

Senate File 2418 - Introduced

SENATE FILE 2418

BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SF 2393)

(SUCCESSOR TO SF 2114)

A BILL FOR

1 An Act relating to governmental and regulatory matters
2 including the granting and renewal of licenses,
3 certificates, and registrations, and including effective
4 date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

PROFESSIONAL LICENSING

1
2
3 Section 1. Section 103.6, subsection 1, paragraph e, Code
4 2020, is amended by striking the paragraph.

5 Sec. 2. Section 103.9, subsection 3, Code 2020, is amended
6 by striking the subsection.

7 Sec. 3. Section 103.10, subsection 6, Code 2020, is amended
8 by striking the subsection.

9 Sec. 4. Section 103.12, subsection 6, Code 2020, is amended
10 by striking the subsection.

11 Sec. 5. Section 103.12A, subsection 4, Code 2020, is amended
12 by striking the subsection.

13 Sec. 6. Section 103.13, subsection 4, Code 2020, is amended
14 by striking the subsection.

15 Sec. 7. Section 103.15, subsection 7, Code 2020, is amended
16 by striking the subsection.

17 Sec. 8. Section 105.10, subsection 5, Code 2020, is amended
18 by striking the subsection.

19 Sec. 9. Section 105.22, subsection 4, Code 2020, is amended
20 by striking the subsection.

21 Sec. 10. Section 135.105A, subsection 5, Code 2020, is
22 amended to read as follows:

23 5. The department shall adopt rules regarding minimum
24 requirements for lead inspector, lead abater, and lead-safe
25 renovator training programs, certification, work practice
26 standards, and suspension and revocation requirements, and
27 shall implement the training and certification programs. Rules
28 adopted pursuant to this subsection shall comply with chapter
29 272C. The department shall seek federal funding and shall
30 establish fees in amounts sufficient to defray the cost of the
31 programs. The fees shall be used for any of the department's
32 duties under [this subchapter](#), including but not limited
33 to the costs of full-time equivalent positions for program
34 services and investigations. Fees received shall be considered
35 repayment receipts as defined in [section 8.2](#).

1 Sec. 11. Section 147.3, Code 2020, is amended to read as
2 follows:

3 **147.3 Qualifications.**

4 An applicant for a license to practice a profession under
5 this subtitle is not ineligible because of age, citizenship,
6 sex, race, religion, marital status, or national origin,
7 although the application form may require citizenship
8 information. ~~A board may consider the past criminal record of
9 an applicant only if the conviction relates to the practice of
10 the profession for which the applicant requests to be licensed.~~

11 Sec. 12. Section 147.55, subsection 5, Code 2020, is amended
12 by striking the subsection.

13 Sec. 13. Section 147A.7, subsection 1, paragraph j, Code
14 2020, is amended by striking the paragraph.

15 Sec. 14. Section 148.6, subsection 2, paragraph b, Code
16 2020, is amended by striking the paragraph.

17 Sec. 15. Section 148H.7, subsection 1, paragraph a, Code
18 2020, is amended by striking the paragraph.

19 Sec. 16. Section 151.9, subsection 5, Code 2020, is amended
20 by striking the subsection.

21 Sec. 17. Section 152.10, subsection 2, paragraph c, Code
22 2020, is amended by striking the paragraph.

23 Sec. 18. Section 153.34, subsection 9, Code 2020, is amended
24 by striking the subsection.

25 Sec. 19. Section 154A.24, subsection 1, Code 2020, is
26 amended by striking the subsection.

27 Sec. 20. Section 156.9, subsection 2, paragraph e, Code
28 2020, is amended by striking the paragraph.

29 Sec. 21. Section 272.1, Code 2020, is amended by adding the
30 following new subsection:

31 NEW SUBSECTION. 5A. *"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. 22. Section 272.2, subsection 14, paragraph a, Code
4 2020, is amended to read as follows:

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

22 Sec. 23. Section 272C.1, Code 2020, is amended by adding the
23 following new subsection:

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

26 **a.** The actions taken in furtherance of an offense are
27 actions customarily performed within the scope of practice of
28 a licensed profession.

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

31 Sec. 24. Section 272C.4, subsection 13, Code 2020, is
32 amended by striking the subsection.

33 Sec. 25. Section 272C.10, subsection 5, Code 2020, is
34 amended by striking the subsection and inserting in lieu
35 thereof the following:

1 5. Conviction of a felony offense, if the offense directly
2 relates to the profession or occupation of the licensee, in the
3 courts of this state or another state, territory, or country.
4 Conviction as used in this subsection includes a conviction of
5 an offense which if committed in this state would be a felony
6 without regard to its designation elsewhere, and includes a
7 finding or verdict of guilt made or returned in a criminal
8 proceeding even if the adjudication of guilt is withheld or not
9 entered. A certified copy of the final order or judgment of
10 conviction or plea of guilty in this state or in another state
11 constitutes conclusive evidence of the conviction.

12 Sec. 26. NEW SECTION. 272C.12 Licensure of persons licensed
13 in other jurisdictions.

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

24 a. The person is currently licensed, certified, or
25 registered by at least one other issuing jurisdiction in the
26 occupation or profession applied for with a substantially
27 similar scope of practice and the license, certificate, or
28 registration is in good standing in all issuing jurisdictions
29 in which the person holds a license, certificate, or
30 registration.

31 b. The person has been licensed, certified, or registered by
32 another issuing jurisdiction for at least one year.

33 c. When the person was licensed by the issuing jurisdiction,
34 the issuing jurisdiction imposed minimum educational
35 requirements and, if applicable, work experience and clinical

1 supervision requirements, and the issuing jurisdiction verifies
2 that the person met those requirements in order to be licensed
3 in that issuing jurisdiction.

4 *d.* The person previously passed an examination required by
5 the other issuing jurisdiction for licensure, certification,
6 or registration, if applicable.

7 *e.* The person has not had a license, certificate, or
8 registration revoked and has not voluntarily surrendered a
9 license, certificate, or registration in any other issuing
10 jurisdiction or country while under investigation for
11 unprofessional conduct.

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

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

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

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

34 2. A person licensed pursuant to this section is subject to
35 the laws regulating the person's practice in this state and is

1 subject to the jurisdiction of the appropriate licensing board.

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

3 a. The ability of a licensing board, agency, or department
4 to require the submission of fingerprints or completion of a
5 criminal history check.

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

8 c. The ability of a licensing board, agency, or department
9 to require a person to take and pass an examination specific to
10 the laws of this state prior to issuing a license. A licensing
11 board, agency, or department that requires an applicant to take
12 and pass an examination specific to the laws of this state
13 shall issue an applicant a temporary license that is valid
14 for a period of three months and may be renewed once for an
15 additional period of three months.

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

17 e. A person who is licensed by another issuing jurisdiction
18 and is granted a privilege to practice in this state by another
19 provision of law without receiving a license in this state.

20 f. A person applying for a license through a national
21 licensing organization.

22 4. A license, certificate, or registration issued
23 pursuant to this section does not grant the person receiving
24 the license, certificate, or registration eligibility to
25 practice pursuant to an interstate compact. A licensing
26 board shall determine eligibility for a person to hold a
27 license, certificate, or registration pursuant to this section
28 regardless of the person's eligibility to practice pursuant to
29 an interstate compact.

30 5. For the purposes of this section, "*issuing jurisdiction*"
31 means the duly constituted authority in another state that has
32 issued a professional license, certificate, or registration to
33 a person.

34 Sec. 27. NEW SECTION. 272C.13 Educational requirements —
35 work experience.

1 1. Except as provided in subsection 2, a person applying
2 for a professional or occupational license, certificate,
3 or registration in this state who relocates to this state
4 from another state that did not require a professional or
5 occupational license, certificate, or registration to practice
6 the person's profession or occupation shall be considered
7 to have met any education, training, or work experience
8 requirements imposed by a licensing board in this state if the
9 person has three or more years of related work experience with
10 a substantially similar scope of practice within the four years
11 preceding the date of application as determined by the board.

12 2. This section does not apply to a license, certificate,
13 or registration issued by the board of medicine, the board of
14 nursing, the dental board, or the board of pharmacy.

15 3. This section does not limit the ability of a licensing
16 board, agency, or department to require a person to take and
17 pass an examination specific to the laws of this state prior to
18 issuing a license.

19 **Sec. 28. NEW SECTION. 272C.14 Waiver of fees.**

20 A licensing board, agency, or department shall waive any
21 fee charged to an applicant for a license if the applicant's
22 household income does not exceed two hundred percent of the
23 federal poverty income guidelines and the applicant is applying
24 for the license for the first time in this state.

25 **Sec. 29. NEW SECTION. 272C.15 Disqualifications for**
26 **criminal convictions limited.**

27 1. Notwithstanding any other provision of law to the
28 contrary, except for chapter 272, a person's conviction of a
29 crime may be grounds for the denial, revocation, or suspension
30 of a license only if an unreasonable risk to public safety
31 exists because the offense directly relates to the duties
32 and responsibilities of the profession and the appropriate
33 licensing board, agency, or department does not grant an
34 exception pursuant to subsection 4.

35 2. A licensing board, agency, or department that may deny a

1 license on the basis of an applicant's conviction record shall
2 provide a list of the specific convictions that may disqualify
3 an applicant from receiving a license. Any such offense
4 shall be an offense that directly relates to the duties and
5 responsibilities of the profession.

6 3. A licensing board, agency, or department shall not deny
7 an application for a license on the basis of an arrest that
8 was not followed by a conviction or based on a finding that an
9 applicant lacks good character, suffers from moral turpitude,
10 or on other similar basis.

11 4. A licensing board, agency, or department shall grant
12 an exception to an applicant who would otherwise be denied a
13 license due to a criminal conviction if the following factors
14 establish by clear and convincing evidence that the applicant
15 is rehabilitated and an appropriate candidate for licensure:

16 a. The nature and seriousness of the crime for which the
17 applicant was convicted.

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

30 c. The circumstances relative to the offense, including any
31 aggravating and mitigating circumstances or social conditions
32 surrounding the commission of the offense.

33 d. The age of the applicant at the time the offense was
34 committed.

35 e. Any treatment undertaken by the applicant.

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

3 *g.* Any letters of reference submitted on behalf of the
4 applicant.

5 *h.* All other relevant evidence of rehabilitation and present
6 fitness of the applicant.

7 5. An applicant may petition the relevant licensing board,
8 agency, or department, in a form prescribed by the board,
9 agency, or department, for a determination as to whether the
10 applicant's criminal record will prevent the applicant from
11 receiving a license. The board, agency, or department shall
12 issue such a determination at the next regularly scheduled
13 meeting of the board, agency, or department or within thirty
14 days of receiving the petition, whichever is later. The
15 board, agency, or department shall hold a closed session
16 while determining whether an applicant's criminal record will
17 prevent the applicant from receiving a license and while
18 determining whether to deny an applicant's application on
19 the basis of an applicant's criminal conviction. A board,
20 agency, or department may charge a fee to recoup the costs of
21 such a determination, provided that such fee shall not exceed
22 twenty-five dollars.

23 6. *a.* A licensing board, agency, or department that
24 denies an applicant a license solely or partly because of
25 the applicant's prior conviction of a crime shall notify the
26 applicant in writing of all of the following:

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

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

30 (3) The earliest date the applicant may submit a new
31 application.

32 (4) That evidence of rehabilitation of the applicant may be
33 considered upon reapplication.

34 *b.* A determination by a licensing board, agency, or
35 department that an applicant's criminal conviction is

1 specifically listed as a disqualifying conviction and the
2 offense directly relates to the duties and responsibilities
3 of the applicant's profession must be documented in written
4 findings for each factor specified in subsection 4 sufficient
5 for a review by a court.

6 c. In any administrative or civil hearing authorized by
7 this section or chapter 17A, a licensing board, agency, or
8 department shall carry the burden of proof on the question of
9 whether the applicant's criminal offense directly relates to
10 the duties and responsibilities of the profession for which the
11 license is sought.

12 7. A board, agency, or department may require an applicant
13 with a criminal record to submit the applicant's complete
14 criminal record detailing an applicant's offenses with an
15 application. A board, agency, or department may also require
16 an applicant with a criminal record to submit a personal
17 statement regarding whether each offense directly relates to
18 the duties and performance of the applicant's occupation. For
19 the purposes of this subsection, "*complete criminal record*"
20 includes the complaint and judgment of conviction for each
21 offense of which the applicant has been convicted.

22 Sec. 30. RULEMAKING PROCEDURES AND APPLICABILITY.

23 1. The boards designated in section 147.13 other than the
24 board of medicine, the board of nursing, the dental board, and
25 the board of pharmacy, when carrying out rulemaking pursuant to
26 chapter 17A to implement the provisions of this Act, shall each
27 adopt the same rules, which shall be applicable to all such
28 boards. The bureau of professional licensure of the department
29 of public health shall assist the boards in carrying out such
30 rulemaking.

31 2. The accountancy examining board, the architectural
32 examining board, the engineering and land surveying examining
33 board, the interior design examining board, the landscape
34 architectural examining board, and the real estate commission,
35 when carrying out rulemaking pursuant to chapter 17A to

1 implement the provisions of this Act, shall each adopt the same
2 rules, which shall be applicable to all such boards and the
3 real estate commission. The professional licensing bureau of
4 the department of commerce shall assist the boards and the real
5 estate commission in carrying out such rulemaking.

6 3. This section shall not apply to any rulemaking pursuant
7 to chapter 17A by a board or commission to implement the
8 provisions of this Act that the board or commission determines
9 is necessary to address circumstances or legal requirements
10 uniquely applicable to the board or commission.

11 Sec. 31. EFFECTIVE DATE. This division of this Act takes
12 effect January 1, 2021.

13 DIVISION II

14 TEMPORARY EXTENSIONS AND REGULATORY CHANGES

15 Sec. 32. Section 22.2, Code 2020, is amended by adding the
16 following new subsection:

17 NEW SUBSECTION. 2A. If feasible, the custodian of a public
18 record may provide for the electronic examination and copying
19 of a public record in lieu of requiring in-person examination
20 and copying of a public record. This subsection does not apply
21 to searches of all indexes, general and specific, of public
22 records relating to documents, instruments, and muniments of
23 title, for the purpose of performing title searches, real
24 property searches, or creating real property abstracts.

25 Sec. 33. Section 22.4, Code 2020, is amended to read as
26 follows:

27 **22.4 ~~Hours when available~~ Public records requests.**

28 The rights of persons under [this chapter](#) may be exercised
29 under any of the following circumstances:

30 1. In person, at any time during the customary office hours
31 of the lawful custodian of the records. However, if the lawful
32 custodian does not have customary office hours of at least
33 thirty hours per week, such right may be exercised at any time
34 from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m. Monday
35 through Friday, excluding legal holidays, unless the person

1 exercising such right and the lawful custodian agree on a
2 different time.

3 2. In writing, by telephone, or by electronic means. The
4 lawful custodian of the records shall post clear directions
5 for making requests in writing, by telephone, or by electronic
6 means in a prominent place that is easily accessible to the
7 public.

8 Sec. 34. Section 80A.1, subsection 12, Code 2020, is amended
9 to read as follows:

10 12. "*Private security business*" means a business of
11 furnishing, for hire or reward, guards, watch personnel,
12 armored car personnel, patrol personnel, or other persons to
13 protect persons or property, to prevent the unlawful taking of
14 goods and merchandise, or to prevent the misappropriation or
15 concealment of goods, merchandise, money, securities, or other
16 valuable documents or papers, and includes an individual who
17 for hire patrols, watches, or guards a residential, industrial,
18 or business property or district. "Private security business"
19 does not include a business for debt collection as defined in
20 section 537.7102.

21 Sec. 35. Section 89A.3, subsection 2, paragraph i, Code
22 2020, is amended to read as follows:

23 *i.* The amount of fees charged and collected for inspection,
24 permits, and commissions. Fees shall be set at an amount
25 sufficient to cover costs as determined from consideration
26 of the reasonable time required to conduct an inspection,
27 reasonable hourly wages paid to inspectors, and reasonable
28 transportation and similar expenses. The safety board shall
29 also be authorized to consider setting reduced fees for
30 nonprofit associations and nonprofit corporations, as described
31 in chapters 501B and 504.

32 Sec. 36. Section 125.38, subsection 1, Code 2020, is amended
33 to read as follows:

34 1. Subject to reasonable rules regarding hours of
35 visitation which the department may adopt, a patient in

1 a facility shall be granted an opportunity for adequate
2 consultation with counsel, and for continuing contact with
3 family and friends consistent with an effective treatment
4 program, provided that such consultation and contact may be
5 provided telephonically or electronically.

6 Sec. 37. Section 135B.5, subsection 1, Code 2020, is amended
7 to read as follows:

8 1. Upon receipt of an application for license and the
9 license fee, the department shall issue a license if the
10 applicant and hospital facilities comply with **this chapter**,
11 chapter 135, and the rules of the department. Each licensee
12 shall receive annual reapproval upon payment of five hundred
13 dollars and upon filing of an application form which is
14 available from the department. The annual licensure fee shall
15 be dedicated to support and provide educational programs on
16 regulatory issues for hospitals licensed under **this chapter** ~~in~~
17 ~~consultation with the hospital licensing board~~. Licenses shall
18 be either general or restricted in form. Each license shall be
19 issued only for the premises and persons or governmental units
20 named in the application and is not transferable or assignable
21 except with the written approval of the department. Licenses
22 shall be posted in a conspicuous place on the licensed premises
23 as prescribed by rule of the department.

24 Sec. 38. Section 135B.7, subsection 1, paragraph a, Code
25 2020, is amended to read as follows:

26 a. The department, with the ~~advice and approval of the~~
27 ~~hospital licensing board and approval of the state board of~~
28 health, shall adopt rules setting out the standards for the
29 different types of hospitals to be licensed under **this chapter**.
30 The department shall enforce the rules.

31 Sec. 39. Section 272.2, subsection 1, paragraph a, Code
32 2020, is amended to read as follows:

33 a. License practitioners, which includes the authority to
34 establish criteria for the licenses; establish issuance and
35 renewal requirements, provided that a continuing education

1 requirement may be completed by electronic means; create
2 application and renewal forms; create licenses that authorize
3 different instructional functions or specialties; develop a
4 code of professional rights and responsibilities, practices,
5 and ethics, which shall, among other things, address the
6 failure of a practitioner to fulfill contractual obligations
7 under [section 279.13](#); and develop any other classifications,
8 distinctions, and procedures which may be necessary to exercise
9 licensing duties. In addressing the failure of a practitioner
10 to fulfill contractual obligations, the board shall consider
11 factors beyond the practitioner's control.

12 Sec. 40. Section 483A.24, subsection 3, paragraph a, Code
13 2020, is amended to read as follows:

14 a. Fifty of the nonresident deer hunting licenses shall
15 be allocated as requested by a majority of a committee
16 ~~consisting of the majority leader of the senate, speaker of~~
17 ~~the house of representatives, and director of the economic~~
18 ~~development authority, or their designees~~ determined by the
19 department. The licenses provided pursuant to [this subsection](#)
20 shall be in addition to the number of nonresident licenses
21 authorized pursuant to [section 483A.8](#). The purpose of the
22 special nonresident licenses is to allow state officials and
23 local development groups to promote the state and its natural
24 resources to nonresident guests and dignitaries. Photographs,
25 videotapes, or any other form of media resulting from the
26 hunting visitation shall not be used for political campaign
27 purposes. The nonresident licenses shall be issued without
28 application upon purchase of a nonresident annual hunting
29 license that includes the wildlife habitat fee and the purchase
30 of a nonresident deer hunting license. The licenses are valid
31 in all zones open to deer hunting. The hunter education
32 certificate requirement pursuant to [section 483A.27](#) is waived
33 for a nonresident issued a license pursuant to [this subsection](#).

34 Sec. 41. Section 483A.24, subsection 4, paragraph a, Code
35 2020, is amended to read as follows:

1 a. Fifty of the nonresident wild turkey hunting licenses
2 shall be allocated as ~~requested by a majority of a committee~~
3 ~~consisting of the majority leader of the senate, speaker of~~
4 ~~the house of representatives, and director of the economic~~
5 ~~development authority, or their designees~~ determined by the
6 department. The licenses provided pursuant to **this subsection**
7 shall be in addition to the number of nonresident licenses
8 authorized pursuant to **section 483A.7**. The purpose of the
9 special nonresident licenses is to allow state officials and
10 local development groups to promote the state and its natural
11 resources to nonresident guests and dignitaries. Photographs,
12 videotapes, or any other form of media resulting from the
13 hunting visitation shall not be used for political campaign
14 purposes. The nonresident licenses shall be issued without
15 application upon purchase of a nonresident annual hunting
16 license that includes the wildlife habitat fee and the purchase
17 of a nonresident wild turkey hunting license. The licenses are
18 valid in all zones open to wild turkey hunting. The hunter
19 education certificate requirement pursuant to **section 483A.27**
20 is waived for a nonresident issued a license pursuant to this
21 subsection.

22 Sec. 42. Section 543D.9, Code 2020, is amended to read as
23 follows:

24 **543D.9 Education and experience requirement.**

25 The board shall determine what real estate appraisal or
26 real estate appraisal review experience and what education
27 shall be required to provide appropriate assurance that
28 an applicant for certification is competent to perform the
29 certified appraisal work which is within the scope of practice
30 defined by the board. All experience required for initial
31 certification shall be performed as a registered associate
32 real estate appraiser acting under the direct supervision of
33 a certified real estate appraiser who meets the supervisory
34 requirements established by applicable federal authorities or
35 federal law, rule, or policy in effect at the time the hours

1 of experience are claimed, except as the board may provide by
2 rule. Subject to requirements or limitations established by
3 applicable federal authorities or federal law, rule, or policy,
4 hours qualifying for experience in a bordering state will
5 be considered qualifying hours for experience in this state
6 without requiring a waiver or authorization from the board in
7 accordance with rules and standards adopted by the board, as
8 long as a majority of qualifying hours are completed in this
9 state. Qualifying hours completed in a bordering state shall
10 be under the direct supervision of a certified real estate
11 appraiser with active certification in that bordering state.
12 The board shall prescribe a required minimum number of tested
13 hours of education relating to the provisions of [this chapter](#),
14 the uniform appraisal standards, and other rules issued in
15 accordance with [this chapter](#).

16 Sec. 43. Section 544A.8, Code 2020, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 5. A person applying to the board for
19 licensure who has passed a module of the architect registration
20 examination but failed to pass the exam shall not be required
21 to retake the module that the applicant previously passed in
22 subsequent examinations.

23 Sec. 44. REPEAL. Chapter 9D, Code 2020, is repealed.

24 Sec. 45. REPEAL. Sections 135B.10 and 135B.11, Code 2020,
25 are repealed.

26 Sec. 46. 2018 Iowa Acts, chapter 1142, section 8, as amended
27 by 2019 Iowa Acts, chapter 85, section 118, is amended to read
28 as follows:

29 SEC. 8. FUTURE REPEAL. [Section 155A.44](#), Code 2018, is
30 repealed effective July 1, ~~2020~~ 2021.

31 Sec. 47. CONTINUING EDUCATION REQUIREMENTS. The dental
32 board, state board of health, board of pharmacy, board of
33 medicine, board of nursing, and board of physician assistants
34 shall require licensees required to complete continuing
35 education credits prior to the renewal of a license set to

1 expire in 2020 to complete such continuing education credits by
2 December 31, 2020. A license set to expire in 2020 shall not
3 expire until December 31, 2020.

4 Sec. 48. CONTINUING EDUCATION — ELECTRONIC MEANS. For the
5 period beginning on the effective date of this Act through June
6 30, 2021, notwithstanding any provision of law to the contrary,
7 each licensing board, as defined in section 272C.1, shall allow
8 licensees to satisfy continuing education requirements by
9 electronic means.

10 Sec. 49. SCHOOL PHYSICALS — TEMPORARY PROVISIONS. For
11 the period beginning on the effective date of this Act through
12 December 31, 2020, a student participating in interscholastic
13 athletics who presents to the student's superintendent a
14 certificate signed on or after July 1, 2019, by a licensed
15 physician or surgeon, osteopathic physician or surgeon,
16 chiropractor, physician assistant, or advanced registered nurse
17 practitioner, to the effect that the student has been examined
18 and may safely engage in athletic competition, shall be deemed
19 to have complied with the regulatory provisions of 281 IAC
20 36.14(1).

21 Sec. 50. SHAREHOLDER MEETINGS — TEMPORARY PROVISIONS. For
22 the period beginning on the effective date of this Act
23 through December 31, 2020, notwithstanding the provisions of
24 chapters 490, 491, 499, and 501A requiring an in-person meeting
25 of shareholders, policyholders, or members, an in-person
26 meeting of shareholders, policyholders, or members shall
27 not be required if the meeting is held by means of remote
28 communication and provides shareholders, policyholders, or
29 members a reasonable opportunity to participate in the meeting
30 and to vote on matters submitted for action at such meeting,
31 including an opportunity to communicate and to read or hear the
32 proceedings of the meeting, substantially concurrent with the
33 occurrence of such meeting.

34 Sec. 51. EFFECTIVE DATE. This division of this Act, being
35 deemed of immediate importance, takes effect upon enactment.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill relates to governmental and regulatory matters. The bill is organized into divisions.

DIVISION I — PROFESSIONAL LICENSING. This division relates to the granting of professional licenses, certifications, and registrations.

DISQUALIFICATIONS FOR CRIMINAL CONVICTIONS. The bill provides that a person can only be disqualified from holding a professional license or have a professional license revoked for conviction of a crime under certain circumstances. In order for a conviction of a crime to serve as a disqualification from holding a professional license, the actions taken in furtherance of the crime must be actions which are customarily performed within the scope of practice of a licensed profession or the offense must have been committed under circumstances that are customary to a licensed profession. The bill requires a licensing board that may disqualify an applicant on the basis of a criminal conviction to provide a list of the convictions that may disqualify an applicant. If an applicant would otherwise be disqualified from holding a professional license, the bill requires the issuing board to grant an exception if the board determines by clear and convincing evidence that the applicant is rehabilitated and an appropriate candidate for licensure. The bill allows a person to submit a form to the appropriate licensing board to determine whether that person's conviction of the crime would serve to disqualify that person from holding a professional license. The bill prohibits a board from denying a license on the basis of an arrest not followed by a conviction or on the applicant's lack of good character.

The bill strikes specific Code provisions regarding disqualifications from holding a professional license on the basis of a criminal conviction in Code chapters 103

1 (electricians and electrical contractors), 105 (plumbers,
2 mechanical professionals, and contractors), 147 (general
3 provisions, health-related professions), 147A (emergency
4 medical care — trauma care), 148 (medicine and surgery), 148H
5 (genetic counseling), 151 (chiropractic), 152 (nursing), 153
6 (dentistry), 154A (hearing aids), 156 (funeral directing,
7 mortuary science, and cremation), 272 (educational examiners
8 board) and 272C (regulation of licensed professions and
9 occupations).

10 LICENSURE OF PERSONS LICENSED IN OTHER JURISDICTIONS. The
11 bill requires that a professional or occupational license,
12 certificate, or registration be issued to a person without an
13 examination if 1) that person establishes residency in Iowa
14 or 2) that person is married to an active duty member of the
15 military forces and is accompanying the member on an official
16 permanent change of station to a military installation in Iowa.
17 The bill requires a licensing board to grant a professional
18 license to a person from out of state who: establishes
19 residency in Iowa; is married to an active duty member of the
20 military forces who is stationed in Iowa; currently holds a
21 substantially equivalent license from another jurisdiction;
22 has held a license for a least one year; is in good standing
23 in all jurisdictions where the person is licensed; completed
24 minimum educational, work, and clinical requirements or three
25 or more years of related work experience in a substantially
26 similar scope of practice if the person practiced the person's
27 profession in a state that did not require a license as
28 determined by the board; passed an examination required
29 by the jurisdiction; has not had a license revoked or
30 voluntarily surrendered a license while under investigation
31 for unprofessional conduct; has not had discipline imposed,
32 unless the issue has been resolved; does not have a complaint,
33 allegation, or investigation pending against the person; pays
34 applicable fees; and does not have a disqualifying conviction.
35 The bill allows a board to require a person licensed in another

1 state to pass the relevant board's licensing exam on Iowa law
2 and submit fingerprints. The reciprocity requirements do not
3 apply to licenses issued by the department of transportation,
4 to a person granted a privilege to practice in this state due
5 to holding a license in another state, or to a person applying
6 for a license through a national licensing organization.
7 A person who receives a license in Iowa pursuant to this
8 process is not eligible to practice in another state under an
9 interstate licensure compact.

10 A person who receives a reciprocal license, certificate,
11 or registration becomes subject to the laws regulating the
12 profession or occupation in Iowa and to the jurisdiction of
13 the appropriate licensing board regulating the profession or
14 occupation in Iowa. A licensing board may require an applicant
15 for a reciprocal license to submit fingerprints and may perform
16 a criminal history check.

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

22 The bill requires certain health-related boards to adopt
23 identical rules to implement this division. The bill also
24 requires certain other boards to adopt identical rules to
25 implement this division.

26 The division takes effect January 1, 2021.

27 DIVISION II — TEMPORARY EXTENSIONS AND REGULATORY CHANGES.

28 This division makes miscellaneous changes.

29 The bill allows a custodian of public records to provide
30 for the electronic examination and copying of public records
31 in lieu of requiring in-person examination and copying under
32 certain circumstances. The bill requires the custodian of
33 public records to post clear instructions regarding how public
34 records requests can be made.

35 The bill excludes businesses for debt collection from the

1 definition of "private security business".

2 The bill allows the elevator safety board to consider
3 setting reduced inspection, permit, and collection fees for
4 nonprofit associations and nonprofit corporations.

5 The bill allows a patient in a substance-related disorder
6 treatment facility to receive attorney consultations and family
7 visitations by telephonic or electronic means.

8 The bill eliminates the hospital licensing board and removes
9 the requirement that the department of inspections and appeals
10 consult with the hospital licensing board on the expenditure of
11 hospital license renewal fees and on the adoption of standards
12 for types of hospitals.

13 The bill allows persons licensed by the board of educational
14 examiners to complete continuing education requirements by
15 electronic means.

16 The bill requires the department of natural resources
17 rather than a committee composed of the majority leader of the
18 senate, the speaker of the house of representatives, and the
19 director of the economic development authority to allocate
20 50 nonresident deer hunting licenses and 50 nonresident wild
21 turkey hunting licenses.

22 The bill requires an applicant for a real estate appraisal
23 certification to meet supervisory requirements imposed by
24 federal law in effect at the time the hours of experience
25 for initial certification are claimed. The bill allows
26 qualifying hours obtained in a bordering state to be considered
27 as qualifying hours if they were obtained under the direct
28 supervision of a certified real estate appraiser with active
29 certification in the bordering state, subject to federal
30 requirements.

31 The bill allows a person applying for an architecture
32 license who has passed a module of the architect registration
33 examination but failed to pass the exam to forego completing
34 the module that the applicant previously passed in subsequent
35 examinations.

1 The bill repeals Code chapter 9D, requiring travel agents
2 doing business in Iowa to register with the secretary of state.

3 The bill changes the date of the repeal of Code section
4 155A.44 relating to the administration of certain vaccines and
5 immunizations by licensed pharmacists from July 1, 2020, to
6 July 1, 2021.

7 The bill requires the dental board, state board of health,
8 board of pharmacy, board of medicine, board of nursing, and
9 board of physician assistants to require licensees required
10 to complete continuing education credits prior to the renewal
11 of a license expiring in 2020 to complete such credits by
12 December 31, 2020. The bill also sets the expiration date for
13 any licenses issued by those boards set to expire in 2020 to
14 December 31, 2020.

15 The bill requires licensing boards to allow licensees to
16 satisfy continuing education requirements by electronic means
17 through June 30, 2021.

18 For the period beginning on the effective date of the bill
19 through December 31, 2020, the bill provides that a student
20 participating in interscholastic athletics who presents to the
21 student's superintendent a certificate signed by a health care
22 practitioner on or after July 1, 2019, stating that the student
23 may safely engage in athletic competition shall be deemed
24 to have satisfied the physical examination requirements for
25 participating in interscholastic athletics.

26 For the period beginning on the effective date of the
27 bill through December 31, 2020, the bill allows a meeting of
28 shareholders, policyholders, or members that must normally be
29 held in person to be held by means of remote communication that
30 allows shareholders, policyholders, or members to participate
31 in the meeting substantially concurrent with the occurrence of
32 the meeting.

33 The division of the bill takes effect upon enactment.