

d. ~~b.~~ For a beneficiary who meets the medical assistance level of care requirements for services in a psychiatric medical institution for children and who resides in a psychiatric medical institution for children, the applicable rate is the statewide average charge to private-pay patients for psychiatric medical institution for children care.

e. ~~c.~~ For a beneficiary who meets the medical assistance level of care requirements for services in a state mental health institute and who either resides in a state mental health institute or is eligible for medical assistance home and community-based waiver services except that the beneficiary's income exceeds the allowable maximum, the applicable rate is the statewide average charge for state mental health institute care.

d. For a beneficiary who meets the medical assistance level of care requirements for services in a nursing facility and is receiving care or is receiving specialized care such as an adult receiving Alzheimer's care, a child receiving skilled nursing facility care, or an adult or child receiving skilled nursing facility care for neurological disorders, the applicable rate is the statewide average charge for nursing facility services for the services or specialized services provided.

Approved May 17, 2004

CHAPTER 1167

PUBLIC HEALTH PROGRAMS AND REGULATION — MISCELLANEOUS CHANGES

H.F. 2551

AN ACT relating to programs under the authority of the department of public health.

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

Section 1. Section 135.11, Code Supplement 2003, is amended by adding the following new subsection:

NEW SUBSECTION. 29. Administer annual grants to county boards of health for the purpose of conducting programs for the testing of private water supply wells, the closing of abandoned private water supply wells, and the renovation or rehabilitation of private water supply wells. Grants shall be funded through moneys transferred to the department from the agriculture management account of the groundwater protection fund pursuant to section 455E.11, subsection 2, paragraph "b", subparagraph (3), subparagraph subdivision (b). The department shall adopt rules relating to the awarding of the grants.

Sec. 2. Section 135.105A, Code 2003, is amended to read as follows:

135.105A LEAD INSPECTOR AND LEAD ABATER TRAINING AND CERTIFICATION ESTABLISHED — CIVIL PENALTY.

1. The department shall establish a program for the training and certification of lead inspectors and lead abaters. The department shall maintain a listing, available to the public and to city and county health departments, of lead inspector and lead abater training programs that have been approved by the department, and of lead inspectors and lead abaters who have successfully completed the training program and have been certified by the department. A person may be certified as both a lead inspector and a lead abater. However, a person who is certified as both a lead inspector and a lead abater shall not provide both inspection and abatement

services at the same site unless a written consent or waiver, following full disclosure by the person, is obtained from the owner or manager of the site.

2. The department shall also establish a program for the training of painting, demolition, and remodeling contractors and those who ~~provide mitigation control services~~ conduct interim controls of lead-based paint hazards. The training shall be completed on a voluntary basis.

3. A person who owns real property which includes a residential dwelling and who performs lead inspection or lead abatement of the residential dwelling is not required to obtain certification to perform these measures, unless the residential dwelling is occupied by a person other than the owner or a member of the owner's immediate family while the measures are being performed. However, the department shall encourage property owners who are not required to be certified to complete the training course to ensure the use of appropriate and safe ~~mitigation~~ inspection and abatement procedures.

4. Except as otherwise provided in this section, a person shall not perform lead abatement or lead inspections unless the person has completed a training program approved by the department and has obtained certification. All lead abatement and lead inspections, and lead inspector and lead abater training programs, shall be performed and conducted in accordance with work practice standards established by the department. A person shall not conduct a training program for lead inspectors or lead abaters unless the program has been submitted to and approved by the department. A person who violates this section is subject to a civil penalty not to exceed five thousand dollars for each offense.

5. The department shall adopt rules regarding minimum requirements for training programs, certification, work practice standards, and suspension and revocation requirements, and shall implement the training and certification programs. The department shall seek federal funding and shall establish fees in amounts sufficient to defray the cost of the programs. Fees received shall be considered repayment receipts as defined in section 8.2.

Sec. 3. Section 136C.10, Code 2003, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. The department may establish and collect a fee related to transporting radioactive material if the fee is used for a purpose related to transporting radioactive material, including enforcement and planning, developing, and maintaining a capability for emergency response. The fees shall be established by rules adopted pursuant to chapter 17A, and shall be deposited into a special fund within the state treasury under the exclusive authority of the department. Amounts deposited in the special fund shall be considered repayment receipts as defined in section 8.2, and shall not be transferred, used, obligated, appropriated, or otherwise encumbered except as provided in this section. Repayment receipts collected and deposited pursuant to this section that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated in future fiscal years.

Sec. 4. Section 147.153, subsection 2, Code 2003, is amended to read as follows:

2. For a license as an audiologist:

a. Possess a master's degree or its equivalent from an accredited school, college or university with a major in audiology.

b. Show evidence of completion of not less than three hundred hours of supervised clinical training in audiology as a student in an accredited school, college or university.

c. Show evidence of completion of not less than nine months clinical experience under the supervision of a licensed audiologist following the receipt of the master's degree.

d. In lieu of paragraphs "a" through "c", hold a doctoral degree in audiology, or its equivalent, from an accredited school, college, or university which incorporates the academic coursework and the minimum hours of supervised training required by rules adopted by the board.

Sec. 5. Section 148.10, unnumbered paragraphs 2 and 3, Code 2003, are amended by striking the unnumbered paragraphs and inserting in lieu thereof the following:

The temporary certificate shall be issued for a period not to exceed one year and may be

renewed, but a person shall not practice medicine and surgery or osteopathic medicine and surgery in excess of three years while holding a temporary certificate. The fee for this license and the fee for renewal of this license shall be set by the medical examiners. The fees shall be based on the administrative costs of issuing and renewing the licenses.

Sec. 6. Section 148B.5, subsection 3, Code 2003, is amended by striking the subsection and inserting in lieu thereof the following:

3. Pass an examination, either in electronic or written form, satisfactory to the board and in accordance with rules.

Sec. 7. Section 153.19, subsection 2, Code 2003, is amended to read as follows:

2. A temporary permit shall be issued for a period determined by the board and may be renewed at the discretion of the board. The fee for a temporary permit and the fee for renewal shall be set by the board. The fees shall be based on the administrative costs of issuing and renewing the permits. ~~The board may revoke a temporary permit at any time, without a hearing, for reasons deemed sufficient by the board.~~

Sec. 8. Section 153.19, subsection 3, Code 2003, is amended by striking the subsection.

Sec. 9. Section 155A.3, Code 2003, is amended by adding the following new subsection: NEW SUBSECTION. 15A. "Electronic signature" means a confidential personalized digital key, code, or number used for secure electronic transmissions which identifies and authenticates the signatory.

Sec. 10. Section 155A.37, subsection 4, Code 2003, is amended to read as follows:

4. The board shall establish a procedure for receiving and investigating complaints of violations of this code. The board shall investigate all complaints of violations. ~~The results of an investigation shall be forwarded to the complainant.~~

Sec. 11. Section 455B.172, subsection 5, Code 2003, is amended to read as follows:

5. The department shall maintain jurisdiction over and regulate the direct discharge to a water of the state. The department shall retain concurrent authority to enforce state standards for private water supply and private sewage disposal facilities within a county, and exercise departmental authority if the county board of health fails to fulfill board responsibilities pursuant to this section.

The department shall by rule adopt standards for the commercial cleaning of private sewage disposal facilities, including but not limited to septic tanks and pits used to collect waste in livestock confinement structures, and for the disposal of waste from the facilities. The standards shall not be in conflict with the state building code. A person shall not commercially clean such facilities or dispose of waste from such facilities unless the person has been issued a license by the department. The department shall be exclusively responsible for adopting the standards and issuing licenses. However, county boards of health shall enforce the standards and licensing requirements established by the department. Application for the license shall be made in the manner provided by the department. Licenses expire one year from the date of issue unless revoked and may be renewed in the manner provided by the department. The license or license renewal fee is twenty-five dollars. A person violating this section or the rules adopted pursuant to this section, is subject to a civil penalty of not more than twenty-five dollars. Each day that a violation continues constitutes a separate offense. However, the total civil penalty shall not exceed five hundred dollars per year. The penalty shall be assessed for a violation occurring ten days following written notice of the violation delivered to the person by the department or a county board of health. Moneys collected by the department or a county board of health from the imposition of civil penalties shall be deposited in the general fund of the state.

~~The commission shall make grants to counties for the purpose of conducting programs for the testing of private, rural water supply wells and for the proper closing of abandoned, rural,~~

~~private water supply wells within the jurisdiction of the county. Grants shall be funded through allocation of the agriculture management account of the groundwater protection fund. Grants awarded, continued, or renewed shall be subject to the following conditions:~~

~~a. An application for a grant shall be in a form and shall contain information as prescribed by rule of the commission.~~

~~b. Nothing in this section shall be construed to prohibit the department from making grants to one or more counties to carry out the purpose of the grant on a joint, multicounty basis.~~

~~c. A grant shall be awarded on an annual basis to cover a fiscal year from July 1 to June 30 of the following calendar year.~~

~~d. The continuation or renewal of a grant shall be contingent upon the county's acceptable performance in carrying out its responsibilities, as determined by the director. The director, subject to approval by the commission, may deny the awarding of a grant or withdraw a grant awarded if, by determination of the director, the county has not carried out the responsibilities for which the grant was awarded, or cannot reasonably be expected to carry out the responsibilities for which the grant would be awarded.~~

Sec. 12. Section 455B.173, subsection 10, Code 2003, is amended by striking the subsection.

Approved May 17, 2004

CHAPTER 1168

PUBLIC HEALTH PROGRAMS AND REGULATION — ADDITIONAL PROVISIONS

H.F. 2555

AN ACT providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation.

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

Section 1. NEW SECTION. 135.39A GIFTS AND GRANTS FUND — APPROPRIATION.

The department is authorized to accept gifts, grants, or allotments of funds from any source to be used for programs authorized by this chapter or any other chapter which the department is responsible for administering. A public health gifts and grants fund is created as a separate fund in the state treasury under the control of the department. The fund shall consist of gift or grant moneys obtained from any source, including the federal government. The moneys collected under this section and deposited in the fund are appropriated to the department for the public health purposes specified in the gift or grant. Moneys in the fund shall not be subject to appropriation or expenditure for any other purpose. Notwithstanding section 8.33, moneys in the public health gifts and grants fund at the end of each fiscal year shall not revert to any other fund but shall remain in the public health gifts and grants fund for expenditure for subsequent fiscal years.

Sec. 2. Section 135.103, Code 2003, is amended to read as follows:

135.103 GRANT PROGRAM.

The department shall implement a childhood lead poisoning prevention grant program