

Senate Study Bill 3089 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON SMITH)

A BILL FOR

1 An Act eliminating the board of hearing aid specialists and
2 licensure requirements for hearing aid specialists, and
3 including transition provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2020,
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, genetic counselor, physician assistant, psychologist,
6 chiropractor, nurse, dentist, dental hygienist, dental
7 assistant, optometrist, speech pathologist, audiologist,
8 pharmacist, physical therapist, physical therapist assistant,
9 occupational therapist, occupational therapy assistant,
10 orthotist, prosthetist, pedorthist, respiratory care
11 practitioner, practitioner of cosmetology arts and sciences,
12 practitioner of barbering, funeral director, dietitian,
13 behavior analyst, assistant behavior analyst, marital and
14 family therapist, mental health counselor, respiratory
15 care and polysomnography practitioner, polysomnographic
16 technologist, social worker, massage therapist, athletic
17 trainer, acupuncturist, nursing home administrator, ~~hearing~~
18 ~~aid specialist~~, or sign language interpreter or transliterator
19 means a person licensed under [this subtitle](#).

20 6. "*Profession*" means medicine and surgery, podiatry,
21 osteopathic medicine and surgery, genetic counseling, practice
22 as a physician assistant, psychology, chiropractic, nursing,
23 dentistry, dental hygiene, dental assisting, optometry, speech
24 pathology, audiology, pharmacy, physical therapy, physical
25 therapist assisting, occupational therapy, occupational therapy
26 assisting, respiratory care, cosmetology arts and sciences,
27 barbering, mortuary science, applied behavior analysis, marital
28 and family therapy, mental health counseling, polysomnography,
29 social work, dietetics, massage therapy, athletic training,
30 acupuncture, nursing home administration, ~~practice as a hearing~~
31 ~~aid specialist~~, sign language interpreting or transliterating,
32 orthotics, prosthetics, or pedorthics.

33 Sec. 2. Section 147.2, subsection 1, Code 2020, is amended
34 to read as follows:

35 1. A person shall not engage in the practice of medicine

1 and surgery, podiatry, osteopathic medicine and surgery,
2 genetic counseling, psychology, chiropractic, physical
3 therapy, physical therapist assisting, nursing, dentistry,
4 dental hygiene, dental assisting, optometry, speech pathology,
5 audiology, occupational therapy, occupational therapy
6 assisting, orthotics, prosthetics, pedorthics, respiratory
7 care, pharmacy, cosmetology arts and sciences, barbering,
8 social work, dietetics, applied behavior analysis, marital
9 and family therapy or mental health counseling, massage
10 therapy, mortuary science, polysomnography, athletic training,
11 acupuncture, nursing home administration, or sign language
12 interpreting or transliterating, or shall not practice as a
13 physician assistant ~~or a hearing aid specialist~~, unless the
14 person has obtained a license for that purpose from the board
15 for the profession.

16 Sec. 3. Section 147.13, subsection 22, Code 2020, is amended
17 by striking the subsection.

18 Sec. 4. Section 147.14, subsection 1, paragraph v, Code
19 2020, is amended by striking the paragraph.

20 Sec. 5. Section 154F.2, subsection 1, paragraph b, Code
21 2020, is amended by striking the paragraph.

22 Sec. 6. Section 154F.2, subsection 2, Code 2020, is amended
23 to read as follows:

24 2. A person exempted from the provisions of [this chapter](#) by
25 this section shall not use the title "speech pathologist" or
26 "audiologist" or any title or device indicating or representing
27 in any manner that the person is a speech pathologist or is
28 an audiologist; ~~provided, a hearing aid specialist licensed~~
29 ~~under [chapter 154A](#) may use the title "certified hearing~~
30 ~~aid audiologist" when granted by the national hearing aid~~
31 ~~society; and provided, persons who meet the requirements~~
32 of [section 154F.3, subsection 1](#), who are certified by the
33 department of education as speech clinicians may use the title
34 "speech pathologist" and persons who meet the requirements
35 of [section 154F.3, subsection 2](#), who are certified by the

1 department of education as hearing clinicians may use the
2 title "audiologist", while acting within the scope of their
3 employment.

4 Sec. 7. Section 216E.7, Code 2020, is amended to read as
5 follows:

6 **216E.7 Exemptions.**

7 This chapter does not apply to a hearing aid sold, leased,
8 or transferred to a consumer by an audiologist licensed under
9 chapter 154F, ~~or a hearing aid specialist licensed under~~
10 ~~chapter 154A~~, if the audiologist ~~or specialist~~ provides either
11 an express warranty for the hearing aid or provides for service
12 and replacement of the hearing aid.

13 Sec. 8. Section 272C.1, subsection 6, paragraph v, Code
14 2020, is amended by striking the paragraph.

15 Sec. 9. Section 272C.3, subsection 2, paragraph a, Code
16 2020, is amended to read as follows:

17 a. Revoke a license, or suspend a license either until
18 further order of the board or for a specified period, upon any
19 of the grounds specified in [section 100D.5](#), [105.22](#), [147.55](#),
20 [148.6](#), [148B.7](#), [152.10](#), [153.34](#), ~~[154A.24](#)~~, [169.13](#), [455B.219](#),
21 [542.10](#), [542B.21](#), [543B.29](#), [544A.13](#), [544B.15](#), or [602.3203](#) or
22 chapter 151 or [155](#), as applicable, or upon any other grounds
23 specifically provided for in [this chapter](#) for revocation of
24 the license of a licensee subject to the jurisdiction of
25 that board, or upon failure of the licensee to comply with a
26 decision of the board imposing licensee discipline.

27 Sec. 10. Section 272C.4, subsection 6, Code 2020, is amended
28 to read as follows:

29 6. Define by rule acts or omissions that are grounds for
30 revocation or suspension of a license under [section 100D.5](#),
31 [105.22](#), [147.55](#), [148.6](#), [148B.7](#), [152.10](#), [153.34](#), ~~[154A.24](#)~~, [169.13](#),
32 [455B.219](#), [542.10](#), [542B.21](#), [543B.29](#), [544A.13](#), [544B.15](#), or
33 [602.3203](#) or [chapter 151](#) or [155](#), as applicable, and to define
34 by rule acts or omissions that constitute negligence, careless
35 acts, or omissions within the meaning of section 272C.3,

1 subsection 2, paragraph "b", which licensees are required to
2 report to the board pursuant to [section 272C.9, subsection 2.](#)

3 Sec. 11. Section 272C.5, subsection 2, paragraph c, Code
4 2020, is amended to read as follows:

5 c. Shall state whether the procedures are an alternative
6 to or an addition to the procedures stated in [sections 100D.5,](#)
7 [105.23, 105.24, 148.6 through 148.9, 152.10, 152.11, 153.33,](#)
8 ~~[154A.23,](#)~~ [542.11, 542B.22, 543B.35, 543B.36, and 544B.16.](#)

9 Sec. 12. Section 272C.6, subsection 6, paragraph a,
10 unnumbered paragraph 1, Code 2020, is amended to read as
11 follows:

12 A board created pursuant to [chapter 147, 154A, 155, 169, 542,](#)
13 [542B, 543B, 543D, 544A, or 544B](#) may charge a fee not to exceed
14 seventy-five dollars for conducting a disciplinary hearing
15 pursuant to [this chapter](#) which results in disciplinary action
16 taken against the licensee by the board, and in addition to the
17 fee, may recover from a licensee the costs for the following
18 procedures and associated personnel:

19 Sec. 13. Section 272C.6, subsection 6, paragraph a,
20 subparagraph (4), Code 2020, is amended to read as follows:

21 (4) Medical examination fees incurred relating to a person
22 licensed under [chapter 147, 154A, 155, or 169.](#)

23 Sec. 14. REPEAL. Chapter 154A, Code 2020, is repealed.

24 Sec. 15. TRANSITION PROVISIONS.

25 1. All moneys in a dedicated fund of the board of hearing
26 aid specialists shall be transferred to the general fund of the
27 state on the effective date of this Act.

28 2. The property and records in the custody of the board of
29 hearing aid specialists shall be transferred to the department
30 of administrative services on the effective date of this Act.

31 3. Any cause or action, claim, or obligation against the
32 board of hearing aid specialists in existence on the effective
33 date of this Act shall not be affected as a result of this Act.

34 4. An administrative hearing or court proceeding arising
35 out of an enforcement action under chapter 154A or related

1 administrative rules pending on the effective date of this Act
2 shall not be affected by this Act. Any cause of action or
3 statute of limitations relating to an action taken by the board
4 of hearing aid specialists shall not be affected by this Act
5 and such cause of action or statute of limitations shall apply
6 to the department of public health.

7

EXPLANATION

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

10 This bill repeals Code chapter 154A, imposing licensing
11 requirements on persons applying to practice as a hearing aid
12 specialist in Iowa. The bill also repeals the Code section
13 creating the board of hearing aid specialists and removes
14 references to the board of hearing aid specialists. The
15 bill includes transition provisions for the disposition of
16 funds and property in the possession of the board of hearing
17 aid specialists and continues any cause of action, claim,
18 administrative hearing, court proceeding, and obligation
19 against the board of hearing aid specialists in existence as of
20 the effective date of the bill.