

- ~~g.~~ (6) The date and time when excavation is scheduled to begin.
- (7) Approximate location of the excavation on the property.
- (8) If known, the name of the housing development and property owner.
- c. A notice provided pursuant to this subsection for a location outside a city shall include the following information:
- (1) The name of the county, township, range, and section.
  - (2) The name and address of the excavator.
  - (3) The excavator's telephone number.
  - (4) The type and extent of the proposed excavation.
  - (5) Whether the discharge of explosives is anticipated.
  - (6) The date and time when excavation is scheduled to begin.
  - (7) Approximate location of the excavation on the property.
  - (8) If known, the quarter section, E911 address and global positioning system coordinate, name of property owner, name of housing development with street address or block and lot numbers, or both.
- d. For purposes of the requirements of this section, an excavation commences the first time excavation occurs in an area that was not previously identified by the excavator in an excavation notice.

Approved April 2, 1998

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## CHAPTER 1050

### MARITAL AND FAMILY THERAPY AND MENTAL HEALTH COUNSELING — LICENSURE — BOARD OF BEHAVIORAL SCIENCE EXAMINERS

*H.F. 2516*

AN ACT providing for mandatory licensure for marital and family therapists and mental health counselors, establishing transition provisions, removing frequency requirements regarding board of behavioral science examiners' meetings, and providing an effective date.

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

Section 1. Section 147.2, Code 1997, is amended to read as follows:

A person shall not engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, occupational therapy, respiratory care, pharmacy, cosmetology, barbering, social work, dietetics, marital and family therapy or mental health counseling, or mortuary science or shall not practice as a physician assistant as defined in the following chapters of this subtitle, unless the person has obtained from the department a license for that purpose.

Sec. 2. Section 154D.3, subsection 5, Code 1997, is amended by striking the subsection.

Sec. 3. Section 154D.4, Code 1997, is amended to read as follows:  
154D.4 EXEMPTIONS.

1. This chapter and chapter 147 do not prevent qualified members of other professions, including but not limited to nurses, psychologists, social workers, physicians, physician assistants, attorneys-at-law, or members of the clergy, from providing or advertising that

they provide services of a marital and family therapy or mental health counseling nature consistent with the accepted standards of their respective professions, but these persons shall not use a title or description denoting that they are licensed marital and family therapists or licensed mental health counselors.

2. The licensure requirements of this chapter and chapter 147 do not apply to the following:

a. Students whose activities are conducted within a course of professional education in marital and family therapy or mental health counseling.

b. A person who practices marital and family therapy or mental health counseling under the supervision of a person licensed under this chapter as part of a clinical experience as described in section 154D.2, subsection 1, paragraph "b", or section 154D.2, subsection 2, paragraph "b".

c. The provision of children, family, or mental health services through the department of human services or juvenile court, or agencies contracting with the department of human services or juvenile court, by persons who do not represent themselves to be either a marital and family therapist or a mental health counselor.

Sec. 4. NEW SECTION. 154D.6 TRANSITION PROVISIONS.

1. An applicant for a license to practice marital and family therapy or mental health counseling, applying prior to July 1, 2000, shall not be required respectively to meet the examination requirement contained in section 154D.2, subsection 1, paragraph "c", or subsection 2, paragraph "c", if one of the following is met:

a. The applicant meets the requirements contained in section 154D.2, subsection 1, paragraphs "a" and "b", or subsection 2, paragraphs "a" and "b", respectively.

b. The applicant meets the requirements contained in section 154D.2, subsection 1, paragraph "a", or subsection 2, paragraph "a", and has four thousand hours of employment experience in the practice of marital and family therapy or mental health counseling, respectively.

2. Penalty fees otherwise incurred pursuant to section 147.10, and continuing education requirements applicable to the period prior to license reinstatement, shall be waived by the board for any previously licensed marital and family therapist or mental health counselor whose license has lapsed prior to July 1, 1998. Applicants with a lapsed license applying for reinstatement shall be required to complete a reinstatement application and pay a renewal fee and reinstatement fee pursuant to section 147.11 and section 147.80, subsections 21 and 22.

3. The department of public health may retain any renewal fees generated by this Act which exceed the department's revenue projections for fee generation relating to marital and family therapy and mental health counseling under chapters 147 and 154D established prior to the enactment of this Act, during the fiscal year beginning July 1, 1998, and ending June 30, 1999. The department may use the retained fees to pay any administrative expenses directly resulting from the provisions of this Act.

Sec. 5. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 2, 1998