

1. A person who knowingly, and willfully or maliciously torments, strikes, administers a nonpoisonous desensitizing substance to, or otherwise interferes with a police service dog, without inflicting serious injury on the dog, commits a ~~simple~~ serious misdemeanor.

2. A person who knowingly, and willfully or maliciously does any of the following commits a class "D" felony:

a. ~~tortures~~; Tortures a police service dog.

b. ~~injures~~ Injures, so as to disfigure or disable, a police service dog.

c. Sets a booby trap device for purposes of injuring, so as to disfigure or disable, or killing a police service dog.

d. Pays or agrees to pay a bounty for purposes of injury, so as to disfigure or disable, or killing a police service dog.

e. ~~kills, or~~ Kills a police service dog.

f. ~~administers~~ Administers poison to a police service dog, ~~commits a serious misdemeanor.~~

3. As used in this section, "police service dog" means a dog used by a peace officer or correctional officer in the performance of the officer's duties, whether or not the dog is on duty.

Approved April 27, 1995

CHAPTER 108

PRACTICE OF PODIATRY

S.F. 152

AN ACT relating to the name of those persons who engage in the practice of podiatry.

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

Section 1. Section 124.101, subsections 1 and 23, Code 1995, are amended to read as follows:

1. "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

a. A practitioner, or in the practitioner's presence, by the practitioner's authorized agent; or

b. The patient or research subject at the direction and in the presence of the practitioner.

Nothing contained in this chapter shall be construed to prevent a physician, dentist, ~~podiatrist~~ podiatric physician, or veterinarian from delegating the administration of controlled substances under this chapter to a nurse, intern, or other qualified individual or, as to veterinarians, to an orderly or assistant, under the veterinarian's direction and supervision; all pursuant to rules adopted by the board.

23. "Practitioner" means either:

a. A physician, dentist, ~~podiatrist~~ podiatric physician, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

b. A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled

substance in the course of professional practice or research in this state.

Sec. 2. Section 135.1, subsection 4, Code 1995, is amended to read as follows:

4. "Physician" means a person licensed to practice medicine and surgery, osteopathic medicine and surgery, osteopathy, chiropractic, or podiatry under the laws of this state; but a person licensed as a physician and surgeon shall be designated as a "physician" or "surgeon", a person licensed as an osteopathic physician and surgeon shall be designated as an "osteopathic physician" or "osteopathic surgeon", a person licensed as an osteopath shall be designated as an "osteopathic physician", a person licensed as a chiropractor shall be designated as a "chiropractor", and a person licensed as a podiatrist shall be designated as a "~~podiatrist~~ podiatric physician".

Sec. 3. Section 147.1, subsection 7, Code 1995, is amended to read as follows:

7. "Licensed" or "certified" when applied to a physician and surgeon, ~~podiatrist~~ podiatric physician, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, or social worker means a person licensed under this subtitle, excluding chapters 152B, 152C, and 152D.

Sec. 4. Section 147.74, subsection 6, Code 1995, is amended to read as follows:

6. A ~~podiatrist~~ podiatric physician may use the prefix "Dr." but shall add after the person's name the word "~~podiatrist~~ podiatric physician".

Sec. 5. Section 147.107, subsections 1 and 2, Code 1995, are amended to read as follows:

1. A person, other than a pharmacist, physician, dentist, ~~podiatrist~~ podiatric physician, or veterinarian who dispenses as an incident to the practice of the practitioner's profession, shall not dispense prescription drugs or controlled substances.

2. A pharmacist, physician, dentist, or ~~podiatrist~~ podiatric physician who dispenses prescription drugs, including but not limited to controlled substances, for human use, may delegate nonjudgmental dispensing functions to staff assistants only when verification of the accuracy and completeness of the prescription is determined by the pharmacist or practitioner in the pharmacist's or practitioner's physical presence.

A dentist or ~~podiatrist~~ podiatric physician 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.

A physician, dentist, or ~~podiatrist~~ podiatric physician who dispenses prescription drugs, other than drug samples, pursuant to this subsection, shall offer to provide the patient with a written prescription that may be dispensed from a pharmacy of the patient's choice or offer to transmit the prescription to a pharmacy of the patient's choice.

Sec. 6. Section 147.136, Code 1995, is amended to read as follows:

147.136 SCOPE OF RECOVERY.

In an action for damages for personal injury against a physician and surgeon, osteopath, osteopathic physician and surgeon, dentist, ~~podiatrist~~ podiatric physician, optometrist, pharmacist, chiropractor, or nurse licensed to practice that profession in this state, or against a hospital licensed for operation in this state, based on the alleged negligence of the practitioner in the practice of the profession or occupation, or upon the alleged negligence of the hospital in patient care, in which liability is admitted or established, the damages awarded shall not include actual economic losses incurred or to be incurred in the future by the claimant by reason of the personal injury, including but not limited to, the cost of reasonable and necessary medical care, rehabilitation services, and custodial care,

and the loss of services and loss of earned income, to the extent that those losses are replaced or are indemnified by insurance, or by governmental, employment, or service benefit programs or from any other source except the assets of the claimant or of the members of the claimant's immediate family.

Sec. 7. Section 147.138, Code 1995, is amended to read as follows:

147.138 CONTINGENT FEE OF ATTORNEY REVIEWED BY COURT.

In any action for personal injury or wrongful death against any physician and surgeon, osteopath, osteopathic physician and surgeon, dentist, ~~podiatrist~~ podiatric physician, optometrist, pharmacist, chiropractor or nurse licensed under this chapter or against any hospital licensed under chapter 135B, based upon the alleged negligence of the licensee in the practice of that profession or occupation, or upon the alleged negligence of the hospital in patient care, the court shall determine the reasonableness of any contingent fee arrangement between the plaintiff and the plaintiff's attorney.

Sec. 8. Section 148A.1, Code 1995, is amended to read as follows:

148A.1 DEFINITION – REFERRAL – AUTHORIZATION.

As used in this chapter, physical therapy is that branch of science that deals with the evaluation and treatment of human capabilities and impairments. Physical therapy uses the effective properties of physical agents including, but not limited to, mechanical devices, heat, cold, air, light, water, electricity, and sound, and therapeutic exercises, and rehabilitative procedures to prevent, correct, minimize, or alleviate a physical impairment. Physical therapy includes the interpretation of performances, tests, and measurements, the establishment and modification of physical therapy programs, treatment planning, consultative services, instructions to the patients, and the administration and supervision attendant to physical therapy facilities. Physical therapy evaluation and treatment may be rendered by a physical therapist with or without a referral from a physician, ~~podiatrist~~ podiatric physician, dentist, or chiropractor, except that a hospital may require that physical therapy evaluation and treatment provided in the hospital shall be done only upon prior review by and authorization of a member of the hospital's medical staff.

Sec. 9. Section 149.1, Code 1995, is amended to read as follows:

149.1 PERSONS ENGAGED IN PRACTICE – DEFINITION.

1. For the purpose of this subtitle the following classes of persons shall be deemed to be engaged in the practice of podiatry:

a. Persons who publicly profess to be ~~podiatrists~~ podiatric physicians or who publicly profess to assume the duties incident to the practice of podiatry.

b. Persons who diagnose, prescribe, or prescribe and furnish medicine for ailments of the human foot, or treat such ailments by medical, mechanical, or surgical treatments.

1A. Podiatric physician means a physician or surgeon licensed under this chapter to engage in the practice of podiatric medicine and surgery.

2. As used in this chapter, "human foot" means the ankle and soft tissue which insert into the foot as well as the foot.

Sec. 10. Section 149.5, unnumbered paragraph 2, Code 1995, is amended to read as follows:

A licensed ~~podiatrist~~ podiatric physician may prescribe and administer drugs for the treatment of human foot ailments as provided in section 149.1.

Sec. 11. Section 149.6, Code 1995, is amended to read as follows:

149.6 TITLE OR ABBREVIATION.

Every licensee shall be designated as a licensed ~~podiatrist~~ podiatric physician and shall not use any title or abbreviation without the designation "practice limited to the foot," nor mislead the public in any way as to the limited field or practice.

Sec. 12. Section 152.1, subsection 5, paragraph c, Code 1995, is amended to read as follows:

c. The performance of services by employed workers in offices, hospitals, or health care facilities, as defined in section 135C.1, under the supervision of a physician or a nurse licensed under this chapter, or employed in the office of a psychologist, ~~podiatrist~~ podiatric physician, optometrist, chiropractor, speech pathologist, audiologist, or physical therapist licensed to practice in this state, and when acting while within the scope of the employer's license.

Sec. 13. Section 155A.3, subsection 27, Code 1995, is amended to read as follows:

27. "Practitioner" means a physician, dentist, ~~podiatrist~~ podiatric physician, veterinarian, or other person licensed or registered to distribute or dispense a prescription drug or device in the course of professional practice in this state or a person licensed by another state in a health field in which, under Iowa law, licensees in this state may legally prescribe drugs.

Sec. 14. Section 155A.21, subsection 2, Code 1995, is amended to read as follows:

2. Subsection 1 does not apply to a licensed pharmacy, licensed wholesaler, physician, veterinarian, dentist, ~~podiatrist~~ podiatric physician, therapeutically certified optometrist, a nurse acting under the direction of a physician, or the board of pharmacy examiners, its officers, agents, inspectors, and representatives, nor to a common carrier, manufacturer's representative, or messenger when transporting the drug in the same unbroken package in which the drug was delivered to that person for transportation.

Sec. 15. Section 155A.23, subsection 3, Code 1995, is amended to read as follows:

3. For the purpose of obtaining a prescription drug, falsely assume the title of or claim to be a manufacturer, wholesaler, pharmacist, pharmacy owner, physician, dentist, ~~podiatrist~~ podiatric physician, veterinarian, or other authorized person.

Sec. 16. Section 232.2, subsection 23, Code 1995, is amended to read as follows:

23. "Health practitioner" means a licensed physician or surgeon, osteopath, osteopathic physician or surgeon, dentist, optometrist, ~~podiatrist~~ podiatric physician, or chiropractor, a resident or intern of any such profession, and any registered nurse or licensed practical nurse.

Sec. 17. Section 232.68, subsection 5, Code 1995, is amended to read as follows:

5. "Health practitioner" includes a licensed physician and surgeon, osteopath, osteopathic physician and surgeon, dentist, optometrist, ~~podiatrist~~ podiatric physician, or chiropractor; a resident or intern in any of such professions; a licensed dental hygienist, a registered nurse or licensed practical nurse; and a basic emergency medical care provider certified under section 147.161 or an advanced emergency medical care provider certified under section 147A.6.

Sec. 18. Section 514.18, Code 1995, is amended to read as follows:

514.18 ~~PODIATRISTS~~ PODIATRIC PHYSICIANS.

Medical or surgical services or procedures constituting the practice of podiatry, also known as chiropody, as defined by chapter 149, and covered by the terms of any individual, group, blanket, or franchise policy providing accident or health benefits hereafter delivered or hereafter issued for delivery in Iowa and covering an Iowa risk may be performed by any practitioner, selected by the insured, licensed under chapter 149 to perform such medical or surgical services or procedures. Any provision of such policy or exclusion or limitation denying an insured the free choice of such licensed ~~podiatrist~~ podiatric physician, also known as chiropodist, shall to the extent of the denial, be void, but such voidance shall not affect the validity of the other provisions of the policy.

Sec. 19. Section 519.1, Code 1995, is amended to read as follows:

519.1 AUTHORIZATION.

Any number of physicians and surgeons, osteopaths, osteopathic physicians and surgeons, ~~podiatrist~~ podiatric physicians, chiropractors, pharmacists, dentists, and graduate

nurses, licensed to practice their profession in this state, and hospitals licensed under chapter 135B, may, by complying with the provisions of this chapter and without regard to other statutory provisions, enter into contracts with each other for the purpose of protecting themselves by insurance against loss by reason of actions at law on account of their alleged error, mistake, negligence, or carelessness in the treatment and care of patients, including the performance of surgical operations, or in the prescribing and dispensing of drugs and medicines, or for loss by reason of damages in other respects, and to reimburse any member in case of such loss.

Sec. 20. Section 519A.2, subsection 3, Code 1995, is amended to read as follows:

3. "Licensed health care provider" means and includes a physician and surgeon, osteopath, osteopathic physician and surgeon, dentist, ~~pediatrist~~ podiatric physician, optometrist, pharmacist, chiropractor or nurse licensed pursuant to chapter 147, and a hospital licensed pursuant to chapter 135B.

Sec. 21. Section 614.1, subsection 9, Code 1995, is amended to read as follows:

9. MALPRACTICE. Those founded on injuries to the person or wrongful death against any physician and surgeon, osteopath, osteopathic physician and surgeon, dentist, ~~pediatrist~~ podiatric physician, optometrist, pharmacist, chiropractor, or nurse, licensed under chapter 147, or a hospital licensed under chapter 135B, arising out of patient care, within two years after the date on which the claimant knew, or through the use of reasonable diligence should have known, or received notice in writing of the existence of, the injury or death for which damages are sought in the action, whichever of the dates occurs first, but in no event shall any action be brought more than six years after the date on which occurred the act or omission or occurrence alleged in the action to have been the cause of the injury or death unless a foreign object unintentionally left in the body caused the injury or death.

Approved April 27, 1995

CHAPTER 109

UNEMPLOYMENT COMPENSATION – OVERPAYMENT AND WAGE CREDIT LIABILITY TRANSFER PROVISIONS

S.F. 155

AN ACT relating to employment services by eliminating wage credit liability transfers and allowing all employers relief from charges when an unemployment compensation overpayment is made and providing an applicability date.

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

Section 1. Section 96.3, subsection 7, unnumbered paragraph 2, Code 1995, is amended to read as follows:

If the division determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Sec. 2. Section 96.5, subsection 1, paragraph a, Code 1995, is amended to read as follows: