

# House Study Bill 647 - Introduced

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED GOVERNOR BILL)

## 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.