

**Senate File 2393 - Introduced**

SENATE FILE 2393  
BY COMMITTEE ON LABOR AND  
BUSINESS RELATIONS

(SUCCESSOR TO SF 2114)

**A BILL FOR**

1 An Act relating to the granting of professional licenses,  
2 certificates, and registrations to persons licensed in other  
3 states, and including effective date provisions.

4 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. Section 272C.4, subsection 13, Code 2020, is  
8 amended by striking the subsection.

9     Sec. 35. Section 272C.10, subsection 5, Code 2020, is  
10 amended to read as follows:

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

15     Sec. 36. NEW SECTION. **272C.12 Licensure of persons licensed**  
16 **in other jurisdictions.**

17     1. Notwithstanding any other provision of law, an  
18 occupational or professional license, certificate, or  
19 registration shall be issued without an examination to a person  
20 who establishes residency in this state or to a person who is  
21 married to an active duty member of the military forces of the  
22 United States and who is accompanying the member on an official  
23 permanent change of station to a military installation located  
24 in this state if all of the following conditions are met:

25     *a.* The person is currently licensed, certified, or  
26 registered in at least one other state in the occupation or  
27 profession applied for in the same practice and the license,  
28 certificate, or registration is in good standing in all  
29 states in which the person holds a license, certificate, or  
30 registration.

31     *b.* The person has been licensed, certified, or registered in  
32 another state for at least one year.

33     *c.* When the person became licensed, certified, or registered  
34 in another state, the other state imposed minimum initial  
35 education requirements and, if applicable, work experience

1 and clinical supervision requirements, and the other state  
2 verifies that the person met those requirements in order to be  
3 licensed, certified, or registered in that state. However, if  
4 the other state does not impose initial education requirements,  
5 a person shall be considered to have met the requirements of  
6 this paragraph if the person has three or more years of related  
7 work experience.

8 *d.* The person previously passed an examination required by  
9 the other state for licensure, certification, or registration,  
10 if applicable.

11 *e.* The person has not had a license, certificate, or  
12 registration revoked and has not voluntarily surrendered a  
13 license, certificate, or registration in any other state or  
14 country while under investigation for unprofessional conduct.

15 *f.* The person has not had discipline imposed by any other  
16 regulating entity in this state or another state or country.  
17 If another jurisdiction has taken disciplinary action against  
18 the person, the appropriate licensing board shall determine if  
19 the cause for the action was corrected and the matter resolved.  
20 If the licensing board determines that the matter has not been  
21 resolved by the jurisdiction imposing discipline, the licensing  
22 board shall not issue or deny a license, certificate, or  
23 registration to the person until the matter is resolved.

24 *g.* The person does not have a complaint, allegation, or  
25 investigation pending before any regulating entity in another  
26 state or country that relates to unprofessional conduct. If  
27 the person has any complaints, allegations, or investigations  
28 pending, the appropriate licensing board shall not issue or  
29 deny a license, certificate, or registration to the person  
30 until the complaint, allegation, or investigation is resolved.

31 *h.* The person pays all applicable fees.

32 *i.* The person does not have a criminal history that would  
33 prevent the person from holding the license, certificate, or  
34 registration applied for in this state.

35 2. A person licensed pursuant to this section is subject to



1 the laws regulating the person's practice in this state and is  
2 subject to the jurisdiction of the appropriate licensing board.

3 3. This section does not apply to any of the following:

4 a. The ability of a licensing board to require the  
5 submission of fingerprints or completion of a criminal history  
6 check.

7 b. Criteria for a license, certificate, or registration that  
8 is established by an interstate compact.

9 c. The ability of a licensing board to require a person to  
10 take and pass an examination specific to the laws of this state  
11 prior to issuing a license.

12 d. A license issued by the department of transportation.

13 e. A person who is licensed in another state and is granted  
14 a privilege to practice in this state by another provision of  
15 law without receiving a license in this state.

16 4. A license, certificate, or registration issued  
17 pursuant to this section does not grant the person receiving  
18 the license, certificate, or registration eligibility to  
19 practice pursuant to an interstate compact. A licensing  
20 board may determine eligibility for a person to hold a  
21 license, certificate, or registration pursuant to this section  
22 regardless of the person's eligibility to practice pursuant to  
23 an interstate compact.

24 Sec. 37. NEW SECTION. 272C.13 Waiver of fees.

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

29 2. A licensing board shall reduce by fifty percent any  
30 fee charged to an applicant for a license if the applicant's  
31 household income does not exceed two hundred percent of the  
32 federal poverty income guidelines and the applicant is applying  
33 for the license for the first time in this state.

34 Sec. 38. NEW SECTION. 272C.14 Disqualifications for  
35 criminal convictions limited.

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

3 2. Notwithstanding any other provision of law to the  
4 contrary, except for chapters 103 and 105, a person's  
5 conviction of a crime may be grounds for the denial,  
6 revocation, or suspension of a license only if an unreasonable  
7 risk to public safety exists because the offense directly  
8 relates to the duties and responsibilities of the profession  
9 and the appropriate licensing board does not grant an exception  
10 pursuant to subsection 5.

11 3. A licensing board that may deny a license on the basis  
12 of an applicant's conviction record shall provide a list of  
13 the specific convictions that may disqualify an applicant from  
14 receiving a license. Any such offense shall be an offense that  
15 directly relates to the duties and responsibilities of the  
16 profession.

17 4. A licensing board shall not deny an application for a  
18 license on the basis of an arrest that was not followed by a  
19 conviction or based on a finding that an applicant lacks good  
20 character, suffers from moral turpitude, or on other similar  
21 basis.

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

27 a. The nature and seriousness of the crime for which the  
28 applicant was convicted.

29 b. The amount of time that has passed since the commission  
30 of the crime. There is a rebuttable presumption that an  
31 applicant is rehabilitated and an appropriate candidate  
32 for licensure five years after the date of the applicant's  
33 release from incarceration, provided that the applicant was  
34 not convicted of sexual abuse in violation of section 709.4,  
35 a sexually violent offense as defined in section 229A.2,

1 dependent adult abuse in violation of section 235B.20, a  
2 forcible felony as defined in section 702.11, or domestic abuse  
3 assault in violation of section 708.2A, and the applicant  
4 has not been convicted of another crime after release from  
5 incarceration.

6 *c.* The circumstances relative to the offense, including any  
7 aggravating and mitigating circumstances or social conditions  
8 surrounding the commission of the offense.

9 *d.* The age of the applicant at the time the offense was  
10 committed.

11 *e.* Any treatment undertaken by the applicant.

12 *f.* Whether a certification of employability has been issued  
13 to the applicant pursuant to section 906.19.

14 *g.* Any letters of reference submitted on behalf of the  
15 applicant.

16 *h.* All other relevant evidence of rehabilitation and present  
17 fitness of the applicant.

18 6. An applicant may petition the relevant licensing board,  
19 in a form prescribed by the board, for a determination as  
20 to whether the applicant's criminal record will prevent the  
21 applicant from receiving a license. The board shall issue  
22 such a determination at the next regularly scheduled meeting  
23 of the board or within thirty days of receiving the petition,  
24 whichever is later. The board shall hold a closed session  
25 while determining whether an applicant's criminal record will  
26 prevent the applicant from receiving a license. A board may  
27 charge a fee to recoup the costs of such a determination,  
28 provided that such fee shall not exceed twenty-five dollars.  
29 Upon request, the department of public safety and board of  
30 parole shall provide assistance to a board by explaining  
31 criminal convictions, records, and other related terminology.  
32 If a board determines that additional criminal records of an  
33 applicant are required to make a determination, the department  
34 of corrections and department of public safety shall supply  
35 such records in each department's possession to be reviewed by

1 a board in a closed session.

2 7. *a.* A licensing board that denies an applicant a license  
3 solely or partly because of the applicant's prior conviction  
4 of a crime shall notify the applicant in writing of all of the  
5 following:

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

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

9 (3) The earliest date the applicant may submit a new  
10 application.

11 (4) That evidence of rehabilitation of the applicant may be  
12 considered upon reapplication.

13 *b.* A determination by a licensing board that an applicant's  
14 criminal conviction is specifically listed as a disqualifying  
15 conviction and the offense directly relates to the duties  
16 and responsibilities of the applicant's profession must be  
17 documented in written findings for each factor specified in  
18 subsection 5 sufficient for a review by a court.

19 *c.* In any administrative or civil hearing authorized  
20 by this section or chapter 17A, a licensing board shall  
21 carry the burden of proof on the question of whether the  
22 applicant's criminal offense directly relates to the duties  
23 and responsibilities of the profession for which the license  
24 is sought.

25 8. A board may require an applicant with a criminal record  
26 to submit the applicant's complete criminal record detailing  
27 an applicant's offenses with an application. A board may  
28 also require an applicant with a criminal record to submit a  
29 personal statement regarding whether each offense directly  
30 relates to the duties and performance of the applicant's  
31 occupation.

32 Sec. 39. 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       DISQUALIFICATIONS FOR CRIMINAL CONVICTIONS. The bill  
6 provides that a person can only be disqualified from holding a  
7 professional license or have a professional license revoked for  
8 conviction of a crime under certain circumstances. In order  
9 for a conviction of a crime to serve as a disqualification  
10 from holding a professional license, the actions taken in  
11 furtherance of the crime must be actions which are customarily  
12 performed by the licensed profession or the offense must  
13 have been committed under circumstances that are customary  
14 to the profession. The bill requires a licensing board  
15 that may disqualify an applicant on the basis of a criminal  
16 conviction to provide a list of the convictions that may  
17 disqualify an applicant. If an applicant would otherwise be  
18 disqualified from holding a professional license, the bill  
19 requires the issuing board to grant an exception if the board  
20 determines by clear and convincing evidence that the applicant  
21 is rehabilitated and an appropriate candidate for licensure.  
22 The bill allows a person to submit a form to the appropriate  
23 licensing board to determine whether that person's conviction  
24 of the crime would serve to disqualify that person from holding  
25 a professional license.

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

1 examiners board) and 272C (regulation of licensed professions  
2 and occupations).

3 LICENSURE OF PERSONS LICENSED IN OTHER JURISDICTIONS. The  
4 bill requires that a professional or occupational license,  
5 certificate, or registration be issued to a person without an  
6 examination if 1) that person establishes residency in Iowa  
7 or 2) that person is married to an active duty member of the  
8 military forces and is accompanying the member on an official  
9 permanent change of station to a military installation in Iowa.

10 The bill requires a licensing board to grant a professional  
11 license to a person from out of state who: establishes  
12 residency in Iowa; currently holds a substantially equivalent  
13 license from another jurisdiction; is in good standing in  
14 all jurisdictions where the person is licensed; completed  
15 minimum educational, work, and clinical requirements or  
16 three or more years of related work experience; passed an  
17 examination required by the jurisdiction; has not had a license  
18 revoked or voluntarily surrendered a license while under  
19 investigation; has not had discipline imposed, unless the issue  
20 has been resolved; does not have a complaint, allegation, or  
21 investigation pending against the person; pays applicable  
22 fees; and does not have a disqualifying conviction. The bill  
23 allows a board to require a person licensed in another state  
24 to pass the relevant board's licensing exam on Iowa law and  
25 submit fingerprints. The reciprocity requirements do not apply  
26 to licenses issued by the department of transportation or to  
27 persons granted a privilege to practice in this state due to  
28 holding a license in another state. A person who receives  
29 a license in Iowa pursuant to this process is not eligible  
30 to practice in another state under an interstate licensure  
31 compact.

32 A person who receives a reciprocal license, certificate,  
33 or registration becomes subject to the laws regulating the  
34 profession or occupation in Iowa and to the jurisdiction of  
35 the appropriate licensing board regulating the profession or

1 occupation in Iowa. A licensing board may require an applicant  
2 for a reciprocal license to submit fingerprints and may perform  
3 a criminal history check. A reciprocal license does not grant  
4 a person eligibility to practice pursuant an interstate compact  
5 or affect the eligibility of a person to practice in Iowa under  
6 an interstate compact.

7 The bill requires a licensing board to reduce by 50 percent  
8 the application fee for an applicant for a license if the  
9 applicant's household income does not exceed 200 percent of the  
10 federal poverty level and the person has not previously applied  
11 for the same license in Iowa.

12 The bill takes effect January 1, 2021.