

to and receipt of necessary professional services, behavioral assessment and modification, self-assessment, self-living skills, and biological parent contact. An individual licensee may complete the training as part of an approved training program offered by a public or private agency with expertise in the provision of child foster care or in related subject areas. The department shall adopt rules to implement and enforce this training requirement.

Sec. 2. Section 237.21, subsection 3, Code 1987, is amended to read as follows:

3. Members of the state board and local boards and the employees of the department are subject to standards of confidentiality pursuant to sections 217.30, ~~and~~ 235A.15, and 600.16. Members of the state and local boards and employees of the department who disclose information or records of the board or department, other than as provided in subsection 2, are guilty of a serious simple misdemeanor.

Approved May 6, 1987

CHAPTER 118

CORRECTIONAL PROGRAMS FOR OWI OFFENDERS AND OTHERS

S.F. 469

AN ACT relating to the confinement and treatment of persons convicted of a violation of operating a motor vehicle while intoxicated by requiring counties to provide temporary confinement for offenders under the supervision of the department of corrections who violate the conditions of treatment programs, by providing that a work release program may include out-of-state work or treatment placement, by specifying that an offender committing a third offense shall serve the minimum thirty-day term in the county jail, and may be sentenced to up to one year in the county jail, by providing that a person convicted of a second or subsequent offense shall be ordered to undergo a substance abuse evaluation, by providing that a person convicted of a third or subsequent offense or an offender whose substance abuse evaluation recommended treatment may be sentenced to the custody of the department of corrections who shall assign the person to a facility pursuant to section 246.513 or to treatment in the community under supervision of the department, by requiring judicial district departments of correctional services to provide programs for offenders under chapter 321J, by providing that a requirement for a mandatory minimum sentence for repeat offenders shall not apply to offenders under chapter 321J, and by providing that an offender under chapter 321J who is under the supervision of the department of corrections shall receive a clothing allowance and expense money allotted to inmates when the offender is assigned to a community-based corrections program.

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

Section 1. Section 246.513, subsection 1, unnumbered paragraph 1, Code 1987, is amended by striking the paragraph and inserting in lieu thereof the following:

The department of corrections in cooperation with judicial district departments of correctional services shall establish in each judicial district bed space for the confinement and treatment of offenders convicted of violating chapter 321J who are sentenced to the custody of the director. The offenders shall first be assigned to the Iowa medical classification facility at Oakdale for classification and after classification may be assigned to a residential facility operated by any judicial district department of correctional services. The facilities established shall meet all the following requirements:

Sec. 2. Section 246.513, Code 1987, is amended by adding the following new subsection after subsection 3, and renumbering the subsequent subsection:

NEW SUBSECTION. 4. Upon request by the director a county shall provide temporary confinement for offenders allegedly violating the conditions of assignment to a treatment program if space is available. The department shall negotiate a reimbursement rate with each county for the temporary confinement of offenders allegedly violating the conditions of assignment to a treatment program who are in the custody of the director or who are housed or supervised by the judicial district department of correctional services. The amount to be reimbursed shall be determined by multiplying the number of days a person is confined by the average daily cost of confining a person in the county facility as negotiated with the department. Payment shall be made upon submission of a voucher executed by the sheriff and approved by the director.

Sec. 3. Section 246.901, Code 1987, is amended to read as follows:
246.901 PROGRAM.

The Iowa department of corrections, in consultation with the board of parole, shall establish a work release program under which the board of parole may grant inmates sentenced to an institution under the jurisdiction of the department the privilege of leaving actual confinement during necessary and reasonable hours for the purpose of working at gainful employment. Under appropriate conditions the program may also include an out-of-state work or treatment placement or release for the purpose of seeking employment and attendance at an educational institution. An inmate may be placed on work release status in the inmate's own home, under appropriate circumstances, which may include child care and housekeeping in the inmate's own home.

Sec. 4. Section 321J.2, subsection 2, paragraph c, Code 1987, is amended to read as follows:
c. A class "D" felony for a third offense and each subsequent offense and shall be imprisoned in the county jail ~~or community-based correctional facility~~ for a determinate sentence of not more than one year but not less than thirty days, ~~which minimum term cannot be suspended notwithstanding section 901.5, subsection 3, and section 907.3, subsection 2 or committed to the custody of the director of the department of corrections, and assessed a fine of not less than seven hundred fifty dollars. The minimum jail term of thirty days cannot be suspended notwithstanding section 901.5, subsection 3, and section 907.3, subsection 2, however, the person sentenced shall receive credit for any time the person was confined in a jail or detention facility following arrest. If a person is committed to the custody of the director of the department of corrections pursuant to this paragraph and the sentence is suspended, the sentencing court shall order that the offender serve the thirty-day minimum term in the county jail. If the sentence which commits the person to the custody of the director of the department of corrections is later imposed by the court, all time served in a county jail toward the thirty-day minimum term shall count as time served toward the sentence which committed the person to the custody of the director of the department of corrections. A person convicted of a second or subsequent offense shall be ordered to undergo a substance abuse evaluation prior to sentencing. If a person is convicted of a third or subsequent offense or if the evaluation recommends treatment, the offender may be committed to the custody of the director of the department of corrections, who, if the sentence is not suspended, shall assign the person to a facility pursuant to section 246.513 or the offender may be committed to treatment in the community under the provisions of section 907.6.~~

Sec. 5. Section 321J.3, subsection 1, Code 1987, is amended to read as follows:

1. On a conviction for a violation of section 321J.2, the court may order the defendant to attend a course for drinking drivers under section 321J.22. If the defendant submitted to a chemical test on arrest for the violation of section 321J.2 and the test indicated an alcohol concentration of .20 or higher, or if the defendant is charged with a second or subsequent offense, the court shall order the defendant, on conviction, to undergo a substance abuse evaluation and the court may order the defendant to follow the recommendations proposed in the

substance abuse evaluation for appropriate substance abuse treatment for the defendant. Court-ordered substance abuse treatment is subject to the periodic reporting requirements of section 125.86. If a defendant is committed by the court to a substance abuse treatment facility, the administrator of the facility shall report to the court when it is determined that the defendant has received the maximum benefit of treatment at the facility and the defendant shall be released from the facility. The time for which the defendant is committed for treatment shall be credited against the defendant's sentence. The court may prescribe the length of time for the evaluation and treatment or it may request that the area school conducting the course for drinking drivers which the person is ordered to attend or the treatment program to which the person is committed immediately report to the court when the person has received maximum benefit from the course for drinking drivers or treatment program or has recovered from the person's addiction, dependency, or tendency to chronically abuse alcohol or drugs. A person committed under this section who does not possess sufficient income or estate to make payment of the costs of the treatment in whole or in part shall be considered a state patient and the costs of treatment shall be paid as provided in section 125.44. A defendant who fails to carry out the order of the court or who fails to successfully complete or attend a course for drinking drivers or an ordered substance abuse treatment program shall be confined in the county jail for twenty days in addition to any other imprisonment ordered by the court or may be ordered to perform unpaid community service work, and shall be placed on probation for one year with a violation of this probation punishable as contempt of court.

Sec. 6. Section 905.7, subsections 1 and 3, Code 1987, are amended to read as follows:

1. Provide pretrial release, presentence investigations, probation services, parole services, work release services, programs for offenders convicted under chapter 321J, and residential treatment centers throughout the district, as necessary.

3. Follow practices and procedures which maximize the availability of federal funding for the district department's community-based correctional program and assist the department of transportation which is authorized to follow practices and procedures designed to maximize the availability of federal funding for the enforcement and implementation of drunk driver prevention and other highway safety programs.

Sec. 7. Section 905.10, Code 1987, is amended to read as follows:

905.10 POSTINSTITUTIONAL PROGRAMS AND SERVICES.

Persons participating in postinstitutional services, except those persons paroled and those persons contracted to the district department, remain under the jurisdiction of the Iowa department of corrections. The district department of correctional services shall maintain adequate personnel to provide postinstitutional residential services, programs for offenders convicted under chapter 321J, parole services, and supervision of persons transferred into the state under the interstate compact for supervision of parolees and probationers.

Sec. 8. Section 906.5, unnumbered paragraph 2, Code 1987, is amended to read as follows:

If the person who is under consideration for parole is serving a sentence for conviction of a felony and has a criminal record of one or more prior convictions for a forcible felony or a crime of a similar gravity in this or any other state, parole shall be denied unless the person has served at least one-half of the maximum term of the defendant's sentence. However, the mandatory sentence provided for by this section does not apply if the:

1. The sentence being served is for a felony other than a forcible felony and the sentences for the prior forcible felonies expired at least five years before the date of conviction for the present felony.

2. The sentence being served is on a conviction for operating a motor vehicle while under the influence of alcohol or a drug under chapter 321J.

Sec. 9. Section 906.9, Code 1987, is amended to read as follows:

906.9 CLOTHING, TRANSPORTATION, AND MONEY.

When an inmate is discharged, paroled, or placed on work release, or placed in a community-based correctional program under section 246.513, the warden or superintendent shall furnish the inmate, at state expense, appropriate clothing and transportation to the place in this state indicated in the inmate's discharge, parole, or work release plan, or community-based corrections assignment. When an inmate is discharged, paroled, or placed on work release, or placed in a community-based correctional program under section 246.513, the warden or superintendent shall provide the inmate, at state expense, money in accordance with the following schedule:

1. Upon discharge or parole, one hundred dollars.
2. Upon being placed on work release, fifty dollars.
3. Upon going from an educational work release to parole or discharge, fifty dollars.
4. Upon being placed in a community-based correctional program under section 246.513, fifty dollars.

Those inmates receiving payment under subsection 2, or 3, or 4 of this section shall not be eligible for payment under subsection 1 of this section unless they are returned to the institution. The warden or superintendent shall maintain an account of all funds expended pursuant to this section.

Approved May 6, 1987

CHAPTER 119**THERAPEUTICALLY CERTIFIED OPTOMETRISTS***S.F. 216*

AN ACT allowing therapeutically certified optometrists to employ and supply certain pharmaceutical agents and to treat certain conditions.

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

Section 1. Section 154.1, unnumbered paragraph 3, Code 1987, is amended to read as follows:

Therapeutically certified optometrists may employ the following pharmaceuticals; topical and oral antimicrobial agents, topical and oral antihistamines, topical and oral antiglaucoma agents, topical anti-inflammatory agents, topical and oral analgesic agents and topical anesthetic agents and notwithstanding section 147.107, may without charge supply any of the above listed pharmaceuticals to commence a course of therapy. Superficial foreign bodies may be removed from the human eye and adnexa. These therapeutic efforts are intended for the purpose of examination, diagnosis, and treatment of visual defects, abnormal conditions and diseases of the human eye and adnexa, except glaucoma, for proper optometric practice or referral for consultation or treatment to persons licensed under chapter 148 or 150A. A therapeutically certified optometrist is an optometrist who is licensed to practice optometry in this state and who is certified by the board of optometry examiners to use the agents and procedures listed above. A therapeutically certified optometrist shall be provided with a distinctive certificate by the board which shall be displayed for viewing by the patients of the optometrist.

Sec. 2. Section 154.3, subsection 6, Code 1987, is amended to read as follows:

6. A person licensed in any state as an optometrist prior to January 1, 1986, who applies to be a therapeutically certified optometrist shall first satisfactorily complete a course as defined by rule of the board of optometry examiners with particular emphasis on the examination, diagnosis and treatment of conditions of the human eye and adnexa provided by an institution accredited by a regional or professional accreditation organization which is recognized or approved by the council on postsecondary accreditation of the United States office of education, and approved by the board of optometry examiners. The rule of the board shall require