

MAR 1 2006
Place On Calendar

HOUSE FILE 2592
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 645)

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

A BILL FOR

1 An Act providing for various technical and substantive changes
2 relating to health licensing and related public health
3 matters.

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

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

HF 2592

1 Section 1. Section 135.22A, subsection 3, Code Supplement
2 2005, is amended to read as follows:

3 3. The council shall be composed of a minimum of nine
4 members appointed by the governor in addition to the ex
5 officio members, and the governor may appoint additional
6 members. Insofar as practicable, the council shall include
7 persons with brain injuries, family members of persons with
8 brain injuries, representatives of industry, labor, business,
9 and agriculture, representatives of federal, state, and local
10 government, and representatives of religious, charitable,
11 fraternal, civic, educational, medical, legal, veteran,
12 welfare, and other professional groups and organizations.
13 Members shall be appointed representing every geographic and
14 employment area of the state and shall include members of both
15 sexes. A simple majority of the members appointed by the
16 governor shall constitute a quorum.

17 Sec. 2. Section 135.109, subsection 3, paragraph b, Code
18 2005, is amended to read as follows:

19 b. A licensed physician or nurse who is knowledgeable
20 concerning domestic abuse injuries and deaths, including
21 suicides.

22 Sec. 3. Section 135.109, subsection 4, Code 2005, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. j. The director of the state law
25 enforcement academy.

26 Sec. 4. Section 135.110, subsection 1, paragraph a,
27 unnumbered paragraph 1, Code 2005, is amended to read as
28 follows:

29 Prepare ~~an-annual~~ a biennial report for the governor,
30 supreme court, attorney general, and the general assembly
31 concerning the following subjects:

32 Sec. 5. Section 137.6, subsection 2, paragraph a, Code
33 2005, is amended to read as follows:

34 a. Rules of a county board shall become effective upon
35 approval by the county board of supervisors by a motion or

1 resolution as defined in section 331.101, subsection 13, and
2 publication in a newspaper having general circulation in the
3 county.

4 Sec. 6. Section 147.153, subsection 3, Code 2005, is
5 amended to read as follows:

6 3. Pass an examination administered as determined by the
7 board ~~to assure the applicant's professional competence in~~
8 ~~speech pathology or audiology~~ by rule.

9 Sec. 7. Section 147.155, Code 2005, is amended to read as
10 follows:

11 147.155 TEMPORARY CLINICAL LICENSE.

12 Any person who has fulfilled all of the requirements for
13 licensure under this division, except for having completed the
14 nine months clinical experience requirement as provided in
15 section 147.153, subsection 1 or 2, and the examination as
16 provided in section 147.153, subsection 3, may apply to the
17 board for a temporary clinical license. The license shall be
18 designated "temporary clinical license in speech pathology" or
19 "temporary clinical license in audiology" and shall authorize
20 the licensee to practice speech pathology or audiology under
21 the supervision of a licensed speech pathologist or licensed
22 audiologist, as appropriate. The license shall be valid for
23 one year and may be renewed once at the discretion of the
24 board. The fee for a temporary clinical license shall be set
25 by the board to cover the administrative costs of issuing the
26 license, and if renewed, a renewal fee as set by the board
27 shall be required. A temporary clinical license shall be
28 issued only upon evidence satisfactory to the board that the
29 applicant will be supervised by a person licensed as a speech
30 pathologist or audiologist, as appropriate. ~~The board shall~~
31 ~~revoke any temporary clinical license at any time it~~
32 ~~determines either that the work done by the temporary clinical~~
33 ~~licensee or the supervision being given the temporary clinical~~
34 ~~licensee does not conform to reasonable standards established~~
35 ~~by the board.~~

1 Sec. 8. Section 149.3, Code 2005, is amended to read as
2 follows:

3 149.3 LICENSE.

4 Every applicant for a license to practice podiatry shall:

5 1. Be a graduate of an accredited high school of podiatry.

6 2. Present ~~a diploma~~ an official transcript issued by a
7 school of podiatry approved by the board of podiatry
8 examiners.

9 3. Pass an examination ~~in the subjects of anatomy,~~
10 ~~chemistry, dermatology, diagnosis, pharmacy and materia~~
11 ~~medica, pathology, physiology, histology, bacteriology,~~
12 ~~neurology, practical and clinical podiatry, foot orthopedics,~~
13 ~~and others, as prescribed by the board of podiatry examiners~~
14 as determined by the board by rule.

15 4. Have successfully completed a ~~one-year~~ residency or
16 ~~preceptorship approved by the board of podiatry examiners~~ as
17 determined by the board by rule. This subsection applies to
18 all applicants who graduate from podiatric college on or after
19 January 1, 1995.

20 Sec. 9. Section 149.7, unnumbered paragraph 2, Code 2005,
21 is amended to read as follows:

22 The temporary certificate shall be issued for one year and
23 may be renewed, but a person shall not be entitled to practice
24 podiatry in excess of three years while holding a temporary
25 certificate. The fee for this certificate shall be set by the
26 podiatry examiners and if extended beyond one year a renewal
27 fee per year shall be set by the podiatry examiners. The fees
28 shall be based on the administrative costs of issuing and
29 renewing the certificates. ~~The podiatry examiners may cancel~~
30 ~~a temporary certificate at any time, without a hearing, for~~
31 ~~reasons deemed sufficient to the podiatry examiners.~~

32 Sec. 10. Section 149.7, unnumbered paragraphs 3 and 4,
33 Code 2005, are amended by striking the unnumbered paragraphs.

34 Sec. 11. Section 151.12, Code 2005, is amended to read as
35 follows:

1 151.12 TEMPORARY CERTIFICATE.

2 The chiropractic examiners may, in their discretion, issue
3 a temporary certificate authorizing the licensee to practice
4 chiropractic if, in the opinion of the chiropractic examiners,
5 a need exists and the person possesses the qualifications
6 prescribed by the chiropractic examiners for the license,
7 which shall be substantially equivalent to those required for
8 licensure under this chapter. The chiropractic examiners
9 shall determine in each instance those eligible for this
10 license, whether or not examinations shall be given, and the
11 type of examinations, and the duration of the license. No
12 requirements of the law pertaining to regular permanent
13 licensure are mandatory for this temporary license except as
14 specifically designated by the chiropractic examiners. The
15 granting of a temporary license does not in any way indicate
16 that the person so licensed is eligible for regular licensure,
17 nor are the chiropractic examiners in any way obligated to so
18 license the person.

19 The temporary certificate shall be issued for one year and
20 at the discretion of the chiropractic examiners may be
21 renewed, but a person shall not practice chiropractic in
22 excess of three years while holding a temporary certificate.
23 The fee for this license shall be set by the chiropractic
24 examiners and if extended beyond one year a renewal fee per
25 year shall be set by the chiropractic examiners. The fees fee
26 for the temporary license shall be based on the administrative
27 costs of issuing and-renewing the licenses. ~~The-chiropractic~~
28 ~~examiners-may-cancel-a-temporary-certificate-at-any-time,~~
29 ~~without-a-hearing,-for-reasons-deemed-sufficient-to-the~~
30 ~~chiropractic-examiners.~~

31 ~~When-the-chiropractic-examiners-cancel-a-temporary~~
32 ~~certificate-they-shall-promptly-notify-the-licensee-by~~
33 ~~registered-mail,-at-the-licensee's-last-named-address,-as~~
34 ~~reflected-by-the-files-of-the-chiropractic-examiners,-and-the~~
35 ~~temporary-certificate-is-terminated-and-of-no-further-force~~

~~1 and effect three days after the mailing of the notice to the
2 licensee.~~

3 Sec. 12. Section 154.3, subsection 1, Code 2005, is
4 amended to read as follows:

5 1. Every applicant for a license to practice optometry
6 shall:

7 a. ~~Present satisfactory evidence of a preliminary
8 education equivalent to at least four years study in an
9 accredited high school or other secondary school.~~ Be a
10 graduate of an accredited school of optometry.

11 b. Present ~~a diploma from~~ an official transcript issued by
12 an accredited school of optometry.

13 c. Pass an examination ~~prescribed by the optometry
14 examiners in the subjects of physiology of the eye, optical
15 physics, anatomy of the eye, ophthalmology, and practical
16 optometry~~ as determined by the board by rule.

17 Sec. 13. Section 154B.6, subsection 3, Code 2005, is
18 amended to read as follows:

19 3. Have not failed the examination required in subsection
20 2 ~~within the six months next~~ sixty days preceding the date of
21 the subsequent examination.

22 The examinations required in this section may, at the
23 discretion of the board, be waived for holders by examination
24 of licenses or certificates from states whose requirements are
25 substantially equivalent to those of this chapter, and for
26 holders by examination of specialty diplomas from the American
27 board of professional psychology.

28 ~~Any person who within one year after July 17, 1975, meets
29 the requirements specified in subsection 1 shall receive
30 licensure without having passed the examination required in
31 subsection 2 if application for licensure is filed with the
32 board of psychology examiners before July 17, 1977. Any person
33 holding a certificate as a psychologist from the board of
34 examiners of the Iowa psychological association on July 17
35 1977, who applies for certification before July 17, 1975, shall~~

1 ~~receive-certification.~~

2 Sec. 14. Section 154D.2, subsection 2, paragraph b, Code
3 Supplement 2005, is amended to read as follows:

4 b. Has at least two years of supervised clinical
5 experience or its equivalent in assessing mental health needs
6 and problems and in providing appropriate mental health
7 services as approved by the board. Standards for supervision,
8 including the required qualifications for supervisors, shall
9 be determined by the board by rule.

10 Sec. 15. Section 157.2, subsection 1, paragraph e, Code
11 Supplement 2005, is amended to read as follows:

12 e. Employees ~~and-residents~~ of hospitals, health care
13 facilities, orphans' homes, juvenile homes, and other similar
14 facilities who ~~shampoo, arrange, dress, or curl the hair of~~
15 perform cosmetology services for any resident without
16 receiving direct compensation from the person receiving the
17 service.

18 Sec. 16. Section 157.2, subsection 1, Code Supplement
19 2005, is amended by adding the following new paragraph:

20 NEW PARAGRAPH. ee. Volunteers for and residents of health
21 care facilities, orphans' homes, juvenile homes, and other
22 similar facilities who shampoo, arrange, dress, or curl the
23 hair, apply makeup, or polish the nails of any resident
24 without receiving compensation from the person receiving the
25 service.

26 Sec. 17. Section 157.10, subsection 1, Code 2005, is
27 amended to read as follows:

28 1. The course of study required for licensure for the
29 practice of cosmetology shall be two thousand one hundred
30 clock hours, or seventy semester credit hours or the
31 equivalent thereof as determined pursuant to administrative
32 rule and regulations promulgated by the United States
33 department of education. The clock hours, and equivalent
34 number of semester credit hours or the equivalent thereof as
35 determined pursuant to administrative rule and regulations

1 promulgated by the United States department of education, of a
2 course of study required for licensure for the practices of
3 electrology, esthetics, and nail technology, manicuring, and
4 pedicuring shall be established by the board. The board shall
5 adopt rules to define the course and content of study for each
6 practice of cosmetology arts and sciences.

7 Sec. 18. Section 157.5A, Code 2005, is repealed.

8 EXPLANATION

9 This bill makes several changes and modifications to
10 provisions relating to various health licensing and public
11 health matters.

12 The bill specifies a quorum requirement of a simple
13 majority of the members appointed by the governor for the
14 brain injury advisory council. With regard to the domestic
15 abuse death review team, the bill adds to the team, as an
16 alternative to the current designation of a licensed physician
17 who is knowledgeable concerning domestic abuse injuries and
18 deaths, including suicides, the designation of a nurse. Also,
19 the bill adds the director of the state law enforcement
20 academy to the list of individuals who are responsible for
21 designating a liaison to assist the team in fulfilling its
22 duties. Further, the domestic abuse death review team report
23 shall be required on a biennial basis, as opposed to the
24 current annual requirement.

25 The bill provides for a technical clarification regarding
26 the enactment of rules by motion or resolution by local boards
27 of health, provides for the determination of an examination
28 requirement by the speech pathology and audiology board by
29 rule, and deletes a provision permitting revocation of a
30 temporary clinical license for speech pathology and audiology
31 by the board when determined not to conform to reasonable
32 standards established by the board.

33 With regard to the board of podiatry examiners, the bill
34 makes changes relating to qualification for a license,
35 providing that an applicant be a graduate of an accredited

1 school of podiatry rather than an accredited high school,
2 providing that an official transcript be presented rather than
3 a diploma, providing the requirements of a licensing
4 examination be determined by the board by rule, and providing
5 that the board will determine residency requirements by rule.
6 Additionally, the bill deletes provisions regarding revocation
7 or expiration of a temporary certificate to practice podiatry
8 by the board under specified circumstances involving lack of a
9 hearing and decision making entirely in the board's
10 discretion.

11 Concerning actions of the board of chiropractic examiners,
12 the bill provides that the board shall determine the duration
13 of a temporary certificate regarding the practice of
14 chiropractic, makes technical changes such as changing the
15 word "fees" to "fee", and again deletes provisions similar to
16 earlier portions of the bill regarding revocation of a
17 temporary certificate by the board under specified
18 circumstances.

19 The bill provides that the permissible time interval
20 between examinations administered by the board of psychology
21 examiners shall be shortened from six months to 60 days, and
22 deletes outdated psychology license requirement language tied
23 to the 1970s. With regard to the board of behavioral science
24 examiners, the bill provides that a requirement for licensure
25 of at least two years of supervised clinical experience in
26 assessing mental health needs and problems and providing
27 appropriate mental health services shall be broadened to
28 include the equivalent of such experience. The bill specifies
29 that an applicant for license as an optometrist must be a
30 graduate of an accredited school of optometry, rather than
31 possessing an education equivalent of at least four years of
32 study in an accredited high school or other secondary school
33 as currently required. Also, an official transcript rather
34 than a diploma must be presented from an accredited school of
35 optometry, and the optometry examination shall be as

1 determined by the board by rule.

2 Relating to cosmetology, the bill expands basic cosmetology
3 services that can be provided by persons not licensed by the
4 cosmetology board and employed by hospitals, health care
5 facilities, juvenile homes, and similar facilities, and also
6 lists services that can be provided by volunteers for and
7 residents of such facilities. The bill additionally provides
8 that the number of hours of study required for licensure for
9 the practice of specified cosmetology services shall be
10 expanded to include manicuring and pedicuring, and deletes a
11 separate provision regarding license requirements for
12 manicurists.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

HOUSE FILE 2592

H-8278

1 Amend House File 2592 as follows:

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

4 "Sec. ____ . Section 147.106, subsection 1,
5 paragraph e, Code Supplement 2005, is amended to read
6 as follows:

7 e. The referring clinical laboratory, other than
8 the laboratory of a physician's office or group
9 practice, that ordered the services. A laboratory of
10 a physician's office or group practice that ordered
11 the services may be presented a claim, bill, or demand
12 for payment if a physician in the physician's office
13 or group practice is performing the professional
14 component of the anatomic pathology services.

15 Sec. ____ . Section 147.106, subsection 5, Code
16 Supplement 2005, is amended to read as follows:

17 5. This section does not prohibit claims or
18 charges presented by to a referring clinical
19 laboratory, other than a laboratory of a physician's
20 office or group practice, to unless in accordance with
21 subsection 1, paragraph "e", by another clinical
22 laboratory when samples are transferred between
23 laboratories for the provision of anatomic pathology
24 services."

25 2. By renumbering as necessary.

By WILDERDYKE of Harrison
UPMEYER of Hancock
SMITH of Marshall

H-8278 FILED MARCH 15, 2006

HOUSE FILE 2592

H-8285

1 Amend House File 2592 as follows:

2 1. Page 2, by inserting after line 35 the
3 following:

4 "Sec. ____ . NEW SECTION. 147A.15 AUTOMATED
5 EXTERNAL DEFIBRILLATOR EQUIPMENT -- PENALTY.

6 Any person who damages, wrongfully takes or
7 withholds, or removes any component of automated
8 external defibrillator equipment located in a public
9 or privately owned location, including batteries
10 installed to operate the equipment, is guilty of a
11 serious misdemeanor."

12 2. Title page, line 2, by striking the word
13 "related" and inserting the following: "other".

By THOMAS of Clayton

H-8285 FILED MARCH 15, 2006

1 medical license requests and for reduction of the
 2 number of days needed for consideration of malpractice
 3 cases from fees collected pursuant to section 147.80
 4 by the board of medical examiners ~~in the fiscal year~~
 5 ~~beginning July 1, 2005, and ending June 30, 2006.~~
 6 Fees retained by the department pursuant to this
 7 subsection shall be considered repayment receipts as
 8 defined in section 8.2 and shall be used for the
 9 purposes described in this subsection."

10 5. Page 2, by inserting after line 35 the
 11 following:

12 "Sec. ____ . Section 148.2, subsection 5, Code 2005,
 13 is amended to read as follows:

14 5. Physicians and surgeons of the United States
 15 army, navy, ~~or~~ air force, marines, public health
 16 service, or other uniformed service when acting in the
 17 line of duty in this state, and holding a current,
 18 active permanent license in good standing in another
 19 state, district, or territory of the United States, or
 20 physicians and surgeons licensed in another state,
 21 when incidentally called into this state in
 22 consultation with a physician and surgeon licensed in
 23 this state."

24 6. Page 6, by inserting after line 9 the
 25 following:

26 "Sec. ____ . NEW SECTION. 154E.3A TEMPORARY
 27 LICENSE.

28 Beginning July 1, 2007, an individual who does not
 29 meet the requirements for licensure by examination
 30 pursuant to section 154E.3 may apply for or renew a
 31 temporary license. The temporary license shall
 32 authorize the licensee to practice as a sign language
 33 interpreter or transliterator under the direct
 34 supervision of a sign language interpreter or
 35 transliterator licensed pursuant to section 154E.3.
 36 The temporary license shall be valid for two years and
 37 may only be renewed one time in accordance with
 38 standards established by rule. An individual shall
 39 not practice for more than a total of four years under
 40 a temporary license. The board may revoke a temporary
 41 license if it determines that the temporary licensee
 42 has violated standards established by rule. The board
 43 may adopt requirements for temporary licensure to
 44 implement this section.

45 Sec. ____ . Section 154E.4, subsection 2, Code
 46 Supplement 2005, is amended by adding the following
 47 new paragraph:

48 NEW PARAGRAPH. e. Students enrolled in a school
 49 of interpreting may interpret only under the direct
 50 supervision of a permanently licensed interpreter as

1 part of the student's course of study."

2 7. Page 7, by inserting after line 6 the
3 following:

4 "Sec. _____. Section 157.13, subsection 1, Code
5 Supplement 2005, is amended by striking the subsection
6 and inserting in lieu thereof the following:

7 1. It is unlawful for a person to employ an
8 individual to practice cosmetology arts and sciences
9 unless that individual is licensed or has obtained a
10 temporary permit under this chapter. It is unlawful
11 for a licensee to practice with or without
12 compensation in any place other than a licensed salon,
13 a licensed school of cosmetology arts and sciences, or
14 a licensed barbershop as defined in section 158.1.
15 The following exceptions to this subsection shall
16 apply:

17 a. A licensee may practice at a location which is
18 not a licensed salon, school of cosmetology arts and
19 sciences, or licensed barbershop under extenuating
20 circumstances arising from physical or mental
21 disability or death of a customer.

22 b. Notwithstanding section 157.12, when the
23 licensee is employed by a physician and provides
24 cosmetology services at the place of practice of a
25 physician and is under the supervision of a physician
26 licensed to practice pursuant to chapter 148, 150, or
27 150A.

28 c. When the practice occurs in a facility licensed
29 pursuant to chapter 135B or 135C.

30 Sec. _____. Section 157.13, Code Supplement 2005, is
31 amended by adding the following new subsection:

32 NEW SUBSECTION. 1A. It is unlawful for a licensee
33 to claim to be a licensed barber, however a licensed
34 cosmetologist may work in a licensed barbershop. It
35 is unlawful for a person to employ a licensed
36 cosmetologist, esthetician, or electrologist to
37 perform the services described in section 157.3A if
38 the licensee has not received the additional training
39 and met the other requirements specified in section
40 157.3A.

41 Sec. _____. Section 272C.1, subsection 6, Code
42 Supplement 2005, is amended by adding the following
43 new paragraph:

44 NEW PARAGRAPH. ad. The director of public health
45 in certifying emergency medical care providers and
46 emergency medical care services pursuant to chapter
47 147A.

48 Sec. _____. Section 691.6, Code Supplement 2005, is
49 amended by adding the following new subsection:

50 NEW SUBSECTION. 8. To retain tissues, organs, and

HOUSE FILE 2592

H-8389

1 Amend House File 2592 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 "Section 1. Section 135.2, Code 2005, is amended
5 to read as follows:

6 135.2 APPOINTMENT OF DIRECTOR AND ACTING DIRECTOR.

7 1. a. The governor shall appoint the director of
8 the department, subject to confirmation by the senate.
9 The director shall serve at the pleasure of the
10 governor. The director is exempt from the merit
11 system provisions of chapter 8A, subchapter IV. The
12 governor shall set the salary of the director within
13 the range established by the general assembly.

14 b. The director shall possess education and
15 experience in public health.

16 2. The director may appoint an employee of the
17 department to be acting director, who shall have all
18 the powers and duties possessed by the director. The
19 director may appoint more than one acting director but
20 only one acting director shall exercise the powers and
21 duties of the director at any time.

22 Sec. 2. NEW SECTION. 135.12 OFFICE OF
23 MULTICULTURAL HEALTH -- ESTABLISHED -- DUTIES.

24 The office of multicultural health is established
25 within the department. The office shall be
26 responsible for all of the following:

27 1. Providing comprehensive management strategies
28 to address culturally and linguistically appropriate
29 services, including strategic goals, plans, policies,
30 and procedures, and designating staff responsible for
31 implementation.

32 2. Requiring and arranging for ongoing education
33 and training for administrative, clinical, and other
34 appropriate staff in culturally and linguistically
35 competent health care and service delivery.

36 3. Utilizing formal mechanisms for community and
37 consumer involvement and coordinating with other state
38 agencies to identify resources and programs that
39 affect the health service delivery systems."

40 2. Page 1, by inserting after line 16 the
41 following:

42 "Sec. ____ . Section 135.63, subsection 2,
43 paragraphs l and o, Code 2005, are amended to read as
44 follows:

45 1. The replacement or modernization of any
46 institutional health facility if the replacement or
47 modernization does not add new health services or
48 additional bed capacity for existing health services,
49 notwithstanding any provision in this division to the
50 contrary. This exclusion is applicable only if the

H-8389

1 institutional health facility ceases offering the
2 health services simultaneously with the initiation of
3 the offering of the health services by the replacement
4 institutional health facility or the modernized
5 institutional health facility.

6 o. The change in ownership, licensure,
7 organizational structure, or designation of the type
8 of institutional health facility if the health
9 services offered by the successor institutional health
10 facility are unchanged. This exclusion is applicable
11 only if the institutional health facility consents to
12 the change in ownership, licensure, organizational
13 structure, or designation of the type of institutional
14 health facility and ceases offering the health
15 services simultaneously with the initiation of the
16 offering of health services by the successor
17 institutional health facility."

18 3. Page 1, by inserting after line 31 the
19 following:

20 "Sec. ____ . Section 135.140, subsection 6,
21 paragraph a, Code Supplement 2005, is amended by
22 adding the following new subparagraphs:

23 NEW SUBPARAGRAPH. (6) A natural occurrence or
24 incident, including but not limited to fire, flood,
25 storm, drought, earthquake, tornado, or windstorm.

26 NEW SUBPARAGRAPH. (7) A man-made occurrence or
27 incident, including but not limited to an attack,
28 spill, or explosion."

29 4. Page 2, by inserting after line 3 the
30 following:

31 "Sec. ____ . NEW SECTION. 139A.13A ISOLATION OR
32 QUARANTINE -- EMPLOYMENT PROTECTION.

33 1. An employer shall not discharge an employee, or
34 take or fail to take action regarding an employee's
35 promotion or proposed promotion, or take action to
36 reduce an employee's wages or benefits for actual time
37 worked, due to the compliance of an employee with a
38 quarantine or isolation order issued by the department
39 or a local board.

40 2. An employee whose employer violates this
41 section may petition the court for imposition of a
42 cease and desist order against the person's employer
43 and for reinstatement to the person's previous
44 position of employment. This section does not create
45 a private cause of action for relief of money damages.

46 Sec. ____ . Section 147.82, subsection 3, Code
47 Supplement 2005, is amended to read as follows:

48 3. The department may annually retain and expend
49 not more than one hundred thousand dollars for
50 reduction of the number of days necessary to process

HOUSE FILE 2592

H-8394

1 Amend House File 2592 as follows:

2 1. Page 1, by inserting after line 16 the
3 following:

4 "Sec. ____ . NEW SECTION. 135.105D BLOOD LEAD
5 TESTING -- PROVIDER EDUCATION -- PAYOR OF LAST RESORT.

6 1. For purposes of this section:

7 a. "Blood lead testing" means taking a capillary
8 or venous sample of blood and sending it to a
9 laboratory to determine the level of lead in the
10 blood.

11 b. "Capillary" means a blood sample taken from the
12 finger or heel for lead analysis.

13 c. "Health care provider" means a physician who is
14 licensed under chapter 148, 150, or 150A, or a person
15 who is licensed as a physician assistant under chapter
16 148C, or as an advanced registered nurse practitioner.

17 d. "Venous" means a blood sample taken from a vein
18 in the arm for lead analysis.

19 2. The department shall work with health care
20 provider associations to educate health care providers
21 regarding requirements for testing children who are
22 enrolled in certain federally funded programs and
23 regarding department recommendations for testing other
24 children for lead poisoning.

25 3. The department shall implement blood lead
26 testing for children under six years of age who are
27 not eligible for the testing services to be paid by a
28 third-party source. The department shall contract
29 with one or more public health laboratories to provide
30 blood lead analysis for such children. The department
31 shall establish by rule the procedures for health care
32 providers to submit samples to the contracted public
33 health laboratories for analysis. The department
34 shall also establish by rule a method to reimburse
35 health care providers for drawing blood samples from
36 such children and the dollar amount that the
37 department will reimburse health care providers for
38 the service. Payment for blood lead analysis and
39 drawing blood samples shall be limited to the amount
40 appropriated for the program in a fiscal year."

41 2. By renumbering as necessary.

By GRANZOW of Hardin

H-8394 FILED MARCH 27, 2006

H-8389

Page 5

1 bodily fluids as necessary to determine the cause and
2 manner of death or as deemed advisable by the state
3 medical examiner for medical or public health
4 investigation, teaching, or research. Tissues,
5 organs, and bodily fluids shall be properly disposed
6 of by following procedures and precautions for
7 handling biologic material and blood-borne pathogens
8 as established by rule.

9 Sec. _____. 2004 Iowa Acts, chapter 1175, section
10 432, subsection 3, is amended to read as follows:

11 3. Applicants issued a temporary license pursuant
12 to this section shall pass a licensure examination
13 approved by the board on or before July 1, 2007, in
14 order to ~~remain licensed as an interpreter~~ qualify to
15 be licensed by examination."

16 8. Title page, line 2, by striking the word
17 "related" and inserting the following: "other".

By ROBERTS of Carroll

H-8389 FILED MARCH 27, 2006

HOUSE FILE 2592

H-8391

1 Amend House File 2592 as follows:

2 1. Page 7, by inserting after line 6 the
3 following:

4 "Sec. _____. Section 714.16, subsection 1, paragraph
5 o, Code 2005, is amended to read as follows:

6 o. "Water treatment system" means a device or
7 assembly for which a claim is made that it will
8 improve the quality of drinking water by reducing one
9 or more contaminants through mechanical, physical,
10 chemical, or biological processes or combinations of
11 the processes. As used in this paragraph and in
12 subsection 2, paragraph "h", each model of a water
13 treatment system shall be deemed a distinct water
14 treatment system. As used in this paragraph and in
15 subsection 2, paragraph "h", a water treatment system
16 does not include a portable filtration system
17 certified as a microbiological water purifier by the
18 United States environmental protection agency. The
19 Iowa department of public health shall establish rules
20 exempting portable filtration systems that meet these
21 standards."

22 2. Title page, line 2, by striking the word
23 "related" and inserting the following: "other".

24 3. By renumbering as necessary.

By LALK of Fayette

H-8391 FILED MARCH 27, 2006

HOUSE FILE 2592
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 645)

(As Amended and Passed by the House March 29, 2006)

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

A BILL FOR

1 An Act providing for various technical and substantive changes
2 relating to health licensing and other public health matters.

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

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

House Amendments _____

1 Section 1. Section 135.2, Code 2005, is amended to read as
2 follows:

3 135.2 APPOINTMENT OF DIRECTOR AND ACTING DIRECTOR.

4 1. a. The governor shall appoint the director of the
5 department, subject to confirmation by the senate. The
6 director shall serve at the pleasure of the governor. The
7 director is exempt from the merit system provisions of chapter
8 8A, subchapter IV. The governor shall set the salary of the
9 director within the range established by the general assembly.

10 b. The director shall possess education and experience in
11 public health.

12 2. The director may appoint an employee of the department
13 to be acting director, who shall have all the powers and
14 duties possessed by the director. The director may appoint
15 more than one acting director but only one acting director
16 shall exercise the powers and duties of the director at any
17 time.

18 Sec. 2. NEW SECTION. 135.12 OFFICE OF MULTICULTURAL
19 HEALTH -- ESTABLISHED -- DUTIES.

20 The office of multicultural health is established within
21 the department. The office shall be responsible for all of
22 the following:

23 1. Providing comprehensive management strategies to
24 address culturally and linguistically appropriate services,
25 including strategic goals, plans, policies, and procedures,
26 and designating staff responsible for implementation.

27 2. Requiring and arranging for ongoing education and
28 training for administrative, clinical, and other appropriate
29 staff in culturally and linguistically competent health care
30 and service delivery.

31 3. Utilizing formal mechanisms for community and consumer
32 involvement and coordinating with other state agencies to
33 identify resources and programs that affect the health service
34 delivery systems.

35 Sec. 3. Section 135.22A, subsection 3, Code Supplement

1 2005, is amended to read as follows:

2 3. The council shall be composed of a minimum of nine
3 members appointed by the governor in addition to the ex
4 officio members, and the governor may appoint additional
5 members. Insofar as practicable, the council shall include
6 persons with brain injuries, family members of persons with
7 brain injuries, representatives of industry, labor, business,
8 and agriculture, representatives of federal, state, and local
9 government, and representatives of religious, charitable,
10 fraternal, civic, educational, medical, legal, veteran,
11 welfare, and other professional groups and organizations.
12 Members shall be appointed representing every geographic and
13 employment area of the state and shall include members of both
14 sexes. A simple majority of the members appointed by the
15 governor shall constitute a quorum.

16 Sec. 4. Section 135.63, subsection 2, paragraphs 1 and o,
17 Code 2005, are amended to read as follows:

18 1. The replacement or modernization of any institutional
19 health facility if the replacement or modernization does not
20 add new health services or additional bed capacity for
21 existing health services, notwithstanding any provision in
22 this division to the contrary. This exclusion is applicable
23 only if the institutional health facility ceases offering the
24 health services simultaneously with the initiation of the
25 offering of the health services by the replacement
26 institutional health facility or the modernized institutional
27 health facility.

28 o. The change in ownership, licensure, organizational
29 structure, or designation of the type of institutional health
30 facility if the health services offered by the successor
31 institutional health facility are unchanged. This exclusion
32 is applicable only if the institutional health facility
33 consents to the change in ownership, licensure, organizational
34 structure, or designation of the type of institutional health
35 facility and ceases offering the health services

1 simultaneously with the initiation of the offering of health
2 services by the successor institutional health facility.

3 Sec. 5. NEW SECTION. 135.105D BLOOD LEAD TESTING --
4 PROVIDER EDUCATION -- PAYOR OF LAST RESORT.

5 1. For purposes of this section:

6 a. "Blood lead testing" means taking a capillary or venous
7 sample of blood and sending it to a laboratory to determine
8 the level of lead in the blood.

9 b. "Capillary" means a blood sample taken from the finger
10 or heel for lead analysis.

11 c. "Health care provider" means a physician who is
12 licensed under chapter 148, 150, or 150A, or a person who is
13 licensed as a physician assistant under chapter 148C, or as an
14 advanced registered nurse practitioner.

15 d. "Venous" means a blood sample taken from a vein in the
16 arm for lead analysis.

17 2. The department shall work with health care provider
18 associations to educate health care providers regarding
19 requirements for testing children who are enrolled in certain
20 federally funded programs and regarding department
21 recommendations for testing other children for lead poisoning.

22 3. The department shall implement blood lead testing for
23 children under six years of age who are not eligible for the
24 testing services to be paid by a third-party source. The
25 department shall contract with one or more public health
26 laboratories to provide blood lead analysis for such children.
27 The department shall establish by rule the procedures for
28 health care providers to submit samples to the contracted
29 public health laboratories for analysis. The department shall
30 also establish by rule a method to reimburse health care
31 providers for drawing blood samples from such children and the
32 dollar amount that the department will reimburse health care
33 providers for the service. Payment for blood lead analysis
34 and drawing blood samples shall be limited to the amount
35 appropriated for the program in a fiscal year.

1 Sec. 6. Section 135.109, subsection 3, paragraph b, Code
2 2005, is amended to read as follows:

3 b. A licensed physician or nurse who is knowledgeable
4 concerning domestic abuse injuries and deaths, including
5 suicides.

6 Sec. 7. Section 135.109, subsection 4, Code 2005, is
7 amended by adding the following new paragraph:

8 NEW PARAGRAPH. j. The director of the state law
9 enforcement academy.

10 Sec. 8. Section 135.110, subsection 1, paragraph a,
11 unnumbered paragraph 1, Code 2005, is amended to read as
12 follows:

13 Prepare ~~an annual~~ a biennial report for the governor,
14 supreme court, attorney general, and the general assembly
15 concerning the following subjects:

16 Sec. 9. Section 135.140, subsection 6, paragraph a, Code
17 Supplement 2005, is amended by adding the following new
18 subparagraphs:

19 NEW SUBPARAGRAPH. (6) A natural occurrence or incident,
20 including but not limited to fire, flood, storm, drought,
21 earthquake, tornado, or windstorm.

22 NEW SUBPARAGRAPH. (7) A man-made occurrence or incident,
23 including but not limited to an attack, spill, or explosion.

24 Sec. 10. Section 137.6, subsection 2, paragraph a, Code
25 2005, is amended to read as follows:

26 a. Rules of a county board shall become effective upon
27 approval by the county board of supervisors by a motion or
28 resolution as defined in section 331.101, subsection 13, and
29 publication in a newspaper having general circulation in the
30 county.

31 Sec. 11. NEW SECTION. 139A.13A ISOLATION OR QUARANTINE
32 -- EMPLOYMENT PROTECTION.

33 1. An employer shall not discharge an employee, or take or
34 fail to take action regarding an employee's promotion or
35 proposed promotion, or take action to reduce an employee's

1 wages or benefits for actual time worked, due to the
2 compliance of an employee with a quarantine or isolation order
3 issued by the department or a local board.

4 2. An employee whose employer violates this section may
5 petition the court for imposition of a cease and desist order
6 against the person's employer and for reinstatement to the
7 person's previous position of employment. This section does
8 not create a private cause of action for relief of money
9 damages.

10 Sec. 12. Section 147.82, subsection 3, Code Supplement
11 2005, is amended to read as follows:

12 3. The department may annually retain and expend not more
13 than one hundred thousand dollars for reduction of the number
14 of days necessary to process medical license requests and for
15 reduction of the number of days needed for consideration of
16 malpractice cases from fees collected pursuant to section
17 147.80 by the board of medical examiners ~~in the fiscal year~~
18 ~~beginning July 17, 2005, and ending June 30, 2006.~~ Fees
19 retained by the department pursuant to this subsection shall
20 be considered repayment receipts as defined in section 8.2 and
21 shall be used for the purposes described in this subsection.

22 Sec. 13. Section 147.106, subsection 1, paragraph e, Code
23 Supplement 2005, is amended to read as follows:

24 e. The referring clinical laboratory, other than the
25 laboratory of a physician's office or group practice, that
26 ordered the services. A laboratory of a physician's office or
27 group practice that ordered the services may be presented a
28 claim, bill, or demand for payment if a physician in the
29 physician's office or group practice is performing the
30 professional component of the anatomic pathology services.

31 Sec. 14. Section 147.106, subsection 5, Code Supplement
32 2005, is amended to read as follows:

33 5. This section does not prohibit claims or charges
34 presented by to a referring clinical laboratory, other than a
35 laboratory of a physician's office or group practice 7-to

1 unless in accordance with subsection 1, paragraph "e", by
2 another clinical laboratory when samples are transferred
3 between laboratories for the provision of anatomic pathology
4 services.

5 Sec. 15. Section 147.153, subsection 3, Code 2005, is
6 amended to read as follows:

7 3. Pass an examination administered as determined by the
8 board ~~to-assure-the-applicant's-professional-competence-in~~
9 speech-pathology-or-audiology by rule.

10 Sec. 16. Section 147.155, Code 2005, is amended to read as
11 follows:

12 147.155 TEMPORARY CLINICAL LICENSE.

13 Any person who has fulfilled all of the requirements for
14 licensure under this division, except for having completed the
15 nine months clinical experience requirement as provided in
16 section 147.153, subsection 1 or 2, and the examination as
17 provided in section 147.153, subsection 3, may apply to the
18 board for a temporary clinical license. The license shall be
19 designated "temporary clinical license in speech pathology" or
20 "temporary clinical license in audiology" and shall authorize
21 the licensee to practice speech pathology or audiology under
22 the supervision of a licensed speech pathologist or licensed
23 audiologist, as appropriate. The license shall be valid for
24 one year and may be renewed once at the discretion of the
25 board. The fee for a temporary clinical license shall be set
26 by the board to cover the administrative costs of issuing the
27 license, and if renewed, a renewal fee as set by the board
28 shall be required. A temporary clinical license shall be
29 issued only upon evidence satisfactory to the board that the
30 applicant will be supervised by a person licensed as a speech
31 pathologist or audiologist, as appropriate. ~~The-board-shall~~
32 ~~revoke-any-temporary-clinical-license-at-any-time-it~~
33 ~~determines-either-that-the-work-done-by-the-temporary-clinical~~
34 ~~licensee-or-the-supervision-being-given-the-temporary-clinical~~
35 ~~licensee-does-not-conform-to-reasonable-standards-established~~

1 by-the-board.

2 Sec. 17. NEW SECTION. 147A.15 AUTOMATED EXTERNAL
3 DEFIBRILLATOR EQUIPMENT -- PENALTY.

4 Any person who damages, wrongfully takes or withholds, or
5 removes any component of automated external defibrillator
6 equipment located in a public or privately owned location,
7 including batteries installed to operate the equipment, is
8 guilty of a serious misdemeanor.

9 Sec. 18. Section 148.2, subsection 5, Code 2005, is
10 amended to read as follows:

11 5. Physicians and surgeons of the United States army,
12 navy, ~~or air force, marines,~~ public health service, or other
13 uniformed service when acting in the line of duty in this
14 state, and holding a current, active permanent license in good
15 standing in another state, district, or territory of the
16 United States, or physicians and surgeons licensed in another
17 state, when incidentally called into this state in
18 consultation with a physician and surgeon licensed in this
19 state.

20 Sec. 19. Section 149.3, Code 2005, is amended to read as
21 follows:

22 149.3 LICENSE.

23 Every applicant for a license to practice podiatry shall:

24 1. Be a graduate of an accredited high school of podiatry.

25 2. Present ~~a diploma~~ an official transcript issued by a
26 school of podiatry approved by the board of podiatry
27 examiners.

28 3. Pass an examination ~~in-the-subjects-of-anatomy,~~
29 ~~chemistry,-dermatology,-diagnosis,-pharmacy-and-materia~~
30 ~~medica,-pathology,-physiology,-histology,-bacteriology,~~
31 ~~neurology,-practical-and-clinical-podiatry,-foot-orthopedics,~~
32 ~~and-others,-as-prescribed-by-the-board-of-podiatry-examiners~~
33 as determined by the board by rule.

34 4. Have successfully completed a one-year residency or
35 ~~preceptorship-approved-by-the-board-of-podiatry-examiners~~ as

1 determined by the board by rule. This subsection applies to
2 all applicants who graduate from podiatric college on or after
3 January 1, 1995.

4 Sec. 20. Section 149.7, unnumbered paragraph 2, Code 2005,
5 is amended to read as follows:

6 The temporary certificate shall be issued for one year and
7 may be renewed, but a person shall not be entitled to practice
8 podiatry in excess of three years while holding a temporary
9 certificate. The fee for this certificate shall be set by the
10 podiatry examiners and if extended beyond one year a renewal
11 fee per year shall be set by the podiatry examiners. The fees
12 shall be based on the administrative costs of issuing and
13 renewing the certificates. ~~The podiatry examiners may cancel~~
14 ~~a temporary certificate at any time, without a hearing, for~~
15 ~~reasons deemed sufficient to the podiatry examiners.~~

16 Sec. 21. Section 149.7, unnumbered paragraphs 3 and 4,
17 Code 2005, are amended by striking the unnumbered paragraphs.

18 Sec. 22. Section 151.12, Code 2005, is amended to read as
19 follows:

20 151.12 TEMPORARY CERTIFICATE.

21 The chiropractic examiners may, in their discretion, issue
22 a temporary certificate authorizing the licensee to practice
23 chiropractic if, in the opinion of the chiropractic examiners,
24 a need exists and the person possesses the qualifications
25 prescribed by the chiropractic examiners for the license,
26 which shall be substantially equivalent to those required for
27 licensure under this chapter. The chiropractic examiners
28 shall determine in each instance those eligible for this
29 license, whether or not examinations shall be given, and the
30 type of examinations, and the duration of the license. No
31 requirements of the law pertaining to regular permanent
32 licensure are mandatory for this temporary license except as
33 specifically designated by the chiropractic examiners. The
34 granting of a temporary license does not in any way indicate
35 that the person so licensed is eligible for regular licensure,

1 nor are the chiropractic examiners in any way obligated to so
2 license the person.

3 The temporary certificate shall be issued for one year and
4 at the discretion of the chiropractic examiners may be
5 renewed, but a person shall not practice chiropractic in
6 excess of three years while holding a temporary certificate.
7 The fee for this license shall be set by the chiropractic
8 examiners and if extended beyond one year a renewal fee per
9 year shall be set by the chiropractic examiners. The fees fee
10 for the temporary license shall be based on the administrative
11 costs of issuing and-renewing the licenses. ~~The chiropractic~~
12 ~~examiners may cancel a temporary certificate at any time,~~
13 ~~without a hearing, for reasons deemed sufficient to the~~
14 ~~chiropractic examiners.~~

15 ~~When the chiropractic examiners cancel a temporary~~
16 ~~certificate they shall promptly notify the licensee by~~
17 ~~registered mail, at the licensee's last named address, as~~
18 ~~reflected by the files of the chiropractic examiners, and the~~
19 ~~temporary certificate is terminated and of no further force~~
20 ~~and effect three days after the mailing of the notice to the~~
21 ~~licensee.~~

22 Sec. 23. Section 154.3, subsection 1, Code 2005, is
23 amended to read as follows:

24 1. Every applicant for a license to practice optometry
25 shall:

26 a. ~~Present satisfactory evidence of a preliminary~~
27 ~~education equivalent to at least four years study in an~~
28 ~~accredited high school or other secondary school. Be a~~
29 graduate of an accredited school of optometry.

30 b. Present a diploma from an official transcript issued by
31 an accredited school of optometry.

32 c. Pass an examination ~~prescribed by the optometry~~
33 ~~examiners in the subjects of physiology of the eye, optical~~
34 ~~physics, anatomy of the eye, ophthalmology, and practical~~
35 optometry as determined by the board by rule.

1 Sec. 24. Section 154B.6, subsection 3, Code 2005, is
2 amended to read as follows:

3 3. Have not failed the examination required in subsection
4 2 within ~~the-six-months-next~~ sixty days preceding the date of
5 the subsequent examination.

6 The examinations required in this section may, at the
7 discretion of the board, be waived for holders by examination
8 of licenses or certificates from states whose requirements are
9 substantially equivalent to those of this chapter, and for
10 holders by examination of specialty diplomas from the American
11 board of professional psychology.

12 ~~Any person who within one year after July 17, 1975 meets~~
13 ~~the requirements specified in subsection 1 shall receive~~
14 ~~licensure without having passed the examination required in~~
15 ~~subsection 2 if application for licensure is filed with the~~
16 ~~board of psychology examiners before July 17, 1977. -- Any person~~
17 ~~holding a certificate as a psychologist from the board of~~
18 ~~examiners of the Iowa psychological association on July 17~~
19 ~~1977, who applies for certification before July 17, 1975, shall~~
20 ~~receive certification.~~

21 Sec. 25. Section 154D.2, subsection 2, paragraph b, Code
22 Supplement 2005, is amended to read as follows:

23 b. Has at least two years of supervised clinical
24 experience or its equivalent in assessing mental health needs
25 and problems and in providing appropriate mental health
26 services as approved by the board. Standards for supervision,
27 including the required qualifications for supervisors, shall
28 be determined by the board by rule.

29 **Sec. 26. NEW SECTION. 154E.3A TEMPORARY LICENSE.**

30 Beginning July 1, 2007, an individual who does not meet the
31 requirements for licensure by examination pursuant to section
32 154E.3 may apply for or renew a temporary license. The
33 temporary license shall authorize the licensee to practice as
34 a sign language interpreter or transliterator under the direct
35 supervision of a sign language interpreter or transliterator

1 licensed pursuant to section 154E.3. The temporary license
2 shall be valid for two years and may only be renewed one time
3 in accordance with standards established by rule. An
4 individual shall not practice for more than a total of four
5 years under a temporary license. The board may revoke a
6 temporary license if it determines that the temporary licensee
7 has violated standards established by rule. The board may
8 adopt requirements for temporary licensure to implement this
9 section.

10 Sec. 27. Section 154E.4, subsection 2, Code Supplement
11 2005, is amended by adding the following new paragraph:

12 NEW PARAGRAPH. e. Students enrolled in a school of
13 interpreting may interpret only under the direct supervision
14 of a permanently licensed interpreter as part of the student's
15 course of study.

16 Sec. 28. Section 157.2, subsection 1, paragraph e, Code
17 Supplement 2005, is amended to read as follows:

18 e. Employees ~~and-residents~~ of hospitals, health care
19 facilities, orphans' homes, juvenile homes, and other similar
20 facilities who ~~shampoo, arrange, dress, or curl the hair of~~
21 perform cosmetology services for any resident without
22 receiving direct compensation from the person receiving the
23 service.

24 Sec. 29. Section 157.2, subsection 1, Code Supplement
25 2005, is amended by adding the following new paragraph:

26 NEW PARAGRAPH. ee. Volunteers for and residents of health
27 care facilities, orphans' homes, juvenile homes, and other
28 similar facilities who shampoo, arrange, dress, or curl the
29 hair, apply makeup, or polish the nails of any resident
30 without receiving compensation from the person receiving the
31 service.

32 Sec. 30. Section 157.10, subsection 1, Code 2005, is
33 amended to read as follows:

34 1. The course of study required for licensure for the
35 practice of cosmetology shall be two thousand one hundred

1 clock hours, or seventy semester credit hours or the
2 equivalent thereof as determined pursuant to administrative
3 rule and regulations promulgated by the United States
4 department of education. The clock hours, and equivalent
5 number of semester credit hours or the equivalent thereof as
6 determined pursuant to administrative rule and regulations
7 promulgated by the United States department of education, of a
8 course of study required for licensure for the practices of
9 electrology, esthetics, and nail technology, manicuring, and
10 pedicuring shall be established by the board. The board shall
11 adopt rules to define the course and content of study for each
12 practice of cosmetology arts and sciences.

13 Sec. 31. Section 157.13, subsection 1, Code Supplement
14 2005, is amended by striking the subsection and inserting in
15 lieu thereof the following:

16 1. It is unlawful for a person to employ an individual to
17 practice cosmetology arts and sciences unless that individual
18 is licensed or has obtained a temporary permit under this
19 chapter. It is unlawful for a licensee to practice with or
20 without compensation in any place other than a licensed salon,
21 a licensed school of cosmetology arts and sciences, or a
22 licensed barbershop as defined in section 158.1. The
23 following exceptions to this subsection shall apply:

24 a. A licensee may practice at a location which is not a
25 licensed salon, school of cosmetology arts and sciences, or
26 licensed barbershop under extenuating circumstances arising
27 from physical or mental disability or death of a customer.

28 b. Notwithstanding section 157.12, when the licensee is
29 employed by a physician and provides cosmetology services at
30 the place of practice of a physician and is under the
31 supervision of a physician licensed to practice pursuant to
32 chapter 148, 150, or 150A.

33 c. When the practice occurs in a facility licensed
34 pursuant to chapter 135B or 135C.

35 Sec. 32. Section 157.13, Code Supplement 2005, is amended

1 by adding the following new subsection:

2 NEW SUBSECTION. 1A. It is unlawful for a licensee to
3 claim to be a licensed barber, however a licensed
4 cosmetologist may work in a licensed barbershop. It is
5 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. 33. Section 272C.1, subsection 6, Code Supplement
11 2005, is amended by adding the following new paragraph:

12 NEW PARAGRAPH. ad. The director of public health in
13 certifying emergency medical care providers and emergency
14 medical care services pursuant to chapter 147A.

15 Sec. 34. Section 691.6, Code Supplement 2005, is amended
16 by adding the following new subsection:

17 NEW SUBSECTION. 8. To retain tissues, organs, and bodily
18 fluids as necessary to determine the cause and manner of death
19 or as deemed advisable by the state medical examiner for
20 medical or public health investigation, teaching, or research.
21 Tissues, organs, and bodily fluids shall be properly disposed
22 of by following procedures and precautions for handling
23 biologic material and blood-borne pathogens as established by
24 rule.

25 Sec. 35. Section 714.16, subsection 1, paragraph o, Code
26 2005, is amended to read as follows:

27 o. "Water treatment system" means a device or assembly for
28 which a claim is made that it will improve the quality of
29 drinking water by reducing one or more contaminants through
30 mechanical, physical, chemical, or biological processes or
31 combinations of the processes. As used in this paragraph and
32 in subsection 2, paragraph "h", each model of a water
33 treatment system shall be deemed a distinct water treatment
34 system. As used in this paragraph and in subsection 2,
35 paragraph "h", a water treatment system does not include a

1 portable filtration system certified as a microbiological
2 water purifier by the United States environmental protection
3 agency. The Iowa department of public health shall establish
4 rules exempting portable filtration systems that meet these
5 standards.

6 Sec. 36. 2004 Iowa Acts, chapter 1175, section 432,
7 subsection 3, is amended to read as follows:

8 3. Applicants issued a temporary license pursuant to this
9 section shall pass a licensure examination approved by the
10 board on or before July 1, 2007, in order to ~~remain-licensed~~
11 as-an-interpreter qualify to be licensed by examination.

12 Sec. 37. Section 157.5A, Code 2005, is repealed.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35

HOUSE FILE 2592

S-5225

- 1 Amend House File 2592, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. By striking page 13, line 25, through page 14,
- 4 line 5.
- 5 2. By renumbering as necessary.

By JOE BOLKCOM

S-5225 FILED APRIL 25, 2006

HOUSE FILE 2592

S-5160

1 Amend House File 2592, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 4, by inserting after line 23 the
4 following:

5 "Sec. ____ . NEW SECTION. 136D.5 LIMITATION --
6 MINORS.

7 A tanning facility shall prohibit access to a
8 tanning device by children younger than fifteen years
9 of age, and shall permit access to a tanning device by
10 children fifteen through seventeen years of age only
11 when parental consent has been obtained prior to
12 utilization of the tanning device. The department
13 shall by rule establish procedures relating to age
14 verification by tanning facility personnel, and the
15 form and manner in which parental consent shall be
16 obtained and verified. The rules shall require that a
17 tanning facility post a sign in a conspicuous location
18 readily visible to persons entering the facility, and
19 a sign for each tanning device in a conspicuous
20 location readily visible to a person preparing to use
21 the device, clearly indicating the age restrictions
22 and parental consent requirements. The age
23 restrictions and parental consent requirements
24 otherwise applicable pursuant to this section shall be
25 waived if utilization of a tanning device by a minor
26 is authorized pursuant to a prescription by a
27 physician licensed pursuant to chapter 148, 150, or
28 150A."

29 2. By renumbering as necessary.

By NANCY BOETTGER

S-5160 FILED APRIL 4, 2006

HOUSE FILE 2592

S-5230

1 Amend House File 2592, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 2, by striking lines 16 through 27 and
4 inserting the following:

5 "Sec. ____ . Section 135.63, subsection 2, paragraph
6 o, Code 2005, is amended to read as follows:"

By JAMES SEYMOUR

S-5230 FILED APRIL 26, 2006

*Hilderlyke
Roberts
Smith*

HSB 645

HUMAN RESOURCES

ed By
02592

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 providing for various technical and substantive changes
2 relating to health licensing and related public health
3 matters.

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

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

1 Section 1. Section 135.22A, subsection 3, Code Supplement
2 2005, is amended to read as follows:

3 3. The council shall be composed of a minimum of nine
4 members appointed by the governor in addition to the ex
5 officio members, and the governor may appoint additional
6 members. Insofar as practicable, the council shall include
7 persons with brain injuries, family members of persons with
8 brain injuries, representatives of industry, labor, business,
9 and agriculture, representatives of federal, state, and local
10 government, and representatives of religious, charitable,
11 fraternal, civic, educational, medical, legal, veteran,
12 welfare, and other professional groups and organizations.
13 Members shall be appointed representing every geographic and
14 employment area of the state and shall include members of both
15 sexes. A simple majority of the members appointed by the
16 governor shall constitute a quorum.

17 Sec. 2. Section 135.109, subsection 3, paragraph b, Code
18 2005, is amended to read as follows:

19 b. A licensed physician or nurse who is knowledgeable
20 concerning domestic abuse injuries and deaths, including
21 suicides.

22 Sec. 3. Section 135.109, subsection 4, Code 2005, is
23 amended by adding the following new paragraph:

24 NEW PARAGRAPH. j. The director of the state law
25 enforcement academy.

26 Sec. 4. Section 135.109, subsection 8, Code 2005, is
27 amended to read as follows:

28 8. Team members and their agents are immune from any
29 liability, civil or criminal, which might otherwise be
30 incurred or imposed as a result of any act, omission,
31 proceeding, decision, or determination undertaken or
32 performed, or recommendation made as a team member or agent
33 provided that the team members or agents acted reasonably and
34 in good faith and without malice in carrying out their
35 official duties in their official capacity. A complainant

1 bears the burden of proof by clear and convincing evidence in
2 establishing malice or unreasonableness or lack of good faith
3 in an action brought against team members involving the
4 performance of their duties and powers.

5 Sec. 5. Section 135.110, subsection 1, paragraph a,
6 unnumbered paragraph 1, Code 2005, is amended to read as
7 follows:

8 Prepare ~~an-annual~~ a biennial report for the governor,
9 supreme court, attorney general, and the general assembly
10 concerning the following subjects:

11 Sec. 6. Section 137.6, subsection 2, paragraph a, Code
12 2005, is amended to read as follows:

13 a. Rules of a county board shall become effective upon
14 approval by the county board of supervisors by a motion or
15 resolution as defined in section 331.101, subsection 13, and
16 publication in a newspaper having general circulation in the
17 county.

18 Sec. 7. Section 147.153, subsection 3, Code 2005, is
19 amended to read as follows:

20 3. Pass an examination administered as determined by the
21 board ~~to-assure-the-applicant's-professional-competence-in~~
22 ~~speech-pathology-or-audiology~~ by rule.

23 Sec. 8. Section 147.155, Code 2005, is amended to read as
24 follows:

25 147.155 TEMPORARY CLINICAL LICENSE.

26 Any person who has fulfilled all of the requirements for
27 licensure under this division, except for having completed the
28 nine months clinical experience requirement as provided in
29 section 147.153, subsection 1 or 2, and the examination as
30 provided in section 147.153, subsection 3, may apply to the
31 board for a temporary clinical license. The license shall be
32 designated "temporary clinical license in speech pathology" or
33 "temporary clinical license in audiology" and shall authorize
34 the licensee to practice speech pathology or audiology under
35 the supervision of a licensed speech pathologist or licensed

1 audiologist, as appropriate. The license shall be valid for
2 one year and may be renewed once at the discretion of the
3 board. The fee for a temporary clinical license shall be set
4 by the board to cover the administrative costs of issuing the
5 license, and if renewed, a renewal fee as set by the board
6 shall be required. A temporary clinical license shall be
7 issued only upon evidence satisfactory to the board that the
8 applicant will be supervised by a person licensed as a speech
9 pathologist or audiologist, as appropriate. ~~The board shall~~
10 ~~revoke any temporary clinical license at any time it~~
11 ~~determines either that the work done by the temporary clinical~~
12 ~~licensee or the supervision being given the temporary clinical~~
13 ~~licensee does not conform to reasonable standards established~~
14 ~~by the board.~~

15 Sec. 9. Section 149.3, Code 2005, is amended to read as
16 follows:

17 149.3 LICENSE.

18 Every applicant for a license to practice podiatry shall:

19 1. Be a graduate of an accredited high school of podiatry.

20 2. Present ~~a diploma~~ an official transcript issued by a
21 school of podiatry approved by the board of podiatry
22 examiners.

23 3. Pass an examination ~~in the subjects of anatomy,~~
24 ~~chemistry, dermatology, diagnosis, pharmacy and materia~~
25 ~~medica, pathology, physiology, histology, bacteriology,~~
26 ~~neurology, practical and clinical podiatry, foot orthopedics,~~
27 ~~and others, as prescribed by the board of podiatry examiners~~
28 as determined by the board by rule.

29 4. Have successfully completed a one-year residency or
30 ~~preceptorship approved by the board of podiatry examiners~~ as
31 determined by the board by rule. This subsection applies to
32 all applicants who graduate from podiatric college on or after
33 January 1, 1995.

34 Sec. 10. Section 149.7, unnumbered paragraph 2, Code 2005,
35 is amended to read as follows:

1 The temporary certificate shall be issued for one year and
2 may be renewed, but a person shall not be entitled to practice
3 podiatry in excess of three years while holding a temporary
4 certificate. The fee for this certificate shall be set by the
5 podiatry examiners and if extended beyond one year a renewal
6 fee per year shall be set by the podiatry examiners. The fees
7 shall be based on the administrative costs of issuing and
8 renewing the certificates. ~~The podiatry examiners may cancel~~
9 ~~a temporary certificate at any time, without a hearing, for~~
10 ~~reasons deemed sufficient to the podiatry examiners.~~

11 Sec. 11. Section 149.7, unnumbered paragraphs 3 and 4,
12 Code 2005, are amended by striking the unnumbered paragraphs.

13 Sec. 12. Section 151.12, Code 2005, is amended to read as
14 follows:

15 151.12 TEMPORARY CERTIFICATE.

16 The chiropractic examiners may, in their discretion, issue
17 a temporary certificate authorizing the licensee to practice
18 chiropractic if, in the opinion of the chiropractic examiners,
19 a need exists and the person possesses the qualifications
20 prescribed by the chiropractic examiners for the license,
21 which shall be substantially equivalent to those required for
22 licensure under this chapter. The chiropractic examiners
23 shall determine in each instance those eligible for this
24 license, whether or not examinations shall be given, and the
25 type of examinations, and the duration of the license. No
26 requirements of the law pertaining to regular permanent
27 licensure are mandatory for this temporary license except as
28 specifically designated by the chiropractic examiners. The
29 granting of a temporary license does not in any way indicate
30 that the person so licensed is eligible for regular licensure,
31 nor are the chiropractic examiners in any way obligated to so
32 license the person.

33 The temporary certificate shall be issued for one year and
34 at the discretion of the chiropractic examiners may be
35 renewed, but a person shall not practice chiropractic in

1 excess of three years while holding a temporary certificate.
2 The fee for this license shall be set by the chiropractic
3 examiners and if extended beyond one year a renewal fee per
4 year shall be set by the chiropractic examiners. The fees fee
5 for the temporary license shall be based on the administrative
6 costs of issuing and-renewing the licenses. ~~The-chiropractic~~
7 ~~examiners-may-cancel-a-temporary-certificate-at-any-time,~~
8 ~~without-a-hearing,-for-reasons-deemed-sufficient-to-the~~
9 ~~chiropractic-examiners.~~

10 ~~When-the-chiropractic-examiners-cancel-a-temporary~~
11 ~~certificate-they-shall-promptly-notify-the-licensee-by~~
12 ~~registered-mail,-at-the-licensee's-last-named-address,-as~~
13 ~~reflected-by-the-files-of-the-chiropractic-examiners,-and-the~~
14 ~~temporary-certificate-is-terminated-and-of-no-further-force~~
15 ~~and-effect-three-days-after-the-mailing-of-the-notice-to-the~~
16 ~~licensee.~~

17 Sec. 13. Section 154.3, subsection 1, Code 2005, is
18 amended to read as follows:

19 1. Every applicant for a license to practice optometry
20 shall:

21 a. ~~Present-satisfactory-evidence-of-a-preliminary~~
22 ~~education-equivalent-to-at-least-four-years-study-in-an~~
23 ~~accredited-high-school-or-other-secondary-school. Be a~~
24 ~~graduate of an accredited school of optometry.~~

25 b. Present ~~a-diploma-from~~ an official transcript issued by
26 an accredited school of optometry.

27 c. Pass an examination ~~prescribed-by-the-optometry~~
28 ~~examiners-in-the-subjects-of-physiology-of-the-eye,-optical~~
29 ~~physics,-anatomy-of-the-eye,-ophthalmology,-and-practical~~
30 ~~optometry~~ as determined by the board by rule.

31 Sec. 14. Section 154B.6, subsection 3, Code 2005, is
32 amended to read as follows:

33 3. Have not failed the examination required in subsection
34 2 within ~~the-six-months-next~~ sixty days preceding the date of
35 the subsequent examination.

1 The examinations required in this section may, at the
2 discretion of the board, be waived for holders by examination
3 of licenses or certificates from states whose requirements are
4 substantially equivalent to those of this chapter, and for
5 holders by examination of specialty diplomas from the American
6 board of professional psychology.

7 ~~Any person who within one year after July 17, 1975, meets~~
8 ~~the requirements specified in subsection 1 shall receive~~
9 ~~licensure without having passed the examination required in~~
10 ~~subsection 2 if application for licensure is filed with the~~
11 ~~board of psychology examiners before July 17, 1977. Any person~~
12 ~~holding a certificate as a psychologist from the board of~~
13 ~~examiners of the Iowa psychological association on July 17~~
14 ~~1977, who applies for certification before July 17, 1975, shall~~
15 ~~receive certification.~~

16 Sec. 15. Section 154D.2, subsection 2, paragraph b, Code
17 Supplement 2005, is amended to read as follows:

18 b. Has at least two years of supervised clinical
19 experience or its equivalent in assessing mental health needs
20 and problems and in providing appropriate mental health
21 services as approved by the board. Standards for supervision,
22 including the required qualifications for supervisors, shall
23 be determined by the board by rule.

24 Sec. 16. Section 157.2, subsection 1, paragraph e, Code
25 Supplement 2005, is amended to read as follows:

26 e. Employees ~~and residents~~ of hospitals, health care
27 facilities, orphans' homes, juvenile homes, and other similar
28 facilities who ~~shampoo, arrange, dress, or curl the hair of~~
29 perform cosmetology services for any resident without
30 receiving direct compensation from the person receiving the
31 service.

32 Sec. 17. Section 157.2, subsection 1, Code Supplement
33 2005, is amended by adding the following new paragraph:

34 NEW PARAGRAPH. ee. Volunteers for and residents of health
35 care facilities, orphans' homes, juvenile homes, and other

1 similar facilities who shampoo, arrange, dress, or curl the
2 hair, apply makeup, or polish the nails of any resident
3 without receiving compensation from the person receiving the
4 service.

5 Sec. 18. Section 157.10, subsection 1, Code 2005, is
6 amended to read as follows:

7 1. The course of study required for licensure for the
8 practice of cosmetology shall be two thousand one hundred
9 clock hours, or seventy semester credit hours or the
10 equivalent thereof as determined pursuant to administrative
11 rule and regulations promulgated by the United States
12 department of education. The clock hours, and equivalent
13 number of semester credit hours or the equivalent thereof as
14 determined pursuant to administrative rule and regulations
15 promulgated by the United States department of education, of a
16 course of study required for licensure for the practices of
17 electrology, esthetics, and nail technology, manicuring, and
18 pedicuring shall be established by the board. The board shall
19 adopt rules to define the course and content of study for each
20 practice of cosmetology arts and sciences.

21 Sec. 19. Section 157.5A, Code 2005, is repealed.

22 EXPLANATION

23 This bill makes several changes and modifications to
24 provisions relating to various health licensing and public
25 health matters.

26 The bill specifies a quorum requirement of a simple
27 majority of the members appointed by the governor for the
28 brain injury advisory council. With regard to the domestic
29 abuse death review team, the bill adds to the team, as an
30 alternative to the current designation of a licensed physician
31 who is knowledgeable concerning domestic abuse injuries and
32 deaths, including suicides, the designation of a nurse. Also,
33 the bill adds the director of the state law enforcement
34 academy to the list of individuals who are responsible for
35 designating a liaison to assist the team in fulfilling its

1 duties, and adds that the level of proof required in a
2 complaint against a team member shall be proof by clear and
3 convincing evidence in establishing malice, unreasonableness,
4 or lack of good faith.

5 Further, the domestic abuse death review team report shall
6 be required on a biennial basis, as opposed to the current
7 annual requirement.

8 The bill provides for a technical clarification regarding
9 the enactment of rules by motion or resolution by local boards
10 of health, provides for the determination of an examination
11 requirement by the speech pathology and audiology board by
12 rule, and deletes a provision permitting revocation of a
13 temporary clinical license for speech pathology and audiology
14 by the board when determined not to conform to reasonable
15 standards established by the board.

16 With regard to the board of podiatry examiners, the bill
17 makes changes relating to qualification for a license,
18 providing that an applicant be a graduate of an accredited
19 school of podiatry rather than an accredited high school,
20 providing that an official transcript be presented rather than
21 a diploma, providing the requirements of a licensing
22 examination be determined by the board by rule, and providing
23 that the board will determine residency requirements by rule.
24 Additionally, the bill deletes provisions regarding revocation
25 or expiration of a temporary certificate to practice podiatry
26 by the board under specified circumstances involving lack of a
27 hearing and decision making entirely in the board's
28 discretion.

29 Concerning actions of the board of chiropractic examiners,
30 the bill provides that the board shall determine the duration
31 of a temporary certificate regarding the practice of
32 chiropractic, makes technical changes such as changing the
33 word "fees" to "fee", and again deletes provisions similar to
34 earlier portions of the bill regarding revocation of a
35 temporary certificate by the board under specified

1 circumstances.

2 The bill provides that the permissible time interval
3 between examinations administered by the board of psychology
4 examiners shall be shortened from six months to 60 days, and
5 deletes outdated psychology license requirement language tied
6 to the 1970s. With regard to the board of behavioral science
7 examiners, the bill provides that a requirement for licensure
8 of at least two years of supervised clinical experience in
9 assessing mental health needs and problems and providing
10 appropriate mental health services shall be broadened to
11 include the equivalent of such experience. The bill specifies
12 that an applicant for license as an optometrist must be a
13 graduate of an accredited school of optometry, rather than
14 possessing an education equivalent of at least four years of
15 study in an accredited high school or other secondary school
16 as currently required. Also, an official transcript rather
17 than a diploma must be presented from an accredited school of
18 optometry, and the optometry examination shall be as
19 determined by the board by rule.

20 Relating to cosmetology, the bill expands basic cosmetology
21 services that can be provided by persons not licensed by the
22 cosmetology board and employed by hospitals, health care
23 facilities, juvenile homes, and similar facilities, and also
24 lists services that can be provided by volunteers for and
25 residents of such facilities. The bill additionally provides
26 that the number of hours of study required for licensure for
27 the practice of specified cosmetology services shall be
28 expanded to include manicuring and pedicuring, and deletes a
29 separate provision regarding license requirements for
30 manicurists.

31
32
33
34
35