

House File 380 - Introduced

HOUSE FILE _____
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 132)

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

A BILL FOR

1 An Act relating to the administration of programs under the
2 jurisdiction of the department of public health and increasing
3 a penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1149HV 83
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1 1 Section 1. Section 144.39, Code 2009, is amended to read
1 2 as follows:

1 3 144.39 CHANGE OF NAME.

1 4 Upon receipt of a certified copy of a court order from a
1 5 court of competent jurisdiction or certificate of the clerk of
1 6 court pursuant to chapter 674 changing the name of a person
1 7 born in this state ~~and upon request of the person or the~~

~~1 8 person's parent, guardian, or legal representative, the state~~

1 9 registrar shall amend the certificate of birth to reflect the

1 10 new name. A fee established by the department by rule based

1 11 on average administrative cost shall be collected ~~for each~~

~~1 12 amended to amend the~~ certificate of birth to reflect a new

1 13 name. Fees collected under this section shall be deposited in

1 14 the general fund of the state.

1 15 Sec. 2. Section 147.14, subsection 1, paragraph d, Code

1 16 2009, is amended to read as follows:

1 17 d. For dentistry, five members licensed to practice

1 18 dentistry, two members licensed to practice dental hygiene,

1 19 and two members not licensed to practice dentistry or dental

1 20 hygiene and who shall represent the general public. ~~No member~~

~~1 21 of the dental faculty of the school of dentistry at the state~~

~~1 22 university of Iowa shall be eligible to be appointed. Persons~~

~~1 23 appointed to the board as dental hygienist members shall not~~

~~1 24 be employed by or receive any form of remuneration from a~~

~~1 25 dental or dental hygiene educational institution. The two~~

1 26 dental hygienist board members and one dentist board member

1 27 shall constitute a dental hygiene committee of the board as

1 28 provided in section 153.33A.

1 29 Sec. 3. Section 149.7, Code 2009, is amended to read as

1 30 follows:

1 31 149.7 TEMPORARY ~~CERTIFICATE~~ LICENSE.

1 32 1. The board may issue a temporary ~~certificate license~~

1 33 authorizing the licensee ~~named in the certificate~~ to practice

1 34 podiatry if, in the opinion of the board, a need exists and

1 35 the person possesses the qualifications prescribed by the

2 1 board for the ~~certificate temporary license~~, which shall be

2 2 substantially equivalent to those required for ~~regular~~

2 3 permanent licensure under this chapter. The board shall

2 4 determine in each instance the applicant's eligibility for the

2 5 ~~certificate temporary license~~, whether or not an examination

2 6 shall be given, and the type of examination. The requirements

2 7 of the law pertaining to ~~regular~~ permanent licensure shall not

2 8 be mandatory for ~~this~~ temporary ~~certificate~~ licensure except

2 9 as specifically designated by the board. The granting of a

2 10 temporary ~~certificate license~~ does not in any way indicate

2 11 that the person licensed is necessarily eligible for ~~regular~~

2 12 permanent licensure, and the board is not obligated to issue a

~~2 13 permanent license to the person.~~

~~2 14 2. The temporary certificate shall be issued for one year~~

~~2 15 and may be renewed, but a person shall not be entitled to~~

~~2 16 practice podiatry in excess of three years while holding a~~

~~2 17 temporary certificate. The board shall determine the duration~~

2 18 of time a person is qualified to practice podiatry while
2 19 holding a temporary license. The fee for this certificate
2 20 license shall be set by the board, and if extended beyond one
2 21 year, a renewal fee per year shall be set by the board. The
2 22 fees shall be based on the administrative costs of issuing and
2 23 renewing the ~~certificates~~ temporary licenses.

2 24 Sec. 4. Section 153.13, subsection 2, Code 2009, is
2 25 amended to read as follows:

2 26 2. Persons who perform examination, diagnosis, treatment,
2 27 ~~and removal of stains, accretions, or deposits from human~~
2 28 ~~teeth, or attempted correction by any medicine, appliance,~~
2 29 surgery, or other appropriate method of any disease,
2 30 condition, disorder, lesion, injury, deformity, or defect of
2 31 the oral cavity and maxillofacial area, including teeth, gums,
2 32 jaws, and associated structures and tissue, which methods by
2 33 education, background experience, and expertise are common to
2 34 the practice of dentistry.

2 35 Sec. 5. Section 158.1, subsection 1, paragraph d, Code
3 1 2009, is amended to read as follows:

3 2 d. Applying cosmetic preparations, antiseptics, powders,
3 3 oils, clays, waxes, or lotions to scalp, face, or neck.

3 4 Sec. 6. Section 158.3, subsection 3, Code 2009, is amended
3 5 by striking the subsection.

3 6 Sec. 7. Section 158.7, Code 2009, is amended to read as
3 7 follows:

3 8 158.7 LICENSING BARBER SCHOOLS.

3 9 1. It is unlawful for a barber school to operate unless
3 10 the owner has obtained a license issued by the department.
3 11 The owner shall file a verified application with the
3 12 department on forms prescribed by the board.

3 13 2. Any person employed as a barbering instructor in a
3 14 licensed barber school shall be a licensed barber and shall
3 15 possess a separate instructor's license which shall be renewed
3 16 ~~annually~~ biennially. An instructor shall file an application
3 17 with the department on forms prescribed by the board.

3 18 3. The barber school must pass a sanitary inspection, and
3 19 the course of study of the school must be approved by the
3 20 board under the provisions of section 158.8.

3 21 4. An annual inspection of each barber school, including
3 22 the educational activities of each school, shall be conducted
3 23 and completed by the board prior to renewal of the license.

3 24 5. The application shall be accompanied by the annual
3 25 license fee determined under the provisions of section 147.80
3 26 and shall state the name and location of the school, name of
3 27 the owner, name of the manager, and such other additional
3 28 information as the board may require. The license is valid for
3 29 one year and may be renewed.

3 30 6. A license for a barber school shall not be issued for
3 31 any space in any location where the same space is licensed as
3 32 a school of cosmetology.

3 33 Sec. 8. Section 158.8, Code 2009, is amended to read as
3 34 follows:

3 35 158.8 COURSE OF STUDY.

4 1 1. The course of study of a barber school shall consist of
4 2 at least two thousand one hundred hours of instruction as
4 3 prescribed by the board and shall include instruction in all
4 4 phases of the practice of barbering as defined in section
4 5 158.1, subsection 1. The course shall require at least ten
4 6 months of instruction for completion. The course shall
4 7 include not less than three hundred hours of demonstrations
4 8 and lectures in the following areas: ~~law~~ law; ethics;
4 9 equipment; shop management; history of barbering; sanitation;
4 10 sterilization; personal hygiene; first aid; bacteriology;
4 11 anatomy; scalp, skin, hair and their common disorders;
4 12 electricity as applied to barbering; chemistry and
4 13 pharmacology; scalp care; hair body processing; hairpieces;
4 14 honing and stropping; shaving; facials, massage and packs;
4 15 haircutting; hair tonics; dyeing and bleaching; instruments;
4 16 soaps; and shampoos, creams, lotions, waxes, and tonics. It
4 17 shall include not less than one thousand four hundred hours of
4 18 supervised practical instruction in the following areas:
4 19 ~~Scalp~~ scalp care and shampooing, honing and stropping,
4 20 shaving, haircutting, hairstyling and blow waving, dyeing and
4 21 bleaching, hair body processing, facials, waxing, massage and
4 22 packs, beard and mustache trimming, and hairpieces.

4 23 2. A person licensed under section 157.3 who enrolls in a
4 24 barber school shall be granted full credit for each course
4 25 successfully completed which meets the requirements of the
4 26 barber school, which shall be credited toward the two thousand
4 27 one hundred hour requirement, and the ten-month period does
4 28 not apply. A person who has been a student in a school of

4 29 cosmetology arts and sciences licensed under chapter 157 may
4 30 enroll in a barber school and shall be granted, at the
4 31 discretion of the school, at least half credit and up to full
4 32 credit for each course successfully completed which meets the
4 33 requirements of the barber school.

4 34 Sec. 9. Section 158.16, Code 2009, is amended to read as
4 35 follows:

5 1 158.16 PENALTY.

5 2 A person convicted of violating any of the provisions of
5 3 this chapter shall be fined not to exceed one ~~hundred thousand~~
5 4 dollars.

5 5 Sec. 10. Section 691.6C, Code 2009, is amended to read as
5 6 follows:

5 7 691.6C STATE MEDICAL EXAMINER ADVISORY COUNCIL.

5 8 A state medical examiner advisory council is established to
5 9 advise and consult with the state medical examiner on a range
5 10 of issues affecting the organization and functions of the
5 11 office of the state medical examiner and the effectiveness of
5 12 the medical examiner system in the state. Membership of the
5 13 state medical examiner advisory council shall be determined by
5 14 the state medical examiner, in consultation with the director
5 15 of public health, and shall include, but not necessarily be
5 16 limited to, representatives from the office of the attorney
5 17 general, the Iowa county attorneys association, the Iowa
5 18 medical society, the Iowa association of pathologists, the
5 19 Iowa association of county medical examiners, the departments
5 20 of public safety and public health, the statewide emergency
5 21 medical system, and the Iowa funeral directors association.
5 22 The advisory council shall meet ~~on a quarterly or more~~

~~5 23 frequent basis on a regular basis~~, and shall be organized and
5 24 function as established by the state medical examiner by rule.

5 25 Sec. 11. Sections 135.30, 148B.8, 155.7, 155.17, and
5 26 155.18, Code 2009, are repealed.

5 27 EXPLANATION

5 28 This bill makes revisions to various programs under the
5 29 jurisdiction of the department of public health. The bill
5 30 conforms language in Code section 144.39 relating to the
5 31 duties of the state registrar of vital statistics in regard to
5 32 name changes with language in Code chapter 674 relating to
5 33 name changes.

5 34 The bill allows the board of podiatrists to determine the
5 35 duration of a temporary license to accommodate changes in
6 1 podiatric residency program requirements, prevents the risk of
6 2 providing permanent licensure to individuals who do not
6 3 complete an approved residency program, and clarifies
6 4 terminology regarding temporary and permanent licensure.

6 5 The bill strikes antiquated language concerning barber
6 6 apprentices. The definition of the practice of barbering is
6 7 expanded to include the application of waxes. The barber
6 8 instructor license currently must be renewed annually; the
6 9 bill provides for biennial renewal. The maximum penalty for
6 10 violation of any provision of the barber licensing law is
6 11 raised from \$100 to \$1,000.

6 12 The bill revises a current requirement that the state
6 13 medical examiner advisory council meet at least quarterly to
6 14 require the council to meet on a regular basis.

6 15 The bill repeals Code section 135.30, which requires that
6 16 all spectacles be fitted with plastic lenses, laminated
6 17 lenses, heat-treated glass lenses, or glass lenses made impact
6 18 resistant. Federal regulations address impact resistance and
6 19 testing.

6 20 The bill repeals Code section 148B.8, which allows the
6 21 board of physical and occupational therapy to hire its own
6 22 staff. Code sections 147.22 and 147.24 contain language
6 23 relating to board officers and compensation.

6 24 Code sections 155.7, 155.17, and 155.18 are repealed. Code
6 25 chapter 155 relates to the board of nursing home
6 26 administrators. The repealed Code sections relate to the
6 27 organization of the board, confidential information, and the
6 28 suspension or revocation of a license. These provisions are
6 29 now generally applicable to all boards; set out in Code
6 30 sections 147.21, 147.22, 147.24, and 147.55.

6 31 The bill strikes current provisions which prohibit faculty
6 32 members from the University of Iowa from serving on the board.
6 33 The bill also defines the practice of dentistry to include the
6 34 removal of stains, accretions, or deposits from the teeth.

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