

1977 shall be made so that as nearly as possible, the terms of an equal number of members of the advisory council shall expire on October first of each year.

Approved June 3, 1977

CHAPTER 95  
CONTINUING EDUCATION PROGRAM

S. F. 312

AN ACT requiring professional and occupational licensees to participate in a continuing education program as a condition of license renewal, delegating rule-making authority, providing for methods and procedures for the professional review of and the imposition of disciplinary sanctions for certain acts or omissions of practitioners and providing grounds for suspension or revocation of a professional or occupational license.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. NEW SECTION. DEFINITIONS.

1. "Licensing board" or "board" includes the following boards:
  - a. The state board of engineering examiners, created pursuant to chapter one hundred fourteen (114) of the Code.
  - b. The board of examiners of shorthand reporters, created pursuant to chapter one hundred fifteen (115) of the Code.
  - c. The board of accountancy, created pursuant to chapter one hundred sixteen (116) of the Code.
  - d. The Iowa real estate commission, created pursuant to chapter one hundred seventeen (117) of the Code.
  - e. The board of architectural examiners, created pursuant to chapter one hundred eighteen (118) of the Code.
  - f. The Iowa board of landscape architectural examiners, created pursuant to chapter one hundred eighteen A (118A) of the Code.
  - g. The board of watchmaking examiners, created pursuant to chapter one hundred twenty (120) of the Code.
  - h. The board of barber examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
  - i. The board of chiropractic examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.

- j. The board of cosmetology examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- k. The board of dental examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- l. The board of funeral directors and embalmer examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- m. The board of medical examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- n. The board of nursing, created pursuant to chapter one hundred forty-seven (147) of the Code.
- o. The board of examiners for nursing home administrators, created pursuant to chapter one hundred thirty-five E (135E) of the Code.
- p. The board of optometry examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- q. The board of pharmacy examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- r. The board of physical therapy examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- s. The board of podiatry examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- t. The board of psychology examiners, created pursuant to chapter one hundred forty-seven (147) of the Code.
- u. The board of speech pathology and audiology examiners created pursuant to chapter one hundred forty-seven (147) of the Code.
- v. The board for the licensing and regulation of hearing aid dealers, created pursuant to chapter one hundred fifty-four A (154A) of the Code.
- w. The board of veterinary medical examiners, created pursuant to chapter one hundred sixty-nine (169) of the Code.
- x. The board of certification, created pursuant to chapter four hundred fifty-five B (455B) of the Code.
- y. Any professional or occupational licensing board created after the effective date of this Act.
2. "Continuing education" means that education which is obtained by a professional or occupational licensee in order to maintain, improve, or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge. This education may be obtained through formal or informal education practices, self-study, research, and participation in professional, technical, and occupational

societies, and by other similar means as authorized by the board.

3. The term "licensing" and its derivations include the terms "registration" and "certification" and their derivations.

4. "Inactive licensee reentry" means that process a former or inactive professional or occupational licensee pursues to again be capable of actively and competently practicing as a professional or occupational licensee.

5. "Licensee discipline" means any sanction a licensing board may impose upon its licensees for conduct which threatens or denies citizens of this state a high standard of professional or occupational care.

6. "Disciplinary proceeding" means any proceeding under the authority of a licensing board pursuant to which licensee discipline may be imposed.

7. "Peer review" means evaluation of professional services rendered by a professional practitioner.

8. "Peer review committee" means one or more persons acting in a peer review capacity pursuant to this Act.

9. "Malpractice" means any error or omission, unreasonable lack of skill, or failure to maintain a reasonable standard of care by a licensee in the course of practice of his or her occupation or profession, pursuant to this Act.

Sec. 2. NEW SECTION. CONTINUING EDUCATION REQUIRED.

1. Each licensing board shall require and issue rules for continuing education requirements as a condition to license renewal.

2. The rules shall create continuing education requirements at a minimum level prescribed by each licensing board. These boards may also establish continuing education programs to assist a licensee in meeting such continuing education requirements. Such rules shall also:

a. Give due attention to the effect of continuing education requirements on interstate and international practice.

b. Place the responsibility for arrangement of financing of continuing education on the licensee, while allowing the board of continuing education provider to receive any other available funds or resources that aid in supporting a continuing education program.

c. Attempt to express continuing education requirements in terms of uniform and widely-recognized measurement units.

d. Establish guidelines, including guidelines in regard to the monitoring of licensee participation, for the approval

of continuing education programs that qualify under the continuing education requirements prescribed.

e. Not be implemented for the purpose of limiting the size of the profession or occupation.

f. Define the status of active and inactive licensure and establish appropriate guidelines for inactive licensee reentry.

g. Be promulgated solely for the purpose of assuring a continued maintenance of skills and knowledge by a professional or occupational licensee directly related and commensurate with the current level of competency of the licensee's profession or occupation.

3. A person licensed to practice an occupation or profession in this state shall be deemed to have complied with the continuing education requirements of this state during periods that the person serves honorably on active duty in the military services, or for periods that the person is a resident of another state or district having a continuing education requirement for the occupation or profession and meets all requirements of that state or district for practice therein, or for periods that the person is a government employee working in his or her licensed specialty and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the appropriate board of examiners.

Sec. 3. NEW SECTION. AUTHORITY OF LICENSING BOARDS.

1. Notwithstanding any other provision of this Act, each licensing board shall have the powers to:

a. Administer and enforce the laws and administrative rules relating to the practice of the profession whose members are examined for licensure by the board;

b. Adopt and enforce administrative rules which provide for the partial reexamination of the professional licensing examinations given by each licensing board;

c. Review or investigate, or both, upon written complaint or upon its own motion pursuant to other evidence received by the board, alleged acts or omissions which the board reasonably believes constitute cause under applicable law or administrative rule for licensee discipline;

d. Determine in any case whether an investigation, or further investigation, or a disciplinary proceeding is warranted;

- e. Initiate and prosecute disciplinary proceedings;
  - f. Impose licensee discipline;
  - g. Petition the district court for enforcement of its authority with respect to licensees or with respect to other persons violating the laws which the board is charged with administering;
  - h. Register or establish and register peer review committees;
  - i. Refer to a registered peer review committee for investigation, review, and report to the board, any complaint or other evidence of an act or omission which the board reasonably believes to constitute cause for licensee discipline. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction;
  - j. Determine and administer the annual renewal of licenses.
2. Each licensing board may impose one or more of the following as licensee discipline:
- a. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon the grounds specified in sections one hundred fourteen point twenty-one (114.21), one hundred fifteen point eight (115.8), one hundred sixteen point twenty-one (116.21), one hundred seventeen point twenty-nine (117.29), one hundred eighteen point thirteen (118.13), one hundred eighteen A point fifteen (118A.15), one hundred twenty point ten (120.10), chapter one hundred thirty-five E (135E), section one hundred forty-seven point fifty-five (147.55), chapter one hundred fifty-one (151), sections one hundred fifty-four A point twenty-four (154A.24), one hundred sixty-nine point thirty-six (169.36) and four hundred fifty-five B point fifty-nine (455B.59) of the Code, or upon any other grounds specifically provided for in this Act for revocation of the license of a licensee subject to the jurisdiction of that board, or upon failure of the licensee to comply with a decision of the board imposing licensee discipline;
  - b. Revoke, or suspend either until further order of the board or for a specified period, the privilege of a licensee to engage in one or more specified procedures, methods, or acts incident to the practice of the profession, if pursuant to hearing or stipulated or agreed settlement the board finds

that because of a lack of education or experience, or because of negligence, or careless acts or omissions, or because of one or more intentional acts or omissions, the licensee has demonstrated a lack of qualifications which are necessary to assure the residents of this state a high standard of professional and occupational care;

c. Impose a period of probation under specified conditions, whether or not in conjunction with other sanctions;

d. Require additional professional education or training, or re-examination, or any combination, as a condition precedent to the reinstatement of a license or of any privilege incident thereto, or as a condition precedent to the termination of any suspension;

e. Revoke a license, or suspend a license either until further order of the board or for a specified period, upon the grounds specified in sections one hundred fourteen point twenty-one (114.21), one hundred fifteen point eight (115.8), one hundred sixteen point twenty-one (116.21), one hundred seventeen point twenty-nine (117.29), one hundred eighteen point thirteen (118.13), one hundred eighteen A point fifteen (118A.15), one hundred twenty point ten (120.10), chapter one hundred thirty-five E (135E), section one hundred forty-seven point fifty-five (147.55), chapter one hundred fifty-one (151), sections one hundred fifty-four A point twenty-four (154A.24), one hundred sixty-nine point thirty-six (169.36), and four hundred fifty-five B point fifty-nine (455B.59) of the Code, or for failure to comply with an order of the board imposing disciplinary sanctions, if the board has provided by rule that civil penalties may be imposed by the board pursuant to this paragraph, and if the rule specifies which offenses or acts are subject to the imposition of the civil penalty. The amount of the civil penalty shall be in the discretion of the board, but shall not exceed one thousand dollars;

f. Issue a citation and warning respecting licensee behavior which is subject to the imposition of other sanctions by the board.

3. The powers conferred by this section upon a licensing board shall be in addition to powers specified elsewhere in the Code. The powers of any other person specified elsewhere in the Code shall not limit the powers of a licensing

board conferred by this section, nor shall the powers of such other person be deemed limited by the provisions of this section.

4. Nothing contained in this section shall be construed to prohibit informal stipulation and settlement by a board and a licensee of any matter involving licensee discipline. However, licensee discipline shall not be agreed to or imposed except pursuant to a written decision which specifies the sanction and which is entered by the board and filed.

All health-care boards shall file written decisions which specify the sanction entered by the board with the department of health which file shall be available to the public upon request. All nonhealth-care boards shall have on file the written and specified decisions and sanctions entered by the board and shall be available to the public upon request.

Licensee discipline pursuant to informal stipulation or agreed settlement under this section and pursuant to this Act shall not be subject to review by the court.

Sec. 4. NEW SECTION. DUTIES OF BOARD.

1. Each licensing board shall have the following duties in addition to other duties specified by this Act or elsewhere in the Code:

a. Establish procedures by which complaints which relate to licensure or to licensee discipline shall be received and reviewed by the board;

b. Establish procedures by which disputes between licensees and clients which result in judgments or settlements in or of malpractice claims or actions shall be investigated by the board;

c. Establish procedures by which any recommendation taken by a peer review committee shall be reported to and reviewed by the board;

d. Establish procedures for registration with the board of peer review committees;

e. Define by rule those recommendations of peer review committees which shall constitute disciplinary recommendations which must be reported to the board;

f. Define by rule acts or omissions which are grounds for revocation or suspension of a license under the provisions of sections one hundred fourteen point twenty-one (114.21), one hundred fifteen point eight (115.8), one hundred sixteen

point twenty-one (116.21), one hundred seventeen point twenty-nine (117.29), one hundred eighteen point thirteen (118.13), one hundred eighteen A point fifteen (118A.15), one hundred twenty point ten (120.10), chapter one hundred thirty-five E (135E), section one hundred forty-seven point fifty-five (147.55), chapter one hundred fifty-one (151), sections one hundred fifty-four A point twenty-four (154A.24), one hundred sixty-nine point thirty-six (169.36) and four hundred fifty-five B point forty-nine (455B.49), of the Code, and to define by rule acts or omissions which constitute negligence, careless acts or omissions within the meaning of paragraph b of subsection two (2) of section three (3) of this Act, which licensees are required to report to the board pursuant to subsection two (2) of section nine (9) of this Act;

g. Establish the procedures by which licensees shall report those acts or omissions specified by the board pursuant to paragraph f of this subsection;

h. Give written notice to another licensing board or to a hospital licensing agency if evidence received by the board either alleges or constitutes reasonable cause to believe the existence of an act or omission which is subject to discipline by that other board or agency;

i. Require each health care licensing board to file with the department of health a copy of each decision of the board imposing licensee discipline. Each nonhealth-care board shall have on file a copy of each decision of the board imposing licensee discipline which copy shall be properly dated and shall be in simple language and in the most concise form consistent with clearness and comprehensiveness of subject matter.

The commissioner of insurance shall by rule in consultation with the licensing boards enumerated in section one (1) of this Act, require insurance carriers which insure professional and occupational licensees for acts or omissions which constitute negligence, careless acts or omissions in the practice of a profession or occupation to file reports with the commissioner of insurance. The reports shall include information pertaining to incidents by a licensee which may affect the licensee as defined by rule, involving an insured of the insurer. The commissioner of insurance shall forward reports pursuant to this section to the appropriate licensing board.



2. Each licensing board, shall submit to the senate and house committees on state government in January of each year, commencing in January of 1979, a summary of the activities of that board since the preceding report respecting the following subjects:

a. The adoption or nonadoption of rules relating to the duties of the board as specified in this section;

b. The number of complaints, peer review committee disciplinary actions, and judgments and settlements reviewed or investigated by the board, the number of formal disciplinary proceedings commenced before the board or in the courts, the number and types of sanctions imposed, and the number and status of appeals to the court of board decisions, and the number and types of peer review committees registered by the board.

Sec. 5. NEW SECTION. LICENSEE DISCIPLINARY PROCEDURE-RULE-MAKING DELEGATION.

1. Each licensing board may establish by rule licensee disciplinary procedures. Each licensing board may impose licensee discipline under these procedures.

2. Rules promulgated under subsection one (1) of this section:

a. Shall comply with the provisions of chapter seventeen A (17A) of the Code.

b. Shall designate who may or shall initiate a licensee disciplinary investigation and a licensee disciplinary proceeding, and who shall prosecute a disciplinary proceeding and under what conditions, and shall state the procedures for review by the licensing board of findings of fact if a majority of the licensing board does not hear the disciplinary proceeding.

c. Shall state whether the procedures are an alternative to or an addition to the procedures stated in sections one hundred fourteen point twenty-two (114.22), one hundred sixteen point twenty-three (116.23), one hundred seventeen point thirty-five (117.35), one hundred seventeen point thirty-six (117.36), one hundred eighteen A point sixteen (118A.16), one hundred forty-seven point fifty-eight (147.58) through one hundred forty-seven point seventy-one (147.71), one hundred forty-eight point six (148.6) through one hundred forty-eight point nine (148.9), one hundred fifty-four A point twenty-three (154A.23), and one hundred fifty-five point fourteen

(155.14) through one hundred fifty-five point sixteen (155.16) of the Code.

d. Shall specify methods by which the final decisions of the board relating to disciplinary proceedings shall be published.

Sec. 6. NEW SECTION. HEARINGS--POWER OF SUBPOENA--DECISIONS.

1. Disciplinary hearings held pursuant to this Act shall be heard by the board sitting as the hearing panel, or by a panel of not less than three board members who are licensed in the profession, or by a panel of not less than three members appointed pursuant to subsection two (2) of this section. Notwithstanding chapter twenty-eight A (28A) of the Code a disciplinary hearing shall be open to the public at the discretion of the licensee.

2. When, in the opinion of a majority of the board, it is desirable to obtain specialists within an area of practice of a profession when holding disciplinary hearings, a licensing board may appoint licensees not having a conflict of interest to make findings of fact and to report to the board. Such findings shall not include any recommendation for or against licensee discipline.

3. The presiding officer of a hearing panel may issue subpoenas pursuant to rules of the board on behalf of the board or on behalf of the licensee. A licensee may have subpoenas issued on his or her behalf. A subpoena issued under the authority of a licensing board may compel the attendance of witnesses and the production of professional records, books, papers, correspondence and other records, whether or not privileged or confidential under law, which are deemed necessary as evidence in connection with a disciplinary proceeding.

Nothing in this subsection shall be deemed to enable a licensing board to compel an attorney of the licensee, or stenographer or confidential clerk of the attorney, to disclose any information when privileged against disclosure by section six hundred twenty-two point ten (622.10) of the Code. In the event of a refusal to obey a subpoena, the licensing board may petition the district court for its enforcement. Upon proper showing, the district court shall order the person to obey the subpoena, and if the person fails to obey the order of the court he or she may be found guilty of contempt

of court. The presiding officer of a hearing panel may also administer oaths and affirmations, take or order that depositions be taken, and pursuant to rules of the board, grant immunity to a witness from disciplinary proceedings initiated either by the board or by other state agencies which might otherwise result from the testimony to be given by the witness to the panel.

4. In order to assure a free flow of information for accomplishing the purposes of this section, and notwithstanding section six hundred twenty-two point ten (622.10) of the Code, all complaint files, and investigation files, and all other investigation reports and other investigative information in the possession of a licensing board or peer review committee acting under the authority of a licensing board or its employees or agents which relates to licensee discipline shall be privileged and confidential, and shall not be subject to discovery, subpoena, or other means of legal compulsion for their release to any person, or be admissible in evidence in any judicial or administrative proceeding. However, a final written decision and finding of fact of a licensing board in a disciplinary proceeding, including a decision referred to in subsection four (4) of section three (3) of this Act shall be a public record.

Pursuant to the provisions of subsection six (6) of section seventeen A point nineteen (17A.19) of the Code, a licensing board upon an appeal by the licensee of the decision by the licensing board, shall transmit the entire record of the contested case to the reviewing court.

Notwithstanding the provisions of subsection six (6) of section seventeen A point nineteen (17A.19) of the Code, if a waiver of privilege has been involuntary and evidence has been received at a disciplinary hearing, the court shall order withheld the identity of the individual whose privilege was waived.

5. Licensee discipline shall not be imposed except upon the affirmative vote of a majority of the licensing board.

Sec. 7. NEW SECTION. EXECUTIVE SECRETARY AND PERSONNEL.

1. As an alternative to authority contained elsewhere in this Act, a licensing board may employ within the limits of available funds an executive secretary, one or more inspectors, and such clerical personnel as may be necessary for the administration of the duties of the board. Employees

of the board shall be employed subject to chapter nineteen A (19A) of the Code. The qualifications of the executive secretary shall be determined by the board.

2. All employees of a licensing board shall be reimbursed subject to the rules of the state comptroller for their expenses incurred in the performance of official duties. All reimbursements shall constitute costs of sustaining the board.

3. Licensees appointed to serve on a hearing panel pursuant to subsection two (2) of section six (6) of this Act shall be compensated at the rate of forty dollars for each day of actual duty, and shall be reimbursed for actual expenses reasonably incurred in the performance of duties.

4. Salaries, per diem, and expenses incurred in the performance of official duties of the board or its employees shall be paid from funds appropriated by the general assembly.

Sec. 8. NEW SECTION. IMMUNITIES.

1. A person shall not be civilly liable as a result of his or her acts, omissions or decisions in good faith as a member of a licensing board or as an employee or agent in connection with the person's duties.

2. A person shall not be civilly liable as a result of filing a report or complaint with a licensing board or peer review committee, or for the disclosure to a licensing board or its agents or employees, whether or not pursuant to a subpoena of records, documents, testimony or other forms of information which constitute privileged matter concerning a recipient of health care services or some other person, in connection with proceedings of a peer review committee, or in connection with duties of a health care board. However, such immunity from civil liability shall not apply if such act is done with malice.

3. A person shall not be dismissed from employment, and shall not be discriminated against by an employer because the person filed a complaint with a licensing board or peer review committee, or because the person participated as a member, agent or employee of a licensing board or peer review committee, or presented testimony or other evidence to a licensing board or peer review committee.

Any employer who violates the terms of this section shall be liable to any person aggrieved for actual and punitive damages plus reasonable attorney fees.

Sec. 9. NEW SECTION. DUTIES OF LICENSEES.

1. Each licensee of a licensing board, as a condition of licensure, is under a duty to submit to a physical or mental examination when directed in writing by the board for cause. All objections shall be waived as to the admissibility of the examining physician's testimony or reports on the grounds of privileged communications. The medical testimony or report shall not be used against the licensee in any proceeding other than one relating to licensee discipline by the board, or one commenced in district court for revocation of the licensee's privileges. The licensing board, upon probable cause, shall have the authority to order physical or mental examination, and upon refusal of the licensee to submit to the examination the licensing board may order that the allegations pursuant to which the order of physical or mental examination was made shall be taken to be established.

2. A licensee shall have a continuing duty to report to the licensing board by whom he or she is licensed those acts or omissions specified by rule of the board pursuant to paragraph f of subsection one (1) of section four (4) of this Act when committed by another person licensed by the same licensing board.

3. A licensee shall have a continuing duty and obligation, as a condition of licensure, to report to the licensing board by which he or she is licensed every adverse judgment in a professional or occupational malpractice action to which he or she is a party, and every settlement of a claim against him or her alleging malpractice.

4. A licensee who willfully fails to comply with subsection two (2) or three (3) of this section commits a violation of this Act for which licensee discipline may be imposed.

Sec. 10. Chapter\*one hundred fourteen point twenty-one (114.21), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

114.21 SUSPENSION OR REVOCATION. The board shall have the power by a five-sevenths vote of the entire board to suspend for a period not exceeding two years, or to revoke the certificate of registration of, or to reprimand any registrant who is found guilty of the following acts or offenses:

\*According to enrolled Act

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice professional engineering or land surveying. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 11. Section one hundred fifteen point eight (115.8), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

115.8 REVOCATION OR SUSPENSION. A license to practice shorthand reporting may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice professional shorthand reporting. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 12. Section one hundred seventeen point twenty-nine (117.29), Code 1977, is amended to read as follows:

117.29 REVOCATION OF LICENSE OR SUSPENSION. A license to practice the profession of real estate broker and salesman may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee on the conviction of any felony that would affect his or her ability to practice the profession of real estate broker and salesman. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

The revocation of a broker's license shall automatically suspend every real estate salesperson's license and every real estate apprentice salesperson's license granted to any person by virtue of his or her employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued upon payment of a fee in an amount determined by the commission based upon the administrative costs involved, if granted during the same year in which the original license was granted.

Sec. 13. Section one hundred eighteen point thirteen (118.13), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

118.13 REVOCATION OR SUSPENSION. A license to practice architecture may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her

profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice the profession of architecture. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of this Act.

The board may revoke any certificate after thirty days' notice with grant of hearing to the holder if satisfactory proof is presented to the board.

Proceedings for the revocation of a certificate shall be begun by filing written charges against the accused with the board. A time and place for the hearing of the charges shall be fixed by the board. Where personal service or services through counsel cannot be effected, services may be had by publication. At the hearing, the accused shall have the right to be represented by counsel, to introduce evidence and to examine and cross-examine witnesses. The board shall have the power to subpoena witnesses, to administer oaths to such witnesses, and to employ counsel. The board shall make a written report of its findings, which report shall be filed with the secretary of state, and which shall be conclusive.

Sec. 14. Section one hundred eighteen A point fifteen (118A.15), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

118A.15 REVOCATION OR SUSPENSION. The board may by a five-sevenths vote of the entire board, suspend for a period not exceeding two years, or revoke the certificate of registration of, or reprimand any registrant who is found guilty of the following acts or offenses:

1. Fraud in procuring a license.

2. Professional incompetency.

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful



or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony related to the profession or occupation of the licensee that would affect his or her ability to practice professional land architecture. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of this Act.

Sec. 15. Section one hundred twenty point ten (120.10), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

120.10 REVOCATION OR SUSPENSION. A license to practice watchmaking and the repair of watches pursuant to the provisions of this chapter may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.

2. Professional incompetency.

3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.

4. Habitual intoxication or addiction to the use of drugs.

5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice the profession of watchmaking or watch repair. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of this Act.

Sec. 16. Chapter one hundred thirty-five E (135E), Code 1977, is amended by adding the following new section:

NEW SECTION. REVOCATION OR SUSPENSION. A license to practice as a nursing home administrator may be revoked or

suspended when the licensee is guilty of the following acts or omissions:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 17. Chapter one hundred fifty-one (151), Code 1977, is amended by adding the following new section:

NEW SECTION. REVOCATION OR SUSPENSION OF LICENSE. A license to practice as a chiropractor may be revoked or suspended when the licensee is guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice as a professional chiropractor. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 18. Section one hundred fifty-four B point four (154B.4), Code 1977, is amended to read as follows:

154B.4 ACTS PROHIBITED. Commencing July 1, ~~1974~~ 1975, a person who is not ~~certified~~ licensed under this chapter shall not represent himself or herself as a ~~certified licensed~~ practicing psychologist, use a title or description, including the term "psychology" or any of its derivatives, such as "psychologist" ~~or~~, "psychological", "psychotherapist" or modifiers such as "practicing" or "~~certified licensed~~" in a manner which implies that he or she is certified under this chapter, or offer to practice or practice psychology, except as otherwise permitted in this chapter. The use by a person who is not ~~certified licensed~~ under this chapter of such terms is not prohibited by this chapter, except when such terms are used in connection with an offer to practice or the practice of psychology.

Sec. 19. Section one hundred fifty-four B point six (154B.6), Code 1977, is amended to read as follows:

154B.6 REQUIREMENTS FOR ~~CERTIFICATION~~ LICENSURE. Except as provided in this section, an applicant for ~~certification licensure~~ as a psychologist ~~or-as-an-associate-psychologist~~ shall meet the following requirements in addition to those specified in chapter 147:

1. A ~~certified licensed~~ psychologist shall possess a doctoral degree in psychology or its equivalent from an institution approved by the board and shall have completed at least one year of supervised professional experience under the supervision of a licensed psychologist or prior to July 1, 1976 any person holding a certificate as a psychologist from the board of examiners of the Iowa psychological association, following the granting of the doctoral degree, or predoctoral experience, as may be acceptable to the board; or shall possess a masters degree in psychology or its equivalent from an institution approved by the board and have completed at least five years of professional experience, at least two of which shall have been under the supervision of a licensed psychologist or prior to July 1, 1976 any person holding a certificate as a psychologist from the board of examiners of the Iowa psychological association, as may be acceptable to the board.

~~2.--A-certified-associate-psychologist-shall-possess-a masters-degree-in-psychology-or-its-equivalent-from-an institution-approved-by-the-board.~~

3 2. Have passed an examination administered by the board to assure his or her professional competence. The examination of any of its divisions may be given by the board at any time after the applicant has met the degree requirements of section one hundred fifty-four B point six (154B.6) of the Code.

4 3. Have not failed the examination required in subsection 3 two (2) of this section within the six months next preceding the date of the examination.

The examinations required in this section may, at the discretion of the board, be waived for holders by examination of licenses or certificates from states whose requirements are substantially equivalent to those of this chapter, and for holders by examination of specialty diplomas from the American board of professional psychology.

Any person who within one year after July 1, ~~1974~~ 1975, meets the requirements specified in ~~subsections~~ subsection 1 and-2 shall receive ~~certification~~ licensure without having passed the examination required in subsection 3 two (2) of this section if application for licensure is filed with the board of psychology examiners before July 1, 1977. Any person holding a certificate as a psychologist from the board of examiners of the Iowa psychological association on July 1, ~~1974~~ 1977, who applies for certification before July 1, 1975, shall receive certification.

Sec. 20. Section one hundred fifty-four B point seven (154B.7), Code 1977, is amended to read as follows:

154B.7 VOLUNTARY SURRENDER OF ~~CERTIFICATION~~ LICENSE.

The commissioner of public health may accept the voluntary surrender of ~~certification~~ license if accompanied by a written statement of intention. The voluntary surrender, when accepted, shall have the same force and effect as an order of revocation.

Sec. 21. Chapter one hundred sixty-nine (169), Code 1977, is amended by adding the following new section:

NEW SECTION. DISCIPLINE OF LICENSEES. A license or temporary permit issued under this chapter may be revoked or suspended or the licensee or permittee may be otherwise disciplined by the board upon a two-thirds vote of the entire board, with the secretary of agriculture sitting as a voting board member for this purpose only. Such an action may be taken when the licensee is found guilty of any of the following acts or offenses: \*

\*According to enrolled Act

Sec. 22. Section four hundred fifty-five B point fifty-nine (455B.59), Code 1977, is amended by striking the section and inserting in lieu thereof the following:

455B.59 REVOCATION OR SUSPENSION. The executive director may suspend or revoke the certificate of an operator, following a hearing before the board when the operator is found guilty of the following acts or offenses:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee or the conviction of any felony that would affect his or her ability to practice professional veterinarian medicine and surgery. A copy of the record of conviction or plea of guilty shall be conclusive evidence.
6. Fraud in representations as to skill or ability.
7. Use of untruthful or improbable statements in advertisements.
8. Willful or repeated violations of the provisions of this Act.

Sec. 23. A licensing board established after the effective date and pursuant to the provisions of this Act shall by rule include provisions for the revocation or suspension of a license which shall include but is not limited to the following:

1. Fraud in procuring a license.
2. Professional incompetency.
3. Knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of his or her profession or engaging in unethical conduct or practice harmful or detrimental to the public. Proof of actual injury need not be established.
4. Habitual intoxication or addiction to the use of drugs.
5. Conviction of a felony related to the profession or occupation of the licensee. A copy of the record of conviction or plea of guilty shall be conclusive evidence.

6. Fraud in representations as to skill or ability.

7. Use of untruthful or improbable statements in advertisements.

8. Willful or repeated violations of the provisions of this Act.

Sec. 24. All rules required by section four (4) of this Act, shall be submitted to the administrative rules review committee before October 1, 1978.

Sec. 25. Sections one hundred fifty-four point eight (154.8) and one hundred fifty-four A point sixteen (154A.16), Code 1977, are repealed.

Sec. 26. This Act is effective January 1, 1978.  
Approved July 12, 1977