

Senate Study Bill 1093

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

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

A BILL FOR

1 An Act 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:
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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 149.7, Code 2009, is amended to read as
1 16 follows:
1 17 149.7 TEMPORARY CERTIFICATE LICENSE.
1 18 1. The board may issue a temporary ~~certificate license~~
1 19 authorizing the licensee ~~named in the certificate~~ to practice
1 20 podiatry if, in the opinion of the board, a need exists and
1 21 the person possesses the qualifications prescribed by the
1 22 board for the ~~certificate temporary license~~, which shall be
1 23 substantially equivalent to those required for regular
1 24 ~~permanent~~ licensure under this chapter. The board shall
1 25 determine in each instance the applicant's eligibility for the
1 26 ~~certificate temporary license~~, whether or not an examination
1 27 shall be given, and the type of examination. The requirements
1 28 of the law pertaining to regular permanent licensure shall not
1 29 be mandatory for this temporary ~~certificate licensure~~ except
1 30 as specifically designated by the board. The granting of a
1 31 temporary ~~certificate license~~ does not in any way indicate
1 32 that the person licensed is necessarily eligible for regular
1 33 ~~permanent~~ licensure, and the board is not obligated to ~~issue a~~
~~1 34 permanent license to the person.~~
1 35 2. ~~The temporary certificate shall be issued for one year~~
~~2 1 and may be renewed, but a person shall not be entitled to~~
~~2 2 practice podiatry in excess of three years while holding a~~
~~2 3 temporary certificate. The board shall determine the duration~~
~~2 4 of time a person is qualified to practice podiatry while~~
~~2 5 holding a temporary license. The fee for this certificate~~
2 6 ~~license~~ shall be set by the board, and if extended beyond one
2 7 year, a renewal fee per year shall be set by the board. The
2 8 fees shall be based on the administrative costs of issuing and
2 9 renewing the ~~certificates temporary licenses~~.
2 10 Sec. 3. Section 158.1, subsection 1, paragraph d, Code
2 11 2009, is amended to read as follows:
2 12 d. Applying cosmetic preparations, antiseptics, powders,
2 13 oils, clays, ~~waxes~~, or lotions to scalp, face, or neck.
2 14 Sec. 4. Section 158.3, subsection 3, Code 2009, is amended
2 15 by striking the subsection.
2 16 Sec. 5. Section 158.7, Code 2009, is amended to read as
2 17 follows:
2 18 158.7 LICENSING BARBER SCHOOLS.

2 19 1. It is unlawful for a barber school to operate unless
2 20 the owner has obtained a license issued by the department.
2 21 The owner shall file a verified application with the
2 22 department on forms prescribed by the board.
2 23 2. Any person employed as a barbering instructor in a
2 24 licensed barber school shall be a licensed barber and shall
2 25 possess a separate instructor's license which shall be renewed
2 26 ~~annually~~ biennially. An instructor shall file an application
2 27 with the department on forms prescribed by the board.
2 28 3. The barber school must pass a sanitary inspection, and
2 29 the course of study of the school must be approved by the
2 30 board under the provisions of section 158.8.
2 31 4. An annual inspection of each barber school, including
2 32 the educational activities of each school, shall be conducted
2 33 and completed by the board prior to renewal of the license.
2 34 5. The application shall be accompanied by the annual
2 35 license fee determined under the provisions of section 147.80
3 1 and shall state the name and location of the school, name of
3 2 the owner, name of the manager, and such other additional
3 3 information as the board may require. The license is valid for
3 4 one year and may be renewed.
3 5 6. A license for a barber school shall not be issued for
3 6 any space in any location where the same space is licensed as
3 7 a school of cosmetology.
3 8 Sec. 6. Section 158.8, Code 2009, is amended to read as
3 9 follows:

3 10 158.8 COURSE OF STUDY.

3 11 1. The course of study of a barber school shall consist of
3 12 at least two thousand one hundred hours of instruction as
3 13 prescribed by the board and shall include instruction in all
3 14 phases of the practice of barbering as defined in section
3 15 158.1, subsection 1. The course shall require at least ten
3 16 months of instruction for completion. The course shall
3 17 include not less than three hundred hours of demonstrations
3 18 and lectures in the following areas: ~~law~~ law; ethics;
3 19 equipment; shop management; history of barbering; sanitation;
3 20 sterilization; personal hygiene; first aid; bacteriology;
3 21 anatomy; scalp, skin, hair and their common disorders;
3 22 electricity as applied to barbering; chemistry and
3 23 pharmacology; scalp care; hair body processing; hairpieces;
3 24 honing and stropping; shaving; facials, massage and packs;
3 25 haircutting; hair tonics; dyeing and bleaching; instruments;
3 26 soaps; and shampoos, creams, lotions, waxes, and tonics. It
3 27 shall include not less than one thousand four hundred hours of
3 28 supervised practical instruction in the following areas: ~~Scalp~~
3 29 scalp care and shampooing, honing and stropping, shaving,
3 30 haircutting, hairstyling and blow waving, dyeing and
3 31 bleaching, hair body processing, facials, waxing, massage and
3 32 packs, beard and mustache trimming, and hairpieces.
3 33 2. A person licensed under section 157.3 who enrolls in a
3 34 barber school shall be granted full credit for each course
3 35 successfully completed which meets the requirements of the
4 1 barber school, which shall be credited toward the two thousand
4 2 one hundred hour requirement, and the ten-month period does
4 3 not apply. A person who has been a student in a school of
4 4 cosmetology arts and sciences licensed under chapter 157 may
4 5 enroll in a barber school and shall be granted, at the
4 6 discretion of the school, at least half credit and up to full
4 7 credit for each course successfully completed which meets the
4 8 requirements of the barber school.

4 9 Sec. 7. Section 158.16, Code 2009, is amended to read as
4 10 follows:

4 11 158.16 PENALTY.

4 12 A person convicted of violating any of the provisions of
4 13 this chapter shall be fined not to exceed one ~~hundred thousand~~
4 14 dollars.

4 15 Sec. 8. Section 691.6C, Code 2009, is amended to read as
4 16 follows:

4 17 691.6C STATE MEDICAL EXAMINER ADVISORY COUNCIL.

4 18 A state medical examiner advisory council is established to
4 19 advise and consult with the state medical examiner on a range
4 20 of issues affecting the organization and functions of the
4 21 office of the state medical examiner and the effectiveness of
4 22 the medical examiner system in the state. Membership of the
4 23 state medical examiner advisory council shall be determined by
4 24 the state medical examiner, in consultation with the director
4 25 of public health, and shall include, but not necessarily be
4 26 limited to, representatives from the office of the attorney
4 27 general, the Iowa county attorneys association, the Iowa
4 28 medical society, the Iowa association of pathologists, the
4 29 Iowa association of county medical examiners, the departments

4 30 of public safety and public health, the statewide emergency
4 31 medical system, and the Iowa funeral directors association.
4 32 The advisory council shall meet ~~on a quarterly or more~~
~~4 33 frequent basis on a regular basis~~, and shall be organized and
4 34 function as established by the state medical examiner by rule.
4 35 Sec. 9. Sections 135.30, 148B.8, 155.7, 155.17, and
5 1 155.18, Code 2009, are repealed.

5 2 EXPLANATION

5 3 This bill makes revisions to various programs under the
5 4 jurisdiction of the department of public health. The bill
5 5 conforms language in Code section 144.39 relating to the
5 6 duties of the state registrar of vital statistics in regard to
5 7 name changes with language in Code chapter 674 relating to
5 8 name changes.

5 9 The bill allows the board of podiatrists to determine the
5 10 duration of a temporary license to accommodate changes in
5 11 podiatric residency program requirements, prevents the risk of
5 12 providing permanent licensure to individuals who do not
5 13 complete an approved residency program, and clarifies
5 14 terminology regarding temporary and permanent licensure.

5 15 The bill strikes antiquated language concerning barber
5 16 apprentices. The definition of the practice of barbering is
5 17 expanded to include the application of waxes. The barber
5 18 instructor license currently must be renewed annually; the
5 19 bill provides for biennial renewal. The maximum penalty for
5 20 violation of any provision of the barber licensing law is
5 21 raised from \$100 to \$1,000.

5 22 The bill revises a current requirement that the state
5 23 medical examiner advisory council meet at least quarterly to
5 24 require the council to meet on a regular basis.

5 25 The bill repeals Code section 135.30, which requires that
5 26 all spectacles be fitted with plastic lenses, laminated
5 27 lenses, heat-treated glass lenses, or glass lenses made impact
5 28 resistant. Federal regulations address impact resistance and
5 29 testing.

5 30 The bill repeals Code section 148B.8, which allows the
5 31 board of physical and occupational therapy to hire its own
5 32 staff. Code sections 147.22 and 147.24 contain language
5 33 relating to board officers and compensation.

5 34 Code sections 155.7, 155.17, and 155.18 are repealed. Code
5 35 chapter 155 relates to the board of nursing home
6 1 administrators. The repealed Code sections relate to the
6 2 organization of the board, confidential information, and the
6 3 suspension or revocation of a license. These provisions are
6 4 now generally applicable to all boards; set out in Code
6 5 sections 147.21, 147.22, 147.24, and 147.55.

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