is
52 12 committed in the course of the physician's practice or
52 13 otherwise, and whether committed within or without this state.
52 14 h. Inability to practice medicine and surgery, osteopathic
52 15 medicine and surgery, or osteopathy with reasonable skill and
52 16 safety by reason of illness, drunkenness, excessive use of
52 17 drugs, narcotics, chemicals, or other type of material or as a
52 18 result of a mental or physical condition. The ~~medical~~
52 19 ~~examiners board~~ may, upon probable cause, compel a physician
52 20 to submit to a mental or physical examination by designated
52 21 physicians or to submit to alcohol or drug screening within a
52 22 time specified by the ~~medical-examiners board~~. Failure of a
52 23 physician to submit to an examination or to submit to alcohol
52 24 or drug screening shall constitute admission to the
52 25 allegations made against the physician and the finding of fact
52 26 and decision of the ~~medical-examiners board~~ may be entered
52 27 without the taking of testimony or presentation of evidence.
52 28 At reasonable intervals, a physician shall be afforded an
52 29 opportunity to demonstrate that the physician can resume the
52 30 competent practice of medicine with reasonable skill and
52 31 safety to patients.
52 32 A person licensed to practice medicine and surgery,
52 33 osteopathic medicine and surgery, or osteopathy who makes
52 34 application for the renewal of a license, as required by
52 35 section 147.10, gives consent to submit to a mental or
53 1 physical examination as provided by this paragraph when
53 2 directed in writing by the ~~medical-examiners board~~. All
53 3 objections shall be waived as to the admissibility of the
53 4 examining physicians' testimony or examination reports on the
53 5 grounds that they constitute privileged communication. The
53 6 medical testimony or examination reports shall not be used
53 7 against a physician in another proceeding and shall be
53 8 confidential, except for other actions filed against a
53 9 physician to revoke or suspend a license.
53 10 i. Willful or repeated violation of lawful rule or
53 11 regulation adopted by the board or violating a lawful order of
53 12 the board, previously entered by the board in a disciplinary
53 13 or licensure hearing, or violating the terms and provisions of
53 14 a consent agreement or informal settlement between a licensee

53 15 and the board.

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

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

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

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

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

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

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

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

54 29 c. Suspend imposition of judgment and penalty or impose
54 30 the judgment and penalty, but suspend enforcement and place
54 31 the physician on probation. The probation ordered may be
54 32 vacated upon noncompliance. The ~~medical examiners board~~ may
54 33 restore and reissue a license to practice medicine and
54 34 surgery, osteopathic medicine and surgery, or osteopathy, but
54 35 may impose a disciplinary or corrective measure which ~~it the~~ the
55 1 ~~board~~ might originally have imposed. A copy of the ~~medical~~

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

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

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

55 13 148.8 VOLUNTARY SURRENDER OF LICENSE.

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

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

55 20 148.9 REINSTATEMENT.

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

55 26 reinstatement to the director of public health who shall
55 27 thereupon issue a license as directed by the board.
55 28 Sec. 96. Section 148.10, Code 2007, is amended to read as
55 29 follows:

55 30 148.10 TEMPORARY CERTIFICATE.

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

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

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

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

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

56 33 148.12 VOLUNTARY AGREEMENTS.

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

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

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

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

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

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

58 2 4. The board of ~~medical examiners~~ medicine shall adopt
58 3 rules requiring a physician serving as a supervising physician
58 4 to notify the board of medicine of the identity of a physician
58 5 assistant the physician is supervising, and of any change in
58 6 the status of the supervisory relationship.

58 7 Sec. 100. Section 148A.1, Code 2007, is amended by adding
58 8 the following unnumbered paragraph:
58 9 NEW PARAGRAPH. As used in this chapter, "board" means the
58 10 board of physical and occupational therapy, created under
58 11 chapter 147.

58 12 Sec. 101. Section 148A.4, Code 2007, is amended to read as
58 13 follows:
58 14 148A.4 REQUIREMENTS TO PRACTICE.
58 15 Each applicant for a license to practice physical therapy
58 16 shall:
58 17 1. Complete a course of study in, and hold a diploma or
58 18 certificate issued by, a school of physical therapy accredited
58 19 by the American physical therapy association or another
58 20 appropriate accrediting body, and meet requirements as
58 21 established by rules of the board ~~of physical and occupational~~
~~58 22 therapy examiners.~~

58 23 2. Have passed an examination administered by the board ~~of~~
~~58 24 physical and occupational therapy examiners.~~

58 25 Sec. 102. Section 148A.6, Code 2007, is amended to read as
58 26 follows:
58 27 148A.6 PHYSICAL THERAPIST ASSISTANT.
58 28 1. A licensed physical therapist assistant is required to
58 29 function under the direction and supervision of a licensed
58 30 physical therapist to perform physical therapy procedures
58 31 delegated and supervised by the licensed physical therapist in
58 32 a manner consistent with the rules adopted by the board ~~of~~
~~58 33 physical and occupational therapy examiners.~~ Selected and
58 34 delegated tasks of physical therapist assistants may include,
58 35 but are not limited to,
59 1 therapeutic procedures and related
59 2 tasks, routine operational functions, documentation of
59 3 treatment progress, and the use of selected physical agents.
59 4 The ability of the licensed physical therapist assistant to
59 5 perform the selected and delegated tasks shall be assessed on
59 6 an ongoing basis by the supervising physical therapist. The
59 7 licensed physical therapist assistant shall not interpret
59 8 referrals, perform initial evaluation or reevaluations,
59 9 initiate physical therapy treatment programs, change specified
59 10 treatment programs, or discharge a patient from physical
59 11 therapy services.

59 12 2. Each applicant for a license to practice as a physical
59 13 therapist assistant shall:
59 14 a. Successfully complete a course of study for the
59 15 physical therapist assistant accredited by the commission on
59 16 accreditation in education of the American physical therapy
59 17 association, or another appropriate accrediting body, and meet
59 18 other requirements established by the rules of the board ~~of~~
~~59 19 physical and occupational therapy examiners.~~

59 20 b. Have passed an examination administered by the board ~~of~~
~~59 21 physical and occupational therapy examiners.~~

59 22 3. This section does not prevent a person not licensed as
59 23 a physical therapist assistant from performing services
59 24 ordinarily performed by a physical therapy aide, assistant, or
59 25 technician, provided that the person does not represent to the
59 26 public that the person is a licensed physical therapist
59 27 assistant, or use the title "physical therapist assistant" or
59 28 the letters "P.T.A.", and provided that the person performs
59 29 services consistent with the supervision requirements of the
59 30 board ~~of physical and occupational therapy examiners~~ for
59 31 persons not licensed as physical therapist assistants.

59 32 Sec. 103. Section 148B.2, subsection 1, Code 2007, is
59 33 amended to read as follows:
59 34 1. "Board" means the board of physical and occupational
59 35 therapy ~~examiners~~, created under chapter 147.

60 1 Sec. 104. Section 148B.7, Code 2007, is amended to read as
60 2 follows:
60 3 148B.7 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY
60 4 ~~EXAMINERS~~ == POWERS AND DUTIES.
60 5 The board shall adopt rules relating to professional
60 6 conduct to carry out the policy of this chapter, including but
60 7 not limited to rules relating to professional licensing and to
60 8 the establishment of ethical standards of practice for persons
60 9 holding a license to practice occupational therapy in this
60 10 state.

60 11 Sec. 105. Section 148B.8, Code 2007, is amended to read as
60 12 follows:
60 13 148B.8 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY

60 13 ~~EXAMINERS~~ == ADMINISTRATIVE PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

61 5 149.4 APPROVED SCHOOL.

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

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

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

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

61 18 149.7 TEMPORARY CERTIFICATE.

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

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

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

62 11 150.11 OSTEOPATHY DISCONTINUED.

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

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

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

62 24 Sec. 115. Section 150A.2, subsection 3, Code 2007, is
62 25 amended to read as follows:

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

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

62 35 150A.3 REQUIREMENTS TO PRACTICE.

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

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

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

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

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

63 19 2. Or comply with the following:

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

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

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

64 4 150A.4 APPROVED COLLEGES.

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

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

64 17 150A.7 NATIONAL BOARD CERTIFICATE.

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

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

64 28 150A.9 RESIDENT LICENSE.

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

64 35 The license shall be designated "Resident Osteopathic
65 1 Physician and Surgeon License", and shall authorize the
65 2 licensee to serve as a resident physician only, under the
65 3 supervision of a licensed practitioner of osteopathic medicine
65 4 and surgery or licensed practitioner of medicine and surgery,
65 5 in an institution approved for such training by the ~~medical
65 6 examiners board~~. A license shall be valid for a duration as
65 7 determined by the board. The fee for each license shall be
65 8 set by the ~~medical examiners board~~ and based on the
65 9 administrative cost of issuing the license. The ~~medical
65 10 examiners board~~ shall determine in each instance those
65 11 eligible for a license, whether or not examinations shall be
65 12 given, and the type of examinations. Requirements of the law
65 13 pertaining to regular permanent licensure shall not be
65 14 mandatory for a resident osteopathic physician and surgeon's
65 15 license except as specifically designated by the ~~medical
65 16 examiners board~~. The granting of a resident osteopathic
65 17 physician and surgeon's license does not in any way indicate
65 18 that the person licensed is necessarily eligible for regular
65 19 permanent licensure, ~~nor are or that the medical examiners in
65 20 any way board is~~ obligated to license the ~~individual person~~.

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

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

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

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

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

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

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

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

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

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

66 14 151.8 TRAINING IN PROCEDURES USED IN PRACTICE.

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

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

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

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

66 33 151.11 RULES.

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

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

67 10 151.12 TEMPORARY CERTIFICATE.

67 11 The ~~chiropractic examiners board~~ may, in their ~~its~~
67 12 discretion, issue a temporary certificate authorizing the
67 13 licensee to practice chiropractic if, in the opinion of the
67 14 chiropractic examiners, a need exists and the person possesses
67 15 the qualifications prescribed by the ~~chiropractic examiners~~
67 16 ~~board~~ for the license, which shall be substantially equivalent
67 17 to those required for licensure under this chapter. The
67 18 ~~chiropractic examiners board~~ shall determine in each instance
67 19 those eligible for this license, whether or not examinations
67 20 shall be given, the type of examinations, and the duration of
67 21 the license. No requirements of the law pertaining to regular
67 22 permanent licensure are mandatory for this temporary license
67 23 except as specifically designated by the ~~chiropractic~~
67 24 ~~examiners board~~. The granting of a temporary license does not
67 25 in any way indicate that the person so licensed is eligible
67 26 for regular licensure, ~~nor are or that the chiropractic~~
67 27 ~~examiners in any way board is~~ obligated to so license the
67 28 person.

67 29 The temporary certificate shall be issued for one year and
67 30 at the discretion of the ~~chiropractic examiners board~~ may be
67 31 renewed, but a person shall not practice chiropractic in
67 32 excess of three years while holding a temporary certificate.
67 33 The fee for this license shall be set by the ~~chiropractic~~
67 34 ~~examiners board~~, and if extended beyond one year, a renewal
67 35 fee per year shall be set by the ~~chiropractic examiners board~~.
68 1 The fee for the temporary license shall be based on the
68 2 administrative costs of issuing the licenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

69 17 153.15 DENTAL HYGIENISTS == SCOPE OF TERM.

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

69 22 limited to complete oral prophylaxis, application of
69 23 preventive agents to oral structures, exposure and processing
69 24 of radiographs, administration of medicaments prescribed by a
69 25 licensed dentist, obtaining and preparing nonsurgical,
69 26 clinical and oral diagnostic tests for interpretation by the
69 27 dentist, and preparation of preliminary written records of
69 28 oral conditions for interpretation by the dentist. Such
69 29 services shall be performed under supervision of a licensed
69 30 dentist and in a dental office, a public or private school,
69 31 public health agencies, hospitals, and the armed forces, but
69 32 nothing herein shall be construed to authorize a dental
69 33 hygienist to practice dentistry.

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

70 1 153.22 RESIDENT LICENSE.

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

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

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

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

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

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

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

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

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

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

71 33 Sec. 141. Section 153.37, Code 2007, is amended to read as
71 34 follows:

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

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

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

72 27 153.38 DENTAL ASSISTANTS == SCOPE OF PRACTICE.

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

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

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

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

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

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

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

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

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

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

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

74 9 charge supply any of the above pharmaceuticals to commence a
74 10 course of therapy. Therapeutically certified optometrists may
74 11 prescribe oral steroids for a period not to exceed fourteen
74 12 days without consultation with a primary care physician.
74 13 Therapeutically certified optometrists shall not prescribe
74 14 oral Imuran or oral Methotrexate. Therapeutically certified
74 15 optometrists may be authorized, where reasonable and
74 16 appropriate, by rule of the board, to employ new diagnostic
74 17 and therapeutic pharmaceutical agents approved by the United
74 18 States food and drug administration on or after July 1, 2002,
74 19 for the diagnosis and treatment of the human eye and adnexa.
74 20 The board shall not be required to adopt rules relating to
74 21 topical pharmaceutical agents, oral antimicrobial agents, oral
74 22 antihistamines, oral antiglaucoma agents, and oral analgesic
74 23 agents. Superficial foreign bodies may be removed from the
74 24 human eye and adnexa. The therapeutic efforts of a
74 25 therapeutically certified optometrist are intended for the
74 26 purpose of examination, diagnosis, and treatment of visual
74 27 defects, abnormal conditions, and diseases of the human eye
74 28 and adnexa, for proper optometric practice or referral for
74 29 consultation or treatment to persons licensed under chapter
74 30 148 or 150A. A therapeutically certified optometrist is an
74 31 optometrist who is licensed to practice optometry in this
74 32 state and who is certified by the board ~~of optometry examiners~~
74 33 to use the agents and procedures authorized pursuant to this
74 34 paragraph. A therapeutically certified optometrist shall be
74 35 provided with a distinctive certificate by the board which
75 1 shall be displayed for viewing by the patients of the
75 2 optometrist.

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

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

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

75 29 5. A person applying to be licensed as an optometrist
75 30 after January 1, 1986, shall also apply to be a
75 31 therapeutically certified optometrist and shall, in addition
75 32 to satisfactorily completing all requirements for a license to
75 33 practice optometry, satisfactorily complete a course as
75 34 defined by rule of the ~~state board of optometry examiners~~ with
75 35 particular emphasis on the examination, diagnosis and
76 1 treatment of conditions of the human eye and adnexa provided
76 2 by an institution accredited by a regional or professional
76 3 accreditation organization which is recognized or approved by
76 4 the council on postsecondary accreditation of the United
76 5 States office of education, and approved by the board ~~of~~
76 6 ~~optometry examiners~~. The rule rules of the board shall
76 7 require a course including a minimum of forty hours of
76 8 didactic education and sixty hours of approved supervised
76 9 clinical training in the examination, diagnosis, and treatment
76 10 of conditions of the human eye and adnexa. The board may
76 11 also, by rule, provide a procedure by which an applicant who
76 12 has received didactic education meeting the requirements of
76 13 rules adopted pursuant to this subsection at an approved
76 14 school of optometry may apply to the board for a waiver of the
76 15 didactic education requirements of this subsection.

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

76 20 with particular emphasis on the examination, diagnosis, and
76 21 treatment of conditions of the human eye and adnexa provided
76 22 by an institution accredited by a regional or professional
76 23 accreditation organization which is recognized or approved by
76 24 the council on postsecondary accreditation of the United
76 25 States office of education, and approved by the board of
~~76 26 optometry examiners.~~ The rule of the board shall require a
76 27 course including a minimum of forty hours of didactic
76 28 education and sixty hours of approved supervised clinical
76 29 training in the examination, diagnosis, and treatment of
76 30 conditions of the human eye and adnexa. Effective July 1,
76 31 1987, the board shall require that therapeutically certified
76 32 optometrists prior to the utilization of topical and oral
76 33 antiglaucoma agents, oral antimicrobial agents, and oral
76 34 analgesic agents shall complete an additional forty-four hours
76 35 of education with emphasis on treatment and management of
77 1 glaucoma and use of oral pharmaceutical agents for treatment
77 2 and management of ocular diseases, provided by an institution
77 3 accredited by a regional or professional accreditation
77 4 organization which is recognized or approved by the council on
77 5 postsecondary accreditation of the United States office of
77 6 education, and approved by the board of ~~optometry examiners.~~
77 7 Upon completion of the additional forty-four hours of
77 8 education, a therapeutically certified optometrist shall also
77 9 pass an oral or written examination prescribed by the board.
77 10 The board shall suspend the optometrist's therapeutic
77 11 certificate for failure to comply with this subsection by July
77 12 1, 1988.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

78 30 Additional standards for supervision shall be determined by

78 31 the board of ~~social work examiners~~.
78 32 Sec. 150. Section 154D.1, subsection 1, Code 2007, is
78 33 amended to read as follows:
78 34 1. "Board" means the board of behavioral science
78 35 ~~examiners~~, established in ~~section 147.13~~ chapter 147.
79 1 Sec. 151. Section 154E.1, subsection 1, Code 2007, is
79 2 amended to read as follows:
79 3 1. "Board" means the board of ~~interpreter for the hearing~~
79 4 ~~impaired examiners sign language interpreters and~~
79 5 ~~translitterators~~, established in chapter 147.
79 6 Sec. 152. Section 155.1, subsection 1, Code 2007, is
79 7 amended to read as follows:
79 8 1. "Board" means the ~~Iowa state~~ board of ~~examiners for~~
79 9 ~~nursing home administrators hereinafter created~~, established
79 10 ~~in chapter 147~~.
79 11 Sec. 153. Section 155.2, unnumbered paragraph 1, Code
79 12 2007, is amended to read as follows:
79 13 There is established a ~~state~~ board of ~~examiners for~~ nursing
79 14 home administrators which shall consist of nine members
79 15 appointed by the governor subject to confirmation by the
79 16 senate as follows:
79 17 Sec. 154. Section 155A.3, subsection 3, Code 2007, is
79 18 amended to read as follows:
79 19 3. "Board" means the board of pharmacy ~~examiners~~.
79 20 Sec. 155. Section 155A.21, subsection 2, Code 2007, is
79 21 amended to read as follows:
79 22 2. Subsection 1 does not apply to a licensed pharmacy,
79 23 licensed wholesaler, physician, veterinarian, dentist,
79 24 podiatric physician, therapeutically certified optometrist,
79 25 advanced registered nurse practitioner, physician assistant, a
79 26 nurse acting under the direction of a physician, or the board
79 27 of pharmacy ~~examiners~~, its officers, agents, inspectors, and
79 28 representatives, ~~nor or~~ to a common carrier, manufacturer's
79 29 representative, or messenger when transporting the drug or
79 30 device in the same unbroken package in which the drug or
79 31 device was delivered to that person for transportation.
79 32 Sec. 156. Section 155A.26, Code 2007, is amended to read
79 33 as follows:
79 34 155A.26 ENFORCEMENT == AGENTS AS PEACE OFFICERS.
79 35 The board of ~~pharmacy examiners~~, its officers, agents,
80 1 inspectors, and representatives, and all peace officers within
80 2 the state, and all county attorneys shall enforce all
80 3 provisions of this chapter, except those specifically
80 4 delegated, and shall cooperate with all agencies charged with
80 5 the enforcement of the laws of the United States, of this
80 6 state, and of all other states relating to prescription drugs.
80 7 Officers, agents, inspectors, and representatives of the board
80 8 of ~~pharmacy examiners~~ shall have the powers and status of
80 9 peace officers when enforcing the provisions of this chapter.
80 10 Sec. 157. Section 156.1, subsection 1, Code 2007, is
80 11 amended to read as follows:
80 12 1. "Board" means the board of mortuary science ~~examiners~~.
80 13 Sec. 158. Section 157.1, subsection 1, Code 2007, is
80 14 amended to read as follows:
80 15 1. "Board" means the board of cosmetology arts and
80 16 sciences ~~examiners~~.
80 17 Sec. 159. Section 157.1, subsection 6, paragraph e, Code
80 18 2007, is amended to read as follows:
80 19 e. Manicuring and pedicuring.
80 20 Sec. 160. Section 158.1, subsection 5, Code 2007, is
80 21 amended to read as follows:
80 22 5. "Board" means the board of ~~barber examiners~~ barbering.
80 23 Sec. 161. Section 205.6, Code 2007, is amended to read as
80 24 follows:
80 25 205.6 POISON REGISTER.
80 26 It shall be unlawful for any pharmacist to sell at retail
80 27 any of the poisons enumerated in section 205.5 unless the
80 28 pharmacist ascertains that the purchaser is aware of the
80 29 character of the drug and the purchaser represents that it is
80 30 to be used for a proper purpose and every sale of any poison
80 31 enumerated in section 205.5 shall be entered in a book kept
80 32 for that purpose, to be known as a "Poison Register" and the
80 33 same shall show the date of the sale, the name and address of
80 34 the purchaser, the name of the poison, the purpose for which
80 35 it was represented to be purchased, and the name of the
81 1 natural person making the sale, which book or books shall be
81 2 open for inspection by the board of pharmacy ~~examiners~~, or any
81 3 magistrate or peace officer of this state, and preserved for
81 4 at least five years after the date of the last sale therein
81 5 recorded.
81 6 Sec. 162. Section 205.11, Code 2007, is amended to read as

81 7 follows:

81 8 205.11 ENFORCEMENT.

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

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

81 21 205.12 CHEMICAL ANALYSIS OF DRUGS.

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

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

81 29 205.13 APPLICABILITY OF OTHER STATUTES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

83 18 section 135.11.
83 19 Sec. 172. Section 272C.1, subsection 6, Code 2007, is
83 20 amended to read as follows:
83 21 6. "Licensing board" or "board" includes the following
83 22 boards:
83 23 a. The state board of engineering and land surveying
83 24 examiners, created pursuant to chapter 542B.
83 25 b. The board of examiners of shorthand reporters created
83 26 pursuant to article 3 of chapter 602.
83 27 c. The Iowa accountancy examining board, created pursuant
83 28 to chapter 542.
83 29 d. The Iowa real estate commission, created pursuant to
83 30 chapter 543B.
83 31 e. The board of architectural examiners, created pursuant
83 32 to chapter 544A.
83 33 f. The Iowa board of landscape architectural examiners,
83 34 created pursuant to chapter 544B.
83 35 g. The board of ~~barber examiners~~ barbering, created
84 1 pursuant to chapter 147.
84 2 h. The board of chiropractic ~~examiners~~, created pursuant
84 3 to chapter 147.
84 4 i. The board of cosmetology arts and sciences ~~examiners~~,
84 5 created pursuant to chapter 147.
84 6 j. The board of ~~dental examiners~~ dentistry, created
84 7 pursuant to chapter 147.
84 8 k. The board of mortuary science ~~examiners~~, created
84 9 pursuant to chapter 147.
84 10 l. The board of ~~medical examiners~~ medicine, created
84 11 pursuant to chapter 147.
84 12 m. The board of physician ~~assistant examiners~~ assistants,
84 13 created pursuant to chapter 148C.
84 14 n. The board of nursing, created pursuant to chapter 147.
84 15 o. The board of ~~examiners for~~ nursing home administrators,
84 16 created pursuant to chapter 155.
84 17 p. The board of optometry ~~examiners~~, created pursuant to
84 18 chapter 147.
84 19 q. The board of pharmacy ~~examiners~~, created pursuant to
84 20 chapter 147.
84 21 r. The board of physical and occupational therapy
84 22 examiners, created pursuant to chapter 147.
84 23 s. The board of podiatry ~~examiners~~, created pursuant to
84 24 chapter 147.
84 25 t. The board of psychology ~~examiners~~, created pursuant to
84 26 chapter 147.
84 27 u. The board of speech pathology and audiology ~~examiners~~,
84 28 created pursuant to chapter 147.
84 29 v. The board ~~for the licensing and regulation~~ of hearing
84 30 aid dispensers, created pursuant to chapter 154A.
84 31 w. The board of veterinary medicine, created pursuant to
84 32 chapter 169.
84 33 x. The director of the department of natural resources in
84 34 certifying water treatment operators as provided in sections
84 35 455B.211 through 455B.224.
85 1 y. Any professional or occupational licensing board
85 2 created after January 1, 1978.
85 3 z. The ~~state~~ board of respiratory care in licensing
85 4 respiratory care practitioners pursuant to chapter 152B.
85 5 aa. The board of ~~examiners for~~ athletic training in
85 6 licensing athletic trainers pursuant to chapter 152D.
85 7 ab. The board of ~~examiners for~~ massage therapy in
85 8 licensing massage therapists pursuant to chapter 152C.
85 9 ac. The board of ~~interpreter for the hearing impaired~~
85 10 ~~examiners sign language interpreters and transliterators~~,
85 11 created pursuant to chapter 154E.
85 12 ad. The director of public health in certifying emergency
85 13 medical care providers and emergency medical care services
85 14 pursuant to chapter 147A.
85 15 Sec. 173. Section 272C.2, subsections 4 and 5, Code 2007,
85 16 are amended to read as follows:
85 17 4. A person licensed to practice an occupation or
85 18 profession in this state shall be deemed to have complied with
85 19 the continuing education requirements of this state during
85 20 periods that the person serves honorably on active duty in the
85 21 military services, or for periods that the person is a
85 22 resident of another state or district having a continuing
85 23 education requirement for the occupation or profession and
85 24 meets all requirements of that state or district for practice
85 25 therein, or for periods that the person is a government
85 26 employee working in the person's licensed specialty and
85 27 assigned to duty outside of the United States, or for other
85 28 periods of active practice and absence from the state approved

85 29 by the appropriate licensing board of ~~examiners~~.
85 30 5. A person licensed to sell real estate in this state
85 31 shall be deemed to have complied with the continuing education
85 32 requirements of this state during periods that the person
85 33 serves honorably on active duty in the military services, or
85 34 for periods that the person is a resident of another state or
85 35 district having a continuing education requirement for the
86 1 occupation or profession and meets all requirements of that
86 2 state or district for practice therein, if the state or
86 3 district accords the same privilege to Iowa residents, or for
86 4 periods that the person is a government employee working in
86 5 the person's licensed specialty and assigned to duty outside
86 6 of the United States, or for other periods of active practice
86 7 and absence from the state approved by the appropriate
86 8 licensing board of ~~examiners~~.

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

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

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

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

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

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

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

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

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

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

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

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

88 5 under this section shall be exempt from challenge under
88 6 federal or state antitrust laws or other similar laws in
88 7 regulation of trade or commerce.
88 8 Sec. 179. Section 523A.813, Code 2007, is amended to read
88 9 as follows:
88 10 523A.813 LICENSE REVOCATION == RECOMMENDATION BY
88 11 COMMISSIONER TO BOARD OF MORTUARY SCIENCE ~~EXAMINERS~~.
88 12 Upon a determination by the commissioner that grounds exist
88 13 for an administrative license revocation or suspension action
88 14 by the board of mortuary science ~~examiners~~ under chapter 156,
88 15 the commissioner may forward to the board the grounds for the
88 16 determination, including all evidence in the possession of the
88 17 commissioner, so that the board may proceed with the matter as
88 18 deemed appropriate.
88 19 Sec. 180. Section 622.10, subsection 5, Code 2007, is
88 20 amended to read as follows:
88 21 5. For the purposes of this section, "mental health
88 22 professional" means a psychologist licensed under chapter
88 23 154B, a registered nurse licensed under chapter 152, a social
88 24 worker licensed under chapter 154C, a marital and family
88 25 therapist licensed under chapter 154D, a mental health
88 26 counselor licensed under chapter 154D, or an individual
88 27 holding at least a master's degree in a related field as
88 28 deemed appropriate by the board of behavioral science
88 29 ~~examiners~~.
88 30 Sec. 181. Section 622.31, Code 2007, is amended to read as
88 31 follows:
88 32 622.31 EVIDENCE OF REGRET OR SORROW.
88 33 In any civil action for professional negligence, personal
88 34 injury, or wrongful death or in any arbitration proceeding for
88 35 professional negligence, personal injury, or wrongful death
89 1 against a person in a profession represented by the ~~examining~~
89 2 boards listed in section 272C.1 and any other licensed
89 3 profession recognized in this state, a hospital licensed
89 4 pursuant to chapter 135B, or a health care facility licensed
89 5 pursuant to chapter 135C, based upon the alleged negligence in
89 6 the practice of that profession or occupation, that portion of
89 7 a statement, affirmation, gesture, or conduct expressing
89 8 sorrow, sympathy, commiseration, condolence, compassion, or a
89 9 general sense of benevolence that was made by the person to
89 10 the plaintiff, relative of the plaintiff, or decision maker
89 11 for the plaintiff that relates to the discomfort, pain,
89 12 suffering, injury, or death of the plaintiff as a result of an
89 13 alleged breach of the applicable standard of care is
89 14 inadmissible as evidence. Any response by the plaintiff,
89 15 relative of the plaintiff, or decision maker for the plaintiff
89 16 to such statement, affirmation, gesture, or conduct is
89 17 similarly inadmissible as evidence.
89 18 Sec. 182. Section 707.8A, subsection 7, Code 2007, is
89 19 amended to read as follows:
89 20 7. a. A licensed physician subject to the authority of
89 21 the ~~state~~ board of ~~medical examiners~~ medicine who is accused
89 22 of a violation of subsection 2 may seek a hearing before the
89 23 board on whether the physician's conduct was necessary to save
89 24 the life of the mother whose life was endangered by a physical
89 25 disorder, physical illness, or physical injury.
89 26 b. The board's findings concerning the physician's conduct
89 27 are admissible at the criminal trial of the physician. Upon a
89 28 motion of the physician, the court shall delay the beginning
89 29 of the trial for not more than thirty days to permit the
89 30 hearing before the board of ~~medical examiners~~ medicine to take
89 31 place.
89 32 Sec. 183. Section 714.25, unnumbered paragraph 2, Code
89 33 2007 is amended to read as follows:
89 34 A proprietary school shall, prior to the time a student is
89 35 obligated for payment of any moneys, inform the student, the
90 1 college student aid commission, and in the case of a school
90 2 licensed under section 157.8, the board of cosmetology
90 3 ~~examiners arts and sciences~~ or in the case of a school
90 4 licensed under section 158.7, the board of ~~barber examiners~~
90 5 barbering, of all of the following:
90 6 Sec. 184. Section 729.6, subsection 1, paragraph e, Code
90 7 2007, is amended to read as follows:
90 8 e. "Licensing agency" means a board, commission,
90 9 committee, council, department, ~~examining board~~, or officer,
90 10 except a judicial officer, in the state, or in a city, county,
90 11 township, or local government, authorized to grant, deny,
90 12 renew, revoke, suspend, annul, withdraw, or amend a license or
90 13 certificate of registration.

90 14 EXPLANATION

90 15 The department of public health contains 23 health-related

90 16 licensing boards. This bill strikes the word "examiners" from
90 17 the name of only these health-related boards, clarifying that
90 18 boards do much more than test applicants for licensure. The
90 19 bill also renames the secretary of the pharmacy board as the
90 20 executive director. Conforming amendments are included in
90 21 numerous chapters throughout the Code.
90 22 The bill also makes revenues that are generated and
90 23 retained by the licensing boards not subject to reversion to
90 24 the general fund of the state.
90 25 LSB 1207XC 82
90 26 jr:rj/gg/14.1