HOUSE FILE 2627
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HF 2470)
(SUCCESSOR TO HSB 647)

(As Amended and Passed by the House June 12, 2020)
ALL New Language by the House

A BILL FOR

An Act relating to governmental and regulatory matters including the granting and renewal of licenses, certificates, and registrations, and including effective date provisions.

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

DIVISION I

PROFESSIONAL LICENSING

Section 1. Section 103.6, subsection 1, paragraph e, Code 2020, is amended by striking the paragraph.

Sec. 2. Section 103.9, subsection 3, Code 2020, is amended by striking the subsection.

Sec. 3. Section 103.10, subsection 6, Code 2020, is amended by striking the subsection.

Sec. 4. Section 103.12, subsection 6, Code 2020, is amended by striking the subsection.

Sec. 5. Section 103.12A, subsection 4, Code 2020, is amended by striking the subsection.

Sec. 6. Section 103.13, subsection 4, Code 2020, is amended by striking the subsection.

Sec. 7. Section 103.15, subsection 7, Code 2020, is amended by striking the subsection.

Sec. 8. Section 105.10, subsection 5, Code 2020, is amended by striking the subsection.

Sec. 9. Section 105.22, subsection 4, Code 2020, is amended by striking the subsection.

Sec. 10. Section 135.105A, subsection 5, Code 2020, is amended to read as follows:

5. The department shall adopt rules regarding minimum requirements for lead inspector, lead abater, and lead-safe renovator training programs, certification, work practice standards, and suspension and revocation requirements, and shall implement the training and certification programs. Rules adopted pursuant to this subsection shall comply with chapter 272C. The department shall seek federal funding and shall establish fees in amounts sufficient to defray the cost of the programs. The fees shall be used for any of the department's duties under this subchapter, including but not limited to the costs of full-time equivalent positions for program services and investigations. Fees received shall be considered repayment receipts as defined in section 8.2.

Sec. 11. Section 147.3, Code 2020, is amended to read as follows:

147.3 Qualifications.

An applicant for a license to practice a profession under this subtitle is not ineligible because of age, citizenship, sex, race, religion, marital status, or national origin, although the application form may require citizenship information. ~~A board may consider the past criminal record of an applicant only if the conviction relates to the practice of the profession for which the applicant requests to be licensed.~~

Sec. 12. Section 147.55, subsection 5, Code 2020, is amended by striking the subsection.

Sec. 13. Section 147A.7, subsection 1, paragraph j, Code 2020, is amended by striking the paragraph.

Sec. 14. Section 148.6, subsection 2, paragraph b, Code 2020, is amended by striking the paragraph.

Sec. 15. Section 148H.7, subsection 1, paragraph a, Code 2020, is amended by striking the paragraph.

Sec. 16. Section 151.9, subsection 5, Code 2020, is amended by striking the subsection.

Sec. 17. Section 152.10, subsection 2, paragraph c, Code 2020, is amended by striking the paragraph.

Sec. 18. Section 153.34, subsection 9, Code 2020, is amended by striking the subsection.

Sec. 19. Section 154A.24, subsection 1, Code 2020, is amended by striking the subsection.

Sec. 20. Section 156.9, subsection 2, paragraph e, Code 2020, is amended by striking the paragraph.

Sec. 21. Section 272.1, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 5A. *"Offense directly relates"* refers to either of the following:

a. The actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession.

b. The circumstances under which an offense was committed are circumstances customary to a licensed profession.

Sec. 22. Section 272.2, subsection 14, paragraph a, Code 2020, is amended to read as follows:

a. The board may deny a license to or revoke the license of a person upon the board's finding by a preponderance of evidence that either the person has been convicted of ~~a crime~~ an offense and the offense directly relates to the duties and responsibilities of the profession or that there has been a founded report of child abuse against the person. Rules adopted in accordance with this paragraph shall provide that in determining whether a person should be denied a license or that a practitioner's license should be revoked, the board shall consider the nature and seriousness of the founded abuse or crime in relation to the position sought, the time elapsed since the crime was committed, the degree of rehabilitation which has taken place since the incidence of founded abuse or the commission of the crime, the likelihood that the person will commit the same abuse or crime again, and the number of founded abuses committed by or criminal convictions of the person involved.

Sec. 23. Section 272C.1, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 7A. *"Offense directly relates"* refers to either of the following:

a. The actions taken in furtherance of an offense are actions customarily performed within the scope of practice of a licensed profession.

b. The circumstances under which an offense was committed are circumstances customary to a licensed profession.

Sec. 24. Section 272C.4, subsection 13, Code 2020, is amended by striking the subsection.

Sec. 25. Section 272C.10, subsection 5, Code 2020, is amended by striking the subsection and inserting in lieu thereof the following:

5. Conviction of a felony offense, if the offense directly relates to the profession or occupation of the licensee, in the courts of this state or another state, territory, or country. Conviction as used in this subsection includes a conviction of an offense which if committed in this state would be a felony without regard to its designation elsewhere, and includes a finding or verdict of guilt made or returned in a criminal proceeding even if the adjudication of guilt is withheld or not entered. A certified copy of the final order or judgment of conviction or plea of guilty in this state or in another state constitutes conclusive evidence of the conviction.

Sec. 26. 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, including a license, certificate, or registration issued by the board of educational examiners, 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 by at least one other issuing jurisdiction in the occupation or profession applied for with a substantially similar scope of practice and the license, certificate, or registration is in good standing in all issuing jurisdictions in which the person holds a license, certificate, or registration.

b. The person has been licensed, certified, or registered by another issuing jurisdiction for at least one year.

c. When the person was licensed by the issuing jurisdiction, the issuing jurisdiction imposed minimum educational requirements and, if applicable, work experience and clinical

supervision requirements, and the issuing jurisdiction verifies that the person met those requirements in order to be licensed in that issuing jurisdiction.

d. The person previously passed an examination required by the other issuing jurisdiction 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 issuing jurisdiction or country while under investigation for unprofessional conduct.

f. The person has not had discipline imposed by any other regulating entity in this state or another issuing jurisdiction or country. If another jurisdiction has taken disciplinary action against the person, the appropriate licensing board shall determine if the cause for the action was corrected and the matter resolved. If the licensing board determines that the matter has not been resolved by the jurisdiction imposing discipline, the licensing board shall not issue or deny a license, certificate, or registration to the person until the matter is resolved.

g. The person does not have a complaint, allegation, or investigation pending before any regulating entity in another issuing jurisdiction or country that relates to unprofessional conduct. If the person has any complaints, allegations, or investigations pending, the appropriate licensing board shall not issue or deny a license, certificate, or registration to the person until the complaint, allegation, or investigation is resolved.

h. The person pays all applicable fees.

i. The person does not have a criminal history that would prevent the person from holding the license, certificate, or registration applied for in this state.

2. A person licensed pursuant to this section is subject to the laws regulating the person's practice in this state and is

subject to the jurisdiction of the appropriate licensing board.

3. This section does not apply to any of the following:

a. The ability of a licensing board, agency, or department to require the submission of fingerprints or completion of a criminal history check.

b. Criteria for a license, certificate, or registration that is established by an interstate compact.

c. The ability of a licensing board, agency, or department to require a person to take and pass an examination specific to the laws of this state prior to issuing a license. A licensing board, agency, or department that requires an applicant to take and pass an examination specific to the laws of this state shall issue an applicant a temporary license that is valid for a period of three months and may be renewed once for an additional period of three months.

d. A license issued by the department of transportation.

e. A person who is licensed by another issuing jurisdiction and is granted a privilege to practice in this state by another provision of law without receiving a license in this state.

f. A person applying for a license through a national licensing organization.

4. A license, certificate, or registration issued pursuant to this section does not grant the person receiving the license, certificate, or registration eligibility to practice pursuant to an interstate compact. A licensing board shall determine eligibility for a person to hold a license, certificate, or registration pursuant to this section regardless of the person's eligibility to practice pursuant to an interstate compact.

5. For the purposes of this section, "*issuing jurisdiction*" means the duly constituted authority in another state that has issued a professional license, certificate, or registration to a person.

Sec. 27. NEW SECTION. **272C.13 Educational requirements — work experience.**

1. Except as provided in subsection 2, a person applying for a professional or occupational license, certificate, or registration in this state who relocates to this state from another state that did not require a professional or occupational license, certificate, or registration to practice the person's profession or occupation may be considered to have met any education, training, or work experience requirements imposed by a licensing board in this state if the person has three or more years of related work experience with a substantially similar scope of practice within the four years preceding the date of application as determined by the board.

2. This section does not apply to a license, certificate, or registration issued by the board of medicine, the board of nursing, the dental board, the board of pharmacy, or the board of educational examiners.

3. If this Code or administrative rules require a person applying for a professional or occupational license, certificate, or registration in this state to pass an examination to obtain the license, certificate, or registration, a person applying for licensure, certification, or registration under this section shall be required to pass the same examination.

Sec. 28. NEW SECTION. **272C.14 Waiver of fees.**

A licensing board, agency, or department shall waive any fee charged to an applicant for a license if the applicant's household income does not exceed two hundred percent of the federal poverty income guidelines and the applicant is applying for the license for the first time in this state.

Sec. 29. NEW SECTION. **272C.15 Disqualifications for criminal convictions limited.**

1. Notwithstanding any other provision of law to the contrary, except for chapter 272, a person's conviction of a crime may be grounds for the denial, revocation, or suspension of a license only if an unreasonable risk to public safety exists because the offense directly relates to the duties

and responsibilities of the profession and the appropriate licensing board, agency, or department does not grant an exception pursuant to subsection 4.

2. A licensing board, agency, or department that may deny a license on the basis of an applicant's conviction record shall provide a list of the specific convictions that may disqualify an applicant from receiving a license. Any such offense shall be an offense that directly relates to the duties and responsibilities of the profession.

3. A licensing board, agency, or department shall not deny an application for a license on the basis of an arrest that was not followed by a conviction or based on a finding that an applicant lacks good character, suffers from moral turpitude, or on other similar basis.

4. A licensing board, agency, or department shall grant an exception to an applicant who would otherwise be denied a license due to a criminal conviction if the following factors establish by clear and convincing evidence that the applicant is rehabilitated and an appropriate candidate for licensure:

a. The nature and seriousness of the crime for which the applicant was convicted.

b. The amount of time that has passed since the commission of the crime. There is a rebuttable presumption that an applicant is rehabilitated and an appropriate candidate for licensure five years after the date of the applicant's release from incarceration, provided that the applicant was not convicted of sexual abuse in violation of section 709.4, a sexually violent offense as defined in section 229A.2, dependent adult abuse in violation of section 235B.20, a forcible felony as defined in section 702.11, or domestic abuse assault in violation of section 708.2A, and the applicant has not been convicted of another crime after release from incarceration.

c. The circumstances relative to the offense, including any aggravating and mitigating circumstances or social conditions

surrounding the commission of the offense.

d. The age of the applicant at the time the offense was committed.

e. Any treatment undertaken by the applicant.

f. Whether a certification of employability has been issued to the applicant pursuant to section 906.19.

g. Any letters of reference submitted on behalf of the applicant.

h. All other relevant evidence of rehabilitation and present fitness of the applicant.

5. An applicant may petition the relevant licensing board, agency, or department, in a form prescribed by the board, agency, or department, for a determination as to whether the applicant's criminal record will prevent the applicant from receiving a license. The board, agency, or department shall issue such a determination at the next regularly scheduled meeting of the board, agency, or department or within thirty days of receiving the petition, whichever is later. The board, agency, or department shall hold a closed session while determining whether an applicant's criminal record will prevent the applicant from receiving a license and while determining whether to deny an applicant's application on the basis of an applicant's criminal conviction. A board, agency, or department may charge a fee to recoup the costs of such a determination, provided that such fee shall not exceed twenty-five dollars.

6. *a.* A licensing board, agency, or department that denies an applicant a license solely or partly because of the applicant's prior conviction of a crime shall notify the applicant in writing of all of the following:

(1) The grounds for the denial or disqualification.

(2) That the applicant has the right to a hearing to challenge the licensing authority's decision.

(3) The earliest date the applicant may submit a new application.

(4) That evidence of rehabilitation of the applicant may be considered upon reapplication.

b. A determination by a licensing board, agency, or department that an applicant's criminal conviction is specifically listed as a disqualifying conviction and the offense directly relates to the duties and responsibilities of the applicant's profession must be documented in written findings for each factor specified in subsection 4 sufficient for a review by a court.

c. In any administrative or civil hearing authorized by this section or chapter 17A, a licensing board, agency, or department shall carry the burden of proof on the question of whether the applicant's criminal offense directly relates to the duties and responsibilities of the profession for which the license is sought.

7. A board, agency, or department may require an applicant with a criminal record to submit the applicant's complete criminal record detailing an applicant's offenses with an application. A board, agency, or department may also require an applicant with a criminal record to submit a personal statement regarding whether each offense directly relates to the duties and performance of the applicant's occupation. For the purposes of this subsection, *"complete criminal record"* includes the complaint and judgment of conviction for each offense of which the applicant has been convicted.

Sec. 30. RULEMAKING PROCEDURES AND APPLICABILITY.

1. The boards designated in section 147.13 other than the board of medicine, the board of nursing, the dental board, and the board of pharmacy, when carrying out rulemaking pursuant to chapter 17A to implement the provisions of this division of this Act, shall each adopt the same rules, which shall be applicable to all such boards. The bureau of professional licensure of the department of public health shall assist the boards in carrying out such rulemaking.

2. The accountancy examining board, the architectural

examining board, the engineering and land surveying examining board, the interior design examining board, the landscape architectural examining board, and the real estate commission, when carrying out rulemaking pursuant to chapter 17A to implement the provisions of this Act, shall each adopt the same rules, which shall be applicable to all such boards and the real estate commission. The professional licensing bureau of the department of commerce shall assist the boards and the real estate commission in carrying out such rulemaking.

3. This section shall not apply to any rulemaking pursuant to chapter 17A by a board or commission to implement the provisions of this Act that the board or commission determines is necessary to address circumstances or legal requirements uniquely applicable to the board or commission.

Sec. 31. EFFECTIVE DATE. This division of this Act takes effect January 1, 2021.

DIVISION II

MISCELLANEOUS CHANGES

Sec. 32. Section 22.2, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. If feasible, the custodian of a public record may provide for the electronic examination and copying of a public record in lieu of requiring in-person examination and copying of a public record. This subsection does not apply to searches of all indexes, general and specific, of public records relating to documents, instruments, and muniments of title, for the purpose of performing title searches, real property searches, or creating real property abstracts.

Sec. 33. Section 22.4, Code 2020, is amended to read as follows:

22.4 ~~Hours when available~~ Public records requests.

The rights of persons under this chapter may be exercised under any of the following circumstances:

1. In person, at any time during the customary office hours of the lawful custodian of the records. However, if the lawful

custodian does not have customary office hours of at least thirty hours per week, such right may be exercised at any time from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m. Monday through Friday, excluding legal holidays, unless the person exercising such right and the lawful custodian agree on a different time.

2. In writing, by telephone, or by electronic means. The lawful custodian of the records shall post information for making such requests in a manner reasonably calculated to apprise the public of that information.

Sec. 34. Section 80A.1, subsection 12, Code 2020, is amended to read as follows:

12. *"Private security business"* means a business of furnishing, for hire or reward, guards, watch personnel, armored car personnel, patrol personnel, or other persons to protect persons or property, to prevent the unlawful taking of goods and merchandise, or to prevent the misappropriation or concealment of goods, merchandise, money, securities, or other valuable documents or papers, and includes an individual who for hire patrols, watches, or guards a residential, industrial, or business property or district. *"Private security business"* does not include a business for debt collection as defined in section 537.7102.

Sec. 35. Section 89A.3, subsection 2, paragraph i, Code 2020, is amended to read as follows:

i. The amount of fees charged and collected for inspection, permits, and commissions. Fees shall be set at an amount sufficient to cover costs as determined from consideration of the reasonable time required to conduct an inspection, reasonable hourly wages paid to inspectors, and reasonable transportation and similar expenses. The safety board shall also be authorized to consider setting reduced fees for nonprofit associations and nonprofit corporations, as described in chapters 501B and 504.

Sec. 36. Section 125.38, subsection 1, Code 2020, is amended

to read as follows:

1. Subject to reasonable rules regarding hours of visitation which the department may adopt, a patient in a facility shall be granted an opportunity for adequate consultation with counsel, and for continuing contact with family and friends consistent with an effective treatment program, provided that such consultation and contact may be provided telephonically or electronically.

Sec. 37. Section 135B.5, subsection 1, Code 2020, is amended to read as follows:

1. Upon receipt of an application for license and the license fee, the department shall issue a license if the applicant and hospital facilities comply with this chapter, chapter 135, and the rules of the department. Each licensee shall receive annual reapproval upon payment of five hundred dollars and upon filing of an application form which is available from the department. The annual licensure fee shall be dedicated to support and provide educational programs on regulatory issues for hospitals licensed under this chapter ~~in consultation with the hospital licensing board~~. Licenses shall be either general or restricted in form. Each license shall be issued only for the premises and persons or governmental units named in the application and is not transferable or assignable except with the written approval of the department. Licenses shall be posted in a conspicuous place on the licensed premises as prescribed by rule of the department.

Sec. 38. Section 135B.7, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. The department, with the ~~advice and approval of the hospital licensing board and~~ approval of the state board of health, shall adopt rules setting out the standards for the different types of hospitals to be licensed under this chapter. The department shall enforce the rules.

Sec. 39. Section 272.2, subsection 1, paragraph a, Code 2020, is amended to read as follows:

a. License practitioners, which includes the authority to establish criteria for the licenses; establish issuance and renewal requirements, provided that a continuing education requirement may be completed by electronic means; create application and renewal forms; create licenses that authorize different instructional functions or specialties; develop a code of professional rights and responsibilities, practices, and ethics, which shall, among other things, address the failure of a practitioner to fulfill contractual obligations under section 279.13; and develop any other classifications, distinctions, and procedures which may be necessary to exercise licensing duties. In addressing the failure of a practitioner to fulfill contractual obligations, the board shall consider factors beyond the practitioner's control.

Sec. 40. Section 483A.24, subsection 3, paragraph a, Code 2020, is amended to read as follows:

a. Fifty of the nonresident deer hunting licenses shall be allocated as ~~requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the economic development authority, or their designees~~ determined by the department. The licenses provided pursuant to this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.8. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon purchase of a nonresident annual hunting license that includes the wildlife habitat fee and the purchase of a nonresident deer hunting license. The licenses are valid in all zones open to deer hunting. The hunter education certificate requirement pursuant to section 483A.27 is waived

for a nonresident issued a license pursuant to this subsection.

Sec. 41. Section 483A.24, subsection 4, paragraph a, Code 2020, is amended to read as follows:

a. Fifty of the nonresident wild turkey hunting licenses shall be allocated as ~~requested by a majority of a committee consisting of the majority leader of the senate, speaker of the house of representatives, and director of the economic development authority, or their designees~~ determined by the department. The licenses provided pursuant to this subsection shall be in addition to the number of nonresident licenses authorized pursuant to section 483A.7. The purpose of the special nonresident licenses is to allow state officials and local development groups to promote the state and its natural resources to nonresident guests and dignitaries. Photographs, videotapes, or any other form of media resulting from the hunting visitation shall not be used for political campaign purposes. The nonresident licenses shall be issued without application upon purchase of a nonresident annual hunting license that includes the wildlife habitat fee and the purchase of a nonresident wild turkey hunting license. The licenses are valid in all zones open to wild turkey hunting. The hunter education certificate requirement pursuant to section 483A.27 is waived for a nonresident issued a license pursuant to this subsection.

Sec. 42. Section 543D.9, Code 2020, is amended to read as follows:

543D.9 Education and experience requirement.

The board shall determine what real estate appraisal or real estate appraisal review experience and what education shall be required to provide appropriate assurance that an applicant for certification is competent to perform the certified appraisal work which is within the scope of practice defined by the board. All experience required for initial certification shall be performed as a registered associate real estate appraiser acting under the direct supervision of

a certified real estate appraiser who meets the supervisory requirements established by applicable federal authorities or federal law, rule, or policy in effect at the time the hours of experience are claimed, except as the board may provide by rule. Subject to requirements or limitations established by applicable federal authorities or federal law, rule, or policy, hours qualifying for experience in a bordering state will be considered qualifying hours for experience in this state without requiring a waiver or authorization from the board in accordance with rules and standards adopted by the board, as long as a majority of qualifying hours are completed in this state. Qualifying hours completed in a bordering state shall be under the direct supervision of a certified real estate appraiser with active certification in that bordering state. The board shall prescribe a required minimum number of tested hours of education relating to the provisions of this chapter, the uniform appraisal standards, and other rules issued in accordance with this chapter.

Sec. 43. Section 544A.8, Code 2020, is amended by adding the following new subsection:

NEW SUBSECTION. 5. A person applying to the board for licensure who has passed a module of the architect registration examination but failed to pass the exam shall not be required to retake the module that the applicant previously passed in subsequent examinations.

Sec. 44. REPEAL. Chapter 9D, Code 2020, is repealed.

Sec. 45. REPEAL. Sections 135B.10 and 135B.11, Code 2020, are repealed.

Sec. 46. 2018 Iowa Acts, chapter 1142, section 8, as amended by 2019 Iowa Acts, chapter 85, section 118, is amended to read as follows:

SEC. 8. FUTURE REPEAL. Section 155A.44, Code 2018, is repealed effective July 1, ~~2020~~ 2021.

Sec. 47. CONTINUING EDUCATION REQUIREMENTS. The boards designated in section 147.13 shall require licensees required

to complete continuing education credits prior to the renewal of a license set to expire in 2020 to complete such continuing education credits by June 30, 2021. A license set to expire in 2020 shall not expire until June 30, 2021.

Sec. 48. CONTINUING EDUCATION —— ELECTRONIC MEANS. For the period beginning on the effective date of this division of this Act through June 30, 2021, notwithstanding any provision of law to the contrary, each licensing board, as defined in section 272C.1, shall allow licensees to satisfy continuing education requirements by electronic means.

Sec. 49. SCHOOL PHYSICALS —— TEMPORARY PROVISIONS. For the period beginning on the effective date of this division of this Act through December 31, 2020, a student participating in interscholastic athletics who presents to the student's superintendent a certificate signed on or after July 1, 2019, by a licensed physician or surgeon, osteopathic physician or surgeon, chiropractor, physician assistant, or advanced registered nurse practitioner, to the effect that the student has been examined and may safely engage in athletic competition, shall be deemed to have complied with the regulatory provisions of 281 IAC 36.14(1).

Sec. 50. SHAREHOLDER MEETINGS —— TEMPORARY PROVISIONS. For the period beginning on the effective date of this division of this Act through December 31, 2020, notwithstanding the provisions of chapters 490, 491, 499, and 501A requiring an in-person meeting of shareholders, policyholders, or members, an in-person meeting of shareholders, policyholders, or members shall not be required if the meeting is held by means of remote communication and provides shareholders, policyholders, or members a reasonable opportunity to participate in the meeting and to vote on matters submitted for action at such meeting, including an opportunity to communicate and to read or hear the proceedings of the meeting, substantially concurrent with the occurrence of such meeting.

Sec. 51. EFFECTIVE DATE. This division of this Act, being

deemed of immediate importance, takes effect upon enactment.