

Sec. 2. NEW SECTION. 147A.1A LEAD AGENCY.

The department is designated as the lead agency for coordinating and implementing the provision of emergency medical services in this state.

Sec. 3. Section 147A.4, subsection 2, Code 1993, is amended to read as follows:

2. The ~~board~~ department shall adopt rules required or authorized by this chapter pertaining to the examination and certification of advanced emergency medical care providers. These rules shall include, but need not be limited to, requirements concerning prerequisites, training, and experience for advanced emergency medical care providers and procedures for determining when individuals have met these requirements. The department shall consult with the board concerning these rules.

3. The ~~board~~ department shall establish the fee for the examination of the advanced emergency medical care providers to cover the administrative costs of the examination program.

Sec. 4. Section 147A.7, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 1A. If clinical issues are involved, the matter shall be referred to the board for completion of the investigation and the conduct of any disciplinary proceeding pursuant to chapter 17A. The findings of the board shall be the final decision for purposes of section 17A.15 and shall be enforced by the department.

Sec. 5. Section 147A.8, Code 1993, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department shall consult with the board concerning rules and training requirements related to this section.

Sec. 6. Section 147A.9, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 4. The department shall consult with the board concerning rules related to this section.

Sec. 7. Sections 147A.1, subsections 1 and 2, 147A.6, 147A.7, subsections 2 and 3, 147A.8, subsections 1 and 2, and 147A.9, Code 1993, are amended by striking the word "board" and inserting in lieu thereof the word "department".

Approved April 28, 1993

CHAPTER 59

SPECIAL EDUCATION — INSTRUCTION IN BRAILLE READING AND WRITING

S.F. 254

AN ACT to broaden the definition of children requiring special education to include children who retain some sight but who have a medically diagnosed expectation of visual deterioration and to provide for related matters.

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

Section 1. Section 256.7, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 24. Adopt rules that include children who retain some sight but who have a medically diagnosed expectation of visual deterioration within the definition of children requiring special education pursuant to section 256B.2, subsection 1. Rules adopted pursuant to this subsection shall provide for or include, but are not limited to, the following:

a. A presumption that proficiency in braille reading and writing is essential for satisfactory educational progress for a visually impaired student who is not able to communicate in print with the same level of proficiency as a student of otherwise comparable ability at the same

grade level. This presumption includes a student as defined in paragraph "b". A student for whom braille services are appropriate, as defined in this subsection, is entitled to instruction in braille reading and writing that is sufficient to enable the pupil to communicate with the same level of proficiency as a pupil of otherwise comparable ability at the same grade level.

b. A pupil who retains some sight but who has a medically diagnosed expectation of visual deterioration in adolescence or early adulthood may qualify for instruction in braille reading and writing.

c. Instruction in braille reading and writing may be used in combination with other special education services appropriate to a pupil's educational needs.

d. The annual review of a pupil's individual education plan shall include discussion of instruction in braille reading and writing and a written explanation of the reasons why the pupil is using a given reading and writing medium or media. If the reasons have not changed since the previous year, the written explanation for the current year may refer to the fuller explanation from the previous year.

e. A pupil as defined in paragraph "b" whose primary learning medium is expected to change may begin instruction in the new medium before it is the only medium the pupil can effectively use.

f. A pupil who receives instruction in braille reading and writing pursuant to this subsection shall be taught by a teacher licensed to teach students with visual impairments.

Sec. 2. Section 301.10, Code 1993, is amended by striking the section and inserting in lieu thereof the following:

301.10 TEXTBOOK SUPPLIERS.

A person or firm desiring to furnish books or supplies under this chapter shall do all of the following:

1. At or before the time of filing a bid, make available samples of all textbooks included in the bid, accompanied by lists giving the lowest wholesale and contract prices for the textbooks.

2. If requested by the department of education, make available a machine-readable version of a textbook purchased by a school district to the department in the best available format for electronic braille translation.

Sec. 3. The department of education shall prepare and distribute information describing the benefits of instruction in braille reading and writing to a person assisting in the development of an individualized education plan of a pupil with vision impairment, including appendix E to the guidelines for programs serving pupils with visual impairments published by the bureau of special education of the department.

Approved April 28, 1993

CHAPTER 60**DIVISION OF INSURANCE – MISCELLANEOUS REGULATORY PROVISIONS***S.F. 271*

AN ACT relating to entities and subject matter under the regulatory authority of the regulated industries unit of the division of insurance, including residential service contracts, continuing care retirement communities, loan brokers, and membership organizations.

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

Section 1. NEW SECTION. 503A.1 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Buying club" means a corporation, partnership, unincorporated association, or other business enterprise which sells or offers for sale to the public generally memberships or certificates of membership.
2. "Membership" means certificates, memberships, shares, bonds, contracts, stocks, or agreements of any kind or character issued upon any plan offered generally to the public entitling the holder to purchase merchandise, materials, equipment, or service, either from the issuer or another person designated by the issuer, either under a franchise or otherwise, whether it be at a discount, at cost plus a percentage, at cost plus a fixed amount, at a fixed price, or on any other similar basis.
3. "Contract" means the agreement by which a person acquires a membership in a buying club.

Sec. 2. NEW SECTION. 503A.2 EXEMPTIONS.

This chapter does not apply to any of the following:

1. Building and loan associations, state or national banks, insurance companies and associations, mutual or cooperative telephone companies organized under chapter 491 which have been determined to be exempt from taxation under 501(c)(12) of the Internal Revenue Code.
2. Corporations and cooperative associations subject to regulation under chapter 497, 498, or 499.
3. The sale of membership camping contracts by persons or entities registered or exempt under chapter 557B.
4. The sale of physical exercise club contracts by persons or entities registered under chapter 552.
5. Corporations, partnerships, unincorporated associations, or other business enterprises which sell or offer for sale memberships to an individual or to a family unit for consideration of no more than fifty dollars for a one-year period. Consideration for this purpose includes but is not limited to the amount of any required purchase under the terms of the contract.
6. The sale of goods or services by corporations, partnerships, unincorporated associations, or other business enterprises which sell products to direct sellers as defined by section 3508 of the Internal Revenue Code, where the initial contract establishing the relationship with the direct seller is terminable at will by either party, and where the corporation, partnership, unincorporated association, or other business enterprise offers to repurchase the products at reasonable commercial terms.

For purposes of subsection 6, "reasonable commercial terms" includes the repurchase of all unencumbered products which are in an unused, commercially resalable condition within one year from the direct seller's date of purchase. The repurchase shall be at a price not less than ninety percent of the original net cost to the direct seller of the products being returned. "Original net cost" means the amount actually paid by the direct seller for the products, less any consideration received by the direct seller for the purchase of the products being returned. Products which are no longer marketed by a program shall be deemed resalable if the products are otherwise in an unused, commercially resalable condition and are returned to the seller within one year from the direct seller's date of purchase, provided, however, that products which are no longer marketed by a program shall not be deemed resalable if the