

House File 2470 - Introduced

HOUSE FILE 2470
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO HSB 647)

A BILL FOR

1 An Act relating to qualifications for holding professional
2 licensure in this state, including the granting of
3 licenses to persons licensed in other states and acquiring
4 residence in Iowa, disqualification provisions for criminal
5 convictions, the waiver of application fees, and licensee
6 discipline, and including effective date provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 103.1, Code 2020, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 11A. *"Offense directly relates"* refers to
4 either of the following:

5 a. The actions taken in furtherance of an offense are
6 actions customarily performed within the scope of practice of
7 a licensed profession.

8 b. The circumstances under which an offense was committed
9 are circumstances customary to a licensed profession.

10 Sec. 2. Section 103.6, subsection 1, paragraph e, Code 2020,
11 is amended to read as follows:

12 e. Grant an exception for a person who would otherwise be
13 denied a license due to a criminal conviction ~~under specified~~
14 ~~circumstances. When considering such an exception, the~~
15 ~~board shall consider the following~~ if the following factors
16 establish, by clear and convincing evidence, that the person is
17 rehabilitated and an appropriate candidate for licensure: the
18 nature and seriousness of any offense of which the person was
19 convicted, all circumstances relative to the offense, including
20 mitigating circumstances or social conditions surrounding the
21 commission of the offense, the age of the person at the time
22 the offense was committed, the length of time that has elapsed
23 since the offense was committed, any treatment undertaken by
24 the person, whether a certificate of employability has been
25 issued to the person pursuant to section 906.19, letters of
26 reference, and all other relevant evidence of rehabilitation
27 and present fitness presented. If an exception is not granted,
28 the board shall convey in writing to the person the grounds
29 for the denial, including specific determinations for finding
30 that the person is not rehabilitated and not an appropriate
31 candidate for licensure based on the listed factors. A person
32 holding a license prior to July 1, 2019, shall not be required
33 to obtain an exception to maintain a license.

34 Sec. 3. Section 103.9, subsection 3, Code 2020, is amended
35 to read as follows:

1 3. Conviction of a felony in Iowa that is sexual abuse
2 in violation of section 709.4, a sexually violent offense as
3 defined in section 229A.2, the offense of dependent adult abuse
4 in violation of section 235B.20, a forcible felony as defined
5 in section 702.11, or the offense of domestic abuse assault in
6 violation of section 708.2A, ~~shall~~ may be grounds for denial,
7 revocation, or suspension of a license if an unreasonable risk
8 to public safety exists because the offense directly relates to
9 the duties and responsibilities of the profession and the board
10 does not grant an exception. Conviction for any other felony
11 or misdemeanor shall not be grounds for denial, revocation,
12 or suspension. A conviction of a crime in violation of
13 federal law or in violation of the law of another state shall
14 be given the same effect as it would if such conviction had
15 been under Iowa law. If federal law or the laws of another
16 state do not provide for offenses or violations denominated
17 or described in precisely the same words as Iowa law, the
18 department shall determine whether those offenses or violations
19 are substantially similar in nature to Iowa law and apply those
20 offenses or violations accordingly.

21 Sec. 4. Section 103.9, Code 2020, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 4. A person may petition the board,
24 in a form prescribed by the board, for a determination of
25 whether the person's criminal record will prevent the person
26 from receiving a license. The board shall issue such a
27 determination at the next regularly scheduled meeting of
28 the board or within thirty days of receiving the petition,
29 whichever is later. The board may charge a fee to recoup the
30 costs of such determination, provided that such fee shall not
31 exceed twenty-five dollars.

32 Sec. 5. Section 103.10, subsection 6, Code 2020, is amended
33 to read as follows:

34 6. Conviction of a felony in Iowa that is sexual abuse
35 in violation of section 709.4, a sexually violent offense as

1 defined in [section 229A.2](#), the offense of dependent adult abuse
2 in violation of [section 235B.20](#), a forcible felony as defined
3 in [section 702.11](#), or the offense of domestic abuse assault in
4 violation of [section 708.2A](#), ~~shall~~ may be grounds for denial,
5 revocation, or suspension of a license if an unreasonable risk
6 to public safety exists because the offense directly relates to
7 the duties and responsibilities of the profession and the board
8 does not grant an exception. Conviction for any other felony
9 or misdemeanor shall not be grounds for denial, revocation,
10 or suspension. A conviction of a crime in violation of
11 federal law or in violation of the law of another state shall
12 be given the same effect as it would if such conviction had
13 been under Iowa law. If federal law or the laws of another
14 state do not provide for offenses or violations denominated
15 or described in precisely the same words as Iowa law, the
16 department shall determine whether those offenses or violations
17 are substantially similar in nature to Iowa law and apply those
18 offenses or violations accordingly.

19 Sec. 6. Section 103.10, Code 2020, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 7. A person may petition the board,
22 in a form prescribed by the board, for a determination of
23 whether the person's criminal record will prevent the person
24 from receiving a license. The board shall issue such a
25 determination at the next regularly scheduled meeting of
26 the board or within thirty days of receiving the petition,
27 whichever is later. The board may charge a fee to recoup the
28 costs of such a determination, provided that such fee shall not
29 exceed twenty-five dollars.

30 Sec. 7. Section 103.12, subsection 6, Code 2020, is amended
31 to read as follows:

32 6. Conviction of a felony in Iowa that is sexual abuse
33 in violation of [section 709.4](#), a sexually violent offense as
34 defined in [section 229A.2](#), the offense of dependent adult abuse
35 in violation of [section 235B.20](#), a forcible felony as defined

1 in [section 702.11](#), or the offense of domestic abuse assault in
2 violation of [section 708.2A](#), ~~shall~~ may be grounds for denial,
3 revocation, or suspension of a license if an unreasonable risk
4 to public safety exists because the offense directly relates to
5 the duties and responsibilities of the profession and the board
6 does not grant an exception. Conviction for any other felony
7 or misdemeanor shall not be grounds for denial, revocation,
8 or suspension. A conviction of a crime in violation of
9 federal law or in violation of the law of another state shall
10 be given the same effect as it would if such conviction had
11 been under Iowa law. If federal law or the laws of another
12 state do not provide for offenses or violations denominated
13 or described in precisely the same words as Iowa law, the
14 department shall determine whether those offenses or violations
15 are substantially similar in nature to Iowa law and apply those
16 offenses or violations accordingly.

17 Sec. 8. Section 103.12, Code 2020, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 7. A person may petition the board,
20 in a form prescribed by the board, for a determination of
21 whether the person's criminal record will prevent the person
22 from receiving a license. The board shall issue such a
23 determination at the next regularly scheduled meeting of
24 the board or within thirty days of receiving the petition,
25 whichever is later. The board may charge a fee to recoup the
26 costs of such a determination, provided that such fee shall not
27 exceed twenty-five dollars.

28 Sec. 9. Section 103.12A, subsection 4, Code 2020, is amended
29 to read as follows:

30 4. Conviction of a felony in Iowa that is sexual abuse
31 in violation of [section 709.4](#), a sexually violent offense as
32 defined in [section 229A.2](#), the offense of dependent adult abuse
33 in violation of [section 235B.20](#), a forcible felony as defined
34 in [section 702.11](#), or the offense of domestic abuse assault in
35 violation of [section 708.2A](#), ~~shall~~ may be grounds for denial,

1 revocation, or suspension of a license if an unreasonable risk
2 to public safety exists because the offense directly relates to
3 the duties and responsibilities of the profession and the board
4 does not grant an exception. Conviction for any other felony
5 or misdemeanor shall not be grounds for denial, revocation,
6 or suspension. A conviction of a crime in violation of
7 federal law or in violation of the law of another state shall
8 be given the same effect as it would if such conviction had
9 been under Iowa law. If federal law or the laws of another
10 state do not provide for offenses or violations denominated
11 or described in precisely the same words as Iowa law, the
12 department shall determine whether those offenses or violations
13 are substantially similar in nature to Iowa law and apply those
14 offenses or violations accordingly.

15 Sec. 10. Section 103.12A, Code 2020, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 5. A person may petition the board,
18 in a form prescribed by the board, for a determination as
19 to whether the person's criminal record will prevent the
20 person from receiving a license. The board shall issue such
21 a determination at the next regularly scheduled meeting of
22 the board or within thirty days of receiving the petition,
23 whichever is later. The board may charge a fee to recoup the
24 costs of such a determination, provided that such fee shall not
25 exceed twenty-five dollars.

26 Sec. 11. Section 103.13, subsection 4, Code 2020, is amended
27 to read as follows:

28 4. Conviction of a felony in Iowa that is sexual abuse
29 in violation of [section 709.4](#), a sexually violent offense as
30 defined in [section 229A.2](#), the offense of dependent adult abuse
31 in violation of [section 235B.20](#), a forcible felony as defined
32 in [section 702.11](#), or the offense of domestic abuse assault in
33 violation of [section 708.2A](#), ~~shall~~ may be grounds for denial,
34 revocation, or suspension of a license if an unreasonable risk
35 to public safety exists because the offense directly relates to

1 the duties and responsibilities of the profession and the board
2 does not grant an exception. Conviction for any other felony
3 or misdemeanor shall not be grounds for denial, revocation,
4 or suspension. A conviction of a crime in violation of
5 federal law or in violation of the law of another state shall
6 be given the same effect as it would if such conviction had
7 been under Iowa law. If federal law or the laws of another
8 state do not provide for offenses or violations denominated
9 or described in precisely the same words as Iowa law, the
10 department shall determine whether those offenses or violations
11 are substantially similar in nature to Iowa law and apply those
12 offenses or violations accordingly.

13 Sec. 12. Section 103.13, Code 2020, is amended by adding the
14 following new subsection:

15 NEW SUBSECTION. 5. A person may petition the board,
16 in a form prescribed by the board, for a determination as
17 to whether the person's criminal record will prevent the
18 person from receiving a license. The board shall issue such
19 a determination at the next regularly scheduled meeting of
20 the board or within thirty days of receiving the petition,
21 whichever is later. The board may charge a fee to recoup the
22 costs of such a determination, provided that such fee shall not
23 exceed twenty-five dollars.

24 Sec. 13. Section 103.15, subsections 6 and 7, Code 2020, are
25 amended to read as follows:

26 6. The board may reject an application for licensure
27 under [this section](#) from an applicant who would be subject
28 to suspension, revocation, or reprimand pursuant to section
29 103.35. The board shall not reject an application for
30 licensure under this section based solely on the incarceration
31 status or duration of time since release from incarceration of
32 an applicant.

33 7. Conviction of a felony in Iowa that is sexual abuse
34 in violation of [section 709.4](#), a sexually violent offense as
35 defined in [section 229A.2](#), the offense of dependent adult abuse

1 in violation of [section 235B.20](#), a forcible felony as defined
2 in [section 702.11](#), or the offense of domestic abuse assault in
3 violation of [section 708.2A](#), ~~shall~~ may be grounds for denial,
4 revocation, or suspension of a license if an unreasonable risk
5 to public safety exists because the offense directly relates to
6 the duties and responsibilities of the profession and the board
7 does not grant an exception. Conviction for any other felony
8 or misdemeanor shall not be grounds for denial, revocation,
9 or suspension. A conviction of a crime in violation of
10 federal law or in violation of the law of another state shall
11 be given the same effect as it would if such conviction had
12 been under Iowa law. If federal law or the laws of another
13 state do not provide for offenses or violations denominated
14 or described in precisely the same words as Iowa law, the
15 department shall determine whether those offenses or violations
16 are substantially similar in nature to Iowa law and apply those
17 offenses or violations accordingly.

18 Sec. 14. Section 103.15, Code 2020, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 8. A person may petition the board,
21 in a form prescribed by the board, for a determination of
22 whether the person's criminal record will prevent the person
23 from receiving a license. The board shall issue such a
24 determination at the next regularly scheduled meeting of
25 the board or within thirty days of receiving the petition,
26 whichever is later. The board may charge a fee to recoup the
27 costs of such a determination, provided that such fee shall not
28 exceed twenty-five dollars.

29 Sec. 15. Section 105.2, Code 2020, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 14A. "*Offense directly relates*" refers to
32 either of the following:

33 a. The actions taken in furtherance of an offense are
34 actions customarily performed within the scope of practice of
35 a licensed profession.

1 *b.* The circumstances under which an offense was committed
2 are circumstances customary to a licensed profession.

3 Sec. 16. Section 105.10, subsection 5, Code 2020, is amended
4 to read as follows:

5 5. The board ~~may~~ shall grant an exception for a person
6 who would otherwise be denied a license due to a criminal
7 conviction ~~under specified circumstances. When considering~~
8 ~~such an exception, the board shall consider the following~~
9 if the following factors establish, by clear and convincing
10 evidence, that the person is rehabilitated and an appropriate
11 candidate for licensure: the nature and seriousness of any
12 offense of which the person was convicted, all circumstances
13 relative to the offense, including mitigating circumstances or
14 social conditions surrounding the commission of the offense,
15 the age of the person at the time the offense was committed,
16 the length of time that has elapsed since the offense was
17 committed, any treatment undertaken by the person, whether a
18 certificate of employability has been issued to the person
19 pursuant to section 906.19, letters of reference, and all
20 other relevant evidence of rehabilitation and present fitness
21 presented. If an exception is not granted by the board, the
22 board shall convey in writing to the person the grounds for the
23 denial, including specific determinations for finding that the
24 person is not rehabilitated and not an appropriate candidate
25 for licensure based on the listed factors. A person holding a
26 license prior to July 1, 2019, shall not be required to obtain
27 an exception to maintain a license.

28 Sec. 17. Section 105.22, subsection 4, Code 2020, is amended
29 to read as follows:

30 4. Conviction of a felony in Iowa that is sexual abuse
31 in violation of [section 709.4](#), a sexually violent offense as
32 defined in [section 229A.2](#), the offense of dependent adult abuse
33 in violation of [section 235B.20](#), a forcible felony as defined
34 in [section 702.11](#), or the offense of domestic abuse assault in
35 violation of [section 708.2A](#), ~~shall~~ may be grounds for denial,

1 revocation, or suspension of a license if an unreasonable risk
2 to public safety exists because the offense directly relates to
3 the duties and responsibilities of the profession and the board
4 does not grant an exception. Conviction for any other felony
5 or misdemeanor shall not be grounds for denial, revocation,
6 or suspension. A conviction of a crime in violation of
7 federal law or in violation of the law of another state shall
8 be given the same effect as it would if such conviction had
9 been under Iowa law. If federal law or the laws of another
10 state do not provide for offenses or violations denominated
11 or described in precisely the same words as Iowa law, the
12 department shall determine whether those offenses or violations
13 are substantially similar in nature to Iowa law and apply those
14 offenses or violations accordingly. A copy of the record of
15 conviction or plea of guilty shall be conclusive evidence of
16 such conviction.

17 Sec. 18. Section 105.22, Code 2020, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 4A. A person may petition the board,
20 in a form prescribed by the board, for a determination of
21 whether the person's criminal record will prevent the person
22 from receiving a license. The board shall issue such a
23 determination at the next regularly scheduled meeting of
24 the board or within thirty days of receiving the petition,
25 whichever is later. The board may charge a fee to recoup the
26 costs of such a determination, provided that such fee shall not
27 exceed twenty-five dollars.

28 Sec. 19. Section 147.3, Code 2020, is amended to read as
29 follows:

30 **147.3 Qualifications.**

31 An applicant for a license to practice a profession under
32 this subtitle is not ineligible because of age, citizenship,
33 sex, race, religion, marital status, or national origin,
34 although the application form may require citizenship
35 information. A board may consider the past criminal record of

1 an applicant only ~~if the conviction relates to the practice of~~
2 ~~the profession for which the applicant requests to be licensed~~
3 as provided in section 272C.13.

4 Sec. 20. Section 147.55, subsection 5, Code 2020, is amended
5 to read as follows:

6 5. ~~Conviction of a crime related to the profession or~~
7 ~~occupation of the licensee or the conviction of any crime~~
8 ~~that would affect the licensee's ability to practice within~~
9 ~~a profession as provided in section 272C.13.~~ A copy of the
10 record of conviction or plea of guilty shall be conclusive
11 evidence.

12 Sec. 21. Section 147A.7, subsection 1, paragraph j, Code
13 2020, is amended to read as follows:

14 ~~j. Violating a statute of this state, another state,~~
15 ~~or the United States, without regard to its designation as~~
16 ~~either a felony or misdemeanor, which relates to the practice~~
17 ~~of an emergency medical care provider~~ Conviction of a crime
18 as provided in section 272C.13. A copy of the record of
19 conviction or plea of guilty is conclusive evidence of the
20 violation.

21 Sec. 22. Section 148.6, subsection 2, paragraph b, Code
22 2020, is amended to read as follows:

23 ~~b. Being convicted of a felony in the courts of this state~~
24 ~~or another state, territory, or country. Conviction as used in~~
25 ~~this paragraph shall include a conviction of an offense which~~
26 ~~if committed in this state would be deemed a felony without~~
27 ~~regard to its designation elsewhere, or a criminal proceeding~~
28 ~~in which a finding or verdict of guilt is made or returned, but~~
29 ~~the adjudication of guilt is either withheld or not entered~~
30 crime as provided in section 272C.13. A certified copy of the
31 final order or judgment of conviction or plea of guilty in this
32 state or in another state shall be conclusive evidence.

33 Sec. 23. Section 148.6, subsection 2, paragraph c, Code
34 2020, is amended to read as follows:

35 ~~c. Violating a statute or law of this state, another state,~~

1 or the United States, without regard to its designation as
2 either felony or misdemeanor, which statute or law directly
3 relates to the practice of medicine.

4 Sec. 24. Section 148H.7, subsection 1, paragraph a, Code
5 2020, is amended to read as follows:

6 a. ~~Conviction of a felony under state or federal law or~~
7 ~~commission of any other offense involving moral turpitude~~ crime
8 as provided in section 272C.13.

9 Sec. 25. Section 151.9, subsection 5, Code 2020, is amended
10 to read as follows:

11 5. ~~Conviction of a felony related to the profession or~~
12 ~~occupation of the licensee or the conviction of any felony~~
13 ~~that would affect the licensee's ability to practice as a~~
14 ~~professional chiropractor~~ crime as provided in section 272C.13.

15 A copy of the record of conviction or plea of guilty shall be
16 conclusive evidence.

17 Sec. 26. Section 152.10, subsection 2, paragraph c, Code
18 2020, is amended to read as follows:

19 c. ~~Conviction for a felony in the courts of this state or~~
20 ~~another state, territory, or country if the felony relates~~
21 ~~to the practice of nursing. Conviction shall include only a~~
22 ~~conviction for an offense which if committed in this state~~
23 ~~would be deemed a felony without regard to its designation~~
24 ~~elsewhere~~ crime as provided in section 272C.13. A certified
25 copy of the final order or judgment of conviction or plea
26 of guilty in this state or in another jurisdiction shall be
27 conclusive evidence of conviction.

28 Sec. 27. Section 153.34, subsections 9 and 10, Code 2020,
29 are amended to read as follows:

30 9. ~~For the conviction of a felony in the courts of this~~
31 ~~state or another state, territory, or country. Conviction as~~
32 ~~used in this subsection~~ includes a conviction of an offense
33 which if committed in this state would be a felony without
34 regard to its designation elsewhere, and includes a finding
35 or verdict of guilt made or returned in a criminal proceeding

1 ~~even if the adjudication of guilt is withheld or not entered~~
2 crime as provided in section 272C.13. A certified copy of the
3 final order or judgment of conviction or plea of guilty in this
4 state or in another state constitutes conclusive evidence of
5 the conviction.

6 10. For a violation of a law of this state, another state,
7 or the United States, without regard to its designation as
8 either a felony or misdemeanor, which law directly relates to
9 the practice of dentistry, dental hygiene, or dental assisting.
10 A certified copy of the final order or judgment of conviction
11 or plea of guilty in this state or in another state constitutes
12 conclusive evidence of the conviction.

13 Sec. 28. Section 154A.24, subsection 1, Code 2020, is
14 amended to read as follows:

15 1. Conviction of a felony crime as provided in section
16 272C.13. The record of conviction, or a certified copy, shall
17 be conclusive evidence of conviction.

18 Sec. 29. Section 155A.12, subsection 9, Code 2020, is
19 amended to read as follows:

20 9. ~~Been convicted of an offense or subjected to a penalty~~
21 ~~or fine for violation of chapter 124, 126, 147, or the~~
22 ~~Federal Food, Drug, and Cosmetic Act~~ a crime as provided in
23 section 272C.13. A plea or verdict of guilty, or a conviction
24 following a plea of nolo contendere, is deemed to be a
25 conviction within the meaning of this section.

26 Sec. 30. Section 156.9, subsection 2, paragraph e, Code
27 2020, is amended to read as follows:

28 e. ~~Conviction of any crime related to the practice of~~
29 ~~mortuary science or implicating the licensee's competence to~~
30 ~~safely perform mortuary science services, including but not~~
31 ~~limited to a crime involving moral character, dishonesty,~~
32 ~~fraud, theft, embezzlement, extortion, or controlled~~
33 ~~substances, in a court of competent jurisdiction in this state,~~
34 ~~or in another state, territory, or district of the United~~
35 ~~States, or in a foreign jurisdiction~~ a crime as provided in

1 section 272C.13. For purposes of this paragraph, "*conviction*"
2 includes a guilty plea, deferred judgment, or other finding
3 of guilt. A certified copy of the judgment is prima facie
4 evidence of the conviction.

5 Sec. 31. Section 272.1, Code 2020, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 5A. "*Offense directly relates*" refers to
8 either of the following:

9 a. The actions taken in furtherance of an offense are
10 actions customarily performed within the scope of practice of
11 a licensed profession.

12 b. The circumstances under which an offense was committed
13 are circumstances customary to a licensed profession.

14 Sec. 32. Section 272.2, subsection 14, paragraph a, Code
15 2020, is amended to read as follows:

16 a. The board may deny a license to or revoke the license
17 of a person upon the board's finding by a preponderance of
18 evidence that either the person has been convicted of ~~a crime~~
19 an offense and the offense directly relates to the duties and
20 responsibilities of the profession or that there has been
21 a founded report of child abuse against the person. Rules
22 adopted in accordance with this paragraph shall provide that
23 in determining whether a person should be denied a license or
24 that a practitioner's license should be revoked, the board
25 shall consider the nature and seriousness of the founded abuse
26 or crime in relation to the position sought, the time elapsed
27 since the crime was committed, the degree of rehabilitation
28 which has taken place since the incidence of founded abuse or
29 the commission of the crime, the likelihood that the person
30 will commit the same abuse or crime again, and the number of
31 founded abuses committed by or criminal convictions of the
32 person involved.

33 Sec. 33. Section 272C.1, Code 2020, is amended by adding the
34 following new subsection:

35 NEW SUBSECTION. 7A. "*Offense directly relates*" refers to

1 either of the following:

2 *a.* The actions taken in furtherance of an offense are
3 actions customarily performed within the scope of practice of
4 a licensed profession.

5 *b.* The circumstances under which an offense was committed
6 are circumstances customary to a licensed profession.

7 Sec. 34. NEW SECTION. **272C.3A Out-of-state license**
8 **recognition — conditions — process.**

9 1. For the purposes of this section:

10 *a.* "*Issuing jurisdiction*" means the duly constituted
11 authority in another state that has issued a professional
12 license to an individual.

13 *b.* "*License*" means a license, registration, certification,
14 or permit.

15 *c.* "*Licensing board*" or "*board*" includes, in addition to
16 those boards listed in section 272C.1, subsection 6:

17 (1) The real estate appraiser examining board, created
18 pursuant to chapter 543D.

19 (2) The interior design examining board, created pursuant
20 to chapter 544C.

21 (3) The board of educational examiners, created pursuant to
22 chapter 272, in issuing a coaching license or an administrator
23 license.

24 (4) The board of behavioral science, created pursuant to
25 chapter 147.

26 (5) The board of dietetics, created pursuant to chapter 147.

27 (6) The board of social work, created pursuant to chapter
28 147.

29 (7) The division of labor services of the department of
30 workforce development, created pursuant to chapter 84A, in
31 issuing an amusement ride operator license pursuant to chapter
32 88A, a license related to asbestos removal or encapsulation
33 pursuant to chapter 88B, and an inspector or special inspector
34 license pursuant to chapter 89A.

35 (8) The state commissioner of athletics, in issuing a

1 promoter license or professional boxer license pursuant to
2 chapter 90A.

3 (9) The labor commissioner, in issuing a special inspector
4 license pursuant to chapter 89 and a construction contractor
5 license pursuant to chapter 91C.

6 (10) The department of agriculture and land stewardship,
7 in issuing a milk hauler permit pursuant to chapter 192 and a
8 license related to pesticide application pursuant to chapter
9 206.

10 (11) The department of natural resources, in issuing a
11 manure applicator license pursuant to chapter 459B, and a
12 commercial manure service representative license, a sanitary
13 landfill operator license, and a solid waste incinerator
14 operator license pursuant to chapter 455B.

15 (12) The commissioner of insurance, in issuing an
16 investment adviser representative license or securities agent
17 license pursuant to chapter 502 and an insurance producer
18 license pursuant to chapter 522B.

19 (13) The department of human services, in issuing a
20 certified adoption investigator license pursuant to chapter
21 600A.

22 (14) The department of inspections and appeals, in issuing
23 a certified nursing assistant license or nursing home activity
24 director license pursuant to chapter 135C.

25 (15) The racing and gaming commission, in issuing a racing
26 worker license pursuant to chapter 99D and a riverboat gambling
27 worker license pursuant to chapter 99F.

28 (16) The department of public health, in issuing a tattoo
29 artist license and a license related to lead abatement pursuant
30 to chapter 135, a radon measurement specialist license and
31 a radon mitigation specialist license pursuant to chapter
32 136B, and a nuclear medicine technologist license, radiation
33 therapist license, and radiographer license pursuant to chapter
34 136C.

35 (17) The commissioner of public safety, in issuing a private

1 investigator license, a bail enforcement agent license, and a
2 private security agent license pursuant to chapter 80A.

3 (18) The electrical examining board, created pursuant to
4 chapter 103.

5 (19) The state fire marshal, in issuing a license related to
6 explosive materials pursuant to chapter 101A.

7 2. Notwithstanding any other provision of law, the
8 appropriate licensing board shall issue a professional license
9 to a person who establishes residence in this state if all of
10 the following conditions are met:

11 a. The person currently holds a license with a substantially
12 equivalent scope of practice, as determined by the board, in at
13 least one other issuing jurisdiction.

14 b. The person is in good standing in all issuing
15 jurisdictions in which the person holds a license.

16 c. The person has been licensed for at least one year.

17 d. When the person was licensed by the issuing jurisdiction,
18 the issuing jurisdiction imposed minimum educational
19 requirements and, if applicable, work experience and clinical
20 supervision requirements, and the issuing jurisdiction verifies
21 that the person met those requirements in order to be licensed
22 in that issuing jurisdiction.

23 e. The person previously passed an examination required by
24 the issuing jurisdiction for the license.

25 f. The person has not had a license revoked and has not
26 voluntarily surrendered a license in any issuing jurisdiction
27 or country while under investigation for unprofessional
28 conduct.

29 g. The person has not had discipline imposed by an issuing
30 jurisdiction. If the person has had discipline imposed by the
31 issuing jurisdiction, the board shall determine if the cause
32 for the action was corrected and the matter resolved. If the
33 matter has not been resolved by the issuing jurisdiction, the
34 board shall suspend the application process and shall not issue
35 or deny a license until the matter is resolved.

1 *h.* The person does not have a complaint, allegation, or
2 investigation pending before another issuing jurisdiction or
3 country that relates to unprofessional conduct. If the person
4 has any complaints, allegations, or investigations pending,
5 the board shall suspend the application process and shall not
6 issue or deny a license to the person until the complaint,
7 allegation, or investigation is resolved.

8 *i.* The person pays all applicable fees.

9 *j.* The person does not have a disqualifying conviction as
10 determined by the board.

11 3. Notwithstanding subsection 2, a licensing board may do
12 all of the following:

13 *a.* Require a person to take and pass an examination specific
14 to the laws of this state prior to issuing a license under this
15 section.

16 *b.* Require a person to submit fingerprints in order to
17 access state and federal criminal record information for
18 noncriminal justice purposes.

19 4. A person licensed pursuant to this section is subject to
20 the laws regulating the person's professional practice in this
21 state and is subject to the jurisdiction of the appropriate
22 licensing board.

23 5. This section does not apply to criteria for a license
24 that is established by an interstate compact.

25 6. This section does not prevent the appropriate licensing
26 board from entering into a reciprocity agreement or compact
27 with another state or jurisdiction.

28 7. A license issued pursuant to this section is only valid
29 in this state and does not grant the person receiving the
30 license eligibility to practice pursuant to an interstate
31 compact. The appropriate licensing board may determine
32 eligibility for a person to be licensed under this section if
33 the person does not hold a license pursuant to an interstate
34 compact.

35 Sec. 35. Section 272C.10, subsection 5, Code 2020, is

1 amended to read as follows:

2 5. Conviction of a felony ~~related~~ offense if the offense
3 directly relates to the profession or occupation of the
4 licensee. A copy of the record of conviction or plea of guilty
5 shall be conclusive evidence.

6 Sec. 36. NEW SECTION. 272C.12 **Waiver of fees.**

7 1. For the purposes of this section, "license", "licensing
8 board", and "board" mean the same as defined in section 272C.3A,
9 except that "license" shall also include any license issued
10 pursuant to chapter 272.

11 2. A licensing board shall waive any fee charged to an
12 applicant for a license if the applicant's household income
13 does not exceed two hundred percent of the federal poverty
14 income guidelines and the applicant is applying for the license
15 for the first time in this state.

16 Sec. 37. NEW SECTION. 272C.13 **Disqualifications for**
17 **criminal convictions limited.**

18 1. For the purposes of this section, "license", "licensing
19 board", and "board" mean the same as defined in section 272C.3A.

20 2. Notwithstanding any other provision of law to the
21 contrary, except for chapters 103 and 105, a person's
22 conviction of a crime may be grounds for the denial,
23 revocation, or suspension of a license only if an unreasonable
24 risk to public safety exists because the offense directly
25 relates to the duties and responsibilities of the profession
26 and the appropriate licensing board does not grant an exception
27 pursuant to subsection 5.

28 3. A licensing board that may deny a license on the basis
29 of an applicant's conviction record shall provide a list of
30 the specific convictions that may disqualify an applicant from
31 receiving a license. Any such offense shall be an offense that
32 directly relates to the duties and responsibilities of the
33 profession.

34 4. A licensing board shall not deny an application for a
35 license on the basis of an arrest that was not followed by a

1 conviction or based on a finding that an applicant lacks good
2 character, suffers from moral turpitude, or on other similar
3 basis.

4 5. A licensing board shall grant an exception to an
5 applicant who would otherwise be denied a license due to a
6 criminal conviction if the following factors establish by clear
7 and convincing evidence that the applicant is rehabilitated and
8 an appropriate candidate for licensure:

9 a. The nature and seriousness of the crime for which the
10 applicant was convicted.

11 b. The amount of time that has passed since the commission
12 of the crime. There is a rebuttable presumption that an
13 applicant is rehabilitated and an appropriate candidate
14 for licensure five years after the date of the applicant's
15 release from incarceration, provided that the applicant was
16 not convicted of sexual abuse in violation of section 709.4,
17 a sexually violent offense as defined in section 229A.2,
18 dependent adult abuse in violation of section 235B.20, a
19 forcible felony as defined in section 702.11, or domestic abuse
20 assault in violation of section 708.2A, and the applicant
21 has not been convicted of another crime after release from
22 incarceration.

23 c. The circumstances relative to the offense, including any
24 aggravating and mitigating circumstances or social conditions
25 surrounding the commission of the offense.

26 d. The age of the applicant at the time the offense was
27 committed.

28 e. Any treatment undertaken by the applicant.

29 f. Whether a certification of employability has been issued
30 to the applicant pursuant to section 906.19.

31 g. Any letters of reference submitted on behalf of the
32 applicant.

33 h. All other relevant evidence of rehabilitation and present
34 fitness of the applicant.

35 6. An applicant may petition the relevant licensing board,

1 in a form prescribed by the board, for a determination as
2 to whether the applicant's criminal record will prevent the
3 applicant from receiving a license. The board shall issue
4 such a determination at the next regularly scheduled meeting
5 of the board or within thirty days of receiving the petition,
6 whichever is later. A board may charge a fee to recoup the
7 costs of such a determination, provided that such fee shall not
8 exceed twenty-five dollars.

9 7. *a.* A licensing board that denies an applicant a license
10 solely or partly because of the applicant's prior conviction
11 of a crime shall notify the applicant in writing of all of the
12 following:

13 (1) The grounds for the denial or disqualification.

14 (2) That the applicant has the right to a hearing to
15 challenge the licensing authority's decision.

16 (3) The earliest date the applicant may submit a new
17 application.

18 (4) That evidence of rehabilitation of the applicant may be
19 considered upon reapplication.

20 *b.* A determination by a licensing board that an applicant's
21 criminal conviction is specifically listed as a disqualifying
22 conviction and the offense directly relates to the duties
23 and responsibilities of the applicant's profession must be
24 documented in written findings for each factor specified in
25 subsection 5 sufficient for a review by a court.

26 *c.* In any administrative or civil hearing authorized
27 by this section or chapter 17A, a licensing board shall
28 carry the burden of proof on the question of whether the
29 applicant's criminal offense directly relates to the duties
30 and responsibilities of the profession for which the license
31 is sought.

32 Sec. 38. EFFECTIVE DATE. This Act takes effect January 1,
33 2021.

34

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill relates to the regulation of professional licenses
3 in Iowa including the recognition of out-of-state licenses and
4 disqualification provisions for criminal convictions.

5 The bill provides that a person can only be disqualified
6 from holding a professional license or have a professional
7 license revoked for conviction of a crime under certain
8 circumstances. In order for a conviction of a crime to serve
9 as a disqualification from holding a professional license, the
10 actions taken in furtherance of the crime must be actions which
11 are customarily performed by the licensed profession or the
12 offense must have been committed under circumstances that are
13 customary to the profession. The bill requires a licensing
14 board that may disqualify an applicant on the basis of a
15 criminal conviction to provide a list of the convictions that
16 may disqualify an applicant. If an applicant would otherwise
17 be disqualified from holding a professional license, the bill
18 requires the issuing board to grant an exception if the board
19 determines by clear and convincing evidence that the applicant
20 is rehabilitated and an appropriate candidate for licensure.
21 The bill allows a person to submit a form to the appropriate
22 licensing board to determine whether that person's conviction
23 of the crime would serve to disqualify that person from holding
24 a professional license.

25 The bill strikes specific provisions regarding
26 disqualifications from holding a professional license on
27 the basis of a criminal conviction in Code chapters 103
28 (electricians and electrical contractors), 105 (plumbers,
29 mechanical professionals, and contractors), 147 (general
30 provisions, health-related professions), 147A (emergency
31 medical care — trauma care), 148 (medicine and surgery), 148H
32 (genetic counseling), 151 (chiropractic), 152 (nursing), 153
33 (dentistry), 154A (hearing aids), 155A (pharmacy), 156 (funeral
34 directing, mortuary science, and cremation), 272 (educational
35 examiners board) and 272C (regulation of licensed professions

1 and occupations).

2 The bill requires a licensing board to grant a professional
3 license to a person from out of state who: establishes
4 residency in Iowa; currently holds a substantially equivalent
5 license from another jurisdiction; is in good standing in
6 all jurisdictions where the person is licensed; completed
7 minimum educational, work, and clinical requirements; passed
8 an examination required by the jurisdiction; has not had a
9 license revoked or voluntarily surrendered a license while
10 under investigation; has not had discipline imposed, unless the
11 issue has been resolved; does not have a complaint, allegation,
12 or investigation pending against the person; pays applicable
13 fees; and does not have a disqualifying conviction. The bill
14 allows a board to require a person licensed in another state to
15 pass the relevant board's licensing exam on Iowa law and submit
16 fingerprints. A person who receives a license in Iowa pursuant
17 to this process is not eligible to practice in another state
18 under an interstate licensure compact.

19 The bill requires a licensing board to waive the application
20 fee for an applicant for a license if the applicant's household
21 income does not exceed 200 percent of the federal poverty level
22 and the person has not previously applied for the same license
23 in Iowa.

24 The bill takes effect January 1, 2021.