

**Senate Study Bill 3078 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
STATE GOVERNMENT BILL BY  
CHAIRPERSON DANIELSON)

**A BILL FOR**

1 An Act relating to direct care professionals including the  
2 establishment of a board of direct care professionals,  
3 providing for implementation, making penalties applicable,  
4 and including effective date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 152F.1 Definitions.

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "*Board*" means the board of direct care professionals  
5 created under chapter 147.

6 2. "*Community living professional*" means a direct care  
7 associate who has completed advanced training and is certified  
8 to provide home and community living, instrumental activities  
9 of daily living, and personal support services.

10 3. "*Direct care associate*" means a direct care provider who  
11 has completed core training and is certified to provide direct  
12 care services in the state.

13 4. "*Direct care instructor*" means an individual approved  
14 by the board to provide direct care instruction to direct care  
15 providers and direct care professionals.

16 5. "*Direct care professional*" means a direct care associate,  
17 a community living professional, a health support professional,  
18 a personal support professional, or a direct care associate who  
19 has received a specialty endorsement.

20 6. "*Direct care provider*" means an individual who provides  
21 direct care services for compensation.

22 7. "*Direct care services*" means services provided to  
23 individuals who are ill or individuals with disabilities,  
24 including but not limited to home and community living  
25 services, instrumental activities of daily living services,  
26 personal activities of daily living services, personal support  
27 services, and health monitoring and maintenance services.

28 8. "*Direct care trainer*" means a direct care instructor who  
29 is approved by the board to train instructors.

30 9. "*Health monitoring and maintenance services*" means  
31 medically-oriented services that assist an individual in  
32 maintaining the individual's health including measuring intake  
33 and output; providing catheter and ostomy care; collecting  
34 specimens; checking vital signs, including temperature, pulse,  
35 respiration, and blood pressure; measuring height and weight;

1 performing range of motion exercises; providing assistance with  
2 urinary care; and application of thrombo embolic deterrent hose  
3 or hot and cold packs.

4 10. "*Health support professional*" means a direct care  
5 associate who has completed advanced training and is certified  
6 to provide personal activities of daily living and health  
7 monitoring and maintenance services.

8 11. "*Home and community living services*" means services to  
9 enhance or maintain independence of individuals including such  
10 activities as helping individuals develop and meet personal  
11 goals, providing direct physical and emotional support and  
12 assistance for persons with disabilities, utilizing crisis  
13 intervention and positive behavior supports, and using and  
14 following individual support plans.

15 12. "*Instrumental activities of daily living services*" means  
16 services provided to assist individuals with daily living tasks  
17 to allow them to function independently in a home or community  
18 setting, including but not limited to assistance with managing  
19 money, transportation, light housekeeping, and shopping and  
20 cooking.

21 13. "*Personal activities of daily living services*" means  
22 services to assist individuals in meeting basic needs,  
23 including but not limited to bathing, back rubs, and skin care;  
24 grooming activities; assistance with dressing and undressing;  
25 assistance with eating and feeding; assistance with toileting;  
26 and assistance with mobility, including transfers, walking, and  
27 turning in bed.

28 14. "*Personal support professional*" means a direct care  
29 associate who has completed advanced training and is certified  
30 to provide instrumental activities of daily living, personal  
31 activities of daily living, and personal support services.

32 15. "*Personal support services*" means support services  
33 provided to an individual as the individual performs personal  
34 activities of daily living including but not limited to  
35 coaching and prompting, and teaching skills and behaviors.

1 16. "*Specialty endorsement*" means an advanced level of  
2 certification based on requirements developed by experts in a  
3 particular discipline or professional area and approved by the  
4 board.

5 Sec. 2. NEW SECTION. 152F.2 Certification required —  
6 exceptions — use of title.

7 1. Unless otherwise exempt under section 152F.4, beginning  
8 January 1, 2014, a direct care provider shall not provide  
9 direct care services in this state without being certified as a  
10 direct care associate.

11 2. A direct care provider who is not certified pursuant  
12 to this chapter shall not use words or titles which imply  
13 or represent that the person is certified as a direct care  
14 professional under this chapter.

15 3. A direct care associate shall not act as or represent  
16 that the person is a direct care professional with advanced  
17 training certification or a specialty endorsement, unless the  
18 direct care associate is first certified at the appropriate  
19 level of certification under this chapter.

20 4. Notwithstanding any provision to the contrary, a person  
21 who completes advanced training or meets the requirements for  
22 a specialty endorsement is not required to be certified at  
23 that level if the person does not act as or represent that the  
24 person is certified at that level. Section 147.83 does not  
25 apply to a direct care associate who is not certified as a  
26 direct care professional with advanced training certification  
27 or a specialty endorsement if the direct care associate does  
28 not act as or represent that the person is certified at that  
29 level.

30 Sec. 3. NEW SECTION. 152F.3 Requirements to obtain  
31 certification — renewal — continuing education — reciprocity.

32 1. An applicant for certification as a direct care associate  
33 shall present evidence satisfactory to the board that the  
34 applicant meets all of the following requirements:

35 a. The applicant has successfully completed the required

1 education for the certification from a board-approved direct  
2 care instructor or direct care trainer.

3     *b.* The applicant has paid all fees required by the board.

4     *c.* The applicant certifies that the applicant will conduct  
5 all professional activities in accordance with standards for  
6 professional conduct established by the board.

7     2. An applicant for certification as a direct care  
8 professional with advanced training or a specialty endorsement  
9 shall present evidence satisfactory to the board that the  
10 applicant meets all of the following requirements:

11     *a.* The applicant has successfully completed the required  
12 education for the certification from a board-approved direct  
13 care instructor or direct care trainer.

14     *b.* The applicant has paid all fees required by the board.

15     *c.* The applicant has passed a state examination approved by  
16 the board.

17     *d.* The applicant certifies that the applicant will conduct  
18 all professional activities in accordance with standards for  
19 professional conduct established by the board.

20     3. A person shall renew the person's certification  
21 biennially. Prior to such renewal, the person shall present  
22 evidence that the person has satisfied continuing education  
23 requirements and shall pay a renewal fee as determined by the  
24 board.

25     4. The board shall issue the appropriate certification to an  
26 applicant who demonstrates experience in direct care services  
27 in another state and meets the requirements established by the  
28 board for the specific certification.

29     Sec. 4. NEW SECTION. 152F.4 **Scope of chapter.**

30     The provisions of this chapter do not apply to any of the  
31 following:

32     1. A person who is providing direct care services to a  
33 family member with or without compensation or through the  
34 medical assistance consumer choice option program.

35     2. A person otherwise licensed who is operating within the

1 scope of that license and does not represent to the public that  
2 the person is a direct care professional.

3 Sec. 5. NEW SECTION. 152F.5 Duties of the board.

4 The board shall do all of the following:

5 1. Adopt rules consistent with this chapter, chapter 147,  
6 and chapter 272C which are necessary for the performance of its  
7 duties.

8 2. Adopt rules to provide a transition process that allows  
9 direct care providers providing direct care services on or  
10 before July 1, 2014, to continue providing direct care services  
11 while completing certification under this chapter. A direct  
12 care provider subject to the transition process shall complete  
13 the requirements for direct care associate certification no  
14 later than June 30, 2015.

15 3. Establish standards and guidelines for certification  
16 reciprocity.

17 4. Establish standards and guidelines for direct care  
18 associates, including minimum curriculum requirements.

19 5. Prepare and conduct, or prescribe, an examination for  
20 applicants for certification.

21 6. Establish standards and guidelines for direct care  
22 instructors and direct care trainers, including minimum  
23 curriculum requirements and continuing education requirements.

24 7. Define educational activities which fulfill continuing  
25 education requirements for renewal of certification.

26 8. Establish guidelines for inactive certification status  
27 and inactive certification reentry.

28 Sec. 6. NEW SECTION. 152F.6 Certification suspension and  
29 revocation.

30 A certification issued by the board under this chapter may be  
31 suspended or revoked, or renewal of certification may be denied  
32 by the board, for violation of any provision of this chapter,  
33 section 147.55 or 272C.10, or rules adopted by the board.

34 Sec. 7. Section 147.1, subsections 3 and 6, Code 2011, are  
35 amended to read as follows:

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

15 6. "*Profession*" means medicine and surgery, podiatry,  
16 osteopathic medicine and surgery, practice as a physician  
17 assistant, psychology, chiropractic, nursing, dentistry,  
18 dental hygiene, dental assisting, optometry, speech pathology,  
19 audiology, pharmacy, physical therapy, physical therapist  
20 assisting, occupational therapy, occupational therapy  
21 assisting, respiratory care, cosmetology arts and sciences,  
22 barbering, mortuary science, marital and family therapy, mental  
23 health counseling, social work, dietetics, massage therapy,  
24 athletic training, acupuncture, nursing home administration,  
25 hearing aid dispensing, ~~or~~ sign language interpreting or  
26 transliterating, or practice as a direct care professional.

27 Sec. 8. Section 147.2, subsection 1, Code 2011, is amended  
28 to read as follows:

29 1. A person shall not engage in the practice of medicine  
30 and surgery, podiatry, osteopathic medicine and surgery,  
31 psychology, chiropractic, physical therapy, physical therapist  
32 assisting, nursing, dentistry, dental hygiene, dental  
33 assisting, optometry, speech pathology, audiology, occupational  
34 therapy, occupational therapy assisting, respiratory care,  
35 pharmacy, cosmetology arts and sciences, barbering, social

1 work, dietetics, marital and family therapy or mental health  
2 counseling, massage therapy, mortuary science, athletic  
3 training, acupuncture, nursing home administration, hearing aid  
4 dispensing, or sign language interpreting or transliterating,  
5 or shall not practice as a physician assistant or as a direct  
6 care professional, unless the person has obtained a license for  
7 that purpose from the board for the profession.

8 Sec. 9. Section 147.13, Code 2011, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 24. For direct care professionals, the  
11 board of direct care professionals.

12 Sec. 10. Section 147.14, subsection 1, Code 2011, is amended  
13 by adding the following new paragraph:

14 NEW PARAGRAPH. x. For the board of direct care  
15 professionals, a total of nine members, five of whom are  
16 direct care professionals who represent diverse settings and  
17 populations served, two members of the public, one registered  
18 nurse who serves as a direct care instructor, and one human  
19 services professional who serves as a direct care instructor.

20 Sec. 11. Section 147.74, Code 2011, is amended by adding the  
21 following new subsection:

22 NEW SUBSECTION. 24. A direct care professional certified  
23 under chapter 152F and this chapter may use the following:

24 a. A direct care professional certified as a direct care  
25 associate may use the title "direct care associate" or D.C.A.  
26 after the person's name.

27 b. A direct care professional certified as a community  
28 living professional may use the title "community living  
29 professional" or the letters C.L.P. after the person's name.

30 c. A direct care professional certified as a personal  
31 support professional may use the title "personal support  
32 professional" or the letters P.S.P. after the person's name.

33 d. A direct care professional certified as a health support  
34 professional may use the title "health support professional" or  
35 the letters H.S.P. after the person's name.

1 e. A direct care professional certified with a specialty  
2 endorsement may use the title or letters determined by the  
3 specialty endorsement entity and approved by the board of  
4 direct care professionals.

5 Sec. 12. Section 272C.1, subsection 6, Code 2011, is amended  
6 by adding the following new paragraph:

7 NEW PARAGRAPH. *ag.* The board of direct care professionals,  
8 created pursuant to chapter 147.

9 Sec. 13. TRANSITION PROVISIONS.

10 1. A direct care provider providing direct care services  
11 on or before January 1, 2014, may continue providing direct  
12 care services while completing certification as required under  
13 this Act. The board of direct care professionals shall adopt  
14 rules to provide a transition process that allows such direct  
15 care providers to complete the requirements for direct care  
16 associate certification no later than June 30, 2015.

17 2. Notwithstanding sections 147.14 and 147.16, for the  
18 initial board of direct care professionals, the governor may  
19 appoint, subject to confirmation by the senate, in lieu of the  
20 five members required to be direct care associates and the two  
21 members required to be direct care instructors, members with  
22 experience and expertise that is substantially equivalent to  
23 the professional requirements for a direct care associate or  
24 direct care instructor, as applicable.

25 Sec. 14. IMPLEMENTATION. The provisions of this Act shall  
26 be implemented as follows:

27 1. The sections of this Act relating to the board of direct  
28 care professionals including sections 152F.1 and 152F.5, as  
29 enacted in this Act; sections 147.13, 147.14, and 272C.1,  
30 as amended in this Act, and as specified in the transition  
31 provisions; and the section of this Act providing transition  
32 provisions relating to the board shall be implemented so that a  
33 board of direct care professionals is appointed no later than  
34 December 15, 2012.

35 2. The sections of this Act relating to requirements for

1 certification of direct care professionals including sections  
2 152F.2, 152F.3, 152F.4, and 152F.6, as enacted in this Act;  
3 and sections 147.1, 147.2, and 147.74, as amended in this Act,  
4 shall be implemented so that the requirements are applicable  
5 beginning no later than January 1, 2014.

6 Sec. 15. EFFECTIVE UPON ENACTMENT. This Act, being deemed  
7 of immediate importance, takes effect upon enactment.

8 EXPLANATION

9 This bill provides for the certification of direct care  
10 professionals under new Code chapter 152F. The bill provides  
11 definitions relating to levels of certification and services  
12 provided, and defines the "board" as the board of direct care  
13 professionals.

14 The bill requires individuals who provide direct care  
15 services for compensation (direct care providers) to be  
16 certified as direct care associates.

17 The bill also provides for advanced training and specialty  
18 endorsements as the bases for higher levels of certification.

19 The bill provides requirements for certification, renewal  
20 of certification, continuing education, and reciprocity  
21 of certification. The bill provides for exemptions  
22 from certification and for suspension or revocation of  
23 certification. The bill specifies the duties of the board of  
24 direct care professionals.

25 The bill makes conforming changes in the Code under  
26 Code chapter 147 (general provisions for health-related  
27 professions), and Code chapter 272C (regulation of licensed  
28 professions and occupations).

29 The bill provides transition provisions for the initial  
30 appointment of the board and for application of requirements  
31 to direct care providers providing direct care services prior  
32 to implementation of direct care professional requirements on  
33 January 1, 2014. The bill takes effect upon enactment, but  
34 provides for phased-in implementation.

35 The provisions of Code chapters 147 and 272C, including

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1 a provision in Code section 147.86 that a violation of Code  
2 chapter 147 or 152F is a serious misdemeanor, are applicable to  
3 new Code chapter 152F.