## House File 2592 - Reprinted

		HOUSE FILE
		BY COMMITTEE ON HUMAN RESOURCE
		(SUCCESSOR TO HSB 645)
	Pas	ssed House, Date Passed Senate, Date te: Ayes Nays Vote: Ayes Nays
	Vot	ce: Ayes Nays Vote: Ayes Nays
		Approved
		A BILL FOR
1	Δn	Act providing for various technical and substantive changes
2		relating to health licensing and other public health matters.
		IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA: 2592
		2592 Yes/25
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1	1	Section 1. Section 135.2, Code 2005, is amended to read as
1	2	follows:
1	3 4	135.2 APPOINTMENT OF DIRECTOR <u>AND ACTING DIRECTOR</u> .  1. a. The governor shall appoint the director of the
1		department, subject to confirmation by the senate. The
1	6	director shall serve at the pleasure of the governor. The
1	./	director is exempt from the merit system provisions of chapter 8A, subchapter IV. The governor shall set the salary of the
		director within the range established by the general assembly.
	10	<u>b.</u> The director shall possess education and experience in
		public health.  2. The director may appoint an employee of the department
1	13	to be acting director, who shall have all the powers and
1	14	duties possessed by the director. The director may appoint
<u>_</u>	15 16	more than one acting director but only one acting director shall exercise the powers and duties of the director at any
1	17	time.
	18	Sec. 2. <u>NEW SECTION</u> . 135.12 OFFICE OF MULTICULTURAL HEALTH == ESTABLISHED == DUTIES.
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		the department. The office shall be responsible for all of
	23	the following: 1. Providing comprehensive management strategies to
1	24	address culturally and linguistically appropriate services,
1	25	including strategic goals, plans, policies, and procedures,
	26 27	and designating staff responsible for implementation.  2. Requiring and arranging for ongoing education and
1	28	training for administrative, clinical, and other appropriate
		staff in culturally and linguistically competent health care
	31	and service delivery.  3. Utilizing formal mechanisms for community and consumer
		involvement and coordinating with other state agencies to
		identify resources and programs that affect the health service delivery systems.
1	35	Sec. 3. Section 135.22A, subsection 3, Code Supplement
2		2005, is amended to read as follows:
2 2	2	3. The council shall be composed of a minimum of nine members appointed by the governor in addition to the ex
2	4	officio members, and the governor may appoint additional
2		members. Insofar as practicable, the council shall include
2	7	persons with brain injuries, family members of persons with brain injuries, representatives of industry, labor, business,
2	8	and agriculture, representatives of federal, state, and local
2		government, and representatives of religious, charitable, fraternal, civic, educational, medical, legal, veteran,
	11	welfare, and other professional groups and organizations.
2	12	Members shall be appointed representing every geographic and
2	13	employment area of the state and shall include members of both sexes. A simple majority of the members appointed by the
		governor shall constitute a quorum.
2	16	Sec. 4. Section 135.63, subsection 2, paragraphs 1 and o,
	17	Code 2005, are amended to read as follows:  1. The replacement or modernization of any institutional
		In the table of modernization of any indicational

2 19 health facility if the replacement or modernization does not 2 20 add new health services or additional bed capacity for 2 21 existing health services, notwithstanding any provision in 22 this division to the contrary. This exclusion is applicable 23 only if the institutional health facility ceases offering the 24 health services simultaneously with the initiation of the 25 offering of the health services by the replacement 26 institutional health facility or the modernized institutional 27 health facility.

o. The change in ownership, licensure, organizational 2 28 2 29 structure, or designation of the type of institutional health 2 30 facility if the health services offered by the successor 2 31 institutional health facility are unchanged. This exclusion 32 is applicable only if the institutional health facility
33 consents to the change in ownership, licensure, organizational

34 structure, or designation of the type of institutional health

facility and ceases offering the health services

simultaneously with the initiation of the offering of health services by the successor institutional health facility.

Sec. 5. NEW SECTION. 135.105D BLOOD LEAD TESTING == 4 PROVIDER EDUCATION == PAYOR OF LAST RESORT.

1. For purposes of this section:

- "Blood lead testing" means taking a capillary or venous sample of blood and sending it to a laboratory to determine the level of lead in the blood.
- b. "Capillary" means a blood sample taken from the finger 3 10 or heel for lead analysis.
- c. "Health care provider" means a physician who is 3 12 licensed under chapter 148, 150, or 150A, or a person who is 3 13 licensed as a physician assistant under chapter 148C, or as an 14 advanced registered nurse practitioner.

"Venous" means a blood sample taken from a vein in the

3 16 arm for lead analysis.

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2. The department shall work with health care provider 3 18 associations to educate health care providers regarding 3 19 requirements for testing children who are enrolled in certain 3 20 federally funded programs and regarding department

21 recommendations for testing other children for lead poisoning. 22 3. The department shall implement blood lead testing for 3 23 children under six years of age who are not eligible for the 3 24 testing services to be paid by a third=party source. The 3 25 department shall contract with one or more public health 26 laboratories to provide blood lead analysis for such children. 27 The department shall establish by rule the procedures for 28 health care providers to submit samples to the contracted 29 public health laboratories for analysis. The department shall 30 also establish by rule a method to reimburse health care 31 providers for drawing blood samples from such children and the 32 dollar amount that the department will reimburse health care 33 providers for the service. Payment for blood lead analysis 34 and drawing blood samples shall be limited to the amount

35 appropriated for the program in a fiscal year. Sec. 6. Section 135.109, subsection 3, paragraph b, Code 2005, is amended to read as follows:

A licensed physician or nurse who is knowledgeable b. concerning domestic abuse injuries and deaths, including suicides.

Section 135.109, subsection 4, Code 2005, is Sec. amended by adding the following new paragraph:

NEW PARAGRAPH. The director of the state law j.

enforcement academy. 4 10 Section 135.110, subsection 1, paragraph a, Sec. 8. unnumbered paragraph 1, Code 2005, is amended to read as 4 11 4 12

follows: Prepare an annual a biennial report for the governor supreme court, attorney general, and the general assembly concerning the following subjects:

4 15 Sec. 9. Section 135.140, subsection 6, paragraph a, Code Supplement 2005, is amended by adding the following new 4 16 4 17 4 18 subparagraphs:

<u>NEW SUBPARAGRAPH</u>. (6) A natural occurrence or incident, including but not limited to fire, flood, storm, drought, 20 4 21 earthquake, tornado, or windstorm.

NEW SUBPARAGRAPH. (7) A man=made occurrence or incident, 23 including but not limited to an attack, spill, or explosion. 24 Sec. 10. Section 137.6, subsection 2, paragraph a, Code 2005, is amended to read as follows:

a. Rules of a county board shall become effective upon

27 approval by the county board of supervisors by a motion or resolution as defined in section 331.101, subsection 13, and 4 29 publication in a newspaper having general circulation in the 4 30 county. 4 31 Sec. 11. <u>NEW SECTION</u>. 4 32 == EMPLOYMENT PROTECTION. 139A.13A ISOLATION OR QUARANTINE

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1. An employer shall not discharge an employee, or take or 4 34 fail to take action regarding an employee's promotion or 35 proposed promotion, or take action to reduce an employee's 1 wages or benefits for actual time worked, due to the compliance of an employee with a quarantine or isolation order 3 issued by the department or a local board.

4 2. An employee whose employer violates this section may 5 petition the court for imposition of a cease and desist order 6 against the person's employer and for reinstatement to the 7 person's previous position of employment. This section does 8 not create a private cause of action for relief of money 9 damages.

10 Sec. 12. Section 147.82, subsection 3, Code Supplement 11 2005, is amended to read as follows:
12 3. The department may annually retain and expend not more 13 than one hundred thousand dollars for reduction of the number 14 of days necessary to process medical license requests and for 5 15 reduction of the number of days needed for consideration of 5 16 malpractice cases from fees collected pursuant to section 17 147.80 by the board of medical examiners in the fiscal year 18 beginning July 1, 2005, and ending June 30, 2006. Fees 5 19 retained by the department pursuant to this subsection shall 5 20 be considered repayment receipts as defined in section 8.2 and 5 21 shall be used for the purposes described in this subsection. Sec. 13. Section 147.106, subsection 1, paragraph e, Code

5 23 Supplement 2005, is amended to read as follows: e. The referring clinical laboratory, other than the

25 laboratory of a physician's office or group practice, that 26 ordered the services. A laboratory of a physician's office or 27 group practice that ordered the services may be presented a 28 claim, bill, or demand for payment if a physician in the 29 physician's office or group practice is performing the

5 30 professional component of the anatomic pathology services.
5 31 Sec. 14. Section 147.106, subsection 5, Code Supplement

32 2005, is amended to read as follows: 33 5. This section does not prohibit claims or charges 34 presented by to a referring clinical laboratory, other than a 35 laboratory of a physician's office or group practice, to 1 unless in accordance with subsection 1, paragraph "e", by 2 another clinical laboratory when samples are transferred 3 between laboratories for the provision of anatomic pathology 4 services.

Sec. 15. Section 147.153, subsection 3, Code 2005, is 6 amended to read as follows:

3. Pass an examination administered as determined by the 8 board to assure the applicant's professional competence in

speech pathology or audiology by rule.
 Sec. 16. Section 147.155, Code 2005, is amended to read as 6 11 follows:

147.155 TEMPORARY CLINICAL LICENSE.

6 12 Any person who has fulfilled all of the requirements for 6 13 14 licensure under this division, except for having completed the 6 15 nine months clinical experience requirement as provided in 6 16 section 147.153, subsection 1 or 2, and the examination as 17 provided in section 147.153, subsection 3, may apply to the 18 board for a temporary clinical license. The license shall be 19 designated "temporary clinical license in speech pathology" or 20 "temporary clinical license in audiology" and shall authorize 21 the licensee to practice speech pathology or audiology under 22 the supervision of a licensed speech pathologist or licensed 23 audiologist, as appropriate. The license shall be valid for 24 one year and may be renewed once at the discretion of the 25 board. The fee for a temporary clinical license shall be set 26 by the board to cover the administrative costs of issuing the 27 license, and if renewed, a renewal fee as set by the board 28 shall be required. A temporary clinical license shall be 29 issued only upon evidence satisfactory to the board that the 30 applicant will be supervised by a person licensed as a speech 31 pathologist or audiologist, as appropriate. The board shall 32 revoke any temporary clinical license at any time it 6 33 determines either that the work done by the temporary clinical 6 34 licensee or the supervision being given the temporary clinical 6 35 licensee does not conform to reasonable standards established

by the board. 2 Sec. 17. <u>NEW SECTION</u>. 147A.15 AUTOMATED EXTERNAL 3 DEFIBRILLATOR EQUIPMENT == PENALTY.

Any person who damages, wrongfully takes or withholds, or 5 removes any component of automated external defibrillator

equipment located in a public or privately owned location, including batteries installed to operate the equipment, is 8 guilty of a serious misdemeanor. 7 9 Sec. 18. Section 148.2, subsection 5, Code 2005, is 7 10 amended to read as follows: 7 11 5. Physicians and surgeons of the United States army, 7 12 navy, or air force, marines, public health service, or other uniformed service when acting in the line of duty in this 7 14 state, and holding a current, active permanent license in standing in another state, district, or territory of the 16 United States, or physicians and surgeons licensed in another 7 17 state, when incidentally called into this state in 7 18 consultation with a physician and surgeon licensed in this 7 19 state. 7 20 Sec. 19. Section 149.3, Code 2005, is amended to read as 7 21 follows: 7 22 149.3 LICENSE. 7 23 Every applicant for a license to practice podiatry shall: 7 24 1. Be a graduate of an accredited high school of podiatry. 7 25 Present a diploma an official transcript issued by a 26 school of podiatry approved by the board of podiatry 7 27 examiners. 7 2.8 3. Pass an examination in the subjects of anatomy, 7 29 chemistry, dermatology, diagnosis, pharmacy and materia 30 medica, pathology, physiology, histology, bacteriology, 7 31 neurology, practical and clinical podiatry, foot orthopedics, 7 32 and others, as prescribed by the board of podiatry examiners 7 33 as determined by the board by rule. 4. Have successfully completed a one-year residency or 7 35 preceptorship approved by the board of podiatry examiners as determined by the board by rule. This subsection applies to 8 2 all applicants who graduate from podiatric college on or after 8 3 January 1, 1995. 8 Sec. 20. Section 149.7, unnumbered paragraph 2, Code 2005, 5 is amended to read as follows: 8 8 The temporary certificate shall be issued for one year and 7 may be renewed, but a person shall not be entitled to practice 8 podiatry in excess of three years while holding a temporary 9 certificate. The fee for this certificate shall be set by the 8 8 8 8 10 podiatry examiners and if extended beyond one year a renewal 8 11 fee per year shall be set by the podiatry examiners. The 8 12 shall be based on the administrative costs of issuing and The fees 8 13 renewing the certificates. The podiatry examiners may cancel 8 14 a temporary certificate at any time, without a hearing, for 8 reasons deemed sufficient to the podiatry examiners. 8 16 Sec. 21. Section 149.7, unnumbered paragraphs 3 and 4, 8 17 Code 2005, are amended by striking the unnumbered paragraphs. Sec. 22. Section 151.12, Code 2005, is amended to read as 8 19 follows: 8 20 151.12 TEMPORARY CERTIFICATE. The chiropractic examiners may, in their discretion, issue 8 21 8 22 a temporary certificate authorizing the licensee to practice 8 23 chiropractic if, in the opinion of the chiropractic examiners, 24 a need exists and the person possesses the qualifications 8 25 prescribed by the chiropractic examiners for the license, 26 which shall be substantially equivalent to those required for 27 licensure under this chapter. The chiropractic examiners 28 shall determine in each instance those eligible for this 29 license, whether or not examinations shall be given, and the 30 type of examinations, and the duration of the license. No 8 8 31 requirements of the law pertaining to regular permanent 32 licensure are mandatory for this temporary license except as 33 specifically designated by the chiropractic examiners. The 8 34 granting of a temporary license does not in any way indicate 35 that the person so licensed is eligible for regular licensure, 1 nor are the chiropractic examiners in any way obligated to so 8 2 license the person. The temporary certificate shall be issued for one year and 4 at the discretion of the chiropractic examiners may be 5 renewed, but a person shall not practice chiropractic in 9 6 excess of three years while holding a temporary certificate. 7 The fee for this license shall be set by the chiropractic 8 examiners and if extended beyond one year a renewal fee per 9 year shall be set by the chiropractic examiners. The fees fee 9 10 for the temporary license shall be based on the administrative 9 11 costs of issuing and renewing the licenses. The chiropractic 9 12 examiners may cancel a temporary certificate at any time, 13 without a hearing, for reasons deemed sufficient to the <del>chiropractic examiners.</del> When the chiropractic examiners cancel a temporary 9 16 certificate they shall promptly notify the licensee by

9 17 registered mail, at the licensee's last-named address, as 9 18 reflected by the files of the chiropractic examiners, and the 9 19 temporary certificate is terminated and of no further force 9 20 and effect three days after the mailing of the notice to the 9 21 licensee. 9 22 Sec. 23. Section 154.3, subsection 1, Code 2005, is 9 23 amended to read as follows: 9 26 a. Present satisfactory evidence of a preliminary 9 27 education equivalent to at least four years study in an 9 28 accredited high school or other secondary school. 9 29 graduate of an accredited school of optometry. b. Present a diploma from an official transcript issued by 9 31 an accredited school of optometry. 9 32 c. Pass an examination prescribed by the optometry 33 examiners in the subjects of physiology of the eye, optical 9 34 physics, anatomy of the eye, ophthalmology, and practical 9 35 optometry as determined by the board by rule. 10 1 Sec. 24. Section 154B.6, subsection 3, Code 2005, is 10 2 amended to read as follows: 3. Have not failed the examination required in subsection 10 10 4 2 within the six months next sixty days preceding the date of 10 5 the <u>subsequent</u> examination. 10 The examinations required in this section may, at the 10 7 discretion of the board, be waived for holders by examination 10 8 of licenses or certificates from states whose requirements are 10 9 substantially equivalent to those of this chapter, and for 10 10 holders by examination of specialty diplomas from the American 10 11 board of professional psychology. 10 12 Any person who within one year after July 1, 1975, meets 10 13 the requirements specified in subsection 1 shall receive -10 14 licensure without having passed the examination required in -10 15 subsection 2 if application for licensure is filed with the 10 16 board of psychology examiners before July 1, 1977. Any person 10 17 holding a certificate as a psychologist from the board of -10 18 examiners of the Iowa psychological association on July 1, -10 19 1977, who applies for certification before July 1, 1975, shall 10 20 receive certification. 10 21 Sec. 25. Section 154D.2, subsection 2, paragraph b, Code 10 22 Supplement 2005, is amended to read as follows:
10 23 b. Has at least two years of supervised clinical 10 24 experience or its equivalent in assessing mental health needs 10 25 and problems and in providing appropriate mental health 10 26 services as approved by the board. Standards for supervision, 10 27 including the required qualifications for supervisors, shall 10 28 be determined by the board by rule. 10 29 Sec. 26. NEW SECTION. 154E.3A TEMPORARY LICENSE.
10 30 Beginning July 1, 2007, an individual who does not meet the
10 31 requirements for licensure by examination pursuant to section 10 32 154E.3 may apply for or renew a temporary license. The 10 33 temporary license shall authorize the licensee to practice as 10 34 a sign language interpreter or transliterator under the direct 10 35 supervision of a sign language interpreter or transliterator 1 licensed pursuant to section 154E.3. The temporary license 2 shall be valid for two years and may only be renewed one time 11 11 11 3 in accordance with standards established by rule. An 4 individual shall not practice for more than a total of four 5 years under a temporary license. The board may revoke a 6 temporary license if it determines that the temporary licensee 11 11 11 7 has violated standards established by rule. The board may 11 11 8 adopt requirements for temporary licensure to implement this 11 9 section. Sec. 27. Section 154E.4, subsection 2, Code Supplement 11 10 2005, is amended by adding the following new paragraph:
NEW PARAGRAPH. e. Students enrolled in a school of 11 11 11 12 11 13 interpreting may interpret only under the direct supervision 11 14 of a permanently licensed interpreter as part of the student's 11 15 course of study. 11 16 Sec. 28. Section 157.2, subsection 1, paragraph e, Code 11 17 Supplement 2005, is amended to read as follows: 11 18 Employees and residents of hospitals, health care 11 19 facilities, orphans' homes, juvenile homes, and other similar 11 20 facilities who shampoo, arrange, dress, or curl the hair of 11 21 perform cosmetology services for any resident without 11 22 receiving direct compensation from the person receiving the 11 23 service.

11 24 Sec. 29. Section 157.2, subsection 1, Code Supplement 11 25 2005, is amended by adding the following new paragraph: NEW PARAGRAPH. ee. Volunteers for and residents of health 11 27 care facilities, orphans' homes, juvenile homes, and other

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11 28 similar facilities who shampoo, arrange, dress, or curl the 11 29 hair, apply makeup, or polish the nails of any resident 11 30 without receiving compensation from the person receiving the 11 31 service. 11 32 Sec. 30. Section 157.10, subsection 1, Code 2005, is 11 33 amended to read as follows: 11 34 1. The course of study required for licensure for the 35 practice of cosmetology shall be two thousand one hundred 11 clock hours, or seventy semester credit hours or the 12 12 2 equivalent thereof as determined pursuant to administrative 3 rule and regulations promulgated by the United States 4 department of education. The clock hours, and equivalent 12 12 5 number of semester credit hours or the equivalent thereof as 12 12 6 determined pursuant to administrative rule and regulations 12 promulgated by the United States department of education, of a 12 8 course of study required for licensure for the practices of 9 electrology, esthetics, and nail technology, manicuring, and 0 pedicuring shall be established by the board. The board shall 12 adopt rules to define the course and content of study for each 12 12 practice of cosmetology arts and sciences. Sec. 31. Section 157.13, subsection 1, Code Supplement 2005, is amended by striking the subsection and inserting in 12 14 12 15 lieu thereof the following: 12 16 1. It is unlawful for a person to employ an individual to 12 17 practice cosmetology arts and sciences unless that individual 12 18 is licensed or has obtained a temporary permit under this 12 19 chapter. It is unlawful for a licensee to practice with or 12 20 without compensation in any place other than a licensed salon, 12 21 a licensed school of cosmetology arts and sciences, or a 12 22 licensed barbershop as defined in section 158.1. The 12 23 following exceptions to this subsection shall apply: 12 24 a. A licensee may practice at a location which is not a 12 25 licensed salon, school of cosmetology arts and sciences, or 12 26 licensed barbershop under extenuating circumstances arising from physical or mental disability or death of a customer. b. Notwithstanding section 157.12, when the licensee is 12 27 12 28 12 29 employed by a physician and provides cosmetology services at the place of practice of a physician and is under the supervision of a physician licensed to practice pursuant to 12 30 12 31 12 32 chapter 148, 150, or 150A. c. When the practice occurs in a facility licensed 12 33 12 34 pursuant to chapter 135B or 135C. 12 35 Sec. 32. Section 157.13, Code Supplement 2005, is amended 13 1 by adding the following new subsection: 13 NEW SUBSECTION. 1A. It is unlawful for a licensee to claim to be a licensed barber, however a licensed 13 13 4 cosmetologist may work in a licensed barbershop. It is 13 unlawful for a person to employ a licensed cosmetologist, 13 esthetician, or electrologist to perform the services 13 described in section 157.3A if the licensee has not received 13 8 the additional training and met the other requirements 13 9 specified in section 157.3A. 13 10 Sec. 33. Section 272C.1, subsection 6, Code Supplement 13 11 2005, is amended by adding the following new paragraph: 13 12 NEW PARAGRAPH. ad. The director of public health in certifying emergency medical care providers and emergency 13 13 13 14 medical care services pursuant to chapter 147A. 13 15 Sec. 34. Section 691.6, Code Supplement 2005, is amended 13 16 by adding the following new subsection: 13 17 <u>NEW SUBSECTION</u>. 8. To retain tissues, organs, and bodily 13 18 fluids as necessary to determine the cause and manner of death 13 19 or as deemed advisable by the state medical examiner for 13 20 medical or public health investigation, teaching, or research. 13 21 Tissues, organs, and bodily fluids shall be properly disposed 13 22 of by following procedures and precautions for handling 13 23 biologic material and blood-borne pathogens as established by 13 24 rule. Sec. 35. Section 714.16, subsection 1, paragraph o, Code 2005, is amended to read as follows: 13 25 13 26 13 27 "Water treatment system" means a device or assembly for Ο. 13 28 which a claim is made that it will improve the quality of 13 29 drinking water by reducing one or more contaminants through 13 30 mechanical, physical, chemical, or biological processes or 13 31 combinations of the processes. As used in this paragraph and 13 32 in subsection 2, paragraph "h", each model of a water 13 33 treatment system shall be deemed a distinct water treatment 13 34 system. As used in this paragraph and in subsection 2, 13 35 paragraph "h", a water treatment system does not include 35 paragraph "h", a water treatment system does not include 1 portable filtration system certified as a microbiological

2 water purifier by the United States environmental protection 3 agency. The Iowa department of public health shall establish

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14 4 rules exempting portable filtration systems that meet these
14 5 standards.
14 6 Sec. 36. 2004 Iowa Acts, chapter 1175, section 432,
14 7 subsection 3, is amended to read as follows:
14 8 3. Applicants issued a temporary license pursuant to this
14 9 section shall pass a licensure examination approved by the
14 10 board on or before July 1, 2007, in order to remain licensed
14 11 as an interpreter qualify to be licensed by examination.
14 12 Sec. 37. Section 157.5A, Code 2005, is repealed.
14 13 HF 2592
14 14 rn:nh/es/25
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