

MAR 15 2005  
Place On Calendar

HOUSE FILE 789  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 225)

Passed House, Date 3-23-05 Passed Senate, Date \_\_\_\_\_  
Vote: Ayes 97 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved 4-29-05

**A BILL FOR**

1 An Act relating to programs and functions under the purview of  
2 the Iowa department of public health.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4  
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HOUSE FILE 789

H-1101

1 Amend House File 789 as follows:  
2 1. Page 1, by inserting after line 35 the  
3 following:  
4 "Sec. \_\_\_\_ . Section 135.107, subsection 1, Code  
5 2005, is amended by adding the following new  
6 unnumbered paragraph:  
7 NEW UNNUMBERED PARAGRAPH. A simple majority of the  
8 membership of the advisory committee shall constitute  
9 a quorum. Action may be taken by the affirmative vote  
10 of a majority of the advisory committee membership."  
11 2. By renumbering as necessary.

By ROBERTS of Carroll

H-1101 FILED MARCH 17, 2005

HF 789

1 Section 1. Section 29C.20, subsection 1, paragraph a,  
2 subparagraph (5), Code 2005, is amended to read as follows:

3 (5) Paying the expenses incurred by and claims of an urban  
4 search and rescue team when acting under the authority of the  
5 administrator and the provisions of section 29C.6 and ~~disaster~~  
6 ~~medical-assistance-teams~~ public health response teams when  
7 acting under the provisions of section 135.143.

8 Sec. 2. Section 135.11, subsection 16, Code 2005, is  
9 amended to read as follows:

10 16. Administer the statewide public health nursing,  
11 homemaker-home health aide, and senior health programs by  
12 approving grants of state funds to the local boards of health  
13 and the county boards of supervisors and by providing  
14 guidelines for the approval of the grants and allocation of  
15 the state funds. Program direction, evaluation requirements,  
16 and formula allocation procedures for each of the programs  
17 shall be established by the department by rule, ~~consistent~~  
18 ~~with-1997-Iowa-Acts, chapter-203, section-5.~~

19 Sec. 3. Section 135.11, Code 2005, is amended by adding  
20 the following new subsection:

21 NEW SUBSECTION. 30. Establish and administer, if  
22 sufficient funds are available to the department, a program to  
23 assess and forecast health workforce supply and demand in the  
24 state for the purpose of identifying current and projected  
25 workforce needs. The program may collect, analyze, and report  
26 data that furthers the purpose of the program. The program  
27 shall not release information that permits identification of  
28 individual respondents of program surveys.

29 Sec. 4. Section 135.22A, subsection 7, Code 2005, is  
30 amended to read as follows:

31 7. The department is designated as Iowa's lead agency for  
32 brain injury. The council is assigned to the department for  
33 administrative purposes. The director shall be responsible  
34 for budgeting, program coordination, and related management  
35 functions.

1     Sec. 5. Section 135.140, subsection 5, Code 2005, is  
2 amended to read as follows:

3     5. ~~"Disaster-medical-assistance-team"-or-"DMAT"~~ "Public  
4 health response team" means a team of professionals, including  
5 licensed health care providers, nonmedical professionals  
6 skilled and trained in disaster or emergency response, and  
7 public health practitioners, which is sponsored by a hospital  
8 or other entity and approved by the department to provide  
9 disaster medical assistance in the event of a disaster or  
10 threatened disaster.

11    Sec. 6. Section 135.140, subsection 6, Code 2005, is  
12 amended to read as follows:

13    6. "Division" means the division of epidemiology,  
14 emergency-medical-services,-and-disaster-operations acute  
15 disease prevention and emergency response of the department.

16    Sec. 7. Section 135.141, subsection 1, Code 2005, is  
17 amended to read as follows:

18    1. A division of epidemiology,-emergency-medical-services,-  
19 and-disaster-operations acute disease prevention and emergency  
20 response is established within the department. The division  
21 shall coordinate the administration of this division of this  
22 chapter with other administrative divisions of the department  
23 and with federal, state, and local agencies and officials.

24    Sec. 8. Section 135.143, Code 2005, is amended to read as  
25 follows:

26    135.143 ~~DISASTER-MEDICAL-ASSISTANCE-TEAMS~~ PUBLIC HEALTH  
27 RESPONSE TEAMS.

28    1. The department shall approve ~~disaster-medical~~  
29 assistance public health response teams to supplement and  
30 support disrupted or overburdened local medical and public  
31 health personnel, hospitals, and resources ~~at-or-near-the-site~~  
32 ~~of-a-disaster-or-threatened-disaster-by-providing-direct~~  
33 ~~medical-care-to-victims-or-by-providing-other-support~~  
34 services. Assistance shall be rendered under the following  
35 circumstances:

1 a. At or near the site of a disaster or threatened  
2 disaster by providing direct medical care to victims or  
3 providing other support services.

4 b. If local medical or public health personnel or  
5 hospitals request the assistance of a public health response  
6 team to provide direct medical care to victims or to provide  
7 other support services in relation to any of the following  
8 incidents:

9 (1) During an incident resulting from a novel or  
10 previously controlled or eradicated infectious agent, disease,  
11 or biological toxin.

12 (2) After a chemical attack or accidental chemical  
13 release.

14 (3) After an intentional or accidental release of  
15 radioactive material.

16 (4) In response to a nuclear or radiological attack or  
17 accident.

18 (5) Where an incident poses a high probability of a large  
19 number of deaths or long-term disabilities in the affected  
20 population.

21 2. A member of a ~~disaster-medical-assistance~~ public health  
22 response team acting pursuant to this division of this chapter  
23 shall be considered an employee of the state under section  
24 29C.21 and chapter 669, shall be afforded protection as an  
25 employee of the state under section 669.21, and shall be  
26 considered an employee of the state for purposes of workers'  
27 compensation, disability, and death benefits, provided that  
28 the member has done all of the following:

29 a. Registered with and received approval to serve on a  
30 ~~disaster-medical-assistance~~ public health response team from  
31 the department.

32 b. Provided direct medical care to-a-victim-of-a-disaster  
33 or-provided-other-support-services-during-a-disaster or other  
34 support services during a disaster, threatened disaster, or  
35 other incident described in subsection 1; or participated in a

1 training exercise to prepare for a disaster or other incident  
2 described in subsection 1.

3 3. The department shall provide the department of  
4 administrative services with a list of individuals who have  
5 registered with and received approval from the department to  
6 serve on a disaster-medical-assistance public health response  
7 team. The department shall update the list on a quarterly  
8 basis, or as necessary for the department of administrative  
9 services to determine eligibility for coverage.

10 4. Upon notification of a compensable loss, the department  
11 of administrative services shall seek funding from the  
12 executive council for those costs associated with covered  
13 workers' compensation benefits.

14 Sec. 9. NEW SECTION. 139A.8A VACCINE SHORTAGE --  
15 DEPARTMENT ORDER -- IMMUNITY.

16 1. In the event of a shortage of a vaccine, or in the  
17 event a vaccine shortage is imminent, the department may issue  
18 an order controlling, restricting, or otherwise regulating the  
19 distribution and administration of the vaccine. The order may  
20 designate groups of persons which shall receive priority in  
21 administration of the vaccine and may prohibit vaccination of  
22 persons who are not included in a priority designation. The  
23 order shall include an effective date, which may be amended or  
24 rescinded only through a written order of the department. The  
25 order shall be applicable to health care providers, hospitals,  
26 clinics, pharmacies, health care facilities, local boards of  
27 health, public health agencies, and other persons or entities  
28 that distribute or administer vaccines.

29 2. A health care provider, hospital, clinic, pharmacy,  
30 health care facility, local board of health, public health  
31 agency, or other person or entity that distributes or  
32 administers vaccines shall not be civilly liable in any action  
33 based on a failure or refusal to distribute or administer a  
34 vaccine to any person if the failure or refusal to distribute  
35 or administer the vaccine was consistent with a department

1 order issued pursuant to this section.

2 3. The department shall adopt rules to administer this  
3 section.

4 Sec. 10. Section 142C.15, subsection 4, paragraph a, Code  
5 2005, is amended to read as follows:

6 a. Not more than twenty percent of the moneys in the fund  
7 annually may be expended in the form of grants to state  
8 agencies or to nonprofit legal entities with an interest in  
9 anatomical gift public awareness and transplantation to  
10 conduct public awareness projects ~~or-to-research-and-develop-a~~  
11 ~~statewide-organ-and-tissue-donor-registry.~~ Moneys remaining  
12 that were not requested and awarded for public awareness  
13 projects may be used for research, or to develop and support a  
14 statewide organ and tissue donor registry. Grants shall be  
15 made based upon the submission of a grant application by an  
16 agency or entity to conduct a public awareness project or to  
17 research, and develop, and support a statewide organ and  
18 tissue donor registry.

19 Sec. 11. Section 144.23, subsection 1, Code 2005, is  
20 amended to read as follows:

21 1. An adoption certificate report as provided in section  
22 144.19, or a certified copy of the decree of adoption together  
23 with the information necessary to identify the original  
24 certificate of birth and to establish a new certificate of  
25 ~~birth,-except-that-a-new-certificate-of-birth-shall-not-be~~  
26 ~~established-if-so-requested-by-the-court-decreeing-the~~  
27 ~~adoption,-the-adoptive-parents,-or-the-adopted-person.~~

28 Sec. 12. Section 144.40, Code 2005, is amended to read as  
29 follows:

30 144.40 PATERNITY OF CHILDREN -- BIRTH CERTIFICATES.

31 Upon request and receipt of an affidavit of paternity  
32 completed and filed pursuant to section 252A.3A, or a  
33 certified copy or notification by the clerk of court of a  
34 court or administrative order establishing paternity, the  
35 state registrar shall amend establish a new certificate of

1 birth to show paternity if paternity is not shown on the birth  
2 certificate. Upon written request of the parents on the  
3 affidavit of paternity, the surname of the child may be  
4 changed on the certificate to that of the father. The  
5 certificate shall not be marked "amended". The original  
6 certificate and supporting documentation shall be maintained  
7 in a sealed file; however, a photocopy of the paternity  
8 affidavit filed pursuant to section 252A.3A and clearly  
9 labeled as a copy may be provided to a parent named on the  
10 affidavit of paternity.

11 Sec. 13. Section 148.12, Code 2005, is amended to read as  
12 follows:

13 148.12 VOLUNTARY AGREEMENTS.

14 The medical examiners, after due notice and hearing, may  
15 issue an order to revoke, suspend, or restrict a license to  
16 practice medicine and surgery, osteopathic medicine and  
17 surgery, or osteopathy, or to issue a restricted license on  
18 application if the medical examiners determine that a  
19 physician licensed to practice medicine and surgery,  
20 osteopathic medicine and surgery, or osteopathy, or an  
21 applicant for licensure has entered into a voluntary agreement  
22 to restrict the practice of medicine and surgery, osteopathic  
23 medicine and surgery, or osteopathy in another state,  
24 district, territory, ~~or~~ country, or an agency of the federal  
25 government. A certified copy of the voluntary agreement shall  
26 be considered prima facie evidence.

27 Sec. 14. Section 152B.5, Code 2005, is amended to read as  
28 follows:

29 152B.5 RESPIRATORY CARE STUDENTS.

30 Respiratory care services may be rendered by a student  
31 enrolled in a respiratory therapy training program when these  
32 services are incidental to the student's course of study.

33 A student enrolled in a respiratory therapy training  
34 program who is employed in an organized health care system may  
35 render services defined in sections 152B.2 and 152B.3 under

1 the direct and immediate supervision of a respiratory care  
2 practitioner for a limited period of time as determined by  
3 rule. The student shall be identified as a "student  
4 respiratory care practitioner".

5 ~~A graduate of an approved respiratory care training program~~  
6 ~~employed in an organized health care system may render~~  
7 ~~services as defined in sections 152B.2 and 152B.3 under the~~  
8 ~~direct and immediate supervision of a respiratory care~~  
9 ~~practitioner for one year. The graduate shall be identified~~  
10 ~~as a "respiratory care practitioner licensure applicant".~~

11 Sec. 15. Section 152B.14, Code 2005, is amended to read as  
12 follows:

13 152B.14 LICENSURE THROUGH PRIOR EXAMINATION OR PRACTICE.

14 ~~1.~~ The board shall issue a license to practice respiratory  
15 care to an applicant who, ~~on July 17, 1996,~~ has passed an  
16 examination administered by the state or a national agency  
17 approved by the board.

18 ~~2.~~ ~~Other applicants who have not passed these examinations~~  
19 ~~or their equivalent on July 17, 1996, and who, through written~~  
20 ~~evidence, verified by oath, demonstrate that they are~~  
21 ~~presently functioning in the capacity of a respiratory care~~  
22 ~~practitioner as defined by this chapter, shall be given a~~  
23 ~~temporary license to practice respiratory care for a period of~~  
24 ~~thirty-six months from July 17, 1996. Such applicants must~~  
25 ~~pass a licensure examination administered or approved by the~~  
26 ~~board within thirty-six months after July 17, 1996, in order to~~  
27 ~~continue to practice respiratory care.~~

28 Sec. 16. Section 154D.2, subsection 1, paragraph b, Code  
29 2005, is amended to read as follows:

30 b. Has at least two years of supervised clinical  
31 experience or its equivalent as approved by the board in  
32 ~~consultation with the mental health, mental retardation,~~  
33 ~~developmental disabilities, and brain injury commission~~  
34 ~~created in section 225C.5. Standards for supervision,~~  
35 including the required qualifications for supervisors, shall

1 be determined by the board by rule.

2 Sec. 17. Section 154D.2, subsection 2, paragraph b, Code  
3 2005, is amended to read as follows:

4 b. Has at least two years of supervised clinical  
5 experience, ~~supervised by a licensee,~~ in assessing mental  
6 health needs and problems and in providing appropriate mental  
7 health services as approved by the board ~~of behavioral science~~  
8 ~~examiners in consultation with the mental health mental~~  
9 ~~retardation developmental disabilities and brain injury~~  
10 ~~commission created in section 225E.5.~~ Standards for  
11 supervision, including the required qualifications for  
12 supervisors, shall be determined by the board by rule.

13 Sec. 18. Section 156.4, subsection 4, Code 2005, is  
14 amended to read as follows:

15 4. ~~Written examinations for a funeral director's license~~  
16 ~~shall be held at least once a year at a time and place to be~~  
17 ~~designated by the board.~~ Applicants shall  
18 pass an examination prescribed by the board, which shall  
19 include the subjects of funeral directing, burial or other  
20 disposition of dead human bodies, sanitary science, embalming,  
21 restorative art, anatomy, public health, transportation,  
22 business ethics, and such other subjects as the board may  
23 designate.

24 Sec. 19. Section 157.1, subsection 12, paragraph c, Code  
25 2005, is amended to read as follows:

26 c. Removing superfluous hair from the body of a person by  
27 the use of depilatories, waxing, sugaring, tweezers, or use of  
28 any certified laser products or intense pulsed light devices.  
29 This excludes the practice of electrolysis, whereby hair is  
30 removed with an electric needle.

31 Sec. 20. Section 157.1, subsection 14, Code 2005, is  
32 amended to read as follows:

33 14. "General supervision" means the supervising physician  
34 is not onsite for laser procedures or use of an intense pulsed  
35 light device for hair removal conducted on minors, but is

1 available for direct communication, either in person or by  
2 telephone, radio, radiotelephone, television, or similar  
3 means.

4 Sec. 21. Section 157.1, Code 2005, is amended by adding  
5 the following new subsection:

6 NEW SUBSECTION. 15A. "Intense pulsed light device" means  
7 a device that uses incoherent light to destroy the vein of the  
8 hair bulb.

9 Sec. 22. Section 157.2, Code 2005, is amended by adding  
10 the following new subsection:

11 NEW SUBSECTION. 5. Persons licensed under this chapter  
12 shall only use intense pulsed light devices for purposes of  
13 hair removal.

14 Sec. 23. Section 157.3, subsection 1, Code 2005, is  
15 amended to read as follows:

16 1. An applicant who has graduated from high school or its  
17 equivalent shall be issued a license to practice any of the  
18 cosmetology arts and sciences by the department when the  
19 applicant satisfies all of the following:

20 ~~a. Presents to the department a high school diploma or its~~  
21 ~~equivalent.~~

22 ~~b.~~ a. Presents to the department a diploma, or similar  
23 evidence, issued by a licensed school of cosmetology arts and  
24 sciences indicating that the applicant has completed the  
25 course of study for the appropriate practice of the  
26 cosmetology arts and sciences prescribed by the board. An  
27 applicant may satisfy this requirement upon presenting a  
28 diploma or similar evidence issued by a school in another  
29 state, recognized by the board, which provides instruction  
30 regarding the practice for which licensure is sought, provided  
31 that the course of study is equivalent to or greater in length  
32 and scope than that required for a school in this state, and  
33 is approved by the board.

34 ~~c.~~ b. Completes the application form prescribed by the  
35 board.

1 ~~d-~~ c. Passes an examination prescribed by the board. The  
2 examination may include both practical demonstrations and  
3 written or oral tests and shall not be confined to any  
4 specific system or method. However, a member of the board who  
5 is a licensed instructor of cosmetology arts and sciences  
6 shall not be involved in the selection or administration of  
7 the exam.

8 Sec. 24. Section 157.3A, subsection 1, paragraph a, Code  
9 2005, is amended to read as follows:

10 a. A licensed esthetician, who intends to provide services  
11 pursuant to section 157.1, subsection 12, paragraphs "a" and  
12 "c", having received additional training on the use of  
13 microdermabrasion, or a certified laser product, or an intense  
14 pulsed light device, shall submit a written application and  
15 proof of additional training and certification for approval by  
16 the board. Training shall be specific to the service provided  
17 or certified laser product used.

18 Sec. 25. Section 157.3A, subsection 2, paragraph a, Code  
19 2005, is amended to read as follows:

20 a. A licensed cosmetologist having received additional  
21 training in the use of chemical peels, microdermabrasion, ~~or a~~  
22 certified laser product, or an intense pulsed light device for  
23 hair removal shall submit a written application and proof of  
24 additional training and certification for approval by the  
25 board. A cosmetologist who is licensed after July 1, 2005,  
26 shall not be eligible to provide chemical peels, practice  
27 microdermabrasion procedures, ~~or use certified laser products,~~  
28 or use an intense pulsed light device for hair removal.

29 Sec. 26. Section 157.3A, subsection 3, Code 2005, is  
30 amended to read as follows:

31 3. A licensed electrologist having received additional  
32 training on the use of a certified laser product or an intense  
33 pulsed light device for the purpose of hair removal shall  
34 submit a written application and proof of additional training  
35 and certification for approval by the board.

1     Sec. 27. Section 157.3A, subsection 4, Code 2005, is  
2 amended to read as follows:

3     4. Any additional training received by a licensed  
4 esthetician, cosmetologist, or electrologist and submitted to  
5 the board relating to utilization of a certified laser product  
6 or an intense pulsed light device shall include a safety  
7 training component which provides a thorough understanding of  
8 the procedures being performed. The training program shall  
9 address fundamentals of nonbeam hazards, management and  
10 employee responsibilities relating to control measures, and  
11 regulatory requirements.

12     Sec. 28. Section 157.4, Code 2005, is amended to read as  
13 follows:

14     157.4 TEMPORARY PERMITS.

15     ~~1. A person who completes the requirements for licensure~~  
16 ~~listed in section 157.3, except for the examination, shall be~~  
17 ~~known as a trainee and shall be issued a temporary permit by~~  
18 ~~the department which allows the applicant to practice in the~~  
19 ~~cosmetology arts and sciences from the date of application~~  
20 ~~until passage of the examination subject to this subsection.~~  
21 ~~An applicant shall take the first available examination~~  
22 ~~administered by the board, and may retain the temporary permit~~  
23 ~~if the applicant does not pass the examination. An applicant~~  
24 ~~who does not pass the first examination shall take the next~~  
25 ~~available examination administered by the board. The~~  
26 ~~temporary permit of an applicant who does not pass the second~~  
27 ~~examination shall be revoked. An applicant who passes either~~  
28 ~~examination shall be issued a license pursuant to section~~  
29 ~~157.3. The board shall adopt rules providing for a waiver of~~  
30 ~~the requirement to take the first available examination for~~  
31 ~~good cause.~~

32     ~~2. The department may issue a temporary permit for the~~  
33 ~~purpose of demonstrating cosmetology arts and sciences upon~~  
34 ~~recommendation of the board.~~

35     1. The department may issue a temporary permit which

1 allows the applicant to practice in the cosmetology arts and  
2 sciences for purposes determined by rule. The board shall  
3 determine and state its recommendations and the length of time  
4 the temporary permit issued under this subsection is valid.

5 ~~3.~~ 2. The fee for a temporary permit shall be established  
6 by the board as provided in section 147.80.

7 Sec. 29. Section 157.5, subsection 1, unnumbered paragraph  
8 1, Code 2005, is amended to read as follows:

9 A licensed cosmetologist, esthetician, or electrologist who  
10 provides services relating to the use of a certified laser  
11 product, intense pulsed light device for hair removal,  
12 chemical peel, or microdermabrasion, shall obtain a consent in  
13 writing prior to the administration of the services. A  
14 consent in writing shall create a presumption that informed  
15 consent was given if the consent:

16 Sec. 30. Section 157.5, subsection 2, Code 2005, is  
17 amended to read as follows:

18 2. A licensed cosmetologist, esthetician, or electrologist  
19 who provides services related to the use of a certified laser  
20 product, intense pulsed light device for hair removal,  
21 chemical peel, or microdermabrasion, shall submit a report to  
22 the board within thirty days of any incident involving the  
23 provision of such services which results in physical injury  
24 requiring medical attention. Failure to comply with this  
25 section shall result in disciplinary action being taken by the  
26 board.

27 Sec. 31. Section 157.12A, Code 2005, is amended to read as  
28 follows:

29 157.12A USE OF LASER OR LIGHT PRODUCTS ON MINORS.

30 A laser hair removal product or device, or intense pulsed  
31 light device, shall not be used on a minor unless the minor is  
32 accompanied by a parent or guardian and only under the general  
33 supervision of a physician.

34 Sec. 32. Section 157.13, subsection 1, Code 2005, is  
35 amended to read as follows:

1 1. It is unlawful for a person to employ an individual to  
2 practice cosmetology arts and sciences unless that individual  
3 is licensed ~~or has obtained a temporary permit~~ under this  
4 chapter. It is unlawful for a licensee to practice with or  
5 without compensation in any place other than a licensed salon,  
6 a licensed school of cosmetology arts and sciences, or a  
7 licensed barbershop as defined in section 158.1, except that a  
8 licensee may practice at a location which is not a licensed  
9 salon or school of cosmetology arts and sciences under  
10 extenuating circumstances arising from physical or mental  
11 disability or death of a customer, or when a temporary permit  
12 has been approved by the board. It is unlawful for a licensee  
13 to claim to be a licensed barber, but it is lawful for a  
14 licensed cosmetologist to work in a licensed barbershop. It  
15 is unlawful for a person to employ a licensed cosmetologist,  
16 esthetician, or electrologist to perform the services  
17 described in section 157.3A if the licensee has not received  
18 the additional training and met the other requirements  
19 specified in section 157.3A.

20 Sec. 33. Section 233.2, subsection 2, paragraph c, Code  
21 2005, is amended to read as follows:

22 c. The If the name of the parent is unknown to the  
23 institutional health facility, the individual on duty or other  
24 person designated by the institutional health facility at  
25 which physical custody of the newborn infant was relinquished  
26 shall submit the certificate of birth report as required  
27 pursuant to section 144.14. If the name of the parent is  
28 known to the institutional health facility, the facility shall  
29 submit the certificate of birth report as required pursuant to  
30 section 144.13. The department of public health shall not  
31 file the certificate of birth with the county of birth and  
32 shall otherwise maintain the confidentiality of the birth  
33 certificate in accordance with section 144.43.

34 Sec. 34. Section 272C.4, unnumbered paragraph 2, Code  
35 2005, is amended to read as follows:

1 Insurance carriers which insure professional and  
2 occupational licensees for acts or omissions that constitute  
3 negligence, careless acts, or omissions in the practice of a  
4 profession or occupation shall file reports with the  
5 appropriate licensing board. The reports shall include  
6 information pertaining to ~~claims~~ any lawsuit filed against a  
7 licensee which may affect the licensee as defined by rule,  
8 involving an insured of the insurer.

9 Sec. 35. Section 272C.9, subsection 1, Code 2005, is  
10 amended to read as follows:

11 1. Each licensee of a licensing board, as a condition of  
12 licensure, is under a duty to submit to a physical, or mental,  
13 or clinical competency examination when directed in writing by  
14 the board for cause. All objections shall be waived as to the  
15 admissibility of the examining physician's testimony or  
16 reports on the grounds of privileged communications. The  
17 medical testimony or report shall not be used against the  
18 licensee in any proceeding other than one relating to licensee  
19 discipline by the board, or one commenced in district court  
20 for revocation of the licensee's privileges. The licensing  
21 board, upon probable cause, shall have the authority to order  
22 a physical, or mental, or clinical competency examination, and  
23 upon refusal of the licensee to submit to the examination the  
24 licensing board may order that the allegations pursuant to  
25 which the order of physical, or mental, or clinical competency  
26 examination was made shall be taken to be established.

27 Sec. 36. Section 331.805, subsection 1, Code 2005, is  
28 amended to read as follows:

29 1. When a death occurs in the manner specified in section  
30 331.802, subsection 3, the body, clothing, and any articles  
31 upon or near the body shall not be disturbed or removed from  
32 the position in which it is found, and physical or biological  
33 evidence shall not be obtained or collected from the body,  
34 without authorization from the county medical examiner or the  
35 state medical examiner except for the purpose of preserving

1 the body from loss or destruction or permitting the passage of  
2 traffic on a highway, railroad or airport, or unless the  
3 failure to immediately remove the body might endanger life,  
4 safety, or health. A person who moves, disturbs, or conceals  
5 a body, clothing, or any articles upon or near the body or who  
6 obtains or collects physical or biological evidence in  
7 violation of this subsection or chapter 691 is guilty of a  
8 simple misdemeanor.

9 Sec. 37. Section 691.6, Code 2005, is amended by adding  
10 the following new subsection:

11 NEW SUBSECTION. 7. To perform an autopsy or order that an  
12 autopsy be performed if required or authorized by section  
13 331.802 or by rule. If the state medical examiner assumes  
14 jurisdiction over a body for purposes of performing an autopsy  
15 required or authorized by section 331.802 or by rule under  
16 this section, the body or its effects shall not be disturbed,  
17 withheld from the custody of the state medical examiner, or  
18 removed from the custody of the state medical examiner without  
19 authorization from the state medical examiner.

20 Sec. 38. Sections 135.45 through 135.48 and section  
21 142A.11, Code 2005, are repealed.

22 Sec. 39. RESPONSE TEAM TASK FORCE. The department shall  
23 establish a task force to study the current and future  
24 capacity of the public health workforce to respond to  
25 bioterrorism, emerging infectious diseases, and other public  
26 health threats and emergencies. The task force shall examine  
27 the concept of developing and implementing regional response  
28 teams which will include members from local, regional, and  
29 state agencies and organizations. The task force shall submit  
30 a report to the department, the governor, and the general  
31 assembly by July 1, 2006, which shall include the findings and  
32 recommendations of the task force, including a proposed budget  
33 necessary for sustaining public health workforce teams. Task  
34 force members shall be appointed by the director and shall  
35 include representatives from local public health agencies,

1 hospitals, emergency medical care providers and programs, the  
2 department, and other stakeholders. Appointments to the task  
3 force shall not be subject to the requirements of sections  
4 69.16 and 69.16A.

5 EXPLANATION

6 This bill provides for a number of changes regarding  
7 programs and functions under the purview of the Iowa  
8 department of public health.

9 The bill provides statutory authority for the collection of  
10 health workforce data by the department, and provides for the  
11 confidentiality of the data collected. The bill eliminates a  
12 reference to 1997 Iowa Acts relating to the use for which  
13 local public health funding may be applied, and provides that  
14 the department is designated Iowa's lead agency for brain  
15 injury.

16 The bill provides that the division of epidemiology,  
17 emergency medical services, and disaster operations shall be  
18 renamed the division of acute disease prevention and emergency  
19 response, and makes conforming changes related to this name  
20 change.

21 The bill renames disaster medical assistance teams as  
22 public health response teams, and makes conforming changes  
23 related to this name change in Code section 29C.21, relating  
24 to the emergency management assistance compact. The bill also  
25 provides for additional categories in which assistance by the  
26 teams is authorized and adds disability to those benefits for  
27 which a team member may be considered to qualify as an  
28 employee of the state for liability and indemnity purposes.

29 The bill provides that in the event of a shortage of a  
30 vaccine, or in the event a vaccine shortage is imminent, the  
31 department may issue an order controlling, restricting, or  
32 regulating the distribution and administration of the vaccine.  
33 The bill provides that the order may designate groups of  
34 persons which shall receive priority in administration of the  
35 vaccine and may prohibit vaccination of persons who are not

1 included in a priority designation, and that it shall be  
2 applicable to health care providers, hospitals, clinics,  
3 pharmacies, health care facilities, local boards of health,  
4 public health agencies, and other persons or entities which  
5 distribute or administer vaccines. The bill also provides  
6 that there shall be no civil liability in any action based on  
7 a failure or refusal to distribute or administer a vaccine to  
8 any person if the failure or refusal to distribute or  
9 administer the vaccine was consistent with a department order.

10 The bill provides for the deletion of a repeal applicable  
11 to the tobacco use prevention and control initiative,  
12 currently specifying June 30, 2010.

13 The bill also provides that anatomical gift public  
14 awareness and transplantation funds, which may currently be  
15 utilized for the development of a statewide organ and tissue  
16 control registry, may also be utilized to support the  
17 registry.

18 The bill repeals provisions establishing the chronic renal  
19 disease program.

20 The bill provides that an amended birth certificate shall  
21 be issued in an adoption, deleting provisions which had  
22 provided for the option of a certificate not being issued upon  
23 request.

24 The bill provides that the board of medical examiners,  
25 which may currently discipline a physician who has entered  
26 into a voluntary agreement to restrict their practice in  
27 another state, district, territory, or country, shall also be  
28 able to discipline a physician entering into a voluntary  
29 agreement with an agency of the federal government.

30 The bill strikes a provision which currently permits a  
31 graduate of an approved respiratory care program to practice  
32 under specified circumstances for one year prior to taking a  
33 licensure exam, and strikes an expired provision authorizing  
34 temporary permits to practice.

35 The bill strikes a provision requiring consultation by the

1 board of behavioral science examiners with the mental health  
2 and developmental disabilities commission relating to approval  
3 of supervised clinical experience for marital and family  
4 therapy and mental health counseling, and also strikes a  
5 provision which specifies that supervision of an applicant for  
6 mental health counseling must be conducted strictly by a  
7 licensee. The bill provides that supervision standards shall  
8 be determined by the department by rule.

9 The bill strikes an outdated provision that written  
10 examinations for a funeral director's license shall be given  
11 by the board of mortuary science examiners and instead allows  
12 the board to prescribe the examination to be taken.

13 The bill also provides for the addition of intense pulsed  
14 light devices to the list of regulated practices under Code  
15 chapter 157 (cosmetology), and makes conforming changes to  
16 reflect the addition. The bill additionally strikes the  
17 current requirement that a cosmetology applicant submit a copy  
18 of a high school diploma, requiring instead that an applicant  
19 has graduated from high school or its equivalent, and strikes  
20 references to issuance of a temporary permit prior to taking a  
21 licensure examination for cosmetology. The bill specifies  
22 that a temporary permit may be issued, however, for purposes  
23 to be determined by rule.

24 The bill provides that a birth certificate shall be  
25 submitted to the state registrar in accordance with the  
26 provisions of Code section 144.43 in the event that the  
27 identity of a parent is known in a situation where custody of  
28 an infant is being released.

29 The bill provides that insurance carriers insuring  
30 professional and occupational licensees shall file reports  
31 with the appropriate licensing board including information  
32 pertaining to any lawsuit filed against a licensee.

33 Currently, such reports must provide information relating to  
34 any claims filed.

35 The bill also provides that licensing boards may order a

1 clinical competency examination, in addition to being  
2 currently authorized to order physical or mental examinations.

3 The bill further provides that, after a death has occurred,  
4 current provisions prohibiting the disturbing or removing of a  
5 body without authorization by a county medical examiner shall  
6 also apply to clothing or other articles upon or near a dead  
7 body. The bill additionally provides that if the state  
8 medical examiner assumes jurisdiction over a body for purposes  
9 of performing an autopsy required or authorized by Code  
10 section 331.802 or by rule, the body or its effects shall not  
11 be disturbed, withheld from the custody of the state medical  
12 examiner, or removed from the custody of the state medical  
13 examiner without authorization from the state medical  
14 examiner.

15 The bill provides for the establishment of a response team  
16 task force to study the current and future capacity of the  
17 public health workforce to respond to bioterrorism, emerging  
18 infectious diseases, and other public health threats and  
19 emergencies. The bill provides that the task force shall  
20 examine the concept of developing and implementing regional  
21 response teams, and include members from local, regional, and  
22 state agencies and organizations. The bill provides that the  
23 task force shall submit a report to the department, the  
24 governor, and the general assembly by July 1, 2006, and that  
25 members shall be appointed by the director and include  
26 representatives from local public health agencies, hospitals,  
27 emergency medical care providers and programs, the department,  
28 and other stakeholders.

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HOUSE FILE 789

H-1152

1 Amend House File 789 as follows:

2 1. Page 5, by inserting after line 18, the  
3 following:

4 "Sec. \_\_\_\_ . Section 144.13A, subsection 2, Code  
5 2005, is amended to read as follows:

6 2. The state registrar shall charge the parent a  
7 separate fee established under section 144.46 for a  
8 certified copy of the certificate. The certified copy  
9 shall be mailed to the parent by the state registrar.  
10 The mailing of a certified copy of the certificate to  
11 a biological parent shall not be precluded by the  
12 execution of a release of custody under chapter 600A,  
13 and, ~~upon request,~~ a biological parent shall be  
14 provided with a certified copy of the certificate  
15 unless the parental rights of the biological parent  
16 are terminated."

17 2. By renumbering as necessary.

By CARROLL of Poweshiek

H-1152 FILED MARCH 22, 2005

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HOUSE FILE 789  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO HSB 225)

(As Amended and Passed by the House March 23, 2005)

Re-Passed House, Date 4-19-05 Passed Senate, Date 4-14-05  
Vote: Ayes 98 Nays 0 Vote: Ayes 50 Nays 0  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to programs and functions under the purview of  
2 the Iowa department of public health.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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House Amendments \_\_\_\_\_

1 Section 1. Section 29C.20, subsection 1, paragraph a,  
2 subparagraph (5), Code 2005, is amended to read as follows:

3 (5) Paying the expenses incurred by and claims of an urban  
4 search and rescue team when acting under the authority of the  
5 administrator and the provisions of section 29C.6 and ~~disaster~~  
6 ~~medical-assistance-teams~~ public health response teams when  
7 acting under the provisions of section 135.143.

8 Sec. 2. Section 135.11, subsection 16, Code 2005, is  
9 amended to read as follows:

10 16. Administer the statewide public health nursing,  
11 homemaker-home health aide, and senior health programs by  
12 approving grants of state funds to the local boards of health  
13 and the county boards of supervisors and by providing  
14 guidelines for the approval of the grants and allocation of  
15 the state funds. Program direction, evaluation requirements,  
16 and formula allocation procedures for each of the programs  
17 shall be established by the department by rule ~~7-consistent~~  
18 ~~with-1997-Iowa-Acts-7-chapter-203-7-section-5.~~

19 Sec. 3. Section 135.11, Code 2005, is amended by adding  
20 the following new subsection:

21 NEW SUBSECTION. 30. Establish and administer, if  
22 sufficient funds are available to the department, a program to  
23 assess and forecast health workforce supply and demand in the  
24 state for the purpose of identifying current and projected  
25 workforce needs. The program may collect, analyze, and report  
26 data that furthers the purpose of the program. The program  
27 shall not release information that permits identification of  
28 individual respondents of program surveys.

29 Sec. 4. Section 135.22A, subsection 7, Code 2005, is  
30 amended to read as follows:

31 7. The department is designated as Iowa's lead agency for  
32 brain injury. The council is assigned to the department for  
33 administrative purposes. The director shall be responsible  
34 for budgeting, program coordination, and related management  
35 functions.

1 Sec. 5. Section 135.107, subsection 1, Code 2005, is  
2 amended by adding the following new unnumbered paragraph:  
3 NEW UNNUMBERED PARAGRAPH. A simple majority of the  
4 membership of the advisory committee shall constitute a  
5 quorum. Action may be taken by the affirmative vote of a  
6 majority of the advisory committee membership.

7 Sec. 6. Section 135.140, subsection 5, Code 2005, is  
8 amended to read as follows:

9 5. ~~"Disaster-medical-assistance-team"~~ ~~or~~ ~~"DMAAT"~~ "Public  
10 health response team" means a team of professionals, including  
11 licensed health care providers, nonmedical professionals  
12 skilled and trained in disaster or emergency response, and  
13 public health practitioners, which is sponsored by a hospital  
14 or other entity and approved by the department to provide  
15 disaster medical assistance in the event of a disaster or  
16 threatened disaster.

17 Sec. 7. Section 135.140, subsection 6, Code 2005, is  
18 amended to read as follows:

19 6. "Division" means the division of epidemiology,  
20 emergency-medical-services, ~~and~~ disaster-operations acute  
21 disease prevention and emergency response of the department.

22 Sec. 8. Section 135.141, subsection 1, Code 2005, is  
23 amended to read as follows:

24 1. A division of epidemiology, ~~emergency-medical-services,~~  
25 ~~and~~ disaster-operations acute disease prevention and emergency  
26 response is established within the department. The division  
27 shall coordinate the administration of this division of this  
28 chapter with other administrative divisions of the department  
29 and with federal, state, and local agencies and officials.

30 Sec. 9. Section 135.143, Code 2005, is amended to read as  
31 follows:

32 135.143 ~~DISASTER-MEDICAL-ASSISTANCE-TEAMS~~ PUBLIC HEALTH  
33 RESPONSE TEAMS.

34 1. The department shall approve ~~disaster-medical~~  
35 assistance public health response teams to supplement and

1 support disrupted or overburdened local medical and public  
2 health personnel, hospitals, and resources ~~at-or-near-the-site~~  
3 ~~of-a-disaster-or-threatened-disaster-by-providing-direct~~  
4 ~~medical-care-to-victims-or-by-providing-other-support~~  
5 ~~services.~~ Assistance shall be rendered under the following  
6 circumstances:

7 a. At or near the site of a disaster or threatened  
8 disaster by providing direct medical care to victims or  
9 providing other support services.

10 b. If local medical or public health personnel or  
11 hospitals request the assistance of a public health response  
12 team to provide direct medical care to victims or to provide  
13 other support services in relation to any of the following  
14 incidents:

15 (1) During an incident resulting from a novel or  
16 previously controlled or eradicated infectious agent, disease,  
17 or biological toxin.

18 (2) After a chemical attack or accidental chemical  
19 release.

20 (3) After an intentional or accidental release of  
21 radioactive material.

22 (4) In response to a nuclear or radiological attack or  
23 accident.

24 (5) Where an incident poses a high probability of a large  
25 number of deaths or long-term disabilities in the affected  
26 population.

27 2. A member of a ~~disaster-medical-assistance~~ public health  
28 response team acting pursuant to this division of this chapter  
29 shall be considered an employee of the state under section  
30 29C.21 and chapter 669, shall be afforded protection as an  
31 employee of the state under section 669.21, and shall be  
32 considered an employee of the state for purposes of workers'  
33 compensation, disability, and death benefits, provided that  
34 the member has done all of the following:

35 a. Registered with and received approval to serve on a

1 ~~disaster-medical-assistance~~ public health response team from  
2 the department.

3 b. Provided direct medical care ~~to-a-victim-of-a-disaster~~  
4 ~~or-provided-other-support-services-during-a-disaster~~ or other  
5 support services during a disaster, threatened disaster, or  
6 other incident described in subsection 1; or participated in a  
7 training exercise to prepare for a disaster or other incident  
8 described in subsection 1.

9 3. The department shall provide the department of  
10 administrative services with a list of individuals who have  
11 registered with and received approval from the department to  
12 serve on a ~~disaster-medical-assistance~~ public health response  
13 team. The department shall update the list on a quarterly  
14 basis, or as necessary for the department of administrative  
15 services to determine eligibility for coverage.

16 4. Upon notification of a compensable loss, the department  
17 of administrative services shall seek funding from the  
18 executive council for those costs associated with covered  
19 workers' compensation benefits.

20 Sec. 10. NEW SECTION. 139A.8A VACCINE SHORTAGE --  
21 DEPARTMENT ORDER -- IMMUNITY.

22 1. In the event of a shortage of a vaccine, or in the  
23 event a vaccine shortage is imminent, the department may issue  
24 an order controlling, restricting, or otherwise regulating the  
25 distribution and administration of the vaccine. The order may  
26 designate groups of persons which shall receive priority in  
27 administration of the vaccine and may prohibit vaccination of  
28 persons who are not included in a priority designation. The  
29 order shall include an effective date, which may be amended or  
30 rescinded only through a written order of the department. The  
31 order shall be applicable to health care providers, hospitals,  
32 clinics, pharmacies, health care facilities, local boards of  
33 health, public health agencies, and other persons or entities  
34 that distribute or administer vaccines.

35 2. A health care provider, hospital, clinic, pharmacy,

1 health care facility, local board of health, public health  
2 agency, or other person or entity that distributes or  
3 administers vaccines shall not be civilly liable in any action  
4 based on a failure or refusal to distribute or administer a  
5 vaccine to any person if the failure or refusal to distribute  
6 or administer the vaccine was consistent with a department  
7 order issued pursuant to this section.

8 3. The department shall adopt rules to administer this  
9 section.

10 Sec. 11. Section 142C.15, subsection 4, paragraph a, Code  
11 2005, is amended to read as follows:

12 a. Not more than twenty percent of the moneys in the fund  
13 annually may be expended in the form of grants to state  
14 agencies or to nonprofit legal entities with an interest in  
15 anatomical gift public awareness and transplantation to  
16 conduct public awareness projects ~~or-to-research-and-develop-a~~  
17 ~~statewide-organ-and-tissue-donor-registry.~~ Moneys remaining  
18 that were not requested and awarded for public awareness  
19 projects may be used for research, or to develop and support a  
20 statewide organ and tissue donor registry. Grants shall be  
21 made based upon the submission of a grant application by an  
22 agency or entity to conduct a public awareness project or to  
23 research, and develop, and support a statewide organ and  
24 tissue donor registry.

25 Sec. 12. Section 144.23, subsection 1, Code 2005, is  
26 amended to read as follows:

27 1. An adoption certificate report as provided in section  
28 144.19, or a certified copy of the decree of adoption together  
29 with the information necessary to identify the original  
30 certificate of birth and to establish a new certificate of  
31 birth, ~~except that a new certificate of birth shall not be~~  
32 ~~established if so requested by the court decreeing the~~  
33 ~~adoption, the adoptive parents, or the adopted person.~~

34 Sec. 13. Section 144.40, Code 2005, is amended to read as  
35 follows:

1 144.40 PATERNITY OF CHILDREN -- BIRTH CERTIFICATES.

2 Upon request and receipt of an affidavit of paternity  
3 completed and filed pursuant to section 252A.3A, or a  
4 certified copy or notification by the clerk of court of a  
5 court or administrative order establishing paternity, the  
6 state registrar shall amend establish a new certificate of  
7 birth to show paternity if paternity is not shown on the birth  
8 certificate. Upon written request of the parents on the  
9 affidavit of paternity, the surname of the child may be  
10 changed on the certificate to that of the father. The  
11 certificate shall not be marked "amended". The original  
12 certificate and supporting documentation shall be maintained  
13 in a sealed file; however, a photocopy of the paternity  
14 affidavit filed pursuant to section 252A.3A and clearly  
15 labeled as a copy may be provided to a parent named on the  
16 affidavit of paternity.

17 Sec. 14. Section 148.12, Code 2005, is amended to read as  
18 follows:

19 148.12 VOLUNTARY AGREEMENTS.

20 The medical examiners, after due notice and hearing, may  
21 issue an order to revoke, suspend, or restrict a license to  
22 practice medicine and surgery, osteopathic medicine and  
23 surgery, or osteopathy, or to issue a restricted license on  
24 application if the medical examiners determine that a  
25 physician licensed to practice medicine and surgery,  
26 osteopathic medicine and surgery, or osteopathy, or an  
27 applicant for licensure has entered into a voluntary agreement  
28 to restrict the practice of medicine and surgery, osteopathic  
29 medicine and surgery, or osteopathy in another state,  
30 district, territory, or country, or an agency of the federal  
31 government. A certified copy of the voluntary agreement shall  
32 be considered prima facie evidence.

33 Sec. 15. Section 152B.5, Code 2005, is amended to read as  
34 follows:

35 152B.5 RESPIRATORY CARE STUDENTS.

1 Respiratory care services may be rendered by a student  
2 enrolled in a respiratory therapy training program when these  
3 services are incidental to the student's course of study.

4 A student enrolled in a respiratory therapy training  
5 program who is employed in an organized health care system may  
6 render services defined in sections 152B.2 and 152B.3 under  
7 the direct and immediate supervision of a respiratory care  
8 practitioner for a limited period of time as determined by  
9 rule. The student shall be identified as a "student  
10 respiratory care practitioner".

11 ~~A graduate of an approved respiratory care training program~~  
12 ~~employed in an organized health care system may render~~  
13 ~~services as defined in sections 152B.2 and 152B.3 under the~~  
14 ~~direct and immediate supervision of a respiratory care~~  
15 ~~practitioner for one year. The graduate shall be identified~~  
16 ~~as a "respiratory care practitioner licensure applicant".~~

17 Sec. 16. Section 152B.14, Code 2005, is amended to read as  
18 follows:

19 152B.14 LICENSURE THROUGH PRIOR EXAMINATION OR PRACTICE.

20 1. The board shall issue a license to practice respiratory  
21 care to an applicant who, on July 17, 1996, has passed an  
22 examination administered by the state or a national agency  
23 approved by the board.

24 2. ~~Other applicants who have not passed these examinations~~  
25 ~~or their equivalent on July 17, 1996, and who, through written~~  
26 ~~evidence, verified by oath, demonstrate that they are~~  
27 ~~presently functioning in the capacity of a respiratory care~~  
28 ~~practitioner as defined by this chapter, shall be given a~~  
29 ~~temporary license to practice respiratory care for a period of~~  
30 ~~thirty-six months from July 17, 1996. Such applicants must~~  
31 ~~pass a licensure examination administered or approved by the~~  
32 ~~board within thirty-six months after July 17, 1996, in order to~~  
33 ~~continue to practice respiratory care.~~

34 Sec. 17. Section 154D.2, subsection 1, paragraph b, Code  
35 2005, is amended to read as follows:

1 b. Has at least two years of supervised clinical  
2 experience or its equivalent as approved by the board in  
3 ~~consultation-with-the-mental-health,-mental-retardation,-~~  
4 ~~developmental-disabilities,-and-brain-injury-commission~~  
5 ~~created-in-section-225E-5.~~ Standards for supervision,  
6 including the required qualifications for supervisors, shall  
7 be determined by the board by rule.

8 Sec. 18. Section 154D.2, subsection 2, paragraph b, Code  
9 2005, is amended to read as follows:

10 b. Has at least two years of supervised clinical  
11 ~~experience,-supervised-by-a-licensee,~~ in assessing mental  
12 health needs and problems and in providing appropriate mental  
13 health services as approved by the board ~~of-behavioral-science~~  
14 ~~examiners-in-consultation-with-the-mental-health,-mental~~  
15 ~~retardation,-developmental-disabilities,-and-brain-injury~~  
16 ~~commission-created-in-section-225E-5.~~ Standards for  
17 supervision, including the required qualifications for  
18 supervisors, shall be determined by the board by rule.

19 Sec. 19. Section 156.4, subsection 4, Code 2005, is  
20 amended to read as follows:

21 ~~4. Written-examinations-for-a-funeral-director's-license~~  
22 ~~shall-be-held-at-least-once-a-year-at-a-time-and-place-to-be~~  
23 ~~designated-by-the-board.--The-examination~~ Applicants shall  
24 pass an examination prescribed by the board, which shall  
25 include the subjects of funeral directing, burial or other  
26 disposition of dead human bodies, sanitary science, embalming,  
27 restorative art, anatomy, public health, transportation,  
28 business ethics, and such other subjects as the board may  
29 designate.

30 Sec. 20. Section 157.1, subsection 12, paragraph c, Code  
31 2005, is amended to read as follows:

32 c. Removing superfluous hair from the body of a person by  
33 the use of depilatories, waxing, sugaring, tweezers, or use of  
34 any certified laser products or intense pulsed light devices.  
35 This excludes the practice of electrology, whereby hair is

1 removed with an electric needle.

2 Sec. 21. Section 157.1, subsection 14, Code 2005, is  
3 amended to read as follows:

4 14. "General supervision" means the supervising physician  
5 is not onsite for laser procedures or use of an intense pulsed  
6 light device for hair removal conducted on minors, but is  
7 available for direct communication, either in person or by  
8 telephone, radio, radiotelephone, television, or similar  
9 means.

10 Sec. 22. Section 157.1, Code 2005, is amended by adding  
11 the following new subsection:

12 NEW SUBSECTION. 15A. "Intense pulsed light device" means  
13 a device that uses incoherent light to destroy the vein of the  
14 hair bulb.

15 Sec. 23. Section 157.2, Code 2005, is amended by adding  
16 the following new subsection:

17 NEW SUBSECTION. 5. Persons licensed under this chapter  
18 shall only use intense pulsed light devices for purposes of  
19 hair removal.

20 Sec. 24. Section 157.3, subsection 1, Code 2005, is  
21 amended to read as follows:

22 1. An applicant who has graduated from high school or its  
23 equivalent shall be issued a license to practice any of the  
24 cosmetology arts and sciences by the department when the  
25 applicant satisfies all of the following:

26 ~~a.---Presents-to-the-department-a-high-school-diploma-or-its~~  
27 ~~equivalent.~~

28 b. a. Presents to the department a diploma, or similar  
29 evidence, issued by a licensed school of cosmetology arts and  
30 sciences indicating that the applicant has completed the  
31 course of study for the appropriate practice of the  
32 cosmetology arts and sciences prescribed by the board. An  
33 applicant may satisfy this requirement upon presenting a  
34 diploma or similar evidence issued by a school in another  
35 state, recognized by the board, which provides instruction

1 regarding the practice for which licensure is sought, provided  
2 that the course of study is equivalent to or greater in length  
3 and scope than that required for a school in this state, and  
4 is approved by the board.

5 ~~e-~~ b. Completes the application form prescribed by the  
6 board.

7 ~~d-~~ c. Passes an examination prescribed by the board. The  
8 examination may include both practical demonstrations and  
9 written or oral tests and shall not be confined to any  
10 specific system or method. However, a member of the board who  
11 is a licensed instructor of cosmetology arts and sciences  
12 shall not be involved in the selection or administration of  
13 the exam.

14 Sec. 25. Section 157.3A, subsection 1, paragraph a, Code  
15 2005, is amended to read as follows:

16 a. A licensed esthetician, who intends to provide services  
17 pursuant to section 157.1, subsection 12, paragraphs "a" and  
18 "c", having received additional training on the use of  
19 microdermabrasion, or a certified laser product, or an intense  
20 pulsed light device, shall submit a written application and  
21 proof of additional training and certification for approval by  
22 the board. Training shall be specific to the service provided  
23 or certified laser product used.

24 Sec. 26. Section 157.3A, subsection 2, paragraph a, Code  
25 2005, is amended to read as follows:

26 a. A licensed cosmetologist having received additional  
27 training in the use of chemical peels, microdermabrasion, ~~or a~~  
28 certified laser product, or an intense pulsed light device for  
29 hair removal shall submit a written application and proof of  
30 additional training and certification for approval by the  
31 board. A cosmetologist who is licensed after July 1, 2005,  
32 shall not be eligible to provide chemical peels, practice  
33 microdermabrasion procedures, ~~or use certified laser products,~~  
34 or use an intense pulsed light device for hair removal.

35 Sec. 27. Section 157.3A, subsection 3, Code 2005, is

1 amended to read as follows:

2 3. A licensed electrologist having received additional  
3 training on the use of a certified laser product or an intense  
4 pulsed light device for the purpose of hair removal shall  
5 submit a written application and proof of additional training  
6 and certification for approval by the board.

7 Sec. 28. Section 157.3A, subsection 4, Code 2005, is  
8 amended to read as follows:

9 4. Any additional training received by a licensed  
10 esthetician, cosmetologist, or electrologist and submitted to  
11 the board relating to utilization of a certified laser product  
12 or an intense pulsed light device shall include a safety  
13 training component which provides a thorough understanding of  
14 the procedures being performed. The training program shall  
15 address fundamentals of nonbeam hazards, management and  
16 employee responsibilities relating to control measures, and  
17 regulatory requirements.

18 Sec. 29. Section 157.4, Code 2005, is amended to read as  
19 follows:

20 157.4 TEMPORARY PERMITS.

21 ~~1.---A person who completes the requirements for licensure~~  
22 ~~listed in section 157.3, except for the examination, shall be~~  
23 ~~known as a trainee and shall be issued a temporary permit by~~  
24 ~~the department which allows the applicant to practice in the~~  
25 ~~cosmetology arts and sciences from the date of application~~  
26 ~~until passage of the examination subject to this subsection.~~  
27 ~~An applicant shall take the first available examination~~  
28 ~~administered by the board, and may retain the temporary permit~~  
29 ~~if the applicant does not pass the examination.---An applicant~~  
30 ~~who does not pass the first examination shall take the next~~  
31 ~~available examination administered by the board.---The~~  
32 ~~temporary permit of an applicant who does not pass the second~~  
33 ~~examination shall be revoked.---An applicant who passes either~~  
34 ~~examination shall be issued a license pursuant to section~~  
35 ~~157.3.---The board shall adopt rules providing for a waiver of~~

~~1 the requirement to take the first available examination for  
2 good cause.~~

~~3 2. The department may issue a temporary permit for the  
4 purpose of demonstrating cosmetology arts and sciences upon  
5 recommendation of the board.~~

6 1. The department may issue a temporary permit which  
7 allows the applicant to practice in the cosmetology arts and  
8 sciences for purposes determined by rule. The board shall  
9 determine and state its recommendations and the length of time  
10 the temporary permit issued under this subsection is valid.

11 ~~3.~~ 2. The fee for a temporary permit shall be established  
12 by the board as provided in section 147.80.

13 Sec. 30. Section 157.5, subsection 1, unnumbered paragraph  
14 1, Code 2005, is amended to read as follows:

15 A licensed cosmetologist, esthetician, or electrologist who  
16 provides services relating to the use of a certified laser  
17 product, intense pulsed light device for hair removal,  
18 chemical peel, or microdermabrasion, shall obtain a consent in  
19 writing prior to the administration of the services. A  
20 consent in writing shall create a presumption that informed  
21 consent was given if the consent:

22 Sec. 31. Section 157.5, subsection 2, Code 2005, is  
23 amended to read as follows:

24 2. A licensed cosmetologist, esthetician, or electrologist  
25 who provides services related to the use of a certified laser  
26 product, intense pulsed light device for hair removal,  
27 chemical peel, or microdermabrasion, shall submit a report to  
28 the board within thirty days of any incident involving the  
29 provision of such services which results in physical injury  
30 requiring medical attention. Failure to comply with this  
31 section shall result in disciplinary action being taken by the  
32 board.

33 Sec. 32. Section 157.12A, Code 2005, is amended to read as  
34 follows:

35 157.12A USE OF LASER OR LIGHT PRODUCTS ON MINORS.

1 A laser hair removal product or device, or intense pulsed  
2 light device, shall not be used on a minor unless the minor is  
3 accompanied by a parent or guardian and only under the general  
4 supervision of a physician.

5 Sec. 33. Section 157.13, subsection 1, Code 2005, is  
6 amended to read as follows:

7 1. It is unlawful for a person to employ an individual to  
8 practice cosmetology arts and sciences unless that individual  
9 is licensed ~~or has obtained a temporary permit~~ under this  
10 chapter. It is unlawful for a licensee to practice with or  
11 without compensation in any place other than a licensed salon,  
12 a licensed school of cosmetology arts and sciences, or a  
13 licensed barbershop as defined in section 158.1, except that a  
14 licensee may practice at a location which is not a licensed  
15 salon or school of cosmetology arts and sciences under  
16 extenuating circumstances arising from physical or mental  
17 disability or death of a customer, or when a temporary permit  
18 has been approved by the board. It is unlawful for a licensee  
19 to claim to be a licensed barber, but it is lawful for a  
20 licensed cosmetologist to work in a licensed barbershop. It  
21 is unlawful for a person to employ a licensed cosmetologist,  
22 esthetician, or electrologist to perform the services  
23 described in section 157.3A if the licensee has not received  
24 the additional training and met the other requirements  
25 specified in section 157.3A.

26 Sec. 34. Section 233.2, subsection 2, paragraph c, Code  
27 2005, is amended to read as follows:

28 c. The If the name of the parent is unknown to the  
29 institutional health facility, the individual on duty or other  
30 person designated by the institutional health facility at  
31 which physical custody of the newborn infant was relinquished  
32 shall submit the certificate of birth report as required  
33 pursuant to section 144.14. If the name of the parent is  
34 known to the institutional health facility, the facility shall  
35 submit the certificate of birth report as required pursuant to

1 section 144.13. The department of public health shall not  
2 file the certificate of birth with the county of birth and  
3 shall otherwise maintain the confidentiality of the birth  
4 certificate in accordance with section 144.43.

5 Sec. 35. Section 272C.4, unnumbered paragraph 2, Code  
6 2005, is amended to read as follows:

7 Insurance carriers which insure professional and  
8 occupational licensees for acts or omissions that constitute  
9 negligence, careless acts, or omissions in the practice of a  
10 profession or occupation shall file reports with the  
11 appropriate licensing board. The reports shall include  
12 information pertaining to ~~claims~~ any lawsuit filed against a  
13 licensee which may affect the licensee as defined by rule,  
14 involving an insured of the insurer.

15 Sec. 36. Section 272C.9, subsection 1, Code 2005, is  
16 amended to read as follows:

17 1. Each licensee of a licensing board, as a condition of  
18 licensure, is under a duty to submit to a physical, ~~or~~ mental,  
19 or clinical competency examination when directed in writing by  
20 the board for cause. All objections shall be waived as to the  
21 admissibility of the examining physician's testimony or  
22 reports on the grounds of privileged communications. The  
23 medical testimony or report shall not be used against the  
24 licensee in any proceeding other than one relating to licensee  
25 discipline by the board, or one commenced in district court  
26 for revocation of the licensee's privileges. The licensing  
27 board, upon probable cause, shall have the authority to order  
28 a physical, ~~or~~ mental, or clinical competency examination, and  
29 upon refusal of the licensee to submit to the examination the  
30 licensing board may order that the allegations pursuant to  
31 which the order of physical, ~~or~~ mental, or clinical competency  
32 examination was made shall be taken to be established.

33 Sec. 37. Section 331.805, subsection 1, Code 2005, is  
34 amended to read as follows:

35 1. When a death occurs in the manner specified in section

1 331.802, subsection 3, the body, clothing, and any articles  
2 upon or near the body shall not be disturbed or removed from  
3 the position in which it is found, and physical or biological  
4 evidence shall not be obtained or collected from the body,  
5 without authorization from the county medical examiner or the  
6 state medical examiner except for the purpose of preserving  
7 the body from loss or destruction or permitting the passage of  
8 traffic on a highway, railroad or airport, or unless the  
9 failure to immediately remove the body might endanger life,  
10 safety, or health. A person who moves, disturbs, or conceals  
11 a body, clothing, or any articles upon or near the body or who  
12 obtains or collects physical or biological evidence in  
13 violation of this subsection or chapter 691 is guilty of a  
14 simple misdemeanor.

15 Sec. 38. Section 691.6, Code 2005, is amended by adding  
16 the following new subsection:

17 NEW SUBSECTION. 7. To perform an autopsy or order that an  
18 autopsy be performed if required or authorized by section  
19 331.802 or by rule. If the state medical examiner assumes  
20 jurisdiction over a body for purposes of performing an autopsy  
21 required or authorized by section 331.802 or by rule under  
22 this section, the body or its effects shall not be disturbed,  
23 withheld from the custody of the state medical examiner, or  
24 removed from the custody of the state medical examiner without  
25 authorization from the state medical examiner.

26 Sec. 39. Sections 135.45 through 135.48 and section  
27 142A.11, Code 2005, are repealed.

28 Sec. 40. RESPONSE TEAM TASK FORCE. The department shall  
29 establish a task force to study the current and future  
30 capacity of the public health workforce to respond to  
31 bioterrorism, emerging infectious diseases, and other public  
32 health threats and emergencies. The task force shall examine  
33 the concept of developing and implementing regional response  
34 teams which will include members from local, regional, and  
35 state agencies and organizations. The task force shall submit

1 a report to the department, the governor, and the general  
 2 assembly by July 1, 2006, which shall include the findings and  
 3 recommendations of the task force, including a proposed budget  
 4 necessary for sustaining public health workforce teams. Task  
 5 force members shall be appointed by the director and shall  
 6 include representatives from local public health agencies,  
 7 hospitals, emergency medical care providers and programs, the  
 8 department, and other stakeholders. Appointments to the task  
 9 force shall not be subject to the requirements of sections  
 10 69.16 and 69.16A.

11  
 HOUSE FILE 789

S-3100

1 Amend House File 789, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 32, by inserting after the word  
 4 "injury." the following: "For the purposes of this  
 5 section, the designation of lead agency authorizes the  
 6 department to perform or oversee the performance of  
 7 those functions specified in subsection 6, paragraphs  
 8 "a" through "c"."  
 9 2. Page 13, line 34, by striking the word "known"  
 10 and inserting the following: "disclosed".  
 11 3. By renumbering, relettering, or redesignating  
 12 and correcting internal references as necessary.

COMMITTEE ON HUMAN RESOURCES  
 AMANDA RAGAN, CO-CHAIRPERSON  
 JAMES SEYMOUR, CO-CHAIRPERSON

S-3100 FILED APRIL 7, 2005

SENATE AMENDMENT TO  
 HOUSE FILE 789

H-1385

1 Amend House File 789, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, line 32, by inserting after the word  
 4 "injury." the following: "For the purposes of this  
 5 section, the designation of lead agency authorizes the  
 6 department to perform or oversee the performance of  
 7 those functions specified in subsection 6, paragraphs  
 8 "a" through "c"."  
 9 2. Page 13, line 34, by striking the word "known"  
 10 and inserting the following: "disclosed".  
 11 3. By renumbering, relettering, or redesignating  
 12 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-1385 FILED APRIL 14, 2005

*Roberts*  
*Freeman*  
*Skendt*

Conceder By  
SE 0989

HSB 225  
HUMAN RESOURCES

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT  
OF PUBLIC HEALTH BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to programs and functions under the purview of  
2 the Iowa department of public health and providing criminal  
3 penalties and civil remedies.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 29C.20, subsection 1, paragraph a,  
2 subparagraph (5), Code 2005, is amended to read as follows:

3 (5) Paying the expenses incurred by and claims of an urban  
4 search and rescue team when acting under the authority of the  
5 administrator and the provisions of section 29C.6 and ~~disaster~~  
6 ~~medical-assistance-teams~~ public health response teams when  
7 acting under the provisions of section 135.143.

8 Sec. 2. Section 135.11, subsection 16, Code 2005, is  
9 amended to read as follows:

10 16. Administer the statewide public health nursing,  
11 homemaker-home health aide, and senior health programs by  
12 approving grants of state funds to the local boards of health  
13 and the county boards of supervisors and by providing  
14 guidelines for the approval of the grants and allocation of  
15 the state funds. Program direction, evaluation requirements,  
16 and formula allocation procedures for each of the programs  
17 shall be established by the department by rule, ~~consistent~~  
18 ~~with-1997-Iowa-Acts, chapter-203, section-5.~~

19 Sec. 3. Section 135.11, Code 2005, is amended by adding  
20 the following new subsection:

21 NEW SUBSECTION. 30. Establish and administer, if  
22 sufficient funds are available to the department, a program to  
23 assess and forecast health workforce supply and demand in the  
24 state for the purpose of identifying current and projected  
25 workforce needs. The program may collect, analyze, and report  
26 data that furthers the purpose of the program. The program  
27 shall not release information that permits identification of  
28 individual respondents of program surveys.

29 Sec. 4. Section 135.22A, subsection 7, Code 2005, is  
30 amended to read as follows:

31 7. The department is designated as Iowa's lead agency for  
32 brain injury. The council is assigned to the department for  
33 administrative purposes. The director shall be responsible  
34 for budgeting, program coordination, and related management  
35 functions.

1     Sec. 5. Section 135.140, subsection 5, Code 2005, is  
2 amended to read as follows:

3     5. ~~"Disaster-medical-assistance-team"-or-"DMAT"~~ "Public  
4 health response team" means a team of professionals, including  
5 licensed health care providers, nonmedical professionals  
6 skilled and trained in disaster or emergency response, and  
7 public health practitioners, which is sponsored by a hospital  
8 or other entity and approved by the department to provide  
9 disaster medical assistance in the event of a disaster or  
10 threatened disaster.

11    Sec. 6. Section 135.140, subsection 6, Code 2005, is  
12 amended to read as follows:

13    6. "Division" means the division of ~~epidemiology,~~  
14 ~~emergency-medical-services,-and-disaster-operations~~ acute  
15 disease prevention and emergency response of the department.

16    Sec. 7. Section 135.141, subsection 1, Code 2005, is  
17 amended to read as follows:

18    1. A division of ~~epidemiology,-emergency-medical-services,~~  
19 ~~and-disaster-operations~~ acute disease prevention and emergency  
20 response is established within the department. The division  
21 shall coordinate the administration of this division of this  
22 chapter with other administrative divisions of the department  
23 and with federal, state, and local agencies and officials.

24    Sec. 8. Section 135.143, Code 2005, is amended to read as  
25 follows:

26    135.143 ~~DISASTER-MEDICAL-ASSISTANCE-TEAMS~~ PUBLIC HEALTH  
27 RESPONSE TEAMS.

28    1. The department shall approve ~~disaster-medical~~  
29 ~~assistance~~ public health response teams to supplement and  
30 support disrupted or overburdened local medical and public  
31 health personnel, hospitals, and resources ~~at-or-near-the-site~~  
32 ~~of-a-disaster-or-threatened-disaster-by-providing-direct~~  
33 ~~medical-care-to-victims-or-by-providing-other-support~~  
34 services. Assistance shall be rendered under the following  
35 circumstances:

1 a. At or near the site of a disaster or threatened  
2 disaster by providing direct medical care to victims or  
3 providing other support services.

4 b. If local medical or public health personnel or  
5 hospitals request the assistance of a public health response  
6 team to provide direct medical care to victims or to provide  
7 other support services in relation to any of the following  
8 incidents:

9 (1) During an incident resulting from a novel or  
10 previously controlled or eradicated infectious agent, disease,  
11 or biological toxin.

12 (2) After a chemical attack or accidental chemical  
13 release.

14 (3) After an intentional or accidental release of  
15 radioactive material.

16 (4) In response to a nuclear or radiological attack or  
17 accident.

18 (5) Where an incident poses a high probability of a large  
19 number of deaths or long-term disabilities in the affected  
20 population.

21 2. A member of a ~~disaster-medical-assistance~~ public health  
22 response team acting pursuant to this division of this chapter  
23 shall be considered an employee of the state under section  
24 29C.21 and chapter 669, shall be afforded protection as an  
25 employee of the state under section 669.21, and shall be  
26 considered an employee of the state for purposes of workers'  
27 compensation, disability, and death benefits, provided that  
28 the member has done all of the following:

29 a. Registered with and received approval to serve on a  
30 ~~disaster-medical-assistance~~ public health response team from  
31 the department.

32 b. ~~Provided direct medical care to-a-victim-of-a-disaster~~  
33 ~~or-provided-other-support-services-during-a-disaster~~ or other  
34 support services during a disaster, threatened disaster, or  
35 other incident described in subsection 1; or participated in a

1 training exercise to prepare for a disaster or other incident  
2 described in subsection 1.

3 3. The department shall provide the department of  
4 administrative services with a list of individuals who have  
5 registered with and received approval from the department to  
6 serve on a ~~disaster-medical-assistance~~ public health response  
7 team. The department shall update the list on a quarterly  
8 basis, or as necessary for the department of administrative  
9 services to determine eligibility for coverage.

10 4. Upon notification of a compensable loss, the department  
11 of administrative services shall seek funding from the  
12 executive council for those costs associated with covered  
13 workers' compensation benefits.

14 Sec. 9. NEW SECTION. 138.13A ISOLATION OR QUARANTINE --  
15 EMPLOYMENT PROTECTION.

16 1. An employer shall not discharge an employee, or take or  
17 fail to take action regarding an employee's promotion or  
18 proposed promotion, or take action to reduce an employee's  
19 wages or benefits for actual time worked, due to the  
20 compliance of an employee with a quarantine or isolation order  
21 issued by the department or a local board. An employer who  
22 violates this section commits a simple misdemeanor.

23 2. An employee whose employer violates this section shall  
24 be entitled to recover damage from the employer including, but  
25 not limited to, actual damages, court costs, and reasonable  
26 attorney fees. The employee may also petition the court for  
27 imposition of a cease and desist order against an employer and  
28 for reinstatement of the employee's previous position of  
29 employment.

30 Sec. 10. NEW SECTION. 139A.8A VACCINE SHORTAGE --  
31 DEPARTMENT ORDER -- IMMUNITY.

32 1. In the event of a shortage of a vaccine, or in the  
33 event a vaccine shortage is imminent, the department may issue  
34 an order controlling, restricting, or otherwise regulating the  
35 distribution and administration of the vaccine. The order may

1 designate groups of persons which shall receive priority in  
2 administration of the vaccine and may prohibit vaccination of  
3 persons who are not included in a priority designation. The  
4 order shall include an effective date, which may be amended or  
5 rescinded only through a written order of the department. The  
6 order shall be applicable to health care providers, hospitals,  
7 clinics, pharmacies, health care facilities, local boards of  
8 health, public health agencies, and other persons or entities  
9 that distribute or administer vaccines.

10 2. A health care provider, hospital, clinic, pharmacy,  
11 health care facility, local board of health, public health  
12 agency, or other person or entity that distributes or  
13 administers vaccines shall not be civilly liable in any action  
14 based on a failure or refusal to distribute or administer a  
15 vaccine to any person if the failure or refusal to distribute  
16 or administer the vaccine was consistent with a department  
17 order issued pursuant to this section.

18 3. The department shall adopt rules to administer this  
19 section.

20 Sec. 11. Section 142C.15, subsection 4, paragraph a, Code  
21 2005, is amended to read as follows:

22 a. Not more than twenty percent of the moneys in the fund  
23 annually may be expended in the form of grants to state  
24 agencies or to nonprofit legal entities with an interest in  
25 anatomical gift public awareness and transplantation to  
26 conduct public awareness projects ~~or-to-research-and-develop-a~~  
27 ~~statewide-organ-and-tissue-donor-registry.~~ Moneys remaining  
28 that were not requested and awarded for public awareness  
29 projects may be used for research, or to develop and support a  
30 statewide organ and tissue donor registry. Grants shall be  
31 made based upon the submission of a grant application by an  
32 agency or entity to conduct a public awareness project or to  
33 research, and develop, and support a statewide organ and  
34 tissue donor registry.

35 Sec. 12. Section 144.23, subsection 1, Code 2005, is

1 amended to read as follows:

2 1. An adoption certificate report as provided in section  
3 144.19, or a certified copy of the decree of adoption together  
4 with the information necessary to identify the original  
5 certificate of birth and to establish a new certificate of  
6 ~~birth, except that a new certificate of birth shall not be~~  
7 ~~established if so requested by the court decreeing the~~  
8 ~~adoption, the adoptive parents, or the adopted person.~~

9 Sec. 13. Section 144.23, subsection 3, Code 2005, is  
10 amended to read as follows:

11 3. A notarized affidavit by a licensed physician and  
12 surgeon or osteopathic physician and surgeon stating that by  
13 reason of surgery or other treatment by the licensee, the sex  
14 designation of the person has been irreversibly changed. The  
15 state registrar may make a further investigation or require  
16 further information necessary to determine whether a sex  
17 change has occurred.

18 Sec. 14. Section 144.40, Code 2005, is amended to read as  
19 follows:

20 144.40 PATERNITY OF CHILDREN -- BIRTH CERTIFICATES.

21 Upon request and receipt of an affidavit of paternity  
22 completed and filed pursuant to section 252A.3A, or a  
23 certified copy or notification by the clerk of court of a  
24 court or administrative order establishing paternity, the  
25 state registrar shall amend establish a new certificate of  
26 birth to show paternity if paternity is not shown on the birth  
27 certificate. Upon written request of the parents on the  
28 affidavit of paternity, the surname of the child may be  
29 changed on the certificate to that of the father. The  
30 certificate shall not be marked "amended". The original  
31 certificate and supporting documentation shall be maintained  
32 in a sealed file; however, a photocopy of the paternity  
33 affidavit filed pursuant to section 252A.3A and clearly  
34 labeled as a copy may be provided to a parent named on the  
35 affidavit of paternity.

1     Sec. 15. Section 148.12, Code 2005, is amended to read as  
2 follows:

3     148.12 VOLUNTARY AGREEMENTS.

4     The medical examiners, after due notice and hearing, may  
5 issue an order to revoke, suspend, or restrict a license to  
6 practice medicine and surgery, osteopathic medicine and  
7 surgery, or osteopathy, or to issue a restricted license on  
8 application if the medical examiners determine that a  
9 physician licensed to practice medicine and surgery,  
10 osteopathic medicine and surgery, or osteopathy, or an  
11 applicant for licensure has entered into a voluntary agreement  
12 to restrict the practice of medicine and surgery, osteopathic  
13 medicine and surgery, or osteopathy in another state,  
14 district, territory, or country, or an agency of the federal  
15 government. A certified copy of the voluntary agreement shall  
16 be considered prima facie evidence.

17     Sec. 16. Section 152B.5, Code 2005, is amended to read as  
18 follows:

19     152B.5 RESPIRATORY CARE STUDENTS.

20     Respiratory care services may be rendered by a student  
21 enrolled in a respiratory therapy training program when these  
22 services are incidental to the student's course of study.

23     A student enrolled in a respiratory therapy training  
24 program who is employed in an organized health care system may  
25 render services defined in sections 152B.2 and 152B.3 under  
26 the direct and immediate supervision of a respiratory care  
27 practitioner for a limited period of time as determined by  
28 rule. The student shall be identified as a "student  
29 respiratory care practitioner".

30     ~~A-graduate-of-an-approved-respiratory-care-training-program~~  
31 ~~employed-in-an-organized-health-care-system-may-render~~  
32 ~~services-as-defined-in-sections-152B.2-and-152B.3-under-the~~  
33 ~~direct-and-immediate-supervision-of-a-respiratory-care~~  
34 ~~practitioner-for-one-year.--The-graduate-shall-be-identified~~  
35 ~~as-a-"respiratory-care-practitioner-licensure-applicant".~~

1 Sec. 17. Section 152B.14, Code 2005, is amended to read as  
2 follows:

3 152B.14 LICENSURE THROUGH PRIOR EXAMINATION OR PRACTICE.

4 ~~17~~ The board shall issue a license to practice respiratory  
5 care to an applicant who ~~on July 17, 1996~~ has passed an  
6 examination administered by the state or a national agency  
7 approved by the board.

8 ~~27--Other applicants who have not passed these examinations~~  
9 ~~or their equivalent on July 17, 1996 and who through written~~  
10 ~~evidence verified by oath demonstrate that they are~~  
11 ~~presently functioning in the capacity of a respiratory care~~  
12 ~~practitioner as defined by this chapter shall be given a~~  
13 ~~temporary license to practice respiratory care for a period of~~  
14 ~~thirty six months from July 17, 1996--Such applicants must~~  
15 ~~pass a licensure examination administered or approved by the~~  
16 ~~board within thirty six months after July 17, 1996 in order to~~  
17 ~~continue to practice respiratory care.~~

18 Sec. 18. Section 154D.2, subsection 1, paragraph b, Code  
19 2005, is amended to read as follows:

20 b. Has at least two years of supervised clinical  
21 experience or its equivalent as approved by the board in  
22 ~~consultation with the mental health, mental retardation,~~  
23 ~~developmental disabilities, and brain injury commission~~  
24 ~~created in section 225E.5. Standards for supervision,~~  
25 ~~including the required qualifications for supervisors, shall~~  
26 ~~be determined by the board by rule.~~

27 Sec. 19. Section 154D.2, subsection 2, paragraph b, Code  
28 2005, is amended to read as follows:

29 b. Has at least two years of supervised clinical  
30 experience ~~supervised by a licensee~~ in assessing mental  
31 health needs and problems and in providing appropriate mental  
32 health services as approved by the board of ~~behavioral science~~  
33 ~~examiners in consultation with the mental health, mental~~  
34 ~~retardation, developmental disabilities, and brain injury~~  
35 ~~commission created in section 225E.5. Standards for~~

1 supervision, including the required qualifications for  
2 supervisors, shall be determined by the board by rule.

3 Sec. 20. Section 156.4, subsection 4, Code 2005, is  
4 amended to read as follows:

5 ~~4. Written examinations for a funeral director's license~~  
6 ~~shall be held at least once a year at a time and place to be~~  
7 ~~designated by the board. The examination~~ Applicants shall  
8 pass an examination prescribed by the board, which shall  
9 include the subjects of funeral directing, burial or other  
10 disposition of dead human bodies, sanitary science, embalming,  
11 restorative art, anatomy, public health, transportation,  
12 business ethics, and such other subjects as the board may  
13 designate.

14 Sec. 21. Section 157.1, subsection 12, paragraph c, Code  
15 2005, is amended to read as follows:

16 c. Removing superfluous hair from the body of a person by  
17 the use of depilatories, waxing, sugaring, tweezers, or use of  
18 any certified laser products or intense pulsed light devices.  
19 This excludes the practice of electrology, whereby hair is  
20 removed with an electric needle.

21 Sec. 22. Section 157.1, subsection 14, Code 2005, is  
22 amended to read as follows:

23 14. "General supervision" means the supervising physician  
24 is not onsite for laser procedures or use of an intense pulsed  
25 light device for hair removal conducted on minors, but is  
26 available for direct communication, either in person or by  
27 telephone, radio, radiotelephone, television, or similar  
28 means.

29 Sec. 23. Section 157.1, Code 2005, is amended by adding  
30 the following new subsection:

31 NEW SUBSECTION. 15A. "Intense pulsed light device" means  
32 a device that uses incoherent light to destroy the vein of the  
33 hair bulb.

34 Sec. 24. Section 157.2, Code 2005, is amended by adding  
35 the following new subsection:

1 NEW SUBSECTION. 5. Persons licensed under this chapter  
2 shall only use intense pulsed light devices for purposes of  
3 hair removal.

4 Sec. 25. Section 157.3, subsection 1, Code 2005, is  
5 amended to read as follows:

6 1. An applicant who has graduated from high school or its  
7 equivalent shall be issued a license to practice any of the  
8 cosmetology arts and sciences by the department when the  
9 applicant satisfies all of the following:

10 ~~a. Presents to the department a high school diploma or its~~  
11 ~~equivalent.~~

12 ~~b.~~ a. Presents to the department a diploma, or similar  
13 evidence, issued by a licensed school of cosmetology arts and  
14 sciences indicating that the applicant has completed the  
15 course of study for the appropriate practice of the  
16 cosmetology arts and sciences prescribed by the board. An  
17 applicant may satisfy this requirement upon presenting a  
18 diploma or similar evidence issued by a school in another  
19 state, recognized by the board, which provides instruction  
20 regarding the practice for which licensure is sought, provided  
21 that the course of study is equivalent to or greater in length  
22 and scope than that required for a school in this state, and  
23 is approved by the board.

24 ~~c.~~ b. Completes the application form prescribed by the  
25 board.

26 ~~d.~~ c. Passes an examination prescribed by the board. The  
27 examination may include both practical demonstrations and  
28 written or oral tests and shall not be confined to any  
29 specific system or method. However, a member of the board who  
30 is a licensed instructor of cosmetology arts and sciences  
31 shall not be involved in the selection or administration of  
32 the exam.

33 Sec. 26. Section 157.3A, subsection 1, paragraph a, Code  
34 2005, is amended to read as follows:

35 a. A licensed esthetician, who intends to provide services

1 pursuant to section 157.1, subsection 12, paragraphs "a" and  
2 "c", having received additional training on the use of  
3 microdermabrasion, or a certified laser product, or an intense  
4 pulsed light device, shall submit a written application and  
5 proof of additional training and certification for approval by  
6 the board. Training shall be specific to the service provided  
7 or certified laser product used.

8 Sec. 27. Section 157.3A, subsection 2, paragraph a, Code  
9 2005, is amended to read as follows:

10 a. A licensed cosmetologist having received additional  
11 training in the use of chemical peels, microdermabrasion, or a  
12 certified laser product, or an intense pulsed light device for  
13 hair removal shall submit a written application and proof of  
14 additional training and certification for approval by the  
15 board. A cosmetologist who is licensed after July 1, 2005,  
16 shall not be eligible to provide chemical peels, practice  
17 microdermabrasion procedures, or use certified laser products,  
18 or use an intense pulsed light device for hair removal.

19 Sec. 28. Section 157.3A, subsection 3, Code 2005, is  
20 amended to read as follows:

21 3. A licensed electrologist having received additional  
22 training on the use of a certified laser product or an intense  
23 pulsed light device for the purpose of hair removal shall  
24 submit a written application and proof of additional training  
25 and certification for approval by the board.

26 Sec. 29. Section 157.3A, subsection 4, Code 2005, is  
27 amended to read as follows:

28 4. Any additional training received by a licensed  
29 esthetician, cosmetologist, or electrologist and submitted to  
30 the board relating to utilization of a certified laser product  
31 or an intense pulsed light device shall include a safety  
32 training component which provides a thorough understanding of  
33 the procedures being performed. The training program shall  
34 address fundamentals of nonbeam hazards, management and  
35 employee responsibilities relating to control measures, and

1 regulatory requirements.

2 Sec. 30. Section 157.4, Code 2005, is amended to read as  
3 follows:

4 157.4 TEMPORARY PERMITS.

5 ~~1.--A person who completes the requirements for licensure~~  
6 ~~listed in section 157.37, except for the examination, shall be~~  
7 ~~known as a trainee and shall be issued a temporary permit by~~  
8 ~~the department which allows the applicant to practice in the~~  
9 ~~cosmetology arts and sciences from the date of application~~  
10 ~~until passage of the examination subject to this subsection.~~  
11 ~~An applicant shall take the first available examination~~  
12 ~~administered by the board, and may retain the temporary permit~~  
13 ~~if the applicant does not pass the examination.--An applicant~~  
14 ~~who does not pass the first examination shall take the next~~  
15 ~~available examination administered by the board.--The~~  
16 ~~temporary permit of an applicant who does not pass the second~~  
17 ~~examination shall be revoked.--An applicant who passes either~~  
18 ~~examination shall be issued a license pursuant to section~~  
19 ~~157.3.--The board shall adopt rules providing for a waiver of~~  
20 ~~the requirement to take the first available examination for~~  
21 ~~good cause.~~

22 2.--The department may issue a temporary permit for the  
23 purpose of demonstrating cosmetology arts and sciences upon  
24 recommendation of the board.

25 1. The department may issue a temporary permit which  
26 allows the applicant to practice in the cosmetology arts and  
27 sciences for purposes determined by rule. The board shall  
28 determine and state its recommendations and the length of time  
29 the temporary permit issued under this subsection is valid.

30 3. 2. The fee for a temporary permit shall be established  
31 by the board as provided in section 147.80.

32 Sec. 31. Section 157.5, subsection 1, unnumbered paragraph  
33 1, Code 2005, is amended to read as follows:

34 A licensed cosmetologist, esthetician, or electrologist who  
35 provides services relating to the use of a certified laser

1 product, intense pulsed light device for hair removal,  
2 chemical peel, or microdermabrasion, shall obtain a consent in  
3 writing prior to the administration of the services. A  
4 consent in writing shall create a presumption that informed  
5 consent was given if the consent:

6 Sec. 32. Section 157.5, subsection 2, Code 2005, is  
7 amended to read as follows:

8 2. A licensed cosmetologist, esthetician, or electrologist  
9 who provides services related to the use of a certified laser  
10 product, intense pulsed light device for hair removal,  
11 chemical peel, or microdermabrasion, shall submit a report to  
12 the board within thirty days of any incident involving the  
13 provision of such services which results in physical injury  
14 requiring medical attention. Failure to comply with this  
15 section shall result in disciplinary action being taken by the  
16 board.

17 Sec. 33. Section 157.12A, Code 2005, is amended to read as  
18 follows:

19 157.12A USE OF LASER OR LIGHT PRODUCTS ON MINORS.

20 A laser hair removal product or device, or intense pulsed  
21 light device, shall not be used on a minor unless the minor is  
22 accompanied by a parent or guardian and only under the general  
23 supervision of a physician.

24 Sec. 34. Section 157.13, subsection 1, Code 2005, is  
25 amended to read as follows:

26 1. It is unlawful for a person to employ an individual to  
27 practice cosmetology arts and sciences unless that individual  
28 is licensed ~~or has obtained a temporary permit~~ under this  
29 chapter. It is unlawful for a licensee to practice with or  
30 without compensation in any place other than a licensed salon,  
31 a licensed school of cosmetology arts and sciences, or a  
32 licensed barbershop as defined in section 158.1, except that a  
33 licensee may practice at a location which is not a licensed  
34 salon or school of cosmetology arts and sciences under  
35 extenuating circumstances arising from physical or mental

1 disability or death of a customer, or when a temporary permit  
2 has been approved by the board. It is unlawful for a licensee  
3 to claim to be a licensed barber, but it is lawful for a  
4 licensed cosmetologist to work in a licensed barbershop. It  
5 is unlawful for a person to employ a licensed cosmetologist,  
6 esthetician, or electrologist to perform the services  
7 described in section 157.3A if the licensee has not received  
8 the additional training and met the other requirements  
9 specified in section 157.3A.

10 Sec. 35. Section 233.2, subsection 2, paragraph c, Code  
11 2005, is amended to read as follows:

12 c. ~~The~~ If the name of the parent is unknown to the  
13 institutional health facility, the individual on duty or other  
14 person designated by the institutional health facility at  
15 which physical custody of the newborn infant was relinquished  
16 shall submit the certificate of birth report as required  
17 pursuant to section 144.14. If the name of the parent is  
18 known to the institutional health facility, the facility shall  
19 submit the certificate of birth report as required pursuant to  
20 section 144.13. The department of public health shall not  
21 file the certificate of birth with the county of birth and  
22 shall otherwise maintain the confidentiality of the birth  
23 certificate in accordance with section 144.43.

24 Sec. 36. Section 272C.9, subsection 1, Code 2005, is  
25 amended to read as follows:

26 1. Each licensee of a licensing board, as a condition of  
27 licensure, is under a duty to submit to a physical, or mental,  
28 or clinical competency examination when directed in writing by  
29 the board for cause. All objections shall be waived as to the  
30 admissibility of the examining physician's testimony or  
31 reports on the grounds of privileged communications. The  
32 medical testimony or report shall not be used against the  
33 licensee in any proceeding other than one relating to licensee  
34 discipline by the board, or one commenced in district court  
35 for revocation of the licensee's privileges. The licensing

1 board, upon probable cause, shall have the authority to order  
2 a physical, or mental, or clinical competency examination, and  
3 upon refusal of the licensee to submit to the examination the  
4 licensing board may order that the allegations pursuant to  
5 which the order of physical, or mental, or clinical competency  
6 examination was made shall be taken to be established.

7 Sec. 37. Section 331.805, subsection 1, Code 2005, is  
8 amended to read as follows:

9 1. When a death occurs in the manner specified in section  
10 331.802, subsection 3, the body, clothing, and any articles  
11 upon or near the body shall not be disturbed or removed from  
12 the position in which it is found, and physical or biological  
13 evidence shall not be obtained or collected from the body,  
14 without authorization from the county medical examiner or the  
15 state medical examiner except for the purpose of preserving  
16 the body from loss or destruction or permitting the passage of  
17 traffic on a highway, railroad or airport, or unless the  
18 failure to immediately remove the body might endanger life,  
19 safety, or health. A person who moves, disturbs, or conceals  
20 a body, clothing, or any articles upon or near the body or who  
21 obtains or collects physical or biological evidence in  
22 violation of this subsection or chapter 691 is guilty of a  
23 simple misdemeanor.

24 Sec. 38. Section 691.6, Code 2005, is amended by adding  
25 the following new subsection:

26 NEW SUBSECTION. 7. To perform an autopsy or order that an  
27 autopsy be performed if required or authorized by section  
28 331.802 or by rule. If the state medical examiner assumes  
29 jurisdiction over a body for purposes of performing an autopsy  
30 required or authorized by section 331.802 or by rule under  
31 this section, the body or its effects shall not be disturbed,  
32 withheld from the custody of the state medical examiner, or  
33 removed from the custody of the state medical examiner without  
34 authorization from the state medical examiner.

35 Sec. 39. Sections 135.45 through 135.48 and section

1 142A.11, Code 2005, are repealed.

2     Sec. 40. RESPONSE TEAM TASK FORCE. The department shall  
3 establish a task force to study the current and future  
4 capacity of the public health workforce to respond to  
5 bioterrorism, emerging infectious diseases, and other public  
6 health threats and emergencies. The task force shall examine  
7 the concept of developing and implementing regional response  
8 teams which will include members from local, regional, and  
9 state agencies and organizations. The task force shall submit  
10 a report to the department, the governor, and the general  
11 assembly by July 1, 2006, which shall include the findings and  
12 recommendations of the task force, including a proposed budget  
13 necessary for sustaining public health workforce teams. Task  
14 force members shall be appointed by the director and shall  
15 include representatives from local public health agencies,  
16 hospitals, emergency medical care providers and programs, the  
17 department, and other stakeholders. Appointments to the task  
18 force shall not be subject to the requirements of sections  
19 69.16 and 69.16A.

20

#### EXPLANATION

21     This bill provides for a number of changes regarding  
22 programs and functions under the purview of the Iowa  
23 department of public health.

24     The bill provides statutory authority for the collection of  
25 health workforce data by the department, and provides for the  
26 confidentiality of the data collected. The bill eliminates a  
27 reference to 1997 Iowa Acts relating to the use for which  
28 local public health funding may be applied, and provides that  
29 the department is designated Iowa's lead agency for brain  
30 injury.

31     The bill provides that the division of epidemiology,  
32 emergency medical services, and disaster operations shall be  
33 renamed the division of acute disease prevention and emergency  
34 response, and makes conforming changes related to this name  
35 change.

1 The bill renames disaster medical assistance teams as  
2 public health response teams, and makes conforming changes  
3 related to this name change in Code section 29C.21, relating  
4 to the emergency management assistance compact. The bill also  
5 provides for additional categories in which assistance by the  
6 teams is authorized and adds disability to those benefits for  
7 which a team member may be considered to qualify as an  
8 employee of the state for liability and indemnity purposes.

9 The bill provides that in the event of a shortage of a  
10 vaccine, or in the event a vaccine shortage is imminent, the  
11 department may issue an order controlling, restricting, or  
12 regulating the distribution and administration of the vaccine.  
13 The bill provides that the order may designate groups of  
14 persons which shall receive priority in administration of the  
15 vaccine and may prohibit vaccination of persons who are not  
16 included in a priority designation, and that it shall be  
17 applicable to health care providers, hospitals, clinics,  
18 pharmacies, health care facilities, local boards of health,  
19 public health agencies, and other persons or entities which  
20 distribute or administer vaccines. The bill also provides  
21 that there shall be no civil liability in any action based on  
22 a failure or refusal to distribute or administer a vaccine to  
23 any person if the failure or refusal to distribute or  
24 administer the vaccine was consistent with a department order.

25 The bill provides for employment protection for employees  
26 subject to isolation or quarantine and provides criminal  
27 penalties and civil remedies.

28 The bill provides for the deletion of a repeal applicable  
29 to the tobacco use prevention and control initiative,  
30 currently specifying June 30, 2010.

31 The bill also provides that anatomical gift public  
32 awareness and transplanted funds, which may currently be  
33 utilized for the development of a statewide organ and tissue  
34 control registry, may also be utilized to support the  
35 registry.

1 The bill repeals provisions establishing the chronic renal  
2 disease program.

3 The bill provides that an amended birth certificate shall  
4 be issued in an adoption, deleting provisions which had  
5 provided for the option of a certificate not being issued upon  
6 request, and provides that in order for an amended birth  
7 certificate to be issued in the case of a sex change  
8 operation, an affidavit must be received from a specified  
9 medical professional that the procedure was irreversible.

10 The bill provides that the board of medical examiners,  
11 which may currently discipline a physician who has entered  
12 into a voluntary agreement to restrict their practice in  
13 another state, district, territory, or country, shall also be  
14 able to discipline a physician entering into a voluntary  
15 agreement with an agency of the federal government.

16 The bill strikes a provision which currently permits a  
17 graduate of an approved respiratory care program to practice  
18 under specified circumstances for one year prior to taking a  
19 licensure exam, and strikes an expired provision authorizing  
20 temporary permits to practice.

21 The bill strikes a provision requiring consultation by the  
22 board of behavioral science examiners with the mental health  
23 and developmental disabilities commission relating to approval  
24 of supervised clinical experience for marital and family  
25 therapy and mental health counseling, and also strikes a  
26 provision which specifies that supervision of an applicant for  
27 mental health counseling must be conducted strictly by a  
28 licensee. The bill provides that supervision standards shall  
29 be determined by the department by rule.

30 The bill strikes an outdated provision that written  
31 examinations for a funeral director's license shall be given  
32 by the board of mortuary science examiners and instead allows  
33 the board to prescribe the examination to be taken.

34 The bill also provides for the addition of intense pulsed  
35 light devices to the list of regulated practices under Code

1 chapter 157 (cosmetology), and makes conforming changes to  
2 reflect the addition. The bill additionally strikes the  
3 current requirement that a cosmetology applicant submit a copy  
4 of a high school diploma, requiring instead that an applicant  
5 has graduated from high school or its equivalent, and strikes  
6 references to issuance of a temporary permit prior to taking a  
7 licensure examination for cosmetology. The bill specifies  
8 that a temporary permit may be issued, however, for purposes  
9 to be determined by rule.

10 The bill provides that a birth certificate shall be  
11 submitted to the state registrar in accordance with the  
12 provisions of Code section 144.43 in the event that the  
13 identity of a parent is known in a situation where custody of  
14 an infant is being released.

15 The bill also provides that licensing boards may order a  
16 clinical competency examination, in addition to being  
17 currently authorized to order physical or mental examinations.

18 The bill further provides that, after a death has occurred,  
19 current provisions prohibiting the disturbing or removing of a  
20 body without authorization by a county medical examiner shall  
21 also apply to clothing or other articles upon or near a dead  
22 body. The bill additionally provides that if the state  
23 medical examiner assumes jurisdiction over a body for purposes  
24 of performing an autopsy required or authorized by Code  
25 section 331.802 or by rule, the body or its effects shall not  
26 be disturbed, withheld from the custody of the state medical  
27 examiner, or removed from the custody of the state medical  
28 examiner without authorization from the state medical  
29 examiner.

30 The bill provides for the establishment of a response team  
31 task force to study the current and future capacity of the  
32 public health workforce to respond to bioterrorism, emerging  
33 infectious diseases, and other public health threats and  
34 emergencies. The bill provides that the task force shall  
35 examine the concept of developing and implementing regional

1 response teams, and include members from local, regional, and  
2 state agencies and organizations. The bill provides that the  
3 task force shall submit a report to the department, the  
4 governor, and the general assembly by July 1, 2006, and that  
5 members shall be appointed by the director and include  
6 representatives from local public health agencies, hospitals,  
7 emergency medical care providers and programs, the department,  
8 and other stakeholders.

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# Iowa Department of Public Health

Mary Mincer Hansen, R.N., Ph.D.  
Director

Thomas J. Vilsack  
Governor

Sally J. Pederson  
Lt. Governor

**TO:** Helen DeBartolo, LSA  
**FROM:** Mary Mincer Hansen, Director  
**RE:** 2005 IDPH Omnibus Prefile Section-by-Section  
**DATE:** February 23, 2005

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**Sections 1 and 5.** Technical changes. Renames Disaster Medical Assistance Teams to Public Health Response Teams to recognize that the teams consist of more than just medical professionals but also environmental and epidemiological professionals.

**Section 2.** Eliminates outdated requirements for state-appropriated local public health funding, established in 1997. This change would provide greater flexibility for local public health offices to work on preventing new public health threats such as obesity.

**Section 3.** IDPH's Center for Health Workforce Planning currently collects health workforce data that is necessary to project health workforce demand in Iowa. This section codifies the ability of IDPH to collect this information and adds privacy protections to ensure the confidentiality of the data.

**Section 4.** The department provides administrative support to the Advisory Council on Brain Injuries, which is charged with promoting "meetings and programs for the discussion of methods to reduce the debilitating effects of brain injuries, and disseminate information in cooperation with any other department, agency, or entity on the prevention, evaluation, care, treatment, and rehabilitation of persons affected by brain injuries." (135.22A) Lead agency designation of the department would assist the council in complying with its charge. It is possible that having lead agency designation in statute could open up future federal funding for Iowa.

**Sections 6 and 7.** Technical changes to 135.140 and 135.141. Renames the IDPH Division of Epidemiology, Emergency Medical Services, and Disaster Operations to the Division of Acute Disease Prevention and Emergency Response.

**Section 8.** Expands the duties of the Public Health Response Teams so they may be deployed during the period leading up to a potential disaster, which improve surveillance and detection efforts and implementation of control measures prior to the emergency.

**Section 9.** Provides employment protections for persons who are ordered by the IDPH or local public health offices to be isolated or quarantined because of the risk of spreading an infectious disease.

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**Promoting and protecting the health of Iowans**

**Section 10.** Improves the ability of the IDPH to coordinate the distribution and administration of a vaccine in the event of a vaccine shortage. The department would be allowed to issue an order controlling, restricting, or otherwise regulating the distribution and administration of such vaccine. This section also provides civil liability immunity to any person who is complying with the order.

**Section 11.** This section makes a minor change to the Iowa donor Registry code that would allow the funds from the Anatomical Gift Public Awareness and Transplantation Fund to be used to maintain the registry in addition to being used to establish it.

**Sections 12 and 13.** The Bureau of Vital Records and Health Statistics requests that the following changes be made for the issuance of birth certificates to decrease the opportunities for identity fraud. The first change requires that an individual who is being adopted receive an amended birth certificate with the individual's new name and family information to ensure that there are not two identities for one person.

The second change clarifies that before a new birth certificate is issued for an individual who received a sex change that individual must provide a notified affidavit from their physician that the change is irreversible, such as surgery, and not reversible such as with hormone treatment.

**Section 14. Technical Change.** The Bureau of Vital Records and Health Statistics is proposing a change that would allow parents to obtain a copy of a paternity affidavit by providing proof of their identity. Currently, if parents want a copy of the affidavit they have to obtain a court order to get it.

**Section 15.** Allows the Iowa Board of Medical Examiners to discipline a physician who has entered into a voluntary agreement with a federal government agency if the physician is practicing under an Iowa license. Currently, the medical board may discipline a physician who has entered into a voluntary agreement with another state, district, territory or country but not a federal government agency.

**Section 16.** The Iowa Board of Respiratory Care Examiners request that language be deleted that allows respiratory care graduates to practice for a year under the direct supervision of a licensed respiratory care therapist. The board feels that graduates must first pass the National Board for Respiratory Care exam to ensure that they are competent. This is similar to the requirements for practicing as a registered nurse.

**Section 17.** This section deletes the use of temporary permits for respiratory care therapists. Because the National Board for Respiratory Care exam is readily available, the Iowa Board of Respiratory Care Examiners feels that temporary permits are no longer needed. Beginning January 1, 2005 students will be allowed to take the exam up to 30 days prior to actual graduation and receive their scores.

**Sections 18 and 19. Technical Changes.** The Board of Behavioral Science Examiners requests that a requirement for them to consult with the Mental Health and Developmental Disabilities Commission on supervision standards for marital and family health therapists and mental health counselors be removed. The Commission is supportive of removing this language.

Language is also being deleted that requires clinical experience for a mental health counselor applicant to be supervised only by a licensee to allow other similar professions to provide supervision, such as psychologists, psychiatrists, or licensed independent social workers.

**Section 20.** Technical change. Eliminates outdated language that requires the board of Mortuary Science Examiners to give a written exam. The board no longer gives an examination because it is now given by the International Conference of Funeral Service Examining Boards.

**Sections 21-24, 26-29, 31-33.** The Board of Cosmetology enacted significant reforms during the 2004 legislative session to ensure that the board had the authority to regulate new cosmetology practices involving the use of lasers, chemical peels and microdermabrasion. Since that time it has come to the board's attention that the use of Intense Pulsed Light (IPL) devices should also be regulated by the board. IPL's can be used for hair removal and for a variety of skin enhancements. Without proper training IPL's can cause significant damage to the skin such as burns. The following provisions add IPL's to the Cosmetology code chapter to ensure that the board has the ability to require licensed cosmetologists receive proper training on their use and have an appropriate relationship with a physician for medical care, client's are correctly informed of IPL procedures and risks, and that violations are implemented.

**Section 25.** The Cosmetology Board is requesting that cosmetology applicants no longer have to submit a high school diploma or its equivalent as a requirement to be licensed because the documentation can be hard to produce for some foreign educated, refugees and home-schooled persons. To ensure standards are not lowered the licensees are required to verify that they have graduated from high school or its equivalent. All licensees are still required to complete required cosmetology education and pass examinations before being licensed.

**Sections 30 and 34.** Changes the use of temporary permits for cosmetology. Previously, cosmetology students had a wait of potentially three to four months before they could take the exam, which is why temporary permits to practice were necessary. Computerized testing now allows students to schedule and take an exam in two weeks. This provision updates this code section to allow the board to determine in rules when temporary permits are needed. The Cosmetology board is also requesting that they be able to define other uses for temporary permits in rules. The intent is to allow the issuance of temporary permits for nonprofit fundraising, such as providing haircuts at a nonprofit fundraising event.

**Section 35.** This section clarifies how a birth certificate shall be filed under the Safe Haven Act. The original language was intended to apply to babies left anonymously at hospitals and did not address hospital births where the birth parent decides to give up their child under the Safe Haven Act. This provision requires that if the name of the parent is known the health facility will submit a birth certificate application to the State Registrar where the information will be held confidential as required in chapter 144.43.

**Section 36.** This section allows the Iowa Board of Medical Examiners to order an evaluation of a physician, based on probable cause, to determine whether the physician has clinical competency problems and to get remedial education long before the hearing process would reach the same conclusion. A physician who does not believe that an evaluation is warranted has the same protections as those ordered to physical or mental evaluations as established in Iowa Administrative Rules Chapter 653-12.3.

**Section 37.** Clarifies the medical examiners' ability to protect evidence. In addition to determining the cause and manner of death the County and or State Medical Examiner is responsible for collecting and preserving evidence that is directly associated with the death of the individual, such as clothing and jewelry. There have been a few instances of non-Medical Examiner personnel obtaining biological specimens that were not appropriate for the case. This change is to prevent future problems. The medical examiner will continue to work with law enforcement agencies and coordinate the tasks of collecting and preserving evidence.

**Section 38.** The State Medical Examiner's Office is seeking clarifications in the law pertaining to required duties of the State Medical Examiner when there are questions about which entity has jurisdiction of a body. The law needs to be clear that the State Medical Examiner may assume jurisdiction of a body and if they do then the body clothing and effects are not to be altered. The body and these items are considered legal evidence. In order to fulfill the duties outlined by law, the State Medical Examiner's jurisdiction needs to be maintained for the duration needed to complete the procedures and collect the evidence pertinent to the case. The clarification just outlined is considered standard practice, and is already followed in most cases.

**Section 39.** Repeals the authorizing language for the Chronic Renal Disease Program (135.45 through 135.48), which was suspended by IDPH in 2003 because of a lack of funding. Eliminates the sunset date of June 30, 2010 for the comprehensive tobacco use control and prevention initiative, which includes the establishment of a Division of Tobacco Use Prevention and Control in IDPH and a tobacco Commission (142A.11).

**Section 40.** Establishes a Regional Response Team Taskforce to study the current and future capacity of the public health workforce to respond to bioterrorism, emerging infectious diseases, and other public health threats and emergencies.

HOUSE FILE 789

AN ACT

RELATING TO PROGRAMS AND FUNCTIONS UNDER THE PURVIEW OF THE  
IOWA DEPARTMENT OF PUBLIC HEALTH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 29C.20, subsection 1, paragraph a, subparagraph (5), Code 2005, is amended to read as follows:

(5) Paying the expenses incurred by and claims of an urban search and rescue team when acting under the authority of the administrator and the provisions of section 29C.6 and ~~disaster medical-assistance-teams~~ public health response teams when acting under the provisions of section 135.143.

Sec. 2. Section 135.11, subsection 16, Code 2005, is amended to read as follows:

16. Administer the statewide public health nursing, homemaker-home health aide, and senior health programs by approving grants of state funds to the local boards of health and the county boards of supervisors and by providing guidelines for the approval of the grants and allocation of the state funds. Program direction, evaluation requirements, and formula allocation procedures for each of the programs shall be established by the department by ~~rule-consistent with-1997-Iowa-Acts,-chapter-203,-section-5.~~

Sec. 3. Section 135.11, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 30. Establish and administer, if sufficient funds are available to the department, a program to assess and forecast health workforce supply and demand in the state for the purpose of identifying current and projected workforce needs. The program may collect, analyze, and report

data that furthers the purpose of the program. The program shall not release information that permits identification of individual respondents of program surveys.

Sec. 4. Section 135.22A, subsection 7, Code 2005, is amended to read as follows:

7. The department is designated as Iowa's lead agency for brain injury. For the purposes of this section, the designation of lead agency authorizes the department to perform or oversee the performance of those functions specified in subsection 6, paragraphs "a" through "c". The council is assigned to the department for administrative purposes. The director shall be responsible for budgeting, program coordination, and related management functions.

Sec. 5. Section 135.107, subsection 1, Code 2005, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. A simple majority of the membership of the advisory committee shall constitute a quorum. Action may be taken by the affirmative vote of a majority of the advisory committee membership.

Sec. 6. Section 135.140, subsection 5, Code 2005, is amended to read as follows:

5. ~~"Disaster-medical-assistance-team"-or-"DMAT"~~ "Public health response team" means a team of professionals, including licensed health care providers, nonmedical professionals skilled and trained in disaster or emergency response, and public health practitioners, which is sponsored by a hospital or other entity and approved by the department to provide disaster medical assistance in the event of a disaster or threatened disaster.

Sec. 7. Section 135.140, subsection 6, Code 2005, is amended to read as follows:

6. "Division" means the division of epidemiology, emergency-medical-services,-and-disaster-operations acute disease prevention and emergency response of the department.

Sec. 8. Section 135.141, subsection 1, Code 2005, is amended to read as follows:

1. A division of ~~epidemiology-emergency-medical-services, and-disaster-operations~~ acute disease prevention and emergency response is established within the department. The division shall coordinate the administration of this division of this chapter with other administrative divisions of the department and with federal, state, and local agencies and officials.

Sec. 9. Section 135.143, Code 2005, is amended to read as follows:

135.143 DISASTER-MEDICAL-ASSISTANCE-TEAMS PUBLIC HEALTH RESPONSE TEAMS.

1. The department shall approve ~~disaster-medical assistance~~ public health response teams to supplement and support disrupted or overburdened local medical and public health personnel, hospitals, and resources ~~at-or-near-the-site of-a-disaster-or-threatened-disaster-by-providing-direct medical-care-to-victims-or-by-providing-other-support services.~~ Assistance shall be rendered under the following circumstances:

a. At or near the site of a disaster or threatened disaster by providing direct medical care to victims or providing other support services.

b. If local medical or public health personnel or hospitals request the assistance of a public health response team to provide direct medical care to victims or to provide other support services in relation to any of the following incidents:

(1) During an incident resulting from a novel or previously controlled or eradicated infectious agent, disease, or biological toxin.

(2) After a chemical attack or accidental chemical release.

(3) After an intentional or accidental release of radioactive material.

(4) In response to a nuclear or radiological attack or accident.

(5) Where an incident poses a high probability of a large number of deaths or long-term disabilities in the affected population.

2. A member of a ~~disaster-medical-assistance~~ public health response team acting pursuant to this division of this chapter shall be considered an employee of the state under section 29C.21 and chapter 669, shall be afforded protection as an employee of the state under section 669.21, and shall be considered an employee of the state for purposes of workers' compensation, disability, and death benefits, provided that the member has done all of the following:

a. Registered with and received approval to serve on a ~~disaster-medical-assistance~~ public health response team from the department.

b. Provided direct medical care to-a-victim-of-a-disaster or-provided-other-support-services-during-a-disaster or other support services during a disaster, threatened disaster, or other incident described in subsection 1; or participated in a training exercise to prepare for a disaster or other incident described in subsection 1.

3. The department shall provide the department of administrative services with a list of individuals who have registered with and received approval from the department to serve on a ~~disaster-medical-assistance~~ public health response team. The department shall update the list on a quarterly basis, or as necessary for the department of administrative services to determine eligibility for coverage.

4. Upon notification of a compensable loss, the department of administrative services shall seek funding from the executive council for those costs associated with covered workers' compensation benefits.

Sec. 10. NEW SECTION. 139A.8A VACCINE SHORTAGE -- DEPARTMENT ORDER -- IMMUNITY.

1. In the event of a shortage of a vaccine, or in the event a vaccine shortage is imminent, the department may issue an order controlling, restricting, or otherwise regulating the

distribution and administration of the vaccine. The order may designate groups of persons which shall receive priority in administration of the vaccine and may prohibit vaccination of persons who are not included in a priority designation. The order shall include an effective date, which may be amended or rescinded only through a written order of the department. The order shall be applicable to health care providers, hospitals, clinics, pharmacies, health care facilities, local boards of health, public health agencies, and other persons or entities that distribute or administer vaccines.

2. A health care provider, hospital, clinic, pharmacy, health care facility, local board of health, public health agency, or other person or entity that distributes or administers vaccines shall not be civilly liable in any action based on a failure or refusal to distribute or administer a vaccine to any person if the failure or refusal to distribute or administer the vaccine was consistent with a department order issued pursuant to this section.

3. The department shall adopt rules to administer this section.

Sec. 11. Section 142C.15, subsection 4, paragraph a, Code 2005, is amended to read as follows:

a. Not more than twenty percent of the moneys in the fund annually may be expended in the form of grants to state agencies or to nonprofit legal entities with an interest in anatomical gift public awareness and transplantation to conduct public awareness projects ~~or-to-research-and-develop-a~~ statewide-organ-and-tissue-donor-registry. Moneys remaining that were not requested and awarded for public awareness projects may be used for research, or to develop and support a statewide organ and tissue donor registry. Grants shall be made based upon the submission of a grant application by an agency or entity to conduct a public awareness project or to research, and develop, and support a statewide organ and tissue donor registry.

Sec. 12. Section 144.23, subsection 1, Code 2005, is amended to read as follows:

1. An adoption certificate report as provided in section 144.19, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; ~~except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person.~~

Sec. 13. Section 144.40, Code 2005, is amended to read as follows:

144.40 PATERNITY OF CHILDREN -- BIRTH CERTIFICATES.

Upon request and receipt of an affidavit of paternity completed and filed pursuant to section 252A.3A, or a certified copy or notification by the clerk of court of a court or administrative order establishing paternity, the state registrar shall amend ~~establish~~ a new certificate of birth to show paternity if paternity is not shown on the birth certificate. Upon written request of the parents on the affidavit of paternity, the surname of the child may be changed on the certificate to that of the father. The certificate shall not be marked "amended". The original certificate and supporting documentation shall be maintained in a sealed file; however, a photocopy of the paternity affidavit filed pursuant to section 252A.3A and clearly labeled as a copy may be provided to a parent named on the affidavit of paternity.

Sec. 14. Section 148.12, Code 2005, is amended to read as follows:

148.12 VOLUNTARY AGREEMENTS.

The medical examiners, after due notice and hearing, may issue an order to revoke, suspend, or restrict a license to practice medicine and surgery, osteopathic medicine and surgery, or osteopathy, or to issue a restricted license on application if the medical examiners determine that a physician licensed to practice medicine and surgery,

osteopathic medicine and surgery, or osteopathy, or an applicant for licensure has entered into a voluntary agreement to restrict the practice of medicine and surgery, osteopathic medicine and surgery, or osteopathy in another state, district, territory, or country, or an agency of the federal government. A certified copy of the voluntary agreement shall be considered prima facie evidence.

Sec. 15. Section 152B.5, Code 2005, is amended to read as follows:

152B.5 RESPIRATORY CARE STUDENTS.

Respiratory care services may be rendered by a student enrolled in a respiratory therapy training program when these services are incidental to the student's course of study.

A student enrolled in a respiratory therapy training program who is employed in an organized health care system may render services defined in sections 152B.2 and 152B.3 under the direct and immediate supervision of a respiratory care practitioner for a limited period of time as determined by rule. The student shall be identified as a "student respiratory care practitioner".

~~A graduate of an approved respiratory care training program employed in an organized health care system may render services as defined in sections 152B.2 and 152B.3 under the direct and immediate supervision of a respiratory care practitioner for one year. The graduate shall be identified as a "respiratory care practitioner licensure applicant".~~

Sec. 16. Section 152B.14, Code 2005, is amended to read as follows:

152B.14 LICENSURE THROUGH PRIOR EXAMINATION OR PRACTICE.

1. The board shall issue a license to practice respiratory care to an applicant who, on July 17, 1996, has passed an examination administered by the state or a national agency approved by the board.

2. ~~Other applicants who have not passed these examinations or their equivalent on July 17, 1996, and who, through written evidence, verified by oath, demonstrate that they are~~

~~presently functioning in the capacity of a respiratory care practitioner as defined by this chapter, shall be given a temporary license to practice respiratory care for a period of thirty-six months from July 17, 1996. Such applicants must pass a licensure examination administered or approved by the board within thirty-six months after July 17, 1996, in order to continue to practice respiratory care.~~

Sec. 17. Section 154D.2, subsection 1, paragraph b, Code 2005, is amended to read as follows:

b. Has at least two years of supervised clinical experience or its equivalent as approved by the board ~~in consultation with the mental health, mental retardation, developmental disabilities, and brain injury commission created in section 225E.5. Standards for supervision, including the required qualifications for supervisors, shall be determined by the board by rule.~~

Sec. 18. Section 154D.2, subsection 2, paragraph b, Code 2005, is amended to read as follows:

b. Has at least two years of supervised clinical experience, ~~supervised by a licensee,~~ in assessing mental health needs and problems and in providing appropriate mental health services as approved by the board of behavioral science ~~examiners in consultation with the mental health, mental retardation, developmental disabilities, and brain injury commission created in section 225E.5. Standards for supervision, including the required qualifications for supervisors, shall be determined by the board by rule.~~

Sec. 19. Section 156.4, subsection 4, Code 2005, is amended to read as follows:

4. ~~Written examinations for a funeral director's license shall be held at least once a year at a time and place to be designated by the board. The examination Applicants shall pass an examination prescribed by the board, which shall include the subjects of funeral directing, burial or other disposition of dead human bodies, sanitary science, embalming, restorative art, anatomy, public health, transportation,~~

business ethics, and such other subjects as the board may designate.

Sec. 20. Section 157.1, subsection 12, paragraph c, Code 2005, is amended to read as follows:

c. Removing superfluous hair from the body of a person by the use of depilatories, waxing, sugaring, tweezers, or use of any certified laser products or intense pulsed light devices. This excludes the practice of electrology, whereby hair is removed with an electric needle.

Sec. 21. Section 157.1, subsection 14, Code 2005, is amended to read as follows:

14. "General supervision" means the supervising physician is not onsite for laser procedures or use of an intense pulsed light device for hair removal conducted on minors, but is available for direct communication, either in person or by telephone, radio, radiotelephone, television, or similar means.

Sec. 22. Section 157.1, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 15A. "Intense pulsed light device" means a device that uses incoherent light to destroy the vein of the hair bulb.

Sec. 23. Section 157.2, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 5. Persons licensed under this chapter shall only use intense pulsed light devices for purposes of hair removal.

Sec. 24. Section 157.3, subsection 1, Code 2005, is amended to read as follows:

1. An applicant who has graduated from high school or its equivalent shall be issued a license to practice any of the cosmetology arts and sciences by the department when the applicant satisfies all of the following:

~~a. Presents to the department a high school diploma or its equivalent.~~

~~b.~~ a. Presents to the department a diploma, or similar evidence, issued by a licensed school of cosmetology arts and sciences indicating that the applicant has completed the course of study for the appropriate practice of the cosmetology arts and sciences prescribed by the board. An applicant may satisfy this requirement upon presenting a diploma or similar evidence issued by a school in another state, recognized by the board, which provides instruction regarding the practice for which licensure is sought, provided that the course of study is equivalent to or greater in length and scope than that required for a school in this state, and is approved by the board.

~~c.~~ b. Completes the application form prescribed by the board.

~~d.~~ c. Passes an examination prescribed by the board. The examination may include both practical demonstrations and written or oral tests and shall not be confined to any specific system or method. However, a member of the board who is a licensed instructor of cosmetology arts and sciences shall not be involved in the selection or administration of the exam.

Sec. 25. Section 157.3A, subsection 1, paragraph a, Code 2005, is amended to read as follows:

a. A licensed esthetician, who intends to provide services pursuant to section 157.1, subsection 12, paragraphs "a" and "c", having received additional training on the use of microdermabrasion, or a certified laser product, or an intense pulsed light device, shall submit a written application and proof of additional training and certification for approval by the board. Training shall be specific to the service provided or certified laser product used.

Sec. 26. Section 157.3A, subsection 2, paragraph a, Code 2005, is amended to read as follows:

a. A licensed cosmetologist having received additional training in the use of chemical peels, microdermabrasion, or a certified laser product, or an intense pulsed light device for

hair removal shall submit a written application and proof of additional training and certification for approval by the board. A cosmetologist who is licensed after July 1, 2005, shall not be eligible to provide chemical peels, practice microdermabrasion procedures, or use certified laser products, or use an intense pulsed light device for hair removal.

Sec. 27. Section 157.3A, subsection 3, Code 2005, is amended to read as follows:

3. A licensed electrologist having received additional training on the use of a certified laser product or an intense pulsed light device for the purpose of hair removal shall submit a written application and proof of additional training and certification for approval by the board.

Sec. 28. Section 157.3A, subsection 4, Code 2005, is amended to read as follows:

4. Any additional training received by a licensed esthetician, cosmetologist, or electrologist and submitted to the board relating to utilization of a certified laser product or an intense pulsed light device shall include a safety training component which provides a thorough understanding of the procedures being performed. The training program shall address fundamentals of nonbeam hazards, management and employee responsibilities relating to control measures, and regulatory requirements.

Sec. 29. Section 157.4, Code 2005, is amended to read as follows:

157.4 TEMPORARY PERMITS.

~~1. A person who completes the requirements for licensure listed in section 157.3, except for the examination, shall be known as a trainee and shall be issued a temporary permit by the department which allows the applicant to practice in the cosmetology arts and sciences from the date of application until passage of the examination subject to this subsection. An applicant shall take the first available examination administered by the board, and may retain the temporary permit if the applicant does not pass the examination. An applicant~~

~~who does not pass the first examination shall take the next available examination administered by the board. The temporary permit of an applicant who does not pass the second examination shall be revoked. An applicant who passes either examination shall be issued a license pursuant to section 157.3. The board shall adopt rules providing for a waiver of the requirement to take the first available examination for good cause.~~

~~2. The department may issue a temporary permit for the purpose of demonstrating cosmetology arts and sciences upon recommendation of the board.~~

1. The department may issue a temporary permit which allows the applicant to practice in the cosmetology arts and sciences for purposes determined by rule. The board shall determine and state its recommendations and the length of time the temporary permit issued under this subsection is valid.

3. 2. The fee for a temporary permit shall be established by the board as provided in section 147.80.

Sec. 30. Section 157.5, subsection 1, unnumbered paragraph 1, Code 2005, is amended to read as follows:

A licensed cosmetologist, esthetician, or electrologist who provides services relating to the use of a certified laser product, intense pulsed light device for hair removal, chemical peel, or microdermabrasion, shall obtain a consent in writing prior to the administration of the services. A consent in writing shall create a presumption that informed consent was given if the consent:

Sec. 31. Section 157.5, subsection 2, Code 2005, is amended to read as follows:

2. A licensed cosmetologist, esthetician, or electrologist who provides services related to the use of a certified laser product, intense pulsed light device for hair removal, chemical peel, or microdermabrasion, shall submit a report to the board within thirty days of any incident involving the provision of such services which results in physical injury requiring medical attention. Failure to comply with this

section shall result in disciplinary action being taken by the board.

Sec. 32. Section 157.12A, Code 2005, is amended to read as follows:

157.12A USE OF LASER OR LIGHT PRODUCTS ON MINORS.

A laser hair removal product or device, or intense pulsed light device, shall not be used on a minor unless the minor is accompanied by a parent or guardian and only under the general supervision of a physician.

Sec. 33. Section 157.13, subsection 1, Code 2005, is amended to read as follows:

1. It is unlawful for a person to employ an individual to practice cosmetology arts and sciences unless that individual is licensed ~~or has obtained a temporary permit~~ under this chapter. It is unlawful for a licensee to practice with or without compensation in any place other than a licensed salon, a licensed school of cosmetology arts and sciences, or a licensed barbershop as defined in section 158.1, except that a licensee may practice at a location which is not a licensed salon or school of cosmetology arts and sciences under extenuating circumstances arising from physical or mental disability or death of a customer, or when a temporary permit has been approved by the board. It is unlawful for a licensee to claim to be a licensed barber, but it is lawful for a licensed cosmetologist to work in a licensed barbershop. It is unlawful for a person to employ a licensed cosmetologist, esthetician, or electrologist to perform the services described in section 157.3A if the licensee has not received the additional training and met the other requirements specified in section 157.3A.

Sec. 34. Section 233.2, subsection 2, paragraph c, Code 2005, is amended to read as follows:

c. The If the name of the parent is unknown to the institutional health facility, the individual on duty or other person designated by the institutional health facility at which physical custody of the newborn infant was relinquished

shall submit the certificate of birth report as required pursuant to section 144.14. If the name of the parent is disclosed to the institutional health facility, the facility shall submit the certificate of birth report as required pursuant to section 144.13. The department of public health shall not file the certificate of birth with the county of birth and shall otherwise maintain the confidentiality of the birth certificate in accordance with section 144.43.

Sec. 35. Section 272C.4, unnumbered paragraph 2, Code 2005, is amended to read as follows:

Insurance carriers which insure professional and occupational licensees for acts or omissions that constitute negligence, careless acts, or omissions in the practice of a profession or occupation shall file reports with the appropriate licensing board. The reports shall include information pertaining to ~~claims~~ any lawsuit filed against a licensee which may affect the licensee as defined by rule, involving an insured of the insurer.

Sec. 36. Section 272C.9, subsection 1, Code 2005, is amended to read as follows:

1. Each licensee of a licensing board, as a condition of licensure, is under a duty to submit to a physical, or mental, or clinical competency examination when directed in writing by the board for cause. All objections shall be waived as to the admissibility of the examining physician's testimony or reports on the grounds of privileged communications. The medical testimony or report shall not be used against the licensee in any proceeding other than one relating to licensee discipline by the board, or one commenced in district court for revocation of the licensee's privileges. The licensing board, upon probable cause, shall have the authority to order a physical, or mental, or clinical competency examination, and upon refusal of the licensee to submit to the examination the licensing board may order that the allegations pursuant to which the order of physical, or mental, or clinical competency examination was made shall be taken to be established.

Sec. 37. Section 331.805, subsection 1, Code 2005, is amended to read as follows:

1. When a death occurs in the manner specified in section 331.802, subsection 3, the body, clothing, and any articles upon or near the body shall not be disturbed or removed from the position in which it is found, and physical or biological evidence shall not be obtained or collected from the body, without authorization from the county medical examiner or the state medical examiner except for the purpose of preserving the body from loss or destruction or permitting the passage of traffic on a highway, railroad or airport, or unless the failure to immediately remove the body might endanger life, safety, or health. A person who moves, disturbs, or conceals a body, clothing, or any articles upon or near the body or who obtains or collects physical or biological evidence in violation of this subsection or chapter 691 is guilty of a simple misdemeanor.

Sec. 38. Section 691.6, Code 2005, is amended by adding the following new subsection:

NEW SUBSECTION. 7. To perform an autopsy or order that an autopsy be performed if required or authorized by section 331.802 or by rule. If the state medical examiner assumes jurisdiction over a body for purposes of performing an autopsy required or authorized by section 331.802 or by rule under this section, the body or its effects shall not be disturbed, withheld from the custody of the state medical examiner, or removed from the custody of the state medical examiner without authorization from the state medical examiner.

Sec. 39. Sections 135.45 through 135.48 and section 142A.11, Code 2005, are repealed.

Sec. 40. **RESPONSE TEAM TASK FORCE.** The department shall establish a task force to study the current and future capacity of the public health workforce to respond to bioterrorism, emerging infectious diseases, and other public health threats and emergencies. The task force shall examine the concept of developing and implementing regional response

teams which will include members from local, regional, and state agencies and organizations. The task force shall submit a report to the department, the governor, and the general assembly by July 1, 2006, which shall include the findings and recommendations of the task force, including a proposed budget necessary for sustaining public health workforce teams. Task force members shall be appointed by the director and shall include representatives from local public health agencies, hospitals, emergency medical care providers and programs, the department, and other stakeholders. Appointments to the task force shall not be subject to the requirements of sections 69.16 and 69.16A.

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CHRISTOPHER C. RANTS  
Speaker of the House

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JOHN P. KIBBIE  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 789, Eighty-first General Assembly.

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MARGARET THOMSON  
Chief Clerk of the House

Approved 4/29, 2005

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THOMAS J. VILSACK  
Governor