

CHAPTER 1130

HEALTH CARE — PROVISIONAL LICENSURE OF INTERNATIONAL PHYSICIANS — DISCLOSURE OF ELECTRONIC PROTECTED HEALTH INFORMATION OF A MINOR

S.F. 477

AN ACT relating to health care, including the licensure of internationally trained physicians and electronic protected health information, and including effective date provisions.

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

DIVISION I LICENSURE OF INTERNATIONALLY TRAINED PHYSICIANS

Section 1. **NEW SECTION. 148J.1 Definitions.**

For the purposes of [this chapter](#):

1. “Board” means the board of medicine established pursuant to [chapter 147](#).
2. “Health care facility” means all of the following:
 - a. A facility as defined in [section 514J.102](#).
 - b. A facility licensed pursuant to [chapter 135B](#).
 - c. A facility licensed pursuant to [chapter 135C](#).
3. “International medical program” means a medical school, residency program, medical internship program, or entity that provides physicians with a medical education or training outside of the United States that is substantially similar to the practice of medicine and surgery or osteopathic medicine and surgery in Iowa and that has been evaluated by the educational commission on foreign medical graduates.
4. “International physician” means an individual who meets all of the following requirements:
 - a. Has a medical doctorate or substantially similar degree issued by an international medical program in good standing.
 - b. Has been in good standing with the medical licensing or regulatory institution of the individual’s resident country during the immediately preceding five years and has no pending discipline before the licensing or regulatory institution.
 - c. Has completed a residency or substantially similar postgraduate medical training in the individual’s resident country.
 - d. Has practiced medicine and surgery or osteopathic medicine and surgery as a licensed physician for five years following the completion of a residency or substantially similar postgraduate medical training.
 - e. Possesses basic fluency in the English language.

Sec. 2. **NEW SECTION. 148J.2 International physicians — provisional licenses.**

1. a. The board shall grant a provisional license to practice medicine and surgery or osteopathic medicine and surgery in this state to an international physician with an offer for employment as a physician at a health care facility in this state. However, the board shall not grant a license pursuant to [this subsection](#) to an international physician who does not possess a federal immigration status allowing the international medical graduate¹ to practice as a physician in the United States, or to an international physician who fails to obtain a passing score on the United States medical licensing examination.

b. A provisional license granted pursuant to paragraph “a” may be converted to a full license to practice medicine and surgery or osteopathic medicine and surgery after three years, unless the license has been revoked pursuant to [subsection 2](#) or surrendered by the licensee.

2. a. The board may revoke a provisional license granted pursuant to [subsection 1](#), paragraph “a”, if the board finds by clear and compelling evidence that the licensee has violated a provision of [section 148.6](#). A licensee may appeal a revocation pursuant to [this](#)

¹ See chapter 1154, §13 herein

[subsection](#) in a court of competent jurisdiction within one hundred twenty days of the date of revocation.

b. The board may revoke a provisional license granted pursuant to [subsection 1](#), paragraph “a”, if the international physician is not employed by a health care facility in this state during the entirety of the provisional licensing period.

3. [This section](#) does not require the board to grant a provisional license or full license pursuant to [subsection 1](#) to an individual that does not do all of the following:

a. Complete training substantially similar to a physician and surgeon or osteopathic physician and surgeon.

b. Receive a passing score on the United States medical licensing examination.

c. Pass a background check as required by the board.

d. Complete a licensure application as required by the board.

e. Pay all required fees as required by the board.

Sec. 3. EFFECTIVE DATE. This division of this Act takes effect January 1, 2025.

DIVISION II ELECTRONIC PROTECTED HEALTH INFORMATION

Sec. 4. **NEW SECTION. 135.194 Electronic protected health information of minor — disclosure to legal guardian — option to provide printed copy.**

1. A health care provider or facility that maintains or transmits electronic protected health information shall disclose to the legal guardian of a minor the minor’s electronic protected health information, with the following exceptions:

a. Electronic protected health information that relates to health care for which the minor is legally authorized to consent without the consent of a legal guardian.

b. If disclosure of the electronic protected health information to a legal guardian is otherwise prohibited by state law or federal law, including federal statute, regulation, or centers for disease control and prevention guidelines.

2. In lieu of disclosing the minor’s electronic protected health information to the legal guardian of a minor as required pursuant to [subsection 1](#), a health care provider or facility may comply with [this section](#) by providing a printed copy of the minor’s electronic protected health information, subject to the exceptions prescribed pursuant to [subsection 1](#), and at no charge to the legal guardian of the minor.

3. For the purposes of [this section](#):

a. “*Disclosure*” means the release, transfer, provision of access to, or divulging in any manner of electronic protected health information outside the entity holding the electronic protected health information.

b. “*Electronic media*” means electronic storage material on which data is or may be recorded electronically and transmission media used to exchange information already in electronic storage media.

c. “*Electronic protected health information*” means protected health information that is transmitted or maintained by or in electronic media.

d. “*Facility*” means a health care delivery system location that provides a range of primary, secondary, and tertiary inpatient, outpatient, and physician services; an institution providing health care services; and any other health care setting including but not limited to a hospital or other licensed inpatient center, ambulatory surgical center or treatment center, skilled nursing center, residential treatment center, diagnostic, laboratory or imaging centers, rehabilitation or other therapeutic health setting, or the private office or clinic of an individual health care provider or group of health care providers.

e. “*Health care*” means care, services, or supplies related to the health of a person and includes but is not limited to:

(1) Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care, and any counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status of a person, or that affects the structure or function of the body.

(2) The sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

f. "Health care provider" means a physician or osteopathic physician licensed under [chapter 148](#), a physician assistant licensed under [chapter 148C](#), a podiatrist licensed under [chapter 149](#), a chiropractor licensed under [chapter 151](#), a licensed practical nurse, a registered nurse, or an advanced registered nurse practitioner licensed under [chapter 152](#) or [152E](#), a dentist licensed under [chapter 153](#), an optometrist licensed under [chapter 154](#), a pharmacist licensed under [chapter 155A](#), or any other person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

g. "Health information" means health information as defined in [45 C.F.R. §160.103](#) that is maintained or transmitted by a health care provider or facility.

h. "Legal guardian" means a person appointed by a court as the guardian of a minor pursuant to [chapter 633](#),² or the parent or other person responsible for the care of the minor.

i. "Protected health information" means protected health information as defined in [45 C.F.R. §160.103](#) that is maintained or transmitted by a health care provider or facility.

Approved May 3, 2024

² See chapter 1154, §12 herein