An Act relating to the regulation of professions, including the granting of professional licenses, certificates, and registrations to persons licensed in other states, the sunset of boards granting professional licenses, and the review of occupational licensing rules, and providing an effective date.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
DIVISION I
PROFESSIONAL RECIPROCITY

Section 1. NEW SECTION. 272C.12 Licensure of persons licensed in other jurisdictions.

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

   a. The person is currently licensed, certified, or registered in at least one other state in the occupation or profession applied for at the same practice level and with substantially equivalent licensure requirements, as determined by the appropriate licensing board, and the license, certificate, or registration is in good standing in all states in which the person holds a license, certificate, or registration.

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

   c. When the person became licensed, certified, or registered in another state, the other state imposed minimum initial education requirements and, if applicable, work experience and clinical supervision requirements, and the other state verifies that the person met those requirements in order to be licensed, certified, or registered in that state.

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

   e. The person has not had a license, certificate, or registration revoked and has not voluntarily surrendered a license, certificate, or registration in any other state or country while under investigation for unprofessional conduct.
1  
2  If the person has not had discipline imposed by any other
3  regulating entity in this state or another state or country.
4  If another jurisdiction has taken disciplinary action against
5  the person, the appropriate licensing board shall determine if
6  the cause for the action was corrected and the matter resolved.
7  If the licensing board determines that the matter has not been
8  resolved by the jurisdiction imposing discipline, the licensing
9  board shall not issue or deny a license, certificate, or
10  registration to the person until the matter is resolved.
11  
12  The person does not have a complaint, allegation, or
13  investigation pending before any regulating entity in another
14  state or country that relates to unprofessional conduct. If
15  the person has any complaints, allegations, or investigations
16  pending, the appropriate licensing board shall not issue or
17  deny a license, certificate, or registration to the person
18  until the complaint, allegation, or investigation is resolved.
19  
20  The person pays all applicable fees.
21  
22  The person does not have a criminal history that would
23  prevent the person from holding the license, certificate, or
24  registration applied for in this state.
25  
26  A person licensed pursuant to this section is subject to
27  the laws regulating the person’s practice in this state and is
28  subject to the jurisdiction of the appropriate licensing board.
29  
30  This section does not apply to any of the following:
31  
32  The ability of a licensing board to require the
33  submission of fingerprints or completion of a criminal history
34  check.
35  
36  Criteria for a license, certificate, or registration that
37  is established by an interstate compact.
38  
39  A license, certificate, or registration issued
40  pursuant to this section does not grant the person receiving
41  the license, certificate, or registration eligibility to
42  practice pursuant to an interstate compact. A licensing
43  board may determine eligibility for a person to hold a
44  license, certificate, or registration pursuant to this section
regardless of the person’s eligibility to practice pursuant to an interstate compact.

DIVISION II
SUNRISE AND SUNSET REVIEWS
Sec. 2. NEW SECTION. 4A.1 Definitions.
For the purposes of this chapter, unless the context otherwise requires:
1. “Board” means the same as provided in section 272C.1, subsection 6.
2. “Committee” means the occupational licensing advisory committee established in section 4A.2.
3. “Sunset” means the termination of all activities of a board.

Sec. 3. NEW SECTION. 4A.2 Occupational licensing advisory committee established.
1. An occupational licensing advisory committee is established which shall carry out the functions provided in this chapter.
2. a. The committee shall consist of three members of the senate appointed by the majority leader of the senate, two members of the senate appointed by the minority leader of the senate, three members of the house of representatives appointed by the majority leader of the house of representatives, two members of the house of representatives appointed by the minority leader of the house of representatives, and three members appointed by the governor who shall be subject to confirmation by the senate as provided in section 2.32.

b. Notwithstanding section 2.32A, members shall be appointed no later than the first day of the first regular session of each general assembly and shall serve for terms ending upon the convening of the following general assembly or when their successors are appointed, whichever is later. A vacancy shall be filled in the same manner as the original appointment and shall be for the remainder of the unexpired term of the vacancy.
3. The committee shall elect a chairperson and vice chairperson. The committee shall prescribe its rules of procedure.

4. The members of the committee shall be reimbursed for actual and necessary expenses incurred in the performance of their duties and the legislative members shall be paid a per diem as specified in section 2.10 for each day in which they engaged in the performance of their duties. However, per diem compensation and expenses shall not be paid when the general assembly is actually in session at the seat of government.

Expenses and per diem shall be paid from funds appropriated pursuant to section 2.12.

Sec. 4. NEW SECTION. 4A.3 Sunset schedule.

1. Each board shall sunset as provided in section 4A.6 on the year provided in subsection 2.

2. a. In the year 2022:

(1) The board of medicine, created pursuant to chapter 147.

(2) The board of physician assistants, created pursuant to chapter 147.

(3) The engineering and land surveying examining board, created pursuant to chapter 542B.

(4) The board of examiners for shorthand reporters, created pursuant to chapter 602.

(5) The architectural examining board, created pursuant to chapter 544A.

(6) The landscape architectural examining board, created pursuant to chapter 544B.

b. In the year 2023:

(1) The dental board, created pursuant to chapter 147.

(2) The board of barbering, created pursuant to chapter 147.

(3) The board of cosmetology arts and sciences, created pursuant to chapter 147.

(4) The board of massage therapy, created pursuant to chapter 147.

(5) The board of athletic training, created pursuant to
chapter 152D.

(6) The board of physical and occupational therapy, created pursuant to chapter 147.

c. In the year 2024:

(1) The board of nursing, created pursuant to chapter 147.

(2) The board of nursing home administrators, created pursuant to chapter 147.

(3) The board of speech pathology and audiology, created pursuant to chapter 147.

(4) The board of hearing aid specialists, created pursuant to chapter 154A.

(5) The board of sign language interpreters and transliterators, created pursuant to chapter 147.

(6) The board of respiratory care and polysomnography, created pursuant to chapter 147.

d. In the year 2025:

(1) The board of pharmacy, created pursuant to chapter 147.

(2) The board of chiropractic, created pursuant to chapter 147.

(3) The board of optometry, created pursuant to chapter 147.

(4) The board of podiatry, created pursuant to chapter 147.

(5) The board of psychology, created pursuant to chapter 147.

e. In the year 2026:

(1) The Iowa board of veterinary medicine, created pursuant to chapter 169.

(2) The Iowa accountancy examining board, created pursuant to chapter 542.

(3) The Iowa real estate commission, created pursuant to chapter 543B.

(4) The plumbing and mechanical systems board, created pursuant to chapter 105.

(5) The department of public safety, but only with respect to the licensing of fire protection system installers and maintenance workers, pursuant to chapter 100D.
Sec. 5. NEW SECTION. 4A.4 Sunset review — duties of committee.

1. By January 1 of the calendar year before the calendar year in which a board is scheduled to sunset as provided in section 4A.3, the committee shall perform a review of a board.

2. After reviewing a board, the committee shall do one of the following:

   a. Submit a bill for consideration by the general assembly, under a procedure or rule permitting no amendments by either house, except those of a purely corrective nature, extending the sunset of the board by no more than ten years but no fewer than five years.

   b. Submit a bill for consideration by the general assembly, under a procedure or rule permitting no amendments by either house, except those of a purely corrective nature, extending the sunset of the board by no more than ten years but no fewer than five years, and making modifications to the board.

   c. If the committee determines that a board should sunset, submit a report to the general assembly with the committee’s recommendation.

3. A report or bill issued pursuant to subsection 2 shall be delivered to the speaker of the house of representatives and the president of the Senate during the first week of the legislative session and shall be publicly posted on the internet site of the general assembly.

Sec. 6. NEW SECTION. 4A.5 Rights and duties not affected by board sunset.

Unless otherwise expressly provided by law, the sunset of a board does not affect the rights and duties that matured, penalties incurred or imposed, civil or criminal liabilities that arose, or proceedings initiated in connection with the board before the effective date of the board’s sunset.

Sec. 7. NEW SECTION. 4A.6 Procedures for boards that sunset — continuing obligations.

1. a. A board that has sunset may continue in existence
1 to conclude its business until July 1 of the fiscal year
2 following the fiscal year in which the board was sunset.
3 Unless otherwise provided by law, the sunset of a board does
4 not reduce or otherwise limit the powers and authority of the
5 board during the concluding year.
6 b. A board shall terminate all activities on or before the
7 date specified in paragraph "a". Unless otherwise provided by
8 law, all rules adopted by the board shall be void on that date.
9 2. a. Any unobligated or unexpended appropriations of a
10 board that has sunset shall lapse and revert to the general
11 fund of the state on the date specified in paragraph "a".
12 b. Except as provided by subsection 4 or as otherwise
13 provided by law, all moneys in a dedicated fund of a board that
14 has sunset shall be transferred to the general fund of the
15 state on the date specified in paragraph "a". Any portion of
16 a law dedicating moneys to a specific fund of a board that is
17 sunset is void on the date specified in paragraph "a".
18 3. Unless the governor designates an appropriate board as
19 described in subsection 4, the property and records in the
20 custody of a board that has sunset shall be transferred to the
21 department of administrative services on the date specified in
22 paragraph "a". If the governor designates an appropriate board
23 as described in subsection 4, the property and records shall be
24 transferred to the designated board.
25 4. a. In recognition of the state's continuing obligation
26 to pay all obligations, including lease, contract, and other
27 written obligations incurred by a board that has sunset, the
28 sunset of the board shall not impair or impede payment of
29 obligations, including lease, contract, and other written
30 obligations, in accordance with their terms.
31 b. If a board that has sunset has outstanding obligations,
32 including lease, contract, or other written obligations, all
33 such obligations remain valid and enforceable in accordance
34 with their terms and remain subject to all applicable terms
35 and conditions of the laws and proceedings authorizing the
1 bonds and all other such obligations. The governor shall
2 designate an appropriate board to continue to carry out
3 all covenants contained in all such obligations, and the
4 proceedings authorizing them, and the performance of all
5 obligations necessary to complete the construction of projects
6 or the performance of the obligations. The designated board
7 shall provide payment from the sources of payment from all
8 other obligations in accordance with their terms, whether from
9 taxes, revenues, or otherwise. If the terms of the obligations
10 so provide, all funds established by law or proceedings
11 authorizing obligations shall remain with the treasurer of
12 state or previously designated trustees. If the terms of the
13 obligations do not provide that the funds remain with the
14 treasurer of state or previously designated trustees, the funds
15 shall be transferred to the designated board.

Sec. 8. NEW SECTION. 4A.7 Sunrise review — occupational
licensing.
1. The committee shall review all introduced legislation
that creates a new occupational license, registration, or
registration, or certification, or alters any existing occupational license,
certification, or registration, or certification.
2. For each bill reviewed by the committee pursuant to
subsection 1, the committee shall determine whether the
regulation contained in the bill is the least restrictive means
necessary for the regulation of the occupation and is necessary
to ensure public safety.
3. The committee shall submit its findings pursuant
to subsection 2 to the relevant legislative committee in
the senate and the house of representatives as soon as is
practicable.

DIVISION III

OCCUPATIONAL LICENSING RULE REVIEW

Sec. 9. NEW SECTION. 4B.1 Short title.
This chapter shall be known and may be cited as the "Iowa
Right to Earn a Living Act".
Sec. 10. NEW SECTION. 4B.2 Legislative findings.

The general assembly finds and declares that the right of individuals to pursue a chosen business, profession, or occupation free from arbitrary or excessive government interference, is a fundamental civil right; the freedom to earn an honest living traditionally has provided the surest means for economic mobility; in recent years, many regulations of entry into businesses, professions, and occupations have exceeded legitimate public purposes and have had the effect of arbitrarily limiting entry and reducing competition; the burden of excessive regulation is borne most heavily by individuals outside the economic mainstream for whom opportunities for economic advancement are curtailed; and it is in the public interest to ensure the right of all individuals to pursue legitimate entrepreneurial and professional opportunities to the limits of their talents and ambition, to provide the means for the vindication of this right, and to ensure that regulations of entry into businesses, professions, and occupations are demonstrably necessary and narrowly tailored to legitimate health, safety, and welfare objectives.

Sec. 11. NEW SECTION. 4B.3 Definitions.

For the purposes of this chapter, unless the context otherwise requires:

1. "Board" means the same as provided in section 272C.1, subsection 6.

2. "Committee" means the occupational licensing advisory committee established in section 4A.2.

3. "Entry regulation" means a rule adopted by a board for the purpose of regulating an occupation, business, or profession, including but not limited to a rule that creates a license, registration, certificate, or any other similar document for the purpose of entry into, or regulation of, any occupation, business, or profession.

Sec. 12. NEW SECTION. 4B.4 Entry regulation review.

1. a. No later than December 31, 2020, each board shall
submit a copy of all existing or pending entry regulations pertaining to the board and an aggregate list of such entry regulations to the chairpersons of the committee. The committee shall conduct a review of such entry regulations and may, at the committee’s discretion, conduct a hearing regarding the entry regulations submitted by a board. The committee shall issue a report regarding the committee’s findings to the general assembly no later than the first week of the 2022 legislative session.

b. After December 1, 2020, prior to submitting a notice of intended action to the administrative rules coordinator and the administrative code editor pursuant to section 17A.4, subsection 1, paragraph “a”, a board shall submit to the chairpersons of the committee a copy of any entry regulation proposed to be adopted by the board that was not included in the board’s submission to the committee pursuant to paragraph “a”. The committee shall meet at least monthly to review rules submitted to the committee pursuant to this paragraph.

c. The chairpersons of the committee may request that a board present a specific entry regulation to the committee for review at a meeting of the committee pursuant to subsection 2.

d. The governor may request that the committee review, at the committee’s discretion, a specific entry regulation pursuant to subsection 2.

2. In conducting a review of an entry regulation, the committee shall consider all of the following:

a. Whether the entry regulation is required by state or federal law.

b. Whether the entry regulation is necessary to protect the public health, safety, or welfare.

c. Whether the purpose or effect of the entry regulation is to unnecessarily inhibit competition or arbitrarily deny entry into a business, trade, profession, or occupation.

d. Whether the intended purpose of the entry regulation could be accomplished by less restrictive or burdensome means.
e. Whether the entry regulation is outside the scope of the board’s statutory authority to adopt rules.

3. a. The committee may express the committee’s disapproval of an entry regulation by voting, by a simple majority, to request that the board amend the entry regulation or decline to proceed with adoption of the entry regulation if the committee finds that the entry regulation is not required by state or federal law and any of the following after a review pursuant to subsection 2:

(1) The entry regulation is unnecessary to protect the public health, safety, or welfare.

(2) The entry regulation is for the purpose or has the effect of unnecessarily inhibiting competition.

(3) The entry regulation arbitrarily denies entry into a business, trade, profession, or occupation.

(4) The goal of the entry regulation could be accomplished through less restrictive or burdensome means.

(5) The entry regulation is outside the scope of the board’s statutory authority to adopt rules.

b. If the committee does not find cause to disapprove of an entry regulation, the committee shall vote to approve the entry regulation.

c. The board shall not submit a notice of intended action pursuant to subsection 1, paragraph "b", until the committee has submitted notice of disapproval or approval of the entry regulation.

4. Notice of disapproval or approval of an entry regulation by the committee shall be posted publicly on the internet site of the general assembly, transmitted to the board seeking to adopt the entry regulation, and transmitted to the administrative rules review committee.

5. a. If a board makes a substantial change to a proposed entry regulation in response to a disapproval by the committee, the board shall submit the revised rule to the committee for review pursuant to this section prior to submission of a notice.
1 of intended action pursuant to subsection 1, paragraph "b".

b. If a board declines to initiate compliance with a recommendation of the committee issued pursuant to subsection 3 within ninety days of the issuance of the recommendation, or fails to comply with the recommendation within a reasonable period of time, the committee may vote to submit a bill to the general assembly to suspend some or all of the rulemaking authority of the board for a reasonable period of time.

Sec. 13. EFFECTIVE DATE. This division of this Act, being deemed of immediate importance, takes effect upon enactment.

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 qualifications for holding professional licenses in Iowa and the sunset of occupational licensing boards. The bill is organized into divisions.

DIVISION I — PROFESSIONAL RECIPROCITY. This division relates to occupational or professional license, certificate, or registration reciprocity in Iowa. The bill requires that a professional or occupational license, certificate, or registration be issued to a person without an examination if 1) that person establishes residency in Iowa or 2) that person is married to an active duty member of the military forces and is accompanying the member on an official permanent change of station to a military installation in Iowa.

In order to receive a reciprocal license, certificate, or registration under the bill, a person must meet certain requirements. The person must be currently licensed, certified, or registered in the occupation or profession applied for at the same practice level with substantially equivalent licensure requirements, as determined by the appropriate board, in at least one other state, and in good standing in all states in which the person is licensed, certified, or registered; have been licensed, certified, or registered in another state for at least one year; have met
minimum educational and work requirements required by the licensing state; have passed any applicable examination; not have had a license, certificate, or registration revoked for unprofessional conduct, or surrendered a license, certificate, or registration while under investigation for such conduct; not have been subject to professional discipline from a regulating entity in any jurisdiction unless the appropriate licensing board determines that the issue has been resolved; not currently be subject to investigation for unprofessional conduct; pay all applicable fees; and not have a disqualifying criminal history.

A person who receives a reciprocal license, certificate, or registration becomes subject to the laws regulating the profession or occupation in Iowa and to the jurisdiction of the appropriate licensing board regulating the profession or occupation in Iowa. A licensing board may require an applicant for a reciprocal license to submit fingerprints and may perform a criminal history check. A reciprocal license does not grant a person eligibility to practice pursuant an interstate compact or affect the eligibility of a person to practice in Iowa under an interstate compact.

DIVISION II — SUNRISE AND SUNSET REVIEWS. This division relates to the review of licensing boards in Code chapter 272C. The bill establishes the occupational licensing advisory committee (committee), to consist of three members of the senate appointed by the majority leader of the senate, two members of the senate appointed by the minority leader of the senate, three members of the house of representatives appointed by the majority leader of the house of representatives, two members of the house of representatives appointed by the minority leader of the house of representatives, and three members appointed by the governor who shall be subject to confirmation by the senate.

The bill creates a schedule for the automatic sunset of five to six professional licensing boards every year beginning in
S.F. 2163

1 2022 and ending in 2026. The bill defines “sunset” as the
2 termination of all activities of a board.
3 The sunset of a board does not affect the rights and duties
4 that matured, penalties incurred or imposed, civil or criminal
5 liabilities that arose, or proceedings initiated in connection
6 with the board before the effective date of the board’s sunset,
7 unless otherwise expressly provided by law.
8 The bill authorizes a board that has sunset to continue in
9 existence to conclude its business until July 1 of the fiscal
10 year following the fiscal year in which the board was sunset.
11 Unless otherwise provided by law, the sunset of a board does
12 not reduce or otherwise limit the powers and authority of
13 the board during the concluding year. The bill requires the
14 board to terminate all activities on or before that date,
15 and provides that all rules adopted by the board shall be
16 void on that date. The bill provides that any unobligated or
17 unexpended appropriations of a board that has sunset shall
18 lapse and revert to the general fund of the state on that date.
19 The bill provides that all moneys in a dedicated fund of a
20 board that has sunset shall be transferred to the general fund
21 of the state on July 1 of the fiscal year following the fiscal
22 year in which the board was sunset, except as provided in the
23 bill or as otherwise provided by law. Any portion of a law
24 dedicating moneys to a specific fund of a board that has sunset
25 is void on that date.
26 The bill provides that the property and records in the
27 custody of a board that has sunset shall be transferred to
28 the department of administrative services on July 1 of the
29 fiscal year following the fiscal year in which the board was
30 sunset unless the governor designates an appropriate board as
31 described in the bill.
32 The bill provides that the sunset of a board shall not
33 impair or impede payment of bonded indebtedness and all
34 other obligations, including lease, contract, and other
35 written obligations, in accordance with their terms. If a
board that has sunset has outstanding bonded indebtedness or other outstanding obligations, the bonds and all other such obligations remain valid and enforceable in accordance with their terms and subject to all applicable terms and conditions of the laws and proceedings authorizing the bonds and all other such obligations. The bill requires the governor to designate an appropriate board to continue to carry out all covenants contained in the bonds and all other such obligations, and to perform all other such obligations to complete the construction of projects or perform other such obligations. The bill provides procedures for a designated board to carry out those duties.

The bill requires the occupational licensing advisory committee to review each board by January 1 in the calendar year before the year in which the board is scheduled to sunset. After performing this review, the committee shall either submit a report detailing the committee’s determination that the board should sunset or submit a bill not subject to amendment on the floor that extends the sunset of the board by no more than ten years but no fewer than five years, which may also make changes to the board. The bill requires reports and bills issued by the committee to be posted on the internet site of the general assembly and to be sent to the speaker of the house of representatives and the president of the senate, and shall be publicly posted on the general assembly’s internet site.

The bill also requires the committee to review all introduced legislation that creates a new occupational license, registration, or certification or that alters any existing occupational license, registration, or certification. The committee shall review such legislation to determine whether the regulation contained in the legislation is the least restrictive means possible for accomplishing the goal of the legislation and to forward the findings of the committee to the relevant legislative committee as soon as is practicable.

DIVISION III — OCCUPATIONAL LICENSING RULE REVIEW. This
division relates to the review of rules governing the practice of occupations. The bill establishes a new Code chapter to be known as the "Iowa Right to Earn a Living Act". The bill requires each board to submit a copy of all of the board's current and pending entry regulations, which the bill defines as rules adopted for the purpose of regulating an occupational or professional group, to the occupational licensing advisory committee by December 31, 2020. The committee shall review all such entry regulations and submit a report to the general assembly by the first week of the 2022 legislative session.

After December 1, 2020, the bill requires each board to submit a proposed entry regulation to the committee prior to submitting a notice of intended action to the administrative rules coordinator and the Iowa administrative code editor. The committee shall meet at least monthly to review such entry regulations. In addition, the bill allows the chairpersons of the committee to request a board to submit an entry regulation for review and the governor to request that the committee, at the committee's discretion, review a particular entry regulation.

In conducting a review of an entry regulation, the bill requires the committee to consider whether the entry regulation is required by law; is necessary to protect the public health, safety, or welfare; unnecessarily inhibits competition or restricts entry into a business, trade, profession, or occupation; is the least restrictive or burdensome means to accomplish the goal; or is outside the scope of the board's statutory authority. If the committee finds that the entry regulation is not required by law and is also otherwise deficient as provided by the bill, the committee may disapprove of the entry regulation and request that the board either amend the proposed entry regulation or decline to proceed with adoption of the entry regulation. The bill requires notice of disapproval to be posted publicly on the general assembly's
internet site, transmitted to the board seeking to adopt the
entry regulation, and transmitted to the administrative rules
review committee. The bill prohibits a board from submitting
a notice of intended action until it has received approval or
disapproval from the committee.

If a board makes substantial changes to a proposed entry
regulation, the board shall resubmit the proposed entry
regulation to the committee for review. If the board chooses
not to respond to the committee’s recommendations, the board
may continue with the rulemaking process. The bill allows the
committee to vote to submit a bill to the general assembly to
suspend the rulemaking authority of a board that declines to
comply with recommendations of the committee.

The division takes effect upon enactment.