

FEB 7 2006
HUMAN RESOURCES

HOUSE FILE 2289
BY UPMEYER and KAUFMANN

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the retention of fees by licensing boards,
2 and the bureau of radiological health, under the purview of
3 the Iowa department of public health, and providing an
4 effective date.

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

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HF 2289

1 Section 1. Section 136C.10, Code Supplement 2005, is
2 amended to read as follows:

3 136C.10 FEES.

4 1. a. The department shall establish and collect fees for
5 the licensing and amendment of licenses for radioactive
6 materials, the registration of radiation machines, the
7 periodic inspection of radiation machines and radioactive
8 materials, and the implementation of section 136C.3,
9 subsection 2. Fees shall be in amounts sufficient to defray
10 the cost of administering this chapter. The license fee may
11 include the cost of environmental surveillance activities to
12 assess the radiological impact of activities conducted by
13 licensees.

14 ~~b.--Fees-collected-shall-be-remitted-to-the-treasurer-of~~
15 ~~state-who-shall-deposit-the-funds-in-the-general-fund-of-the~~
16 ~~state.--However, the-fees-collected-from-the-licensing,~~
17 ~~registration, authorization, accreditation, and-inspection-of~~
18 ~~radiation-machines-used-for-mammographically-guided-breast~~
19 ~~biopsy, screening, and-diagnostic-mammography-shall-be-used-to~~
20 ~~support-the-department's-administration-of-this-chapter-and~~
21 ~~the-fees-collected-shall-be-considered-repayment-receipts, as~~
22 ~~defined-in-section-8-2.~~

23 c. b. When a registrant or licensee fails to pay the
24 applicable fee the department may suspend or revoke the
25 registration or license or may issue an appropriate order.
26 Fees for the license, amendment of a license, and inspection
27 of radioactive material shall not exceed the fees prescribed
28 by the United States nuclear regulatory commission.

29 2. The department may establish and collect a fee related
30 to transporting radioactive material if the fee is used for a
31 purpose related to transporting radioactive material,
32 including enforcement and planning, developing, and
33 maintaining a capability for emergency response. The fees
34 shall be established by rules adopted pursuant to chapter 17A
35 ~~and-shall-be-deposited-into-a-special-fund-within-the-state~~

1 treasury-under-the-exclusive-authority-of-the-department.
2 Amounts-deposited-in-the-special-fund-shall-be-considered
3 repayment-receipts-as-defined-in-section-8.27-and-shall-not-be
4 transferred,used,obligated,appropriated,or-otherwise
5 encumbered-except-as-provided-in-this-section.--Repayment
6 receipts-collected-and-deposited-pursuant-to-this-section-that
7 remain-unencumbered-or-unobligated-at-the-close-of-the-fiscal
8 year-shall-not-revert-but-shall-remain-available-for
9 expenditure-for-the-purposes-designated-in-future-fiscal
10 years.

11 3. The department may establish and collect fees from
12 persons providing mammography services to assure compliance
13 with applicable rules and the federal Mammography Quality
14 Standards Act of 1992, Pub. L. No. 102-539, as amended. Fees
15 shall be in an amount determined by the department by rule and
16 all fees collected shall be used to support the department's
17 mammography program.

18 4. Fees collected pursuant to this section shall be
19 retained by the department, shall be considered repayment
20 receipts as defined in section 8.2, and shall be used for the
21 purposes described in this section. Notwithstanding section
22 8.33, moneys retained by the department pursuant to this
23 subsection are not subject to reversion to the general fund of
24 the state.

25 Sec. 2. Section 147.13, Code Supplement 2005, is amended
26 by adding the following new subsections:

27 NEW SUBSECTION. 22. For hearing aids, hearing aid
28 dispenser examiners.

29 NEW SUBSECTION. 23. For nursing home administrators,
30 nursing home administrators examiners.

31 Sec. 3. Section 147.25, unnumbered paragraph 4, Code 2005,
32 is amended to read as follows:

33 In addition to any other fee provided by law, a fee may be
34 set by the respective examining boards for each license and
35 renewal of a license to practice a profession, which fee shall

1 be based on the annual cost of collecting information for use
2 by the department in the administration of the system of
3 health personnel statistics established by this section. The
4 fee shall be ~~collected, transmitted to the treasurer of state~~
5 ~~and deposited in the general fund of the state in the manner~~
6 ~~in which license and renewal fees of the respective~~
7 ~~professions are collected, transmitted, and deposited in the~~
8 general fund retained by the respective examining boards in
9 the manner in which license and renewal fees are retained in
10 section 147.82.

11 Sec. 4. Section 147.80, Code Supplement 2005, is amended
12 by adding the following new subsections:

13 NEW SUBSECTION. 29A. License to practice hearing aid
14 dispensing, license to practice hearing aid dispensing under a
15 reciprocal license, or renewal of a license to practice
16 hearing aid dispensing.

17 NEW SUBSECTION. 29B. License to practice nursing home
18 administration, license to practice nursing home
19 administration under a reciprocal license, or renewal of a
20 license to practice nursing home administration.

21 Sec. 5. Section 147.82, Code Supplement 2005, is amended
22 by striking the section and inserting in lieu thereof the
23 following:

24 147.82 FEES.

25 All fees collected by an examining board listed in section
26 147.80 or by the department for the bureau of professional
27 licensure, and fees collected pursuant to sections 124.301 and
28 147.80 and chapter 155A by the board of pharmacy, shall be
29 retained by each examining board or by the department for the
30 bureau of professional licensure. The moneys retained by an
31 examining board shall be used for any of the board's duties.
32 Revenues retained by an examining board pursuant to this
33 section shall be considered repayment receipts as defined in
34 section 8.2. Notwithstanding section 8.33, moneys retained by
35 an examining board pursuant to this section are not subject to

1 reversion to the general fund of the state.

2 Sec. 6. Section 147.103A, subsection 4, Code 2005, is
3 amended to read as follows:

4 4. Applications for a license shall be made to the
5 chairperson, executive director, or secretary of the board.
6 All examination, license, and renewal fees shall be paid to
7 and collected by the chairperson, executive director, or
8 secretary of the board~~7-who-shall-transmit-the-fees-to-the~~
9 ~~treasurer-of-state-for-deposit-in-the-general-fund-of-the~~
10 state. The salary of the executive director of the board
11 shall be established by the governor with approval of the
12 executive council pursuant to section 8A.413, subsection 2,
13 under the pay plan for exempt positions in the executive
14 branch of government.

15 Sec. 7. Section 152.3, subsection 2, Code 2005, is amended
16 to read as follows:

17 2. ~~Notwithstanding-section-147-827-to~~ To collect and
18 receive all fees.

19 Sec. 8. Section 152.3, subsection 3, Code 2005, is amended
20 by striking the subsection.

21 Sec. 9. Section 152B.6, subsection 2, Code 2005, is
22 amended to read as follows:

23 2. The establishment of a system for the licensure of
24 respiratory care practitioners and the establishment and
25 collection of licensure fees. ~~The-fees-charged-shall-be~~
26 ~~sufficient-to-defray-the-costs-of-administration-of-this~~
27 ~~chapter-and-all-fees-collected-shall-be-deposited-with-the~~
28 ~~treasurer-of-state-who-shall-deposit-them-in-the-general-fund~~
29 ~~of-the-state.~~

30 Sec. 10. Section 152D.5, subsection 4, Code 2005, is
31 amended to read as follows:

32 4. Establish a system for the collection of licensure
33 fees. ~~The-fees-charged-shall-be-sufficient-to-defray-the~~
34 ~~costs-of-administering-this-chapter-and-all-fees-collected~~
35 ~~shall-be-deposited-with-the-treasurer-of-state-who-shall~~

1 ~~deposit-them-in-the-general-fund-of-the-state.~~

2 Sec. 11. Section 154E.2, subsection 3, Code Supplement
3 2005, is amended by striking the subsection.

4 Sec. 12. Sections 154A.22 and 155.6, Code Supplement 2005,
5 are repealed.

6 Sec. 13. EFFECTIVE DATE. This Act takes effect July 1,
7 2007.

8 EXPLANATION

9 This bill provides for the retention of fees imposed and
10 collected by health licensing boards listed in Code section
11 147.80, and fees imposed by the bureau of radiological health
12 pursuant to Code section 136C.10. The bill also provides for
13 nonreversion of the retained fees to the general fund of the
14 state. Currently, applicable Code sections provide for the
15 deposit of fees collected by the licensing boards, and the
16 bureau, in the general fund of the state. Code section 147.82
17 currently contains some exceptions permitting retention of
18 portions of the fees imposed by specified licensing boards,
19 and specified percentages of fee increases, but the bill
20 deletes these provisions, given that all fees will now be
21 retained by the boards. The bill makes conforming changes
22 consistent with the retention of the fees by the boards.

23 The bill takes effect July 1, 2007.

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