

House File 710 - Reprinted

HOUSE FILE 710
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 212)

(As Amended and Passed by the House March 19, 2019)

A BILL FOR

1 An Act relating to the operation of the board of medicine, the
2 board of nursing, the board of pharmacy, and the dental
3 board.

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

1 Section 1. Section 135.11A, subsection 1, Code 2019, is
2 amended to read as follows:

3 1. There shall be a professional licensure division within
4 the department of public health. Each board under **chapter 147**
5 or under the administrative authority of the department, except
6 the board of nursing, board of medicine, dental board, and
7 board of pharmacy, shall receive administrative and clerical
8 support from the division and may not employ its own support
9 staff for administrative and clerical duties. The executive
10 director of the board of nursing, board of medicine, dental
11 board, and board of pharmacy shall be appointed pursuant to
12 section 135.11B.

13 Sec. 2. **NEW SECTION. 135.11B Appointment of certain**
14 **executive directors.**

15 1. The director shall appoint and supervise a full-time
16 executive director for each of the following boards:

- 17 a. The board of medicine.
- 18 b. The board of nursing.
- 19 c. The dental board.
- 20 d. The board of pharmacy.

21 2. Each board listed in subsection 1 shall advise the
22 director in evaluating potential candidates for the position of
23 executive director, consult with the director in the hiring of
24 the executive director, and review and advise the director on
25 the performance of the executive director in the discharge of
26 the executive director's duties.

27 3. Each board listed in subsection 1 shall retain sole
28 discretion and authority to execute the core functions of the
29 board including but not limited to policymaking, advocating
30 for and against legislation, rulemaking, licensing, licensee
31 investigations, licensee disciplinary proceedings, and
32 oversight of professional health programs. The director's
33 supervision of the executive director shall not interfere with
34 the board's discretion and authority in executing the core
35 functions of the board.

1 Sec. 3. Section 147.80, subsection 3, Code 2019, is amended
2 to read as follows:

3 3. The board of medicine, the board of pharmacy, the
4 dental board, and the board of nursing shall retain individual
5 executive officers pursuant to section 135.11B, but shall
6 make every effort to share administrative, clerical, and
7 investigative staff to the greatest extent possible.

8 Sec. 4. Section 152.2, Code 2019, is amended to read as
9 follows:

10 **152.2 Executive director.**

11 The board shall ~~appoint~~ retain a full-time executive
12 director, who shall be appointed pursuant to section 135B.11.
13 The executive director shall be a registered nurse ~~and shall~~
14 ~~not be a member of the board.~~ The governor, with the approval
15 of the executive council pursuant to section 8A.413, subsection
16 3, under the pay plan for exempt positions in the executive
17 branch of government, shall set the salary of the executive
18 director.

19 Sec. 5. Section 153.33, subsection 2, Code 2019, is amended
20 to read as follows:

21 2. All employees needed to administer **this chapter** except
22 the executive director shall be appointed pursuant to the merit
23 system. The executive director shall ~~serve at the pleasure of~~
24 ~~the board~~ be appointed pursuant to section 135.11B and shall
25 be exempt from the merit system provisions of chapter 8A,
26 subchapter IV.