HOUSE FILE 710
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HF 212)

(As Amended and Passed by the House March 19, 2019)
[= New Language by the House

A BILL FOR

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

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

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

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

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

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

a. The board of medicine.

b. The board of nursing.

c. The dental board.

d. The board of pharmacy.

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

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

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

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

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

152.2 Executive director.

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

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

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