

effect on the initial implementation date of either of the following contingencies, providing one of the contingencies is implemented:

a. Federal approval is received for the waiver request submitted by the department of human services pursuant to section 234.7, subsection 2, paragraph “a”, as enacted by this Act.

b. A state-funded program is implemented in lieu of the federal waiver, as described in section 234.7, subsection 2, paragraph “b”, as enacted by this Act.

2. The department of human services shall notify the Code editor if either of the contingencies in subsection 1 occurs.

3. If federal approval is received for the waiver request described in subsection 1, paragraph “a”, the department of human services shall convene a review committee to advise the department regarding the waiver’s implementation. The committee membership may include but is not limited to juvenile judges, parents of children participating in the waiver, service providers, departmental staff, at least two members of the general assembly, and others with knowledge concerning the waiver. The committee shall be convened when there are a sufficient number of children participating in the waiver for there to be implementation issues to consider or six months following the commencement date of the waiver, whichever is sooner.

4. If federal approval is received for the waiver request described in subsection 1, paragraph “a”, the child or family receiving services under the waiver shall have access to case management or another form of service coordination function.

Approved May 5, 2005

CHAPTER 118

VOLUNTEER HEALTH CARE PROVIDER PROGRAM

H.F. 620

AN ACT relating to the volunteer health care provider program and providing an effective date.

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

Section 1. Section 135.24, subsection 1, Code 2005, is amended to read as follows:

1. The director shall establish within the department a program to provide to eligible hospitals, clinics, free clinics, or other health care facilities, health care referral programs, or charitable organizations, free medical, dental, ~~and chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, and emergency medical care~~ services given on a voluntary basis by health care providers. A participating health care provider shall register with the department and obtain from the department a list of eligible, participating hospitals, clinics, free clinics, or other health care facilities, health care referral programs, or charitable organizations.

Sec. 2. Section 135.24, subsection 2, paragraphs a, c, and d, Code 2005, are amended to read as follows:

a. Procedures for registration of health care providers deemed qualified by the board of medical examiners, the board of physician assistant examiners, the board of dental examiners, the board of nursing, the board of chiropractic examiners, the board of psychology examiners, the board of social work examiners, the board of behavioral science examiners, ~~and~~ the board

of pharmacy examiners, ~~the board of optometry examiners, the board of podiatry examiners, the board of physical and occupational therapy examiners, the state board for respiratory care, and the Iowa department of public health, as applicable.~~

c. Criteria for and identification of hospitals, clinics, free clinics, or other health care facilities, health care referral programs, or charitable organizations, eligible to participate in the provision of free medical, dental, ~~or chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, or emergency medical care~~ services through the volunteer health care provider program. A free clinic, a health care facility, a health care referral program, a charitable organization, or a health care provider participating in the program shall not bill or charge a patient for any health care provider service provided under the volunteer health care provider program.

d. Identification of the services to be provided under the program. The services provided may include, but shall not be limited to, obstetrical and gynecological medical services, psychiatric services provided by a physician licensed under chapter 148, 150, or 150A, ~~dental services provided under chapter 153, or other services provided under chapter 147A, 148A, 148B, 148C, 149, 151, 152, 152B, 152E, 154, 154B, 154C, 154D, or 155A.~~

Sec. 3. Section 135.24, subsection 3, paragraph b, Code 2005, is amended to read as follows:

b. Provided medical, dental, ~~or chiropractic, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, or emergency medical care~~ services through a hospital, clinic, free clinic, or other health care facility, health care referral program, or charitable organization listed as eligible and participating by the department pursuant to subsection 1.

Sec. 4. Section 135.24, subsection 4, Code 2005, is amended to read as follows:

4. A free clinic providing free care under this section shall be considered a state agency solely for the purposes of this section and chapter 669 and shall be afforded protection under chapter 669 as a state agency for all claims arising from the provision of free care by a health care provider registered under subsection 3 who is providing services at the free clinic in accordance with this section ~~or from the provision of free care by a health care provider who is covered by adequate medical malpractice insurance as determined by the department~~, if the free clinic has registered with the department pursuant to subsection 1.

Sec. 5. Section 135.24, subsections 5 and 6, Code 2005, are amended to read as follows:

5. ~~For the purposes of this section, "charitable organization" means a charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code which has as its primary purpose the sponsorship or support of programs designed to improve the quality, awareness, and availability of chiropractic, dental, or medical services to children and to serve as a funding mechanism for provision of chiropractic, dental, or medical services, including but not limited to immunizations, to children in this state.~~

6. ~~5.~~ For the purposes of this section:

a. ~~"Charitable organization" means a charitable organization within the meaning of section 501(c)(3) of the Internal Revenue Code which has as its primary purpose the sponsorship or support of programs designed to improve the quality, awareness, and availability of chiropractic, dental, medical, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, or emergency medical care services to children and to serve as a funding mechanism for provision of chiropractic, dental, medical, pharmaceutical, nursing, optometric, psychological, social work, behavioral science, podiatric, physical therapy, occupational therapy, respiratory therapy, or emergency medical care services, including but not limited to immunizations, to children in this state.~~

a. ~~b.~~ "Free clinic" means a facility, other than a hospital or health care provider's office

which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code and which has as its sole purpose the provision of health care services without charge to individuals who are otherwise unable to pay for the services.

b. ~~c.~~ "Health care provider" means a physician licensed under chapter 148, 150, or 150A, ~~or a chiropractor licensed under chapter 151, a physical therapist licensed pursuant to chapter 148A, an occupational therapist licensed pursuant to chapter 148B, a podiatrist licensed pursuant to chapter 149,~~ a physician assistant licensed and practicing under a supervising physician pursuant to chapter 148C, a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed pursuant to chapter 152 or 152E, a respiratory therapist licensed pursuant to chapter 152B, a dentist, dental hygienist, or dental assistant registered or licensed to practice under chapter 153, an optometrist licensed pursuant to chapter 154, a psychologist licensed pursuant to chapter 154B, a social worker licensed pursuant to chapter 154C, a mental health counselor or a marital and family therapist licensed pursuant to chapter 154D, ~~or a pharmacist licensed pursuant to chapter 155A, or an emergency medical care provider certified pursuant to chapter 147A.~~

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved May 5, 2005

CHAPTER 119

STATE SECURITY AND EMERGENCY MANAGEMENT

H.F. 716

AN ACT relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, and the use of the national incident management system for state emergencies.

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

Section 1. Section 29A.1, Code 2005, is amended by adding the following new subsection: NEW SUBSECTION. 0A. "Civil air patrol" means the civilian auxiliary of the United States air force established by the United States Congress in 36 U.S.C. § 40301 et seq., and 10 U.S.C. § 9441 et seq.

Sec. 2. NEW SECTION. 29A.3A CIVIL AIR PATROL.

1. The civil air patrol may be used to support national guard missions in support of civil authorities as described in section 29C.5 or in support of noncombat national guard missions under section 29A.8 or 29A.8A.

2. Requests for activation of the civil air patrol shall be made to the commander of the Iowa wing of the civil air patrol. Missions shall be in accordance with laws and regulations applicable to the United States air force and the civil air patrol. Prior to activation of the civil air patrol, the adjutant general or the Iowa civil air patrol wing commander shall apply to the air force rescue coordination center, the air force national security emergency preparedness agency, or the civil air patrol national operations center for federal mission status and funding.