

a. An existing infectious waste treatment or disposal facility shall comply with the standards and limitations adopted by July 1, 1993 1994, or as federal standards and limitations become final, whichever is earlier.

Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 29, 1992

CHAPTER 1183

HEALTH PRACTICE PROFESSION EXAMINING BOARDS

H.F. 2292

AN ACT relating to the health practice profession examining boards and the duties of the board of medical examiners and providing penalties.

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

Section 1. Section 80A.2, Code 1991, is amended by adding the following new subsection:
NEW SUBSECTION. 8. A person engaged in the process of verifying the credentials of physicians and allied health professionals applying for hospital staff privileges.

Sec. 2. Section 147.14, subsection 2, Code Supplement 1991, is amended to read as follows:
2. For medical examiners, five members licensed to practice medicine and surgery, two members licensed to practice osteopathic medicine and surgery, and ~~two~~ three members not licensed to practice either medicine and surgery or osteopathic medicine and surgery, and who shall represent the general public. A majority of members of the board constitutes a quorum.

Sec. 3. Section 147.36, Code 1991, is amended by adding the following new subsections, and renumbering subsequent subsections:

NEW SUBSECTION. 1. The qualifications required for applicants seeking to take examinations.

NEW SUBSECTION. 2. The denial of applicants seeking to take examinations.

NEW SUBSECTION. 5. The minimum scores required for passing standardized examinations.

Sec. 4. Section 147.74, subsections 2 and 3, Code Supplement 1991, are amended to read as follows:

2. A physician or surgeon may ~~preceede the person's name with the title~~ use the prefix "Dr." or "Doctor", and shall add after the person's name the letters, "M.D."

3. An osteopath or osteopathic physician and surgeon may use the prefix "Dr." or "Doctor", ~~but~~ and shall add after the person's name the letters, "D.O." or "O.S." ~~as the case may be,~~ or the words, "Osteopath" or "Osteopathic Physician and Surgeon".

Sec. 5. Section 147.80, unnumbered paragraph 1 and subsection 3, Code Supplement 1991, are amended to read as follows:

An examining board shall set the fees for the examination of applicants, which fees shall be based upon the ~~annual~~ cost of administering the examinations. An examining board shall set the ~~annual license~~ fees, ~~except and~~ renewal fees ~~which need not be annual,~~ required for any of the following based upon the cost of sustaining the board and the actual costs of licensing:

3. License to practice medicine and surgery, ~~or~~ osteopathic medicine and surgery, ~~issued upon the basis of an examination given by the board of medical examiners,~~ license to practice medicine and surgery, osteopathic medicine and surgery or osteopathy issued by endorsement ~~or under a reciprocal agreement,~~ and renewal of a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy.

Sec. 6. Section 147.86, Code 1991, is amended to read as follows:
147.86 PENALTIES.

Any person violating any provision of this or the following chapters of this title, except insofar as said the provisions apply or relate to or affect the practice of pharmacy, or where a specific penalty is not otherwise provided, shall be guilty of a serious misdemeanor.

Sec. 7. Section 147.102, Code 1991, is amended to read as follows:

147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS, OSTEOPATHS, AND OSTEOPATHIC PHYSICIANS AND SURGEONS.

Notwithstanding the provisions of this title, every application for a license to practice medicine and surgery, psychology, chiropractic, or dentistry, osteopathy, or osteopathic medicine and surgery, shall be made directly to the chairperson, executive director, or secretary of the examining board of such profession, and every reciprocal agreement for the recognition of any such license issued in another state shall be negotiated by the examining board for such profession. All examination, license, and renewal fees received from persons licensed to practice any of such professions shall be paid to and collected by the chairperson, executive director, or secretary of the examining board of such profession, who shall transmit the fees to the treasurer of state for deposit into the general fund of the state. The salary of the secretary shall be established by the governor with the approval of the executive council pursuant to section 19A.9, subsection 2, under the pay plan for exempt positions in the executive branch of government.

Sec. 8. Section 147.103, Code 1991, is amended to read as follows:

147.103 INVESTIGATORS FOR PHYSICIAN ASSISTANTS.

~~The medical examiners may appoint investigators, who shall not be members of the examining board, to administer and aid in the enforcement of the provisions of the law relating to those licensed to practice medicine and surgery, osteopathic medicine and surgery, and osteopathy. The amount of compensation for the investigators shall be determined pursuant to chapter 19A.~~

The board of physician assistant examiners may appoint investigators, who shall not be members of the examining board, to administer and aid in the enforcement of the provisions of law relating to physician assistants. The amount of compensation for the investigators shall be determined pursuant to chapter 19A.

Investigators authorized by the ~~board of medical examiners and the board of physician assistant examiners~~ have the powers and status of peace officers when enforcing this chapter and chapters 147A, 148, 148C, 150, 150A, and 258A.

Sec. 9. NEW SECTION. 147.103A PHYSICIANS AND SURGEONS, OSTEOPATHS, AND OSTEOPATHIC PHYSICIANS AND SURGEONS.

This chapter shall apply to the licensing of persons to practice as physicians and surgeons, osteopaths, and osteopathic physicians and surgeons by the board of medical examiners subject to the following provisions:

1. A person violating the provisions of section 147.2, 147.84, or 147.85, shall upon conviction be guilty of a class "D" felony.

2. The issuance of reciprocal agreements pursuant to section 147.44 is not required and is subject to the discretion of the board.

3. The board may appoint investigators, who shall not be members of the examining board, and whose compensation shall be determined pursuant to chapter 19A. Investigators appointed by the board have the powers and status of peace officers when enforcing this chapter and chapters 147A, 148, 150, 150A, and 258A.

4. Applications for a license shall be made to the chairperson, executive director, or secretary of the board. All examination, license, and renewal fees shall be paid to and collected by the chairperson, executive director, or secretary of the board, who shall transmit the fees to the treasurer of state for deposit in the general fund of the state. The salary of the executive director of the board shall be established by the governor with approval of the executive

council pursuant to section 19A.9, subsection 2, under the pay plan for exempt positions in the executive branch of government.

4A. The board shall give priority to the processing of applications for licensure submitted by physicians and surgeons, osteopaths, and osteopathic physicians and surgeons whose practice will primarily involve provision of service to underserved populations, including but not limited to persons who are minorities or low-income, or who live in rural areas.

5. Disciplinary hearings held pursuant to section 258A.6, subsection 1, shall be heard by the board, or by a panel of not less than three board members, at least two of which are licensed in the profession, or by a panel of not less than three members appointed pursuant to section 258A.6, subsection 2. Notwithstanding chapters 17A and 21, a disciplinary hearing shall be open to the public at the discretion of the licensee.

Sec. 10. Section 147.107, subsection 2, unnumbered paragraph 2, Code Supplement 1991, is amended to read as follows:

A physician, dentist, or podiatrist who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall annually register the fact that they dispense prescription drugs with the practitioner's respective examining board. A physician doing so shall register biennially.

Sec. 11. NEW SECTION. 148.2A BOARD OF MEDICAL EXAMINERS.

As used in this chapter, "board" and "medical examiners" mean the board of medical examiners established in chapter 147.

Sec. 12. Section 148.3, Code 1991, is amended to read as follows:

148.3 REQUIREMENTS FOR LICENSE.

~~Each~~ An applicant for a license to practice medicine and surgery shall:

1. Present a diploma issued by a medical college approved by the medical examiners, or present other evidence of equivalent medical education approved by the medical examiners. The medical examiners may accept, in lieu of a diploma from a medical college approved by them, all of the following:

a. A diploma issued by a medical college which has been neither approved nor disapproved by the medical examiners; and

b. ~~The recommendation of~~ A valid standard certificate issued by the educational commission for foreign medical graduates, ~~incorporated~~ or similar accrediting agency.

2. Pass an examination prescribed by the medical examiners which shall include subjects which determine the applicant's qualifications to practice medicine and surgery and which shall be given according to the methods deemed by the medical examiners to be the most appropriate and practicable. However, the federation licensing examination (FLEX) or any other national standardized examination which the ~~medical examiner~~ examiners shall approve may be administered to any or all applicants in lieu of or in conjunction with other examinations which the medical examiners shall prescribe. The medical examiners may establish necessary achievement levels on all examinations for a passing grade and ~~promulgate~~ adopt rules relating to examinations.

3. Present to the ~~Iowa department of public health~~ medical examiners satisfactory evidence that the applicant has successfully completed one year of ~~postgraduate~~ internship or resident training in a hospital approved for such training by the medical examiners.

Sec. 13. Section 148.4, Code 1991, is amended to read as follows:

148.4 CERTIFICATES OF NATIONAL BOARD.

The ~~Iowa department of public health~~ may, with the approval of the medical examiners, may accept in lieu of the examination prescribed in section 148.3 a certificate of examination issued by the national board of medical examiners of the United States of America, but every applicant for a license upon the basis of such certificate shall be required to pay the fee prescribed by the ~~board~~ medical examiners for licenses issued under ~~reciprocal agreements~~.

Sec. 14. Section 148.5, Code 1991, is amended to read as follows:

148.5 RESIDENT PHYSICIAN LICENSE.

~~Any A~~ physician, who is a graduate of a medical school and is serving ~~only~~ as a resident physician ~~and~~ who is not otherwise licensed to practice medicine and surgery in this state, shall be required to obtain from the medical examiners a license to practice as a resident physician. The license shall be designated "Resident Physician License" and shall authorize the licensee to serve as a resident physician only, under the supervision of a licensed practitioner of medicine and surgery or osteopathic medicine and surgery, in an institution approved for ~~this purpose~~ such training by the medical examiners. Such license shall be valid for one year and may be renewed at the discretion of the medical examiners. The fee for ~~this each~~ license shall be set by the ~~board~~ medical examiners to cover the administrative costs of issuing the license, and if extended beyond one year, a renewal fee as set by the board medical examiners shall be required. The medical examiners shall determine in each instance those eligible for ~~this a~~ license, whether or not examinations shall be given, and the type of examinations. No requirements of the law pertaining to regular permanent licensure shall be mandatory for ~~this resident licensure~~ a resident physician license except as specifically designated by the medical examiners. The granting of a resident physician license does not in any way indicate that the person so licensed is necessarily eligible for regular permanent licensure, nor are the medical examiners in any way obligated to so license such individual. ~~The medical examiners shall revoke the license at any time they shall determine either that the caliber of work done by a licensee or the type of supervision being given such licensee does not conform to reasonable standards established by the medical examiners.~~

Sec. 15. Section 148.6, subsection 1, paragraph d, Code 1991, is amended to read as follows:

d. Having the license to practice medicine and surgery, osteopathic medicine and surgery or osteopathy revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is ~~conclusive or~~ prima facie evidence.

Sec. 16. Section 148.7, subsection 7, paragraph c, Code 1991, is amended to read as follows:

c. Suspend imposition of judgment and penalty or impose the judgment and penalty, but suspend enforcement and place the physician on probation. The probation ordered may be vacated upon noncompliance. ~~The board of medical examiners may direct the director of public health to restore and reissue a license to practice medicine and surgery, osteopathic medicine and surgery or osteopathy, but may impose a disciplinary or corrective measure which it might originally have imposed. Such findings of fact and decision shall be filed with the director of public health who shall within ten days from such filing enter an order revoking or suspending the license issued to a physician licensed to practice medicine and surgery, osteopathic medicine and surgery or osteopathy, or discipline such physician as directed by the board in its decision. A copy of the director's order shall immediately be sent by registered mail to the licensee's last known post-office address accompanied by a copy of the board's findings of fact and decision. A copy of the medical examiners' order, findings of fact, and decision, shall be served on the licensee in the manner of service of an original notice or by certified mail return receipt requested.~~

Sec. 17. Section 148.7, subsection 9, Code 1991, is amended to read as follows:

9. ~~The director's~~ medical examiners' order revoking or suspending a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy or to discipline a licensee shall remain in force and effect until the appeal is finally determined and disposed of upon its merit.

Sec. 18. Section 148.8, Code 1991, is amended to read as follows:

148.8 VOLUNTARY SURRENDER OF LICENSE.

~~The director of public health is hereby authorized to~~ medical examiners may accept the voluntary surrender of a license if accompanied by a written statement of intention. ~~Such A~~

voluntary surrender, when so accepted, ~~shall have~~ has the same force and effect as an order of revocation.

Sec. 19. Section 148.12, Code 1991, is amended to read as follows:

148.12 VOLUNTARY AGREEMENTS.

The medical examiners, after due notice and hearing, may ~~direct the director of public health~~ to issue an order to revoke, suspend, or restrict a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy, or to issue a restricted license on application if, ~~after a hearing,~~ the medical examiners determine that a physician licensed to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy, or an applicant for licensure has entered into a voluntary agreement to restrict the practice of medicine and surgery, osteopathic medicine and surgery, or osteopathy in another state, district, territory, or country. A certified copy of the voluntary agreement shall be considered ~~conclusive or~~ prima facie evidence.

Sec. 20. Section 150A.9, Code 1991, is amended to read as follows:

150A.9 RESIDENT LICENSE.

~~Any~~ An osteopathic physician and surgeon who is a graduate of a college of osteopathic medicine and surgery ~~approved by the medical examiners~~ and is serving only as a resident ~~osteopathic physician and surgeon~~ and who is not licensed to practice osteopathic medicine and surgery in this state, shall be required to obtain from the medical examiners a ~~temporary or special~~ license to practice as a resident osteopathic physician and surgeon. The license shall be designated "Resident Osteopathic Physician and Surgeon License", and shall authorize the licensee to serve as a resident physician only, under the supervision of a licensed practitioner of osteopathic medicine and surgery or licensed practitioner of medicine and surgery, in an institution approved for ~~this purpose~~ such training by the medical examiners. ~~Such~~ A license shall be valid for one year and may be renewed at the discretion of the medical examiners. The fee for ~~this each~~ license shall be set by the ~~board~~ medical examiners and based on the administrative cost of issuing the license, and if extended beyond one year, a renewal fee shall be required. The medical examiners shall determine in each instance those eligible for ~~this a~~ license, whether or not examinations shall be given, and the type of examinations. No requirements of the law pertaining to regular permanent licensure shall be mandatory for ~~this resident licensure~~ a resident osteopathic physician and surgeon's license except as specifically designated by the medical examiners. The granting of a resident osteopathic physician and surgeon's license does not in any way indicate that the person so licensed is necessarily eligible for regular permanent licensure, nor are the medical examiners in any way obligated to so license such individual. ~~The medical examiners shall revoke said license at any time they shall determine either that the caliber of work done by the licensee or the type of supervision being given such licensee does not conform to reasonable standards established by the medical examiners.~~

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